

## **ORDINANCE NO. 2016-0054**

Adopted by the Sacramento City Council

November 29, 2016

### **AN ORDINANCE ADDING CHAPTER 2.22 TO THE SACRAMENTO CITY CODE, RELATING TO THE OFFICE OF PUBLIC SAFETY ACCOUNTABILITY**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

#### **SECTION 1.**

Section 5 of the charter of the City of Sacramento provides that “[t]he city council may establish departments, divisions, offices and positions of employment not established by this Charter or created thereunder and shall have the power to abolish, merge or consolidate same.” Section 70 of the charter further provides that the city council may appoint officers of its own body to serve at the city council’s pleasure. The city council finds that the creation of an office of public safety accountability under the direction of the city council, rather than the city manager, pursuant to the foregoing provisions serves the best interests of the city, by putting the office of public safety accountability in a direct relationship with the citizens’ elected representatives.

An office of public safety accountability director appointed by the city council promotes an effective and more accountable city government. The office can help the city council perform the oversight authority granted in Section 34 of the charter, which provides that “the city council or any duly appointed committee of the members of the council may make investigations into the affairs of the city government and the conduct of any department, office, agency, officer or employee thereof.”

#### **SECTION 2.**

Chapter 2.22 is added to the Sacramento City Code to read as follows:

### **Chapter 2.22**

#### **Office of Public Safety Accountability**

##### **2.22.010 Office of public safety accountability created.**

There is created an office of public safety accountability, to be headed by a director appointed by the city council. The director shall be a city officer under Section 70, subdivision (d), of the charter. The office shall have such staff and budget as the city

council may prescribe. The director shall appoint all other members of the office.

**2.22.020 Office of public safety accountability director qualifications.**

The city council may establish the director's qualifications by resolution. The director shall set the qualifications for subordinate staff.

**2.22.030 Duties and functions of office.**

The office shall:

- A. Audit all complaint investigations of the police department and fire department, as the director deems necessary.
- B. Monitor all complaint investigations conducted by the police department and fire department.
- C. Request the police department and fire department perform further investigation in those complaint cases that require additional investigation as determined by the director.
- D. Receive all documents, reports, or any other item necessary to monitor or audit a complaint investigation.
- E. Assist the city council, or any duly appointed committee of the council, in performing its investigative functions under section 34 of the charter.
- F. As needed, request the city council, or any duly appointed committee of the council, to issue subpoenas as provided in section 34 of the charter. The city council may, by resolution, establish the procedures for the request, issuance, and service of those subpoenas.
- G. Perform such other inquiries and investigations as prescribed by council resolution.
- H. Accept and document complaints directly from citizens as an alternative procedure for citizen complaints concerning public safety personnel, using a complaint form distinct from that used by the police department or fire department. All such complaints shall be promptly forwarded to the respective public safety department for investigation.
- I. Provide complainants with timely updates on the status of investigations,

excluding disclosure of any information that is confidential or legally protected.

- J. Explain how the complaint process works to all complainants.
- K. Monitor or independently investigate any other matter as directed by the city council pursuant to section 34 of the charter.
- L. Serve in a public information capacity, including providing public information, excluding disclosure of any information that is confidential or legally protected, on pending investigations as directed by the city council; and making presentations in community forums.
- M. Respond to critical incidents involving police or fire personnel and provide a report to city council regarding the details and concerns of those incidents.

#### **2.22.040 Office of public safety accountability reports.**

The director shall prepare written reports as directed by council or a duly appointed committee of the council. The council may prescribe by resolution the manner of report preparation and presentation. At a minimum, the director shall prepare quarterly reports consistent with California Penal Code section 832.7(c), relating to the number, kind, and status of all citizen complaints filed against police department personnel for review by the Sacramento community police review commission and the city council.

#### **2.22.050 Access to information.**

City departments, offices, and employees shall provide the office of public safety accountability access to all sources of information, property, and personnel relevant to the performance of the office's duties under this chapter, unless restricted or prohibited by law.

### **SECTION 3.**

This ordinance takes effect on June 1, 2017.

Adopted by the City of Sacramento City Council on November 29, 2016, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Johnson

Noes: None

Abstain: None

Absent: None

Attest:

**Shirley Concolino** Digitally signed by Shirley Concolino  
DN: cn=Shirley Concolino, o=City of Sacramento, ou=City  
Clerk, email=sconcolino@cityofsacramento.org, c=US  
Date: 2016.12.16 12:49:27 -08'00'

---

Shirley Concolino, City Clerk

Passed for Publication: November 22, 2016

Published: November 23, 2016

Effective: June 1, 2017