

City of Sacramento  
**Community Police Review Commission Report**  
915 I Street Sacramento, CA 95814  
www.cityofsacramento.org

---

**File ID:** 2024-02065

12/9/2024

**Discussion Item 2.**

---

**SCPRC Evaluation of SPD's Implementation of 2020 Recommendations**

File ID: 2024-02065

**Location:** Citywide

**Recommendation:** Review and pass a **Motion:** 1) approving the proposed evaluation of the Sacramento Police Department's ("SPD") implementation of the Sacramento Community Police Review Commission's ("SCPRC") 2020 Recommendations, Attachment 2, (the "Evaluations"); and 2) directing the Chair and Vice Chair to finalize the Evaluations for inclusion in the 2024 Annual Report or other applicable report for submission to the Personnel and Public Employee Committee for review pursuant to Council Rules of Procedure chapter 17.

**Contact:** Keyan Bliss, Chair, Sacramento Community Police Review Commission

**Presenter:** Keyan Bliss, Chair, Sacramento Community Police Review Commission

**Attachments:**

1-Description/Analysis

2-SCPRC Evaluations of 2020 Recommendations

**Additional Description/Analysis**

**Issue Detail:** The Sacramento Community Police Review Commission ("SCPRC") was established in November 2016 (Ord. 2016-0055) with the purpose of providing community participation in reviewing and recommending police department policies, practices, and procedures; and monitoring the implementation, evaluation, and sustainability of city policing initiatives and programs (Sacramento City Code section 2.110.020).

At the beginning of 2021, the SCPRC provided 38 recommendations to the Sacramento Police Department ("SPD") relating to discipline & accountability (18), internal procedures for the SCPRC (11), and mental health (8). Each recommendation was accompanied with rationale which provided more specific information for each item.

SPD's Office of the Chief, Professional Standards Unit was assigned responsibility to receive, analyze, research, update policies and procedures, and organize responses. In cases in which the SCPRC recommendation was not within the domain of SPD, applicable references to other

appropriate City departments were noted. Each recommendation is accompanied with one of the following dispositions to both 2020 SCPRC recommendations:

- Approved and implemented (14)
- Approved and pending (2)
- Partial implementation (6)
- Pending further review (0)
- SPD unable to implement (14)
- Denied (1)

Following review and discussion between SPD and a subgroup of Commissioners, including the Chair and Vice Chair, each response is accompanied with an evaluation with one of the following dispositions for implementation of 2020 recommendations:

- Fully implemented (4)
- Partially implemented (2)
- Started implementation (2)
- Not implemented (27)
- Pending further review (2)

Based on discussion with Commissioners during the November 4, 2024, SCPRC meeting, the following recommendations were re-evaluated to be removed from consideration by the City Council:

- 2020 Mental Health Ad Hoc Recommendation #1
- 2020 Mental Health Ad Hoc Recommendation #2
- 2020 Mental Health Ad Hoc Recommendation #3
- 2020 Mental Health Ad Hoc Recommendation #4
- 2020 Mental Health Ad Hoc Recommendation #6
- 2020 Mental Health Ad Hoc Recommendation #7
- 2020 Mental Health Ad Hoc Recommendation #8

**Policy Considerations:** The Sacramento Community Police Review Commission (“SCPRC”) was established in November 2016 (Ord. 2016-0055) with the purpose of providing community participation in reviewing and recommending police department policies, practices, and procedures; and monitoring the implementation, evaluation, and sustainability of city policing initiatives and programs (Sacramento City Code section 2.110.020) Chapter.

**Economic Impacts:** Not applicable.

**Environmental Considerations:** This action is not a project that is subject to CEQA because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the

environment. (CEQA Guidelines §15378(b)(5)).

**Sustainability:** None.

**Commission/Committee Action:** None.

**Rationale for Recommendation:** The Sacramento Community Police Review Commission (“SCPRC”) is required to advise the Mayor and Council on matters within its jurisdiction. In doing so, the SCPRC collaborates with the Sacramento Police Department (“SPD”) to ensure that the recommendations that the Council approves is implemented within the spirit of that approval. In addition to making recommendations, the SCPRC is required to update the Council on the ongoing efforts and activities of the SCPRC and SPD to strengthen bias-free policing and community-police relations. (Sacramento City Code section 2.110.030.C)

**Financial Considerations:** Not applicable.

**Local Business Enterprise (LBE):** Not Applicable.

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #1

DISCUSSED BY SCPRC	02/08/2021
RECEIVED BY SPD	02/08/2021
RETURNED TO SCPRC	12/07/2023

APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
PARTIAL IMPLEMENTATION		DENIED	

## SCPCC RECOMMENDATION

Holding individual police officers accountable for violating their statutory or constitutional rights of community members is virtually impossible under the doctrine of qualified immunity.

**Changes to Existing Policy(s):** The Mayor and Council support legislative efforts to strengthen police accountability in the following areas: Support the removal of peace officer qualified immunity.

## SCPCC RECOMMENDATION RATIONALE

It has been well documented for many years by academic, legal, and journalistic institutions alike that holding individual police officers accountable for misconduct and excessive uses of force is near impossible under current judicial precedents set as well as state laws which allow police enhanced privileges and protections that ordinary civilians are not afforded under the US Constitution. The following court cases have established a wide range of powers for police officers to wield against the civilian populations they serve while simultaneously shielding them from accountability when those powers are misused:

- (1) *Pierson v. Ray*, 386 U.S. 547 (1967): established a form of sovereign immunity known as the doctrine of "qualified immunity," where police officers are protected from civil suits unless a plaintiff shows the official violated "clearly established statutory or constitutional rights of which a reasonable person would have known."
- (2) *Terry v. Ohio*, 392 U.S. 1 (1968): Under the Fourth Amendment of the U.S. Constitution, a police officer may stop a suspect on the street and frisk him or her without probable cause to arrest, if the police officer has a reasonable suspicion that the person has committed, is committing, or is about to commit a crime and has a reasonable belief that the person "may be armed and presently dangerous."
- (3) *Graham v. Connor*, 490 U.S. 386 (1989): directed any claim of excessive force by law enforcement during an arrest, stop, or other seizure of an individual to use the "objective reasonableness" standard of the Fourth Amendment, rather than a substantive due process standard under the Fourteenth Amendment, where the facts and circumstances related to the use of force should drive the analysis, rather than any improper intent or motivation (including racial bias) by the officer who used force.
- (4) *DeShaney v. Winnebago Cty. DSS*, 489 U.S. 189 (1989): established the Fourteenth Amendment does not require the state (including its law enforcement personnel) to intervene in protecting residents from actions of private parties that may infringe on their life, liberty, and property.
- (5) *Whren v. United States*, 517 U.S. 806 (1996): established the subjective intent (including racial bias) of a police officer in making a traffic stop is irrelevant for Fourth Amendment purposes so long as there is probable cause to stop a vehicle for a traffic violation.
- (6) *Atwater v. City of Lago Vista*, 532 U.S. 318 (2001): established that arresting a civilian for any infraction, no matter how minor or the level of indignity caused by the police officer, is not a violation of the Fourth Amendment.

- (7) *Scott v. Harris*, 550 U.S. 372 (2007): states the Fourth Amendment does not prevent a police officer from using deadly force for violations as minor as a speeding ticket, including ramming a fleeing suspect's car to end a high-speed chase, regardless of the risk of serious harm to the suspect.

In recognition of these barriers to police reform at the different levels of government, the Commission recommends the Mayor and City Council support for Federal legislative efforts to remove qualified immunity for police officers including, but not limited to, the Justice in Policing Act of 2020, (H.R. 7120; Rept. 116-434; 116th Congress (2019-2020)).

#### SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 44:55
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 4 and 5

SPD unable to implement, requires further input from other city departments and offices.

#### OTHER CITY DEPARTMENTS

N/A

#### APPENDIX

As of January 1, 2022, Senate Bill 2 was enacted and authorizes the California Commission on Peace Officer Standards and Training to decertify peace officers.

- [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB2](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB2)

#### SCPRC RESPONSE

**NOT IMPLEMENTED.** The Commission agrees that SPD is unable to implement this recommendation, as it was directed at the City Council as its appointed advisory body on community policing issues. The Law & Legislation Committee has a recurring agenda item called "Legislative Advocacy Correspondence." that lists the city's positions on various state and federal legislation. As of March 2024, the Council has taken no position in support of the removal of qualified immunity for police officers.

#### SCPRC QUESTIONS/REQUEST

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #2

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

Holding individual police officers accountable for violating their statutory or constitutional rights of community members is virtually impossible under the doctrine of qualified immunity.

**Changes to Existing Policy(s):** The Mayor and Council support legislative efforts to strengthen police accountability in the following areas: *Sponsor legislative efforts to allow the state to decertify a peace officer for excessive use of force or other misconduct.*

## SCPRC RECOMMENDATION RATIONALE

In recognition of barriers to police reform at the different levels of government, the Commission recommends the City Council support all legislative efforts to strengthen police accountability standards by sponsoring California legislative efforts to allow the state to decertify a peace officer for excessive use of force or other misconduct, including, but not limited to, legislation that favors the City's 2018 State and Federal Legislation Platform to "oppose legislation that shields law enforcement personnel from prosecutions."

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 44:55
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 4 and 5

SPD unable to implement, requires further input from other city departments and offices.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

As of January 1, 2022, Senate Bill 2 was enacted and authorizes the California Commission on Peace Officer Standards and Training to decertify peace officers.

- [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=20210220SB2](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=20210220SB2)

## SCPRC RESPONSE

**NOT IMPLEMENTED.** The Commission agrees that SPD is unable to implement this recommendation, as it was directed at the City Council as its appointed advisory body on community policing issues. The Law & Legislation Committee has a recurring agenda item called "Legislative Advocacy Correspondence." that lists the city's positions on various state and federal legislation. As of March 2024, the Council has taken no position in support of legislative efforts to allow the state to decertify police officers, including recently passed laws such as SB2.

## SCPRC QUESTIONS/REQUEST

**DRAFT**

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #3

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

GO 255.10 Background Investigation

SPD's hiring policy is outdated and not thorough enough in its vetting process.

**Amend G.O. 255.10, Section A(5)(i):** Require investigations into employees' local criminal history record, statewide criminal history record, and out-of-state criminal history.

## SCPRC RECOMMENDATION RATIONALE

The Commission understands that some of these recommendations are already in practice at SPD. Nonetheless, the Commission recommends that SPD explicitly incorporate these items into its General Orders in order to keep up with transparency standards that have advanced in law enforcement hiring practices. SPD's Background Investigations GO has not been updated in over 20 years (G.O. 255.10, dated 6-14-2001).

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 45:45
- Staff Report: [https://sacramento.granicus.com/Viewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/Viewer.php?view_id=21&meta_id=631887)
  - Page 5

This is the Department's current practice. This information is included as part of the Background investigation in accordance with POST Guidelines.

SPD does criminal history checks locally, statewide, and nationwide (FBI). These queries do not just seek out convictions, they also reveal any arrests of applicants, even if they were not convicted (excluding expunged criminal records).

In addition to this, SPD specifically asks the applicant if they have ever been convicted of any criminal act, even if it was expunged. SPD also asks about any times they were detained, charged, or arrested, for any reason, even if it occurred in a different country. Furthermore, applicants are also asked about criminal acts they committed, even if they were never caught or prosecuted.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

California Commission on Peace Officer Standards and Training, Background Investigation Manual:

- <https://post.ca.gov/background-investigation-manual-guidelines-for-the-investigator>
- [https://post.ca.gov/portals/0/post\\_docs/publications/background-investigation-manual/Background\\_Investigation.pdf](https://post.ca.gov/portals/0/post_docs/publications/background-investigation-manual/Background_Investigation.pdf)



As of January 1, 2022, Senate Bill 2 was enacted and authorizes the California Commission on Peace Officer Standards and Training to decertify peace officers.

- [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB2](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB2)

#### SCPRC RESPONSE

**NOT IMPLEMENTED.** The Commission agrees with the department concerning POST guidelines. However, the current practice is not explicitly referenced or described in any SPD general orders or reference manuals, as GO 255.01 is remains unchanged after 23 years. The Commission would recommend GO 255.01 be updated to reflect the Department's current practice in writing and include reference to Senate Bill 2.

#### SCPRC QUESTIONS/REQUEST

- 1) If this is the current practice, why isn't it described in published policy (General Order or Reference Manual)?

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #4

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

GO 255.10 Background Investigation

SPD's hiring policy is outdated and not thorough enough in its vetting process.

**Amend G.O. 255.10, Section A(5):** Add *o. Review applicant's social media, including but not limited to twitter, Facebook, Instagram, Snapchat, LinkedIn, and any other social media websites or platforms, for any conduct that would cause discredit to SPD, the City, and/or harm the public's image of law enforcement.*

## SCPRC RECOMMENDATION RATIONALE

The Commission understands that some of these recommendations are already in practice at SPD. Nonetheless, the Commission recommends that SPD explicitly incorporate these items into its General Orders. SPD's Background Investigations GO has not been updated in over 20 years (G.O. 255.10, dated 6-14-2001).

In order to keep up with advancements in transparency standards in law enforcement hiring practices, the Commission recommends amending GO 255.10 A.5. to add language that will require SPD to review employees' social media accounts during its background investigations using the following language:

- o. Review applicant's social media, including but not limited to twitter, Facebook, Instagram, Snapchat, LinkedIn, and any other social media websites or platforms, for any conduct that would cause discredit to SPD, the City, and/or harm the public's image of law enforcement.*

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 46:55
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 5 and 6

This is the Department's current practice. This information is included as part of the Background investigation in accordance with POST Guidelines. SPD does an in-depth analysis of all social media accounts associated with applicants. Specifically, SPD seeks to determine if the candidate has/is demonstrating any bias related behaviors or supporting/expressing any beliefs that would bring discredit to the City and the Police Department.

In addition to reviewing any current accounts, SPD also reviews closed and inactive social media accounts. Additionally, the Police Department mandates that all employees comply with General Order 210.04- General and Professional Conduct, even after being hired. Per Department Policy, employees must not commit any act whether negligent, intentional, criminal or otherwise that could bring discredit upon the Department or the City. This is also governed by Rule 12 of the Civil Service Rules.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

California Commission on Peace Officer Standards and Training, Background Investigation Manual:

- <https://post.ca.gov/background-investigation-manual-guidelines-for-the-investigator>
- [https://post.ca.gov/portals/0/post\\_docs/publications/background-investigation-manual/Background\\_Investigation.pdf](https://post.ca.gov/portals/0/post_docs/publications/background-investigation-manual/Background_Investigation.pdf)

As of January 1, 2022, Senate Bill 2 was enacted and authorizes the California Commission on Peace Officer Standards and Training to decertify peace officers.

- [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=2021202205B2](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=2021202205B2)

## SCPRC RESPONSE

**NOT IMPLEMENTED.** The Commission agrees with the department concerning POST guidelines. However, the current practice is not explicitly referenced or described in any SPD general orders or reference manuals, the policy is 23 years out-of-date from a time when most of these social media platforms didn't exist. POST Guidelines have been updated as recently as 2022. The Department has claimed that GO 255.10 is slated for an update, which the Commission insists the Department include the language we recommended.

## SCPRC QUESTIONS/REQUEST

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #5

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

GO 255.10 Background Investigation

SPD's hiring policy is outdated and not thorough enough in its vetting process.

**Amend General Order 255.10:** Reflect that it is a “bona fide occupational qualification” for all applicants to be investigated and found clear for any conduct involving association with hate groups; violence or speech espousing hate towards any race, color, religion, national origin, creed, immigration or citizenship status, sex, sexual orientation, gender identification, or disability.

## SCPRC RECOMMENDATION RATIONALE

The Commission understands that some of these recommendations are already in practice at SPD. Nonetheless, the Commission recommends that SPD explicitly incorporate these items into its General Orders in order to keep up with transparency standards that have advanced in law enforcement hiring practices. SPD's Background Investigations GO has not been updated in over 20 years (G.O. 255.10, dated 6-14-2001).

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 47:58
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 6

This is the Department's current practice. This information is included as part of the Background investigation in accordance with POST Guidelines.

SPD asks all applicants if someone might report they have shown prejudice or bias as well as any association or membership the candidate has in groups that demonstrate bias or hate.

SPD also requires that candidates respond to multiple questions to identify whether or not they are a current or former member of, associates with, or support any group that has negative associations with others based solely of race, gender, nationality, religious, sexuality, or any other similar factors.

SPD then interviews multiple personal and professional references including friends, family, acquaintances, current and former co-workers and supervisors. This information is then further verified through a polygraph exam.

Any such admissions or accusations from others are flagged and reported to the Background's Sergeant, Personnel Captain, and Chief of Police.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

California Commission on Peace Officer Standards and Training, Background Investigation Manual:

- <https://post.ca.gov/background-investigation-manual-guidelines-for-the-investigator>
- [https://post.ca.gov/portals/0/post\\_docs/publications/background-investigation-manual/Background\\_Investigation.pdf](https://post.ca.gov/portals/0/post_docs/publications/background-investigation-manual/Background_Investigation.pdf)

As of January 1, 2022, Senate Bill 2 was enacted and authorizes the California Commission on Peace Officer Standards and Training to decertify peace officers.

- [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220582](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220582)

Effective January 1, 2023, the California Law Enforcement Accountability Reform (CLEAR) Act was enacted (AB655) and requires law enforcement agencies to screen applicants for ties to hate groups.

- [https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=13681&lawCode=PEN](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=13681&lawCode=PEN)

## SCPRC RESPONSE

**Not Implemented.** The Commission agrees with the department concerning POST guidelines. However, the current practice is not explicitly referenced or described in any SPD general orders or reference manuals, as GO 255.01 remains unchanged after 23 years. The Department has claimed that GO 255.10 is slated for an update, which the Commission insists any changes reflect this recommendation.

## SCPRC QUESTIONS/REQUEST

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #6

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

GO 255.10 Background Investigation

SPD's hiring policy is outdated and not thorough enough in its vetting process.

**Amend General Order 255.10:** Require identifying and rejecting applicants for hire or lateral transfer if a background investigation (or personnel file, including information made accessible pursuant to A.B. 1421) reveals gross violations of UOF or a pattern and practice of excessive UOF. SPD must seek and obtain this information before they hire.

## SCPRC RECOMMENDATION RATIONALE

The Commission understands that some of these recommendations are already in practice at SPD. Nonetheless, the Commission recommends that SPD explicitly incorporate these items into its General Orders. SPD's Background Investigations GO has not been updated in over 20 years (G.O. 255.10, dated 6-14-2001).

As of now, there is no explicit language requiring SPD to identify or reject applicants for hire or lateral transfer when UOF or a pattern and practice of UOF is revealed from a background investigation. In order to keep up with transparency standards that have advanced in law enforcement hiring practices, the Commission recommends City should require SPD to seek and obtain this information before applicants are hired.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 49:35
- Staff Report: [https://sacramento.granicus.com/Viewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/Viewer.php?view_id=21&meta_id=631887)
  - Page 6 and 7

This is the Department's current practice. This information is included as part of the Background investigation in accordance with POST Guidelines.

All applicants are interviewed to identify violent tendencies and impulse control issues. All candidates must report if they have ever been in violation of a work policy or had any sort of discipline at work, which would apply to any lateral officer who had exhibited gross use of force. All applicants are also asked if they have ever been in a physical altercation or hostile confrontation at work. Other work-related questions include whether or not they had ever had a complaint made against them, if they ever left a job in lieu of being fired, or ever caused an injury to someone at work due to improper behavior.

Lastly, we review Internal Affairs, Training, and Personnel files for all lateral candidates.

Any allegation of excessive force, whether sustained or not, is brought to the attention of the Background's Sergeant, Personnel Captain, and Chief of Police.

## OTHER CITY DEPARTMENTS

N/A

#### APPENDIX

California Commission on Peace Officer Standards and Training, Background Investigation Manual:

- <https://post.ca.gov/background-investigation-manual-guidelines-for-the-investigator>
- [https://post.ca.gov/portals/0/post\\_docs/publications/background-investigation-manual/Background\\_Investigation.pdf](https://post.ca.gov/portals/0/post_docs/publications/background-investigation-manual/Background_Investigation.pdf)

As of January 1, 2022, Senate Bill 2 was enacted and authorizes the California Commission on Peace Officer Standards and Training to decertify peace officers.

- [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB2](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB2)

#### SCPRC RESPONSE

**Not Implemented.** The Commission agrees with the department concerning POST guidelines. However, the current practice is not explicitly referenced or described in any SPD general orders or reference manuals, as GO 255.01 remains unchanged after 23 years. The Department has claimed that GO 255.10 is slated for an update, which the Commission insists any changes reflect this recommendation.

#### SCPRC QUESTIONS/REQUEST

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #7

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

GO 255.10 Background Investigation

SPD's hiring policy is outdated and not thorough enough in its vetting process.

**Amend General Order 225.10:** Reject applicants for hire or lateral transfer who have civil judgments OR criminal convictions for excessive UOF.

## SCPRC RECOMMENDATION RATIONALE

The Commission understands that some of these recommendations are already in practice at SPD. Nonetheless, the Commission recommends that SPD explicitly incorporate these items into its General Orders. SPD's Background Investigations GO has not been updated in over 20 years (G.O. 255.10, dated 6-14-2001).

The Civil Service Board Regulations states a City employee may be disciplined for just cause for any ""conviction of a felony or misdemeanor that adversely affects employee's ability to perform duties"" of the position, or ""any conduct rationally related to employment which impairs, disrupts, or causes discredit to the employee's employment or the public service."" However, this regulation is not reflected in SPD hiring policy under GO 255.10, which states that background investigations of applicants only entail criminal history record within the local county system only but fails to specify the criteria for hiring or rejecting an applicant, including whether civil judgements or criminal convictions for excessive UOF are included in those considerations.

To keep up with transparency standards that have advanced in law enforcement hiring practices, the Commission recommends the City reject applicants who have civil judgements or criminal convictions for excessive UOF before they are hired or laterally transferred.

### Source:

- Rule 12.2(m): "conviction of a felony or misdemeanor that adversely affects employee's ability to perform" duties of the position.
- Rule 12.2 (w): Any conduct rationally related to employment which impairs, disrupts, or causes discredit to the employee's employment or the public service.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/20221, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 50:50
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 7

This is the Department's current practice. This information is included as part of the Background investigation in accordance with POST Guidelines.



The Department seeks out any court documents or information related to Civil judgement of any kind, as well as any criminal charges. All are notated in the background and brought to the attention of the Background's Sergeant, Personnel Captain, and Chief of Police.

#### OTHER CITY DEPARTMENTS

N/A

#### APPENDIX

California Commission on Peace Officer Standards and Training, Background Investigation Manual:

- <https://post.ca.gov/background-investigation-manual-guidelines-for-the-investigator>
- [https://post.ca.gov/portals/0/post\\_docs/publications/background-investigation-manual/Background\\_Investigation.pdf](https://post.ca.gov/portals/0/post_docs/publications/background-investigation-manual/Background_Investigation.pdf)

As of January 1, 2022, Senate Bill 2 was enacted and authorizes the California Commission on Peace Officer Standards and Training to decertify peace officers.

- [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB2](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB2)

#### SCPRC RESPONSE

**NOT IMPLEMENTED.** The Commission agrees with the department concerning POST guidelines. However, the current practice is not explicitly referenced or described in any SPD general orders or reference manuals, as GO 255.01 remains unchanged after 23 years. The Department has claimed that GO 255.10 is slated for an update, which the Commission insists any changes reflect this recommendation.

#### SCPRC QUESTIONS/REQUEST

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #8

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

GO 255.10 Background Investigation

SPD's hiring policy is outdated and not thorough enough in its vetting process.

**Amend General Order 225.10:** Reject applicants for hire or lateral transfer if background investigation (or personnel file) reveals:

1. Deceit/dishonesty lying during an administrative or criminal investigation. (i.e., Lying in police report; Lying by omission; Officer's corroboration of a lead officer's, or other officer's, deceit by omission).
2. Violence/Battery on Spouse/Co-habitant
3. Sustained finding of racial animus, including but not limited to hate crimes.

## SCPRC RECOMMENDATION RATIONALE

The Commission understands that some of these recommendations are already in practice at SPD. Nonetheless, the Commission recommends that SPD explicitly incorporate these items into its General Orders. SPD's Background Investigations GO has not been updated in over 20 years (G.O. 255.10, dated 6-14-2001).

In order to keep up with transparency standards that have advanced in law enforcement hiring practices, the Commission recommends rejecting applicants if a background investigation or personnel records reveals one or more of the following:

1. Lying during an administrative or criminal investigation
2. Violence against a spouse, dependent, or other co-habitant
3. Sustained finding of racial animus, including but not limited to hate crimes.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 51:20
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 7

This is the Department's current practice. This information is included as part of the Background investigation in accordance with POST Guidelines.

If a person has been convicted of any violent felonious crime, they are ineligible to be a peace officer and would not be hired as such.

Additionally, in California, a conviction for domestic violence would prohibit one from carrying a firearm- hence one would also be prohibited from being a peace officer.

If an applicant has demonstrated or is accused of demonstrating any of these behaviors, the information is brought to the attention of the Background's Sergeant, Personnel Captain, and Chief of Police.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

California Commission on Peace Officer Standards and Training, Background Investigation Manual:

- <https://post.ca.gov/background-investigation-manual-guidelines-for-the-investigator>
- [https://post.ca.gov/portals/0/post\\_docs/publications/background-investigation-manual/Background\\_Investigation.pdf](https://post.ca.gov/portals/0/post_docs/publications/background-investigation-manual/Background_Investigation.pdf)

As of January 1, 2022, Senate Bill 2 was enacted and authorizes the California Commission on Peace Officer Standards and Training to decertify peace officers.

- [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB2](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB2)

SCPRC RESPONSE

**Not Implemented.** The Commission agrees with the department concerning POST guidelines. However, the current practice is not explicitly referenced or described in any SPD general orders or reference manuals, as GO 255.01 remains unchanged after 23 years. The Department has claimed that GO 255.10 is slated for an update, which the Commission insists any changes reflect this recommendation.

SCPRC QUESTIONS/REQUEST

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #9

DISCUSSED BY SCPRC	02/08/2021
RECEIVED BY SPD	02/08/2021
RETURNED TO SCPRC	12/07/2023

APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
PARTIAL IMPLEMENTATION	X	DENIED	

## SCPRC RECOMMENDATION

GO 255.10 Background Investigation

SPD's Background Investigations policy has not been updated since June 14, 2001

**Amend General Order 225.10:** Require police officers to obtain 4-year college degree (e.g., Bachelor of Arts or Bachelor of Science) within 6 years after joining the police department. Additionally, SPD should continue to offer financial support to officers obtaining a degree and look into offering additional financial support.

## SCPRC RECOMMENDATION RATIONALE

The Commission understands that some of these recommendations are already in practice at SPD. Nonetheless, the Commission recommends that SPD explicitly incorporate these items into its General Orders. SPD's Background Investigations GO has not been updated in over 20 years (G.O. 255.10, dated 6-14-2001).

SPD's Background investigations policy does not establish an education standard that requires college degrees for its officers. Multiple studies have shown a college education significantly reduces the likelihood of force occurring in police - civilian encounters. Therefore, the Commission recommends requiring SPD officers receive a 4-year college degree within 6 years of joining the department.

While SPD offers financial support for seeking higher levels of education, the lack of a requirement creates inconsistencies among its professional standards as well as increasing the likelihood of poor services, poor conduct or conduct unbecoming, and racial bias, which could be reflected in racial disparities among rates of searches & seizures, arrests, and UOF.

### Sources:

- Justice Policy Journal, Spring 2016, A National Examination of the Effect of Education, Training and Pre-Employment Screening on Law Enforcement Use of Force.
- Police Quarterly; The Effect of Higher Education on Police Behavior (Police Quarterly 2010 13:92 originally published online 3 January 2010. DOI: 10.1177/1098611109357325. The online version can be found at: <http://pqx.sagepub.com/content/13/1/92>.
- City University of New York (CUNY), CUNY Academic Works, Police Officers and College Education: The Association of Police Officer College Education and the Level of Force Used by a Police Officer in Gaining Compliance in Arrest Situations (John Vespucci, The Graduate Center, City University of New York).

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 52:15
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 7

SPD supports officers seeking higher levels of education.

Officers are currently provided with a pay incentive for possession of a bachelor's degree and officers without a bachelor's degree may be eligible for the city's tuition reimbursement program.

SPD already requires 60 units to become an officer. Many already hold 4-year degrees at entry (73% of sworn officers currently hold a bachelor's degree or higher).

This recommendation would require a contractual change to the labor agreement and there may be a significant cost to the city.

#### OTHER CITY DEPARTMENTS

N/A

#### APPENDIX

N/A

#### SCPRC RESPONSE

**PARTIAL IMPLEMENTATION.** The Commission recognizes mandating college education has been the standard for many public service jobs. While the Department's pay incentive and 60-unit requirements for police officers appears to have served as successful incentives, however, this is only a stopgap in lieu of requiring a 4-year college degree.

The US Bureau of Justice Statistics 2013 study found that, on average, police officers across the country receive around 21 weeks of basic training, on average, before they are qualified to go on patrol. Furthermore, the report found that US police academies spend far more time on firearms training than on de-escalating a situation - 71 hours against 21, on average. For perspective, one college credit equals 37.5 hours of actual time.

This standard is far less than in most other developed countries which the US ranks among the lowest at 652 hours of required training. In California, police are required to complete 664 hours of basic training, which is less than states with comparable populations like Texas (696 hours) and Florida (770 hours). Once in service, California only requires 12 hours of yearly in-service training.

The Commission believes the POST guidelines should serve as the floor and not the ceiling, which is why we insist this recommendation be implemented in full.

#### SCPRC QUESTIONS/REQUEST

- 1) How many SPD Officers take advantage of the city's tuition reimbursement program?
  - a. Only received through the City and PD doesn't have access to this data. Would need to get this data from City HR department?
- 2) How does SPD track whether the college requirement creates more incentive or more of a barrier in hiring?

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #10

DISCUSSED BY SPCRC	02/08/2021	APPROVED AND IMPLEMENTED	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING	
RETURNED TO SPCRC	12/07/2023	PARTIAL IMPLEMENTATION	X
		PENDING FURTHER REVIEW	
		SPD UNABLE TO IMPLEMENT	
		DENIED	

## SPCRC RECOMMENDATION

- RM 220.01 Internal Investigations Manual
- GO 220.05 Biased Based Policing
- GO 580.02 Use of Force
- GO 320.03 Computer Data and Security Systems
- GO 410.09 Use of Communication Equipment

SPD lacks a formal disciplinary matrix for police misconduct and policy violations.

**Adopt a new General Order:** Establish a zero-tolerance policy for the offenses below (i.e., to protect the public and maintain the integrity of the department, a sustained finding will result in termination of employment):

- (1) Lying during an administrative or criminal investigation.
- (2) Lying in police report (e.g., where there is a clear discrepancy between the body camera footage or a citizen’s cell phone video and what the officer alleged in the police report).
- (3) Lying by omission (e.g., the suspect fell and tripped, when in fact the officer pushed the suspect causing the latter to fall.)
- (4) Colleague officer’s corroboration of a lead officer’s (or other officer’s) deceit by omission.
- (5) Use of prohibited carotid restraint hold (or similar hold that cuts off blood or oxygen to a person’s head).
- (6) Improper Use of city equipment (i.e., use of data terminal to access civilian addresses for personal reasons, or use of city equipment to communicate hate speech or discriminatory comments.)
- (7) Refusal to take drug test as ordered by a superior with just cause.
- (8) Sustained finding of racial animus, including hate crimes.
- (9) Criminal conviction

## SPCRC RECOMMENDATION RATIONALE

**[Changes to these Reference Manuals and General Orders were based on the text as it read in 2019.]**

The Commission understands that some of these recommendations are already in practice at SPD. Nonetheless, the Commission recommends that SPD explicitly incorporate these items into its General Orders to ensure the SPD maintains integrity within the department and for the public to see how the department holds its officers accountable to SPD standards.

Some existing GOs are also ambiguous in their language about improper uses or how they are disciplined. For example, G.O. 410.09's Rule 12.2(s) does not specify what defines unauthorized usage of the City's communication equipment including its CAD / RMS system. This ambiguity leaves too much room for misuse of city equipment, which has been reported by many community members who have reported SPD officers they have never met referring to them publicly by name as a means of intimidation.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 53:16
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)

SPD values integrity and does not tolerate employee misconduct. All allegations are investigated by the Internal Affairs Division (IAD), with oversight from OPSA. Personnel investigations, regardless of allegation, subject an employee to significant discipline up to and including termination.

As such, the following situations would necessitate the corresponding misconduct investigation:

- Any form of lying (dishonesty).
- Use of the carotid control hold (force).
- Inappropriate use of personal body weapons (force).
- Improper use of city equipment (conduct unbecoming).
- Refusal to participate in drug testing (insubordination).
- Participating in hate speech or crimes (discrimination).
- Conviction of any criminal offense (conduct unbecoming).

Additionally, SPD is required by law, to provide this information to the District Attorney's Office per Brady v. Maryland (1963).

Next, SPD conducts criminal investigations involving department employees and submits cases to the District Attorney's Office for prosecution. After criminal cases are adjudicated, an IAD investigation is conducted to further hold employees accountable to the high standards of the SPD.

At this time, SPD cannot immediately terminate employment upon the sustained finding of an allegation of misconduct. Officers are afforded due process by law. Additionally, a modification to applicable policies is subject to contractual negotiations with applicable labor groups.

#### OTHER CITY DEPARTMENTS

N/A

#### APPENDIX

As of January 1, 2022, Senate Bill 2 was enacted and authorizes the California Commission on Peace Officer Standards and Training to decertify peace officers.

- [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB2](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB2)

#### SCPRC RESPONSE

**NOT IMPLEMENTED.** The Commission recognizes there are many variables that may limit the ability of a Police Chief or their subordinate leadership from disciplining officers, not the least of which being the labor contracts between the City and its respective Police Officers Association. However, the City Manager does not need union approval to administer disciplinary measures for such conduct and the City Manager is supposed to be subordinate and accountable to the Mayor and City Council. The Commission insists that City Council approve this recommendation.

#### SCPRC QUESTIONS/REQUEST

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #11

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

RM 220.01 Internal Investigations Manual  
GO 580.02 Use of Force

SPD lacks a formal disciplinary matrix for police misconduct and policy violations.

**Amend Reference Manual 220.01:** Require automatic suspension without pay for an officer who uses lethal force against an unarmed person, regardless of whether it results in death.

## SCPRC RECOMMENDATION RATIONALE

**[Changes to this Reference Manual and General Order were based on the text as it read in 2019.]**

This has been suggested by a Sacramento City Council member, and the Commission supports this recommendation.

Pursuant to Rule 12.1, administering discipline should not require consultation or approval from the union. Rule 12.1, which provides the City Manager, or other official or Board in whom is vested disciplinary or removal power, the freedom on such matters. This means that the City Manager has the authority to discipline employees who have been found to have committed a violation set forth in Rule 12.2 “causes for discipline.” As such, the City Manager does not need union approval to administer disciplinary measures.

Additional grounds for automatic suspension exists under the following city and state codes:

- Rule 12.2(n) provides: Discourteous treatment of any member of the public where, at the time of the incident, such member of the public could reasonably believe that the employee was acting within the scope of City employment.
- Rule 12.2(w) Any conduct rationally related to employment which impairs, disrupts, or causes discredit to the employee’s employment or the public service.
- Rule 12.3 (Letter of reprimand; Suspension; Withholding in-grade salary increase; In-grade salary reduction; Demotion; or Dismissal)
- A.B. 392, approved by the Governor on August 19, 2019 (2019-2020 Reg. Sess.) [prescribing when a peace officer is justified in using deadly force in California as either:
  - (1) to defend against an IMMEDIATE threat of death or serious bodily injury to the officer or another person, or
  - (2) to apprehend a fleeing person for a FELONY that THREATENED or resulted in DEATH or SERIOUS BODILY INJURY if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

A.B. 392 clarifies that a threat of death or serious bodily injury is imminent when, based on the totality of the circumstances, a reasonable officer in the same situation would *believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person.* For example, harm “that, from appearances, must be instantly confronted and addressed.” (Pen. Code, § 835a, subd. (c), [emphasis added]) (Quoted from CA Attorney General’s Phase 2, SPD investigation, at page 23, footnote 4.)



#### SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 55:30
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 8

Currently, all officers are afforded due process by law and cannot be suspended without pay during an administrative investigation by law.

Any such modification would also be incumbent on contractual negotiations with applicable labor unions.

#### OTHER CITY DEPARTMENTS

N/A

#### APPENDIX

As of January 1, 2022, Senate Bill 2 was enacted and authorizes the California Commission on Peace Officer Standards and Training to decertify peace officers.

- [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB2](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB2)

#### SCPRC RESPONSE

**NOT IMPLEMENTED.** The Commission recognizes there are many variables that may limit the ability of a Police Chief or their subordinate leadership from disciplining officers, not the least of which being the labor contracts between the City and its respective Police Officers Association. However, the Commission maintains the position that shooting an unarmed person is not only a violation of Assembly Bill 392 but a gross disregard for the preservation of life which police officers are expected to uphold.

As it remains the City Manager does not need union approval to administer disciplinary measures, the Commission insists that City Council require such action.

#### SCPRC QUESTIONS/REQUEST

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #12

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	X

## SCPRC RECOMMENDATION

- RM 220.01 Internal Investigations Manual
- GO 210.03 Domestic Violence Related Convictions and Restraining Orders
- GO 210.04 Professional Conduct
- GO 220.05 Disciplinary Actions
- GO 320.03 Computer Data and Security Systems
- GO 410.09 Use of Communication Equipment
- GO 525.07 Body Worn Cameras
- GO 580.02 Use of Force

SPD lacks a formal disciplinary matrix for police misconduct and policy violations.

**Adopt a New General Order:** Establishing a general matrix for progressive discipline to inform police officers of disciplinary consequences associated with sustained complaints; ensure fair and consistent administration of discipline; and set forth a benchmark for future disciplinary measures. General Order should establish mandatory minimum progressive discipline baseline for taking corrective action (i.e., suspension for “x” days, no discretion) for specific offenses, including but not limited to:

- (1) Failure to deescalate (Current SPD policy on de-escalation: G.O. 580.02);
- (2) Intentionally turning off body camera (Current SPD policy on body camera: G.O. 525.07 dated 1-16-2019 (Section F);
- (3) Use of city equipment, i.e., CLETs machine for unauthorized purposes (G.O. 410.09);
- (4) Theft of property;
- (5) Discourteous to public;
- (6) Drunk/intoxicated while on duty;
- (7) Substance abuse (after department or court ordered treatment);
- (8) Battery on spouse or co-habitant.

## SCPRC RECOMMENDATION RATIONALE

**[Changes to this Reference Manual and General Order were based on the text as it read in 2019.]**

SPD has referred policy violations to be handled under RM 220.01 (Internal Investigations Manual). However, this manual does not provide a general disciplinary matrix or minimum baseline for sustained complaints, which has been cited by the CA Attorney General its 2020 report. This recommendation seeks to provide transparency and awareness to all officers of the consequences of “causes of discipline” set forth in Rule 12.2 subsections (a) through (x), which may lead to a Notice of Disciplinary Action as provided for in Rule 12.4, and to establish a mandatory minimum baseline for multiple sustained complaints.

**Sources:**

- CA Attorney General Press Release, July 8, 2020, found at <https://www.oag.ca.gov/news/press-releases/attorney-general-becerra-issues-second-report-review-sacramento-police>.
- Attorney General Review of Sacramento Police Department 2020 Report, found at <https://oag.ca.gov/system/files/attachments/press-docs/SPD%20Report%20Phase%20II.pdf>.

- Rule 12.2 Causes of Discipline.
- Rule 12.3 Definition of Discipline (when any action below is taken against and employee for misconduct pursuant to Rule 12.2.).

#### SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 55:53
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=218&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=218&meta_id=631887)
  - Page 8 and 9

Discipline is determined based on the seriousness of the offense, the past history of the officer, and other factors in collaboration with City Labor and the City Attorney's office.

Each investigation is unique and mitigating factors should be considered in the issuing of discipline to ensure accountability and mitigate misconduct.

#### OTHER CITY DEPARTMENTS

#### APPENDIX

#### SCPRC RESPONSE

**NOT IMPLEMENTED.** The Department claims that the concept of progressive discipline already exists "in practice" under the Internal Investigations Manual but provides no clear details in writing for *how* the process is practiced.

Under current practice, the Internal Affairs Division does not recommend discipline from its investigations and simply compiles a list of violations and prior misconduct that lives in an SPD employee's "watch file." When the Police Chief reads the case and interviews what people said, they are the final decider on whether to issue disciplinary action.

While some police officers would consider it a "fantastic" idea to implement a progressive disciplinary matrix to ensure consistency in what they can expect in departmental standards and discipline as they perform their duties, it has been alluded in both word and practice that the current Police Chief, SPD leadership, and the City Manager do not feel "comfortable" ascribing to specific factors for progressive disciplinary actions. Even as members of the public are subject to minimum sentencing guidelines for criminal misconduct under existing law, the City Manager's Office has alluded that SPD leadership considers similar disciplinary standards as "too rigid" for police officers to be subjected to equivalent standards for their misconduct. If this is true, it implies that the Sacramento Police Department refuses to hold its personnel to equal standards under the laws they enforce.

The Commission considers such a position to be fundamentally unjust and unacceptable. If police are tasked with enforcing the standard of conduct and discipline established under law by our elected representatives on our legislative bodies, it is only just and fair for police to be held to an equal or higher standard of conduct and discipline. We are confident that the California Attorney General's Office would agree based on its investigation and recommendations calling for a written disciplinary matrix for SPD in 2020.

The Commission insists this recommendation be implemented entirely and without further delay. If SPD or the City Manager's Office is unwilling to do this voluntary, we call for the City Council act by formal vote to mandate this standard of progressive discipline.

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #13

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

GO 580.02 Use of Force

SPD lacks a formal disciplinary matrix for police misconduct and policy violations.

**Amend GO 580.02(G):** Add written language that prohibits carotid restraint holds and declares this prohibition as a zero-tolerance policy where violations will result in termination. Suggested policy language would read:

*“No officer shall cut off a person’s ability to breathe, either by way of a choke hold, a carotid artery choke hold, knee, or any other part of an officer’s body that creates a grip around a person’s neck that cuts off breathing; or use of any control hold technique by an officer to restrain a person where the officer’s act restricts breathing, or has the possibility of restricting breathing, or the possibility of cutting of blood flow to the brain. This is a zero-tolerance policy and violation thereof shall result in termination.”*

## SCPRC RECOMMENDATION RATIONALE

**[Changes to this General Order were based on the text as it read in 2019. This GO was updated on 12.26.21]**

In concurrence with the CA Attorney General’s office’s SPD 2020 investigation report, the Commission recommends that SPD should amend its UOF policy to include written language that carotid restraint holds are expressly prohibited and use of such hold will result in disciplinary action.

A.B. 1196, approved by the Governor on September 30, 2020, prohibits carotid restraints without exception. Penal Code section 7286.5, subdivision (a), specifically states that: “[a] law enforcement agency shall not authorize the use of a carotid restraint or choke hold by any peace officer employed by that agency.” (Gov. Code, § 7286.5, emphasis added.) The statute further provides:

- Carotid restraint means a vascular neck restraint or any similar restraint, hold, or other defensive tactic in which pressure is applied to the sides of a person’s neck that involves a substantial risk of restricting blood flow and may render the person unconscious in order to subdue or control the person. (Pen. Code, § 7286.5, subd. (b)(1).)
- Choke hold means any defensive tactic or force option in which direct pressure is applied to a person’s trachea or windpipe. (Pen. Code, § 7286.5, subd. (b)(2).)

While GO 580.02 has been updated to prohibit carotid holds, choke holds, and other types of neck restraints under Section F, certain language remains which may confuse members of the public or police officers as to believe there are exceptions that still allow these holds to be used:

- Section I, “Force Options,” at subsection 5.a(4), permits use of control holds (NOTE: a carotid hold is a control hold).
- Section J, “Use of Personal Body Weapons,” permits peace officers to use arms, legs, etc., as an impact weapon to deliver a strike to a subject. (NOTE: a forearm delivered as a strike to and/or held over a person’s trachea or windpipe is a choke hold)

Supporting Sources:

- Sacramento City Council Resolution 2020-00772 dated June 30, 2020.

CA Attorney General Review of SPD Report and Recommendations, Phase II, 2020, page 31.

#### SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 57:18
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 9 and 10

The language has been adopted and is part of the Department's Use of Force Policy.

#### OTHER CITY DEPARTMENTS

N/A

#### APPENDIX

Governor Gavin Newsom signed AB1196 into law on September 30, 2020, which prohibits chokeholds and carotid restrains from being taught or sanctioned as an authorized use of force in California.

#### SCPRC RESPONSE

**FULLY IMPLEMENTED.** The City Council approved updates to SPD's Use of Force policy on June 1, 2021. The POST language is present in the latest version of GO 580.02 updated on December 23, 2021.

#### SCPRC QUESTIONS/REQUEST

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #14

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION	
			PENDING FURTHER REVIEW
			SPD UNABLE TO IMPLEMENT
			DENIED

## SCPRC RECOMMENDATION

GO 580.02 Use of Force

SPD lacks a formal disciplinary matrix for police misconduct and policy violations.

**Amend GO 580.02:** Add language from Peace Officer Standards and Training (P.O.S.T), Learning Domain 20 to SPD’s UOF policy. It emphasizes that of the Graham factors used to determine whether an officer’s use of force is objectively reasonable, the most important factor is whether the individual poses an immediate threat to the officer or public.

## SCPRC RECOMMENDATION RATIONALE

**[Changes to this General Order were based on the text as it read in 2019. This GO was updated on 12.26.21]**

Peace Officer Standard and Training, UOF Standards and Guidelines, Use of Firearms, at page 17, states:

Officers, in carrying out their duties, shall, when feasible, apply de-escalation techniques before resorting to the use of force. Peace Officer Standard and Training, Learning Domain 20 sets forth application of Use of Force laws as set forth by this government entity, which was established in 1959 by the California Legislature for the purpose of setting minimum selection and training for California law enforcement. Cadets and officers are taught principles of law through studying “Learning Domains.” Use of Force concepts are set forth in Learning Domain 20. As relevant here, it states:

“An officer may use deadly force when it is objectively reasonable under the totality of the circumstances. Deadly force may be used in self-defense or defense of others when the officer has a reasonable belief that the officer or another person is in imminent danger of death or serious bodily injury.” (See “Considerations Regarding the Use of Deadly Force”, Chapter 3, Use of Deadly Force.)

- “A peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary ... to defend against an imminent threat of death or serious bodily injury to the officer or to another person.” (citing Pen. Code 835a, subd. (c)(1)(A).) (See “Considerations Regarding the Use of Deadly Force”, Chapter 3, Use of Deadly Force.)
- “The decision to use deadly force in the apprehension of a fleeing person is guided by federal case law and California State law [emphasis added]: In 1985, the United States Supreme Court decided the case of Tennessee v. Garner, 471 U.S. 1, (1985), which established that a peace officer may use deadly force to prevent the escape of a fleeing suspect only if the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others. The Court applied the following points regarding when it would be objectively reasonable for an officer to use deadly force against a fleeing subject in this particular set of circumstances (e.g., using a firearm to stop a fleeing suspect escaping on foot), 1) “if the subject threatens the officer with a weapon or there is probable cause to believe that [the suspect] has committed a crime involving the infliction of serious physical injury [or death]...”; 2) “... probable cause to believe that the subject poses a threat of death or serious physical harm, either to the officers or others ...”; 3) “... probable cause to believe that the use of force is reasonably necessary ... “[to prevent escape], and 4) “... some warning be given prior to the use of deadly force, where feasible...” [emphasis added] (See “Considerations Regarding the Use of Deadly Force”, Chapter 3, Use of Deadly Force.)
- “According to Penal Code 835a, fear alone does not justify the use of deadly force. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that from appearances, must be instantly confronted and addressed. The courts have held that a

simple statement of fear for [an officer's] safety is NOT t enough; there must be objective factors to justify [the officer's concerns] and [the fear] must be objectively reasonable, and [the fear] must be based on the facts and circumstances known to the officer at the time." [emphasis added] (See "Considerations Regarding the Use of Deadly Force, Chapter 3, Use of Deadly Force.)

- "Circumstances under which homicide by a public officer may not be justified (based on mitigating factors): 1) pursuing nonviolent felons, e.g., nonviolent offenses such as forgery or grand theft; 2) arresting or pursuing a felon who DOES NOT PRESENT A THREAT TO LIFE, (A violent felony is one which threatens death or serious bodily harm.), and 3) when arresting or pursuing a misdemeanor who DOES NOT POSE IMMINENT DANGER of death or serious bodily injury to people." (See "Learning Domain 20, Chapter 3, Use of Deadly Force.)

#### SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 57:18
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 9 and 10

The language has been adopted and is part of the department's use of force policy.

Adoption of the five *Graham* factors from the POST Learning Domain 20 in under consideration for the next policy update.

It should be noted that the POST Use of Force Standards Guidelines, Application of Use of Force, Standard #3 has been incorporated into the use of force policy, which provides 16 proportional considerations of reasonableness that include LD20's five factors.

[https://post.ca.gov/Portals/0/post\\_docs/publications/Use\\_of\\_Force\\_Standards\\_Guidelines.pdf](https://post.ca.gov/Portals/0/post_docs/publications/Use_of_Force_Standards_Guidelines.pdf)

#### OTHER CITY DEPARTMENTS

N/A

#### APPENDIX

N/A

#### SCPRC RESPONSE

**FULLY IMPLEMENTED.** The City Council approved updates to SPD's Use of Force policy on June 1, 2021. The POST language is present in the latest version of GO 580.02 updated on December 23, 2021.

#### SCPRC QUESTIONS/REQUEST



# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #15

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

**Adopt a New General Order:** Establish policy that for all pedestrian or traffic stops or encounters, a business card with the name, badge number, and an 800 number to put forward a complaint, will be provided to the public/detainee/arrestee; and establish a website for a survey for feedback (satisfaction survey).

## SCPRC RECOMMENDATION RATIONALE

This was suggested by a Sacramento City Council member Allen Warren and the Commission agrees with this recommendation.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 58:02
- Staff Report: [https://sacramento.granicus.com/Viewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/Viewer.php?view_id=21&meta_id=631887)
  - Page 10

This recommendation has been implemented.

The cards have been designed, ordered, and distributed to officers. Cards contain contact information to the following resources, but not limited to:

- Internal Affairs Division
- Office of Public Safety Accountability
- Police facilities

GO 210.04 (General and Professional Conduct) has been updated and requires officers to provide a card with their name and badge number for self-initiated enforcement activity in which a citizen is detained or arrested (including pedestrian and vehicle enforcement stops).

- <https://www.cityofsacramento.gov/content/dam/portal/police/Transparency/policy/GO/Section-200/GO-21004-General-and-Professional-Conduct-11723.pdf>

Finally, SPD receives community feedback, both positive and negative, through the SPD website.

SPD will soon be launching a pilot period of a technology platform which will electronically solicit feedback from crime victims who call for police services. It will also provide follow up information, victim resources, and details about their incident as well as a survey to rate the service they received by SPD personnel.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

SCPRC RESPONSE

**FULLY IMPLEMENTED.** Per GO 210.04(A)(2), SPD officers are required to provide their name, badge number, and/or identification number verbally or in writing upon request.

SCPRC QUESTIONS/REQUEST

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #16

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

**Changes to Existing Policy(s):** Include on SPD website command staff officers by name, sub-station (and assigned patrol district, if any) w/ short bio and picture.

## SCPRC RECOMMENDATION RATIONALE

This was suggested by a Sacramento City Council member Allen Warren and the Commission agrees with this recommendation.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 59:18
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 10

This recommendation has been implemented.

Every professional staff and sworn member of the department provided a photo and short biography.

- <https://www.cityofsacramento.gov/police/your-sacpd>

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

## SCPRC RESPONSE

**FULLY IMPLEMENTED.** The Commission observed the City has updated the Police Department’s webpage to provide names, bios, and pictures of SPD’s command staff.

## SCPRC QUESTIONS/REQUEST

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline & Accountability #17

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION	X	DENIED	

## SCPRC RECOMMENDATION

SPD is using a private, for-profit company to outsource the work of drafting city policing policies.

**Change to Existing Policy(s):** The City should terminate SPD's contract with Lexipol. The City should establish a process for updating/changing SPD policies that requires it to work collaboratively with OPSA and the City Attorney's Office to ensure policy changes comply with existing law and current POST standards.

## SCPRC RECOMMENDATION RATIONALE

SPD has a contract with Lexipol that costs the city \$150,000 annually. Lexipol is a private, for-profit company that has no public oversight in drafting or adapting law enforcement policies. In fact, the company's terms and conditions specify that Lexipol is not liable for the policies it drafts and adapts, leaving the City responsible if these policies are challenged in court.

For example, the City of Spokane was sued by the ACLU over a Lexipol-drafted immigration policy and agreed to pay \$49,000 in damages and attorneys' fees to a man Spokane police unlawfully detained and held for immigration authorities after he was the victim of a car accident in violation of his Fourth Amendment rights. While Lexipol maintains that its policies incorporate a range of recommendations for best practices, Lexipol founder Bruce Praet rejected the ACLU's allegations that Lexipol's immigration policies were ever unconstitutional or illegal and has publicly warned against using words like "shall" and "necessary" in law enforcement policies, which would make particular provisions mandatory rather than optional for police officers.

Given this history of Lexipol's faulty policies, its terms and conditions, and the expensive cost of its services, the Commission recommends ending SPD's contract with Lexipol. SPD's Office of the Chief should be responsible for drafting all updates or changes to department policy in consultation with POST, OPSA and the City Attorney's Office. Once published, policy changes should be submitted to the SCPRC for review.

Supporting Sources:

- (i) <http://theappeal.org/lexipol-police-policy-company/>
- (ii) <https://www.aclu-wa.org/news/faulty-lexipol-policies-expose-police-departments-costly-lawsuits-aclu-wa-and-nwirp-warn-letter>
- (iii) <https://www.aclu-wa.org/docs/aclu-wa-annotated-lexipol-immigration-policy>
- (iv) [https://cops.usdoj.gov/pdf/taskforce/taskforce\\_finalreport.pdf](https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf)
- (v) <https://www.lexipol.com/resources/blog/use-caution-when-changing-use-of-force-policy-language/>

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 59:41
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 10

City Council approved a contract in September 2019 to contract with Lexipol based on the following:

- To support SPD with policy development and management while adding a web-based training component to ensure that employees understand the policy changes and applicable legal requirements.
- To help ensure that the SPD's policies are current and compliant with state and federal legislative and legal requirements.
- Alternative to adding additional full-time staff to the SPD's Professional Standards Unit to perform these functions.

Since December 2022, SPD has only utilized Lexipol for legal updates. All policies are drafted and revised by SPD employees and reviewed by the City Attorney's Office prior to implementation. The cost for Lexipol services is \$10,000 annually.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A

SCPRC RESPONSE

**NOT IMPLEMENTED.** While SPD representatives have stated the department has “pulled back” from integrating into Lexipol as an agency (colloquially referred to as “Lexipol agency”), it still uses its accessible database for modeling its policy drafts at an annual cost of \$10,000. While the Commission is pleased that Lexipol is no longer drafting SPD policies, commissioners remain concerned with the police department modeling its policies on a for-profit agency with a history of bad policies that have cost other cities and counties hundreds of thousands of dollars in costly lawsuits and settlements.

Additionally, while there appears to be some collaboration between SPD and the City Attorney's Office in drafting and revising department policies, we observe little to no collaboration between SPD and OPSA in this practice in addition to a lack of cooperation or transparency in turning over documents necessary for OPSA investigations.

The Commission insists SPD collaborate more closely with OPSA in drafting and revising SPD policies prior to implementation, including in finding more trustworthy agencies with a better track-record for fair, equitable, and sustainable model policies for law enforcement. The Commission has also issued additional recommendations for SPD to include the SCPRC in its process for policy review prior to activation by the Chief (see Accountability & Organizational Culture Recommendation #1).

SCPRC QUESTIONS/REQUEST

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Discipline and Accountability #18

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING	X
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION	
		PENDING FURTHER REVIEW	
		SPD UNABLE TO IMPLEMENT	
		DENIED	

## SCPRC RECOMMENDATION

SPD does not consistently analyze vehicle stop data to determine the presence and/or cause of racial disparities.

**Change to Existing Policy(s):** Require SPD to continue analyzing vehicle stop data at least every 3 years. SPD should contract with a third party to determine the cause of racial disparities evidenced by most recent data and should work with experts and community advocates to ensure that vehicle stops are not influenced by racial bias.

## SCPRC RECOMMENDATION RATIONALE

In addition to collecting vehicle traffic stop data and sharing said data on its website, SPD should contract with a third party to determine the cause of racial disparities evidenced by most recent data and should work with experts and community advocates to ensure that vehicle stops are not influenced by racial bias. Additionally, SPD should continue to analyze vehicle stop data at least every 3 years.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 1:00:44
- Staff Report: [https://sacramento.granicus.com/Viewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/Viewer.php?view_id=21&meta_id=631887)
  - Page 11

This recommendation may be at the discretion of Mayor and Council. SPD supports further analysis. A vehicle stop data study would be of significant cost to the City.

Since the enactment of the Racial and Identity Profiling Act (AB 953), SPD has collected and reported stop data to the DOJ. SPD plans to continue to collect and report data and supports further analysis.

As of September 2023, SPD is arranging to build a dynamic RIPA analysis tool to provide a greater understanding of reported stop data. Additionally, SPD is working to hire an independent statistician to analyze several databases (including RIPA data) to enhance decision-making and support existing evidence-based policing initiatives.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

## SCPRC RESPONSE

**PARTIALLY IMPLEMENTED.** The Commission appreciates SPD’s stated intention to build a dynamic RIPA analysis tool to enhance its decision-making and support evidence-based policing initiatives. While the Commission remains troubled with the persistent racial disparities observed in SPD vehicle stops and traffic enforcement outcomes reported by the Center for Policing Equity and OPSA, we recognize the uncertain fiscal situation the City is experiencing with a projected \$77 million deficit and deferred maintenance costs. In lieu of contracting with a third parties, the Commission insists the

Department and the City provide transparent access to SPD traffic enforcement data for community-based experts and advocates with the interest and capacity to review and analyze this data without a city contract.

SCPRC QUESTIONS/REQUEST

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Internal Ad Hoc #1

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

The Commission does not have access to independent legal analysis under the City Attorney.

**Change to Existing Policy(s):** Provide the Commission with access to legal counsel independent of the City Attorney's office.

## SCPRC RECOMMENDATION RATIONALE

The City Attorney is the attorney for the City of Sacramento, as an entity. As such, the City Attorney and the City's relationship is protected by attorney-client privilege, which prevents the disclosure of confidential communications between the client and the attorney. For example, a legal analysis by the City Attorney to the City on whether the City is following state law does not have to be shared with third-party, such as the Commission.

For this reason, we recommend that the SCPRC have access to legal counsel independent of the City Attorney's office. Independent legal counsel would afford the Commission a legal opinion that might differ from the City Attorney. We believe that the City Charter allows for this action to occur. Section 72 of the City Charter outlines the duties of the City Attorney as follows:

- a. *"The city council shall appoint a city attorney and shall prescribe the qualifications, duties and compensation of such officer. The city attorney shall serve as legal counsel to the city government and all officers, departments, boards, commissions and agencies thereof and shall have such other powers and duties as may be prescribed by state law and by ordinance or resolution of the city council. In situations where the city attorney determines there is a conflict in representation by that office, the city council may authorize the retention or other legal counsel to represent one of the conflicting parties. The city attorney shall appoint all other members of the city attorney's office."*

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 38:37 and 1:00:28
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 2 and 10

SPD unable to implement, requires further input from other city departments and offices.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

## SCPRC RESPONSE



**NOT IMPLEMENTED.** In its audit of the SCPRC, the City Auditor found several deficiencies including the lack of investment in the Commission, which corroborated this recommendation and others we submitted in 2020. The City Auditor recommended the City Council determine the staffing needs and funding for the SCPRC.

Given the conflicts between community members' interest and the City Attorney's Office's interest in protecting the City management and police department from costly litigation, the Commission insists it needs access to independent legal counsel where the commission's recommendations may differ from the direction of the city management and police department.

On October 3, 2023, the Mayor and City Council requested a joint workshop between the full City Council and the SCPRC to discuss how to address the City Auditor's findings and recommendations. Our commission formally agreed to the joint workshop on October 9, 2023. Until such time as the Mayor and City Council honors its commitment to a Joint Workshop, neither the Commission or the public can expect it any consideration or action for this recommendation.

SCPRC QUESTIONS/REQUEST

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Internal Ad Hoc #2

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

SCPRC is currently staffed by the Office of Public Safety Accountability (OPSA), but OPSA has extremely limited staff and has its own workload it must complete.

**Change to Existing Policy(s):** Provide the SCPRC with additional staff support. At a minimum, authorize OPSA to hire another person to help fully staff the SCPRC.

## SCPRC RECOMMENDATION RATIONALE

Members of the SCPRC serve on a voluntary basis and needs additional staff support. SCPRC is currently staffed by the Office of Public Safety Accountability (OPSA), but OPSA has extremely limited staff and has its own workload it must complete. At a minimum, OPSA should be authorized to hire another person to help fully staff the SCPRC.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 38:57
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 2

SPD unable to implement, requires further input from other city departments and offices.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

## SCPRC RESPONSE

**NOT IMPLEMENTED.** In its audit of the SCPRC, the City Auditor found several deficiencies including the lack of investment in the Commission, which corroborated this recommendation and others we submitted in 2020. To invest in the Commission, the City Auditor issued the following recommendations:

1. The City Council should determine the staffing needs and funding for the SCPRC.
2. The City Council should identify resources to increase SCPRC's community outreach.
3. The City Council should clarify whether the SCPRC is responsible for issuing an annual report and provide appropriate resources for production.

The Commission needs more staffing support to complete report writing, meeting coordination (with stakeholders) and other programmatic support beyond what is currently provided. OPSA staff used to support in these areas including e-mails out of the commission to its "community list" for outreach. After the City Clerk's Office took over running SCPRC meetings, however, this support stopped which has shouldered this burden upon the SCPRC Chair and Vice Chair (who are unpaid volunteers, by definition). While City Clerk Mindy Cuppy has acknowledged the lack of staff support and insists the City Council is the only city body that can alleviate this situation, the Clerk has made this strain worse by

demanding strict compliance with City Council Rules of Procedures and Sacramento City Code Chapter 2.40 which changed the rules for all city boards, commissions, and committees. This includes refusing to communicate between the SCPRC and relevant city agencies to complete time-sensitive actions necessary for SCPRC work, such as forwarding approved work plans requiring City Council approval or attaching SCPRC reports and recommendations to appropriate City Council staff reports.

We have learned from inside sources that the SCPRC experience with city staff is vastly different compared with other City Boards, Commissions, and Committees who are staffed by the Departments they work with and are not required to do half of the things expected of the SCPRC. In addition to producing our own annual reports and recommendations, the Chair is required to draft and submit our own staff reports that are required to meet city-imposed standards and deadlines for public meeting agendas to be met. We must facilitate all communications between the Commission, SPD, and other city stakeholders, including status updates on official requests for presentations and reporting. Sometimes, we also must troubleshoot with fellow Commissioners who experience technical difficulties with accessing our public meeting agendas from the city's meeting page and confirming whether we can achieve quorum the day of our meetings.

**At this juncture, the Commission recommends the City Council should amend by resolution Sacramento City Code Chapter 2.110 to establish the responsibility of the City Clerk's office, OPSA, and SPD to the SCPRC and the Commission's overall authority:**

1. **The City Clerk should provide meeting support.** This includes preparing staff reports, forwarding relevant reports and attachments recorded in the meeting minutes, and coordinating interdepartmental communications necessary for requested presentations between SCPRC, SPD, OPSA and City Council.
2. **OPSA should provide staffing support.** This includes presenting quarterly updates and annual presentations of its complaint activity reports and informing the Commission about all officer-involved shootings and the Inspector General's findings once completed. OPSA should also be given the resources to provide additional staff support including research, report writing, meeting coordination between stakeholders, and other programmatic support such as outreach. The Commission has started a list serve of its own but would greatly appreciate staff support in increasing contacts and maintaining it.
3. **SPD must operate as a collaborative partner with the Commission and OPSA.** To this effect, SPD should be required to:
  - Meet with the Commission and OPSA staff during agenda setting meetings to directly address requests instead of having OPSA or the City Manager's Office serve as an intermediary.
  - Require that SPD have a uniformed police liaison present at all SCPRC monthly meetings to respond to questions and information requests.
  - Require SPD to report any new general orders or policy updates concerning Body Worn Cameras, Foot Pursuit, Use of Force and Discipline to the SCPRC before they are activated.
  - Require that the Police Chief, or their representative, meet with the SCPRC to provide feedback to SCPRC about its recommendations as part of the drafting process.
  - Require that SPD give presentations to the Commission on topics that fall within the scope of the Commission.
  - Require that SPD respond in good faith to reasonable Commission questions.

On October 3, 2023, the Mayor and City Council requested a joint workshop between the full City Council and the SCPRC to discuss how to address the City Auditor's findings and recommendations. Our commission formally agreed to the joint workshop on October 9, 2023. Until such time as the Mayor and City Council honors its commitment to a Joint Workshop, neither the Commission or the public can expect it any consideration or action for this recommendation.

#### SCPRC QUESTIONS/REQUEST

- 1) How much staff support will the City Council approve for the Commission?
- 2) Will additional support be provided such as for research, report writing, and meeting coordination (with stakeholders) and other programmatic support beyond what is currently provided?

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Internal Ad Hoc #3

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

SPD has no required to attend SCPRC meetings or respond directly to the SCPRC to address requests or inquiries.

**Amend City Code 2.110:** Require an SPD liaison to meet with the SCPRC Chair, Vice Chair, and OPSA staff to address requests and respond directly instead of having to use OPSA as an intermediary.

## SCPRC RECOMMENDATION RATIONALE

The SCPRC role is to provide independent review of police programs and help elevate community voices. The SCPRC’s effectiveness can be increased by building a collaboratively working relationship with SPD.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 39:08
- Staff Report: [https://sacramento.granicus.com/MapView.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MapView.php?view_id=21&meta_id=631887)
  - Page 2

As of February 2023, commission chair and vice chair have direct access and regularly meeting with the Professional Standards Unit’s Lieutenant Jeffrey Shiraishi.

Since October 2023, SPD has been present at every monthly commission meeting and plans to continue sending an SPD staff member to future meetings.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

## SCPRC RESPONSE

**NOT IMPLEMENTED.** In its audit of the SCPRC, the City Auditor found several deficiencies including the lack of investment in the Commission, which corroborated this recommendation and others we submitted in 2020. To invest in the Commission, the City Auditor issued the following recommendations:

1. The City Council should determine the staffing needs and funding for the SCPRC.
2. The City Council should identify resources to increase SCPRC’s community outreach.
3. The City Council should clarify whether the SCPRC is responsible for issuing an annual report and provide appropriate resources for production.

As recently as August 2024, the Mayor and City Council has issued multiple directions for SPD to work collaboratively with the SCPRC, including meeting with SCPRC to discuss its response to our recommendations. However, the two biggest obstacles to meaningful collaboration have presented themselves in the current City Manager Howard Chan and Police Chief Katherine Lester – who has personally accused individual commissioners of creating a “hostile work

environment” based on a perceived “bias against law enforcement” – both of whom have refused to comply with Council directions and even retaliated against the full Commission by ordering SPD’s disengagement based on their personal disagreements and prejudices against certain commissioners that had nothing to do with their role or Commission work. These actions have wasted as much as 13 months of the Commission’s public and private meeting times with SPD liaisons we started engaging with on a biweekly basis. This has disrupted our approved annual work plans and inhibited our function and efficiency in performing our duties for the last 2 years.

**At this juncture, the Commission recommends the City Council should amend by resolution Sacramento City Code Chapter 2.110 to establish the responsibility of the City Clerk's office, OPSA, and SPD to the SCPRC and the Commission's overall authority:**

1. **The City Clerk should provide meeting support.** This includes preparing staff reports, forwarding relevant reports and attachments recorded in the meeting minutes, and coordinating interdepartmental communications necessary for requested presentations between SCPRC, SPD, OPSA and City Council.
2. **OPSA should provide staffing support.** This includes presenting quarterly updates and annual presentations of its complaint activity reports and informing the Commission about all officer-involved shootings and the Inspector General’s findings once completed. OPSA should also be given the resources to provide additional staff support including research, report writing, meeting coordination between stakeholders, and other programmatic support such as outreach. The Commission has started a list serve of its own but would greatly appreciate staff support in increasing contacts and maintaining it.
3. **SPD must operate as a collaborative partner with the Commission and OPSA.** To this effect, SPD should be required to:
  - Meet with the Commission and OPSA staff during agenda setting meetings to directly address requests instead of having OPSA or the City Manager’s Office serve as an intermediary.
  - Require that SPD have a uniformed police liaison present at all SCPRC monthly meetings to respond to questions and information requests.
  - Require SPD to report any new general orders or policy updates concerning Body Worn Cameras, Foot Pursuit, Use of Force and Discipline to the SCPRC before they are activated.
  - Require that the Police Chief, or their representative, meet with the SCPRC to provide feedback to SCPRC about its recommendations as part of the drafting process.
  - Require that SPD give presentations to the Commission on topics that fall within the scope of the Commission.
  - Require that SPD respond in good faith to reasonable Commission questions.

On October 3, 2023, the Mayor and City Council requested a joint workshop between the full City Council and the SCPRC to discuss how to address the City Auditor’s findings and recommendations. Our commission formally agreed to the joint workshop on October 9, 2023. Until such time as the Mayor and City Council honors its commitment to a Joint Workshop, neither the Commission or the public can expect it any consideration or action for this recommendation.

SCPRC QUESTIONS/REQUEST

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Internal Ad Hoc #4

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

City Code requires a quorum of no less than six SCPRC members to conduct business without a contingency for vacancies.

**Amend City Code 2.110.090:** Change language determining a quorum of SCPRC members to be the majority of members serving on the Commission in the event of any vacancy or vacancies.

## SCPRC RECOMMENDATION RATIONALE

The SCPRC consist of 11 members. City Code states that “quorum required for the commission to conduct business is six members” (Sacramento City Code section 2.110.090). This creates the possibility for the SCPRC to become incapable of conducting public meetings if vacancies on the commission were to exceed five or more members. Therefore, we recommend that the City Council amend the City Code to allow that in the event of any vacancy or vacancies, that quorum be the majority of members serving on the Commission.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 40:18
- Staff Report: [https://sacramento.granicus.com/MapView.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MapView.php?view_id=21&meta_id=631887)
  - Page 2

SPD unable to implement, requires further input from other city departments and offices.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

## SCPRC RESPONSE

**NOT IMPLEMENTED.** In its audit of the SCPRC, the City Auditor found several deficiencies including the lack of investment in the Commission, which corroborated this recommendation and others we submitted in 2020. To invest in the Commission, the City Auditor recommended the City Council should clarify the purpose, powers, and duties of the SCPRC and memorialize these changes in City Code.

**At this juncture, the Commission recommends the City Council should amend by resolution Sacramento City Code Chapter 2.110 to establish the responsibility of the City Clerk's office, OPSA, and SPD to the SCPRC and the Commission's overall authority:**

1. **The City Clerk should provide meeting support.** This includes preparing staff reports, forwarding relevant reports and attachments recorded in the meeting minutes, and coordinating interdepartmental communications necessary for requested presentations between SCPRC, SPD, OPSA and City Council.

2. **OPSA should provide staffing support.** This includes presenting quarterly updates and annual presentations of its complaint activity reports and informing the Commission about all officer-involved shootings and the Inspector General’s findings once completed. OPSA should also be given the resources to provide additional staff support including research, report writing, meeting coordination between stakeholders, and other programmatic support such as outreach. The Commission has started a list serve of its own but would greatly appreciate staff support in increasing contacts and maintaining it.
3. **SPD must operate as a collaborative partner with the Commission and OPSA.** To this effect, SPD should be required to:
  - Meet with the Commission and OPSA staff during agenda setting meetings to directly address requests instead of having OPSA serve as an intermediary.
  - Require that the Police Chief, or their representative, meet with the SCPRC to provide feedback to SCPRC about its recommendations as part of the drafting process.
  - Require that SPD have a uniformed police liaison present at all SCPRC monthly meetings to respond to questions and information requests.
  - Require that SPD give presentations to the Commission on topics that fall within the scope of the Commission.
  - Require that SPD respond in good faith to reasonable Commission questions.

On October 3, 2023, the Mayor and City Council requested a joint workshop between the full City Council and the SCPRC to discuss how to address the City Auditor’s findings and recommendations. Our commission formally agreed to the joint workshop on October 9, 2023. Until such time as the Mayor and City Council honors its commitment to a Joint Workshop, neither the Commission or the public can expect it any consideration or action for this recommendation.

SCPRC QUESTIONS/REQUEST

DRAFT



# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Internal Ad Hoc #5

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPCC RECOMMENDATION

Inspector General lacks the autonomy and resources to conduct independent investigations of officer-involved shootings in a transparent or efficient manner.

**Amend City Charter Section 34:** The Inspector General (IG) position to be independent of OPSA supervision and should be granted subpoena power.

## SCPCC RECOMMENDATION RATIONALE

In 2016, OPSA was restructured, given additional powers, and placed “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 (Ord. 2016-0054).” In 2020, the City Council approved the Mayor’s plan to create an Inspector General position at OPSA with full independence and authority to investigate officer-involved shootings and use-of-force incidents that result in serious bodily injury or death.

Some of the additional powers granted to OPSA are outlined in Section 2.22.030 of the Sacramento City Code, which among other things states, “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.” It is through the OPSA authority that the new IG will be able to subpoena a witness, which therefore imply the following process:

- (1) The IG requests a subpoena for a witness.
- (2) OPSA reviews the IG's request. If approved, OPSA submits the subpoena request to City Council, or any duly appointed committee of the council.
- (3) City Council or appointed committee reviews the IG's request. If approved, the request is drafted as a resolution and agendized for the earliest available, public meeting.
- (4) City Council discusses the resolution approving the IG's request and approves the subpoena.

Given the time-sensitive nature of acquiring witness testimony, existing policy related to data retention and documentation, the current process for obtaining a subpoena is unreasonably cumbersome and potentially detrimental the IG's investigations given witnesses' memories and potential testimony may change within the undeterminable time it may take for the subpoena request to be approved. This would create a wide window of time for a police officer to avoid accountability – allowing for testimonies to change, coercion of witnesses, or for time-sensitive evidence to be lost or go cold.

With this in mind, the Commission recommends the IG should be a separate entity from OPSA with its own subpoena power. This change would require a charter amendment, as Sacramento City Charter Section 34 limits the subpoena power to the City Council or to any committee of the City Council Members.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 40:45
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)

SPD unable to implement, requires further input from other city departments and offices.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A

SCPRC RESPONSE

**NOT IMPLEMENTED.** In its audit of the SCPRC, the City Auditor found several deficiencies including the lack of investment in the Commission, which corroborated this recommendation and others we submitted in 2020. To invest in the Commission, the City Auditor recommended the City Council should clarify the purpose, powers, and duties of the SCPRC and memorialize these changes in City Code.

**At this juncture, the Commission recommends the City Council should amend by resolution Sacramento City Code Chapter 2.110 to establish the responsibility of the City Clerk's office, OPSA, and SPD to the SCPRC and the Commission's overall authority:**

4. **The City Clerk should provide meeting support.** This includes preparing staff reports, forwarding relevant reports and attachments recorded in the meeting minutes, and coordinating interdepartmental communications necessary for requested presentations between SCPRC, SPD, OPSA and City Council.
5. **OPSA should provide staffing support.** This includes presenting quarterly updates and annual presentations of its complaint activity reports and informing the Commission about all officer-involved shootings and the Inspector General's findings once completed. OPSA should also be given the resources to provide additional staff support including research, report writing, meeting coordination between stakeholders, and other programmatic support such as outreach. The Commission has started a list serve of its own but would greatly appreciate staff support in increasing contacts and maintaining it.
6. **SPD must operate as a collaborative partner with the Commission and OPSA.** To this effect, SPD should be required to:
  - Meet with the Commission and OPSA staff during agenda setting meetings to directly address requests instead of having OPSA or the City Manager's Office serve as an intermediary.
  - Require that SPD have a uniformed police liaison present at all SCPRC monthly meetings to respond to questions and information requests.
  - Require SPD to report any new general orders or policy updates concerning Body Worn Cameras, Foot Pursuit, Use of Force and Discipline to the SCPRC before they are activated.
  - Require that the Police Chief, or their representative, meet with the SCPRC to provide feedback to SCPRC about its recommendations as part of the drafting process.
  - Require that SPD give presentations to the Commission on topics that fall within the scope of the Commission.
  - Require that SPD respond in good faith to reasonable Commission questions.

On October 3, 2023, the Mayor and City Council requested a joint workshop between the full City Council and the SCPRC to discuss how to address the City Auditor's findings and recommendations. Our commission formally agreed to the joint workshop on October 9, 2023. Until such time as the Mayor and City Council honors its commitment to a Joint Workshop, neither the Commission or the public can expect it any consideration or action for this recommendation.

SCPRC QUESTIONS/REQUEST

**DRAFT**

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Internal Ad Hoc #6

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

Inspector General lacks the autonomy and resources to conduct independent investigations of officer-involved shootings in a transparent or efficient manner.

**Changes to Existing Policy(s):** Require the IG to report its factual determinations and recommendations directly to the SCPRC and the Mayor and City Council. The IG's investigation report to the SCPRC should include, if requested, access to information available to the public pursuant to SB 1421 (Chapter 988, Statutes of 2018), including police records related to:

- (1) incidents involving the discharge of a firearm or electronic control weapons by an officer;
- (2) incidents involving strikes of impact weapons or projectiles to the head or neck area;
- (3) incidents of deadly force or serious bodily injury by an officer;
- (4) incidents of sustained sexual assault by an officer; or
- (5) incidents relating to sustained findings of dishonesty by a police officer.

## SCPRC RECOMMENDATION RATIONALE

The IG is tasked with providing recommendations on whether the police department's policies were violated and whether officers should be disciplined or terminated. In addition to the IG being an independent oversight entity, the Commission recommends the IG to report its factual findings directly to the SCPRC and the Mayor and City Council. It should consult with the director of OPSA, if necessary, but the factual determinations, if any, and the proposed recommendations should be the conclusions of the IG.

The thought is for the IG to publicly present its findings to the City Council and the SCPRC before the City Manager makes a final determination on officer discipline or termination. To ensure transparency and accountability, the SCPRC should be tasked to take the Inspector General's findings before they are presented to the City Council and make its own recommendations on officer discipline or termination. The SCPRC recommendations should be presented to the City Council alongside the IG's recommendations.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 41:21
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 3

SPD unable to implement, requires further input from other city departments and offices.

It should be noted, since SB16 and SB1421 were enacted, SPD uploads for community dissemination of:

- Incidents of public interest
- Officer-involved shootings
- In-custody deaths
- Discharge of a firearm
- Use of force incidents resulting in death or great bodily injury

- Sustained findings of unreasonable or excessive force
- Sustained findings of an officer failing to intervene during unreasonable or excessive force
- Sustained findings of officer sexual assault involving a member of the public
- Sustained findings of dishonesty
- Sustained findings of bias
- Sustained findings of unlawful arrest or search

Incidents of Public Interest:

<https://www.cityofsacramento.gov/police/police-transparency/incidents-of-public-interest>

Release of Police Officer Personnel Records (PC 832.7b):

<https://www.cityofsacramento.gov/police/police-transparency/release-of-police-officer-personnel-records--pc-832-7-b->

=

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A

SCPRC RESPONSE

**NOT IMPLEMENTED.** In its audit of the SCPRC, the City Auditor found several deficiencies including the lack of investment in the Commission, which corroborated this recommendation and others we submitted in 2020. To invest in the Commission, the City Auditor recommended the City Council should clarify the purpose, powers, and duties of the SCPRC and memorialize these changes in City Code.

**At this juncture, the Commission recommends the City Council should amend by resolution Sacramento City Code Chapter 2.110 to establish the responsibility of the City Clerk's office, OPSA, and SPD to the SCPRC and the Commission's overall authority:**

4. **The City Clerk should provide meeting support.** This includes preparing staff reports, forwarding relevant reports and attachments recorded in the meeting minutes, and coordinating interdepartmental communications necessary for requested presentations between SCPRC, SPD, OPSA and City Council.
5. **OPSA should provide staffing support.** This includes presenting quarterly updates and annual presentations of its complaint activity reports and informing the Commission about all officer-involved shootings and the Inspector General's findings once completed. OPSA should also be given the resources to provide additional staff support including research, report writing, meeting coordination between stakeholders, and other programmatic support such as outreach. The Commission has started a list serve of its own but would greatly appreciate staff support in increasing contacts and maintaining it.
6. **SPD must operate as a collaborative partner with the Commission and OPSA.** To this effect, SPD should be required to:
  - Meet with the Commission and OPSA staff during agenda setting meetings to directly address requests instead of having OPSA or the City Manager's Office serve as an intermediary.
  - Require that SPD have a uniformed police liaison present at all SCPRC monthly meetings to respond to questions and information requests.
  - Require SPD to report any new general orders or policy updates concerning Body Worn Cameras, Foot Pursuit, Use of Force and Discipline to the SCPRC before they are activated.
  - Require that the Police Chief, or their representative, meet with the SCPRC to provide feedback to SCPRC about its recommendations as part of the drafting process.
  - Require that SPD give presentations to the Commission on topics that fall within the scope of the Commission.

- Require that SPD respond in good faith to reasonable Commission questions.

On October 3, 2023, the Mayor and City Council requested a joint workshop between the full City Council and the SCPRC to discuss how to address the City Auditor’s findings and recommendations. Our commission formally agreed to the joint workshop on October 9, 2023. Until such time as the Mayor and City Council honors its commitment to a Joint Workshop, neither the Commission or the public can expect it any consideration or action for this recommendation.

SCPRC QUESTIONS/REQUEST

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Internal Ad Hoc #7

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

The City does not have a formal process or policy that requires City Council to vote or take action on the recommendations received by the SCPRC.

**Amend City Code Chapter 2.40:** Adopt a process requiring the City Council to vote on the recommendations received by the SCPRC no later than three months from receipt. The City Council should receive an SCPRC representative to present and consider its recommendations by April of each calendar year. The report should be placed on the City Council Agenda as an action item so the City Council has the ability to approve SCPRC Recommendations.

## SCPRC RECOMMENDATION RATIONALE

The Commissioners serve on a voluntary basis and are tasked with providing recommendations to the mayor and city council, but there is no requirement that the City Council take any action. One of the frustrations that the SCPRC and other City Boards, Commissions, and Committees (BCCs) have experienced is the lack of a standard process for handling recommendations submitted to City Council, which were also raised in the Audit of the Sacramento Community Police Review Commission conducted by the City Auditor. The City Council met on February 22, 2022, and voted to have the Personnel and Public Employees Committee (P&PE) to establish a standardized process to ensure the time and effort of volunteers is respected and that the work we produce is considered in a timely manner.

The Committee proposed an ordinance amending City Code Chapter 2.40 to standardize policies and procedures across all City BCCs. However, the proposed ordinance failed to include a standardized process for how BCC recommendations are submitted to City Council despite multiple letters requesting such a process from the League of Women Voters and several chairs and vice-chairs from the following BCCs: the SCPRC, the Measure U Advisory Committee, the Disabilities Advisory Commission, the Active Transportation Commission, the Utility Rate Advisory Commission, the Planning and Design Commission, and the Sacramento Ethics Commission. Together we recommended the following language be added to the ordinance to address this issue:

**2.40.210. Whenever a board, committee or commission submits policy recommendations to the City Council, these recommendations shall be agendaized first for consideration by either the Budget Committee and/or the Law and Legislation Committee within 90 days of submission. The board, committee or commission shall be invited to send a representative to present the recommendations.**

To our continued frustration, the City Council voted 5-4 to ignore this recommendation to approve the ordinance with minimal changes. The Commission recommends the city council should adopt a process or policy that requires the body to vote on the recommendations received by the SCPRC no later than three months from receipt. The City should receive an SCPRC representative to present and consider its recommendations by April of each calendar year. The report should be placed on the City Council Agenda as an action item, so the City Council has the ability to approve SCPRC Recommendations.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 41:38

- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 3

SPD unable to implement, requires further input from other city departments and offices.

#### OTHER CITY DEPARTMENTS

N/A

#### APPENDIX

N/A

#### SCPRC RESPONSE

**NOT IMPLEMENTED.** In its audit of the SCPRC, the City Auditor found several deficiencies including the lack of a formal recommendation Process which corroborated this recommendation and others we submitted. To strengthen the Recommendation Process, the City Auditor issued the following recommendations:

1. The City Council should determine a format and required content for SCPRC recommendations.
2. The City Council should determine whether the SPD should provide written responses to SCPRC recommendations.
3. The City Council should determine whether it should vote on SCPRC recommendations.
4. The City Council should determine whether the City should track and report on the implementation of SCPRC recommendations.

In the absence of a process, the commission has drafted a proposed process that includes appropriate city departments (e.g., City Attorney's Office, SPD, etc.) providing feedback on recommendations (draft and final) to the commission. We have submitted proposed language for this process in writing with each member of City Council, which was included in a joint letter backed by the Chairs and Vice Chairs of 7 other city boards, committees, and commissions. The City Council missed its opportunity to consider or establish a formal process multiple times over the last 2 years, including as recently as October 8, 2024.

On October 3, 2023, the Mayor and City Council requested a joint workshop between the full City Council and the SCPRC to discuss how to address the City Auditor's findings and recommendations. Our commission formally agreed to the joint workshop on October 9, 2023. Until such time as the Mayor and City Council honors its commitment to a Joint Workshop, neither the Commission or the public can expect it any consideration or action for this recommendation.

#### SCPRC QUESTIONS/REQUEST



# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Internal Ad Hoc #8

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

SCPRC has no access or authority to review or provide feedback on new SPD general orders or policy updates.

**Changes to Existing Policy(s):** Establish authority for SCPRC to review and provide feedback to SPD, the Mayor and City Council before the adoption of any new SPD general orders or updates to policies concerning Body Worn Cameras, Foot Pursuit, Use of Force and Discipline.

## SCPRC RECOMMENDATION RATIONALE

The SCPRC role is to provide independent review of police programs and help elevate community voices. The SCPRC's effectiveness can be increased by building a collaboratively working relationship with SDP.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 41:52
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 3 and 4

SPD unable to implement, requires further input from other city departments and offices. This recommendation may be at the discretion of Mayor and Council.

SPD regularly engages the Commission for feedback and input on key policies, including SPD's Use of Force Policy, the Body Worn Camera Policy and the Foot Pursuit policy.

SCPRC members have been active members of the Committees tasked with updating these key policies.

SPD has voluntarily adopted a number of recommendations made by the SCPRC.

Finally, a representative of SCPRC has been invited by the chief of police to participate on the soon-to-be established SPD Community Policy Review Committee.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

## SCPRC RESPONSE

**NOT IMPLEMENTED.** In its audit of the SCPRC, the City Auditor found several deficiencies including the lack of clarity in powers and duties of the SCPRC, which corroborated this recommendation and others we submitted. To clarify these roles, the City Auditor issued the following recommendations:

1. The City Council should clarify the purpose, powers, and duties of the SCPRC. Council should memorialize the changes in City Code.
2. The City Council should determine and codify the level of access to information needed by the SCPRC to fulfill its City Code mandated duties.

**At this juncture, the Commission recommends the City Council should amend by resolution Sacramento City Code Chapter 2.110 to establish the responsibility of the City Clerk's office, OPSA, and SPD to the SCPRC and the Commission's overall authority:**

1. **The City Clerk should provide meeting support.** This includes preparing staff reports, forwarding relevant reports and attachments recorded in the meeting minutes, and coordinating interdepartmental communications necessary for requested presentations between SCPRC, SPD, OPSA and City Council.
2. **OPSA should provide staffing support.** This includes presenting quarterly updates and annual presentations of its complaint activity reports and informing the Commission about all officer-involved shootings and the Inspector General's findings once completed. OPSA should also be given the resources to provide additional staff support including research, report writing, meeting coordination between stakeholders, and other programmatic support such as outreach. The Commission has started a list serve of its own but would greatly appreciate staff support in increasing contacts and maintaining it.
3. **SPD must operate as a collaborative partner with the Commission and OPSA.** To this effect, SPD should be required to:
  - Meet with the Commission and OPSA staff during agenda setting meetings to directly address requests instead of having OPSA or the City Manager's Office serve as an intermediary.
  - Require that SPD have a uniformed police liaison present at all SCPRC monthly meetings to respond to questions and information requests.
  - Require SPD to report any new general orders or policy updates concerning Body Worn Cameras, Foot Pursuit, Use of Force and Discipline to the SCPRC before they are activated.
  - Require that the Police Chief, or their representative, meet with the SCPRC to provide feedback to SCPRC about its recommendations as part of the drafting process.
  - Require that SPD give presentations to the Commission on topics that fall within the scope of the Commission.
  - Require that SPD respond in good faith to reasonable Commission questions.

On October 3, 2023, the Mayor and City Council requested a joint workshop between the full City Council and the SCPRC to discuss how to address the City Auditor's findings and recommendations. Our commission formally agreed to the joint workshop on October 9, 2023. Until such time as the Mayor and City Council honors its commitment to a Joint Workshop, neither the Commission or the public can expect it any consideration or action for this recommendation.

SCPRC QUESTIONS/REQUEST

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Internal Ad Hoc #9

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED

## SCPRC RECOMMENDATION

SPD is not required to send a representative to attend SCPRC meetings to respond to questions or requests.

**Amend City Code Chapter 2.110:** Require that the Police Chief, or their representative, to meet with the SCPRC at a minimum once a year and prior to the submission of the annual report to the City Council to provide feedback to SCPRC about its recommendations.

## SCPRC RECOMMENDATION RATIONALE

The SCPRC was created to provide a venue for community participation in reviewing police department policies, practices, and procedures (Sacramento City Code section 2.110.030.A.). The SCPRC is further tasked with monitoring and evaluating the City’s policing initiatives and programs. The SCPRC is required to report and make its recommendations to Mayor and City Council annually. (Sacramento City Code section 2.110.020.C.)

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 42:51
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 4

Since 2022, the Assistant City Manager for Public Safety, Mario Lara, has been serving as SPD’s representative for monthly commission meetings.

As of February 2023, commission chair and vice chair have direct access and regularly meeting with the Professional Standards Unit’s Lieutenant Jeffrey Shiraishi.

Since October 2023, SPD has been present at every monthly commission meeting and plans to continue sending an SPD staff member to future meetings.

SPD representatives have been available to review any material provided by the SCPRC.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

## SCPRC RESPONSE

**STARTED IMPLEMENTATION.** In its audit of the SCPRC, the City Auditor found several deficiencies including the lack of clarity in powers and duties of the SCPRC, which corroborated this recommendation and others we submitted. To clarify these roles, the City Auditor issued the following recommendations:

1. The City Council should clarify the purpose, powers, and duties of the SCPRC. Council should memorialize the changes in City Code.
2. The City Council should determine and codify the level of access to information needed by the SCPRC to fulfill its City Code mandated duties.

As recently as August 2024, the Mayor and City Council has issued multiple directions for SPD to work collaboratively with the SCPRC, including meeting with SCPRC to discuss its response to our recommendations. However, the two biggest obstacles to meaningful collaboration have presented themselves in the current City Manager Howard Chan and Police Chief Katherine Lester – who has personally accused individual commissioners of creating a “hostile work environment” based on a perceived “bias against law enforcement.” Both charter officers have refused to comply with Council directions to collaborate, which includes open retaliation against the full Commission by ordering SPD’s disengagement based on his own personal prejudices and disagreements with the First Amendment activities of individual commissioners outside the role and scope of the Commission’s work. These actions have wasted as much as 13 months of the Commission’s public and private meeting times with SPD liaisons we started engaging with on a biweekly basis. This has disrupted the Commission’s approved annual work plans and inhibited our function and efficiency in performing our duties for the last 2 years.

**At this juncture, the Commission recommends the City Council should amend by resolution Sacramento City Code Chapter 2.110 to establish the responsibility of the City Clerk's office, OPSA, and SPD to the SCPRC and the Commission's overall authority:**

1. **The City Clerk should provide meeting support.** This includes preparing staff reports, forwarding relevant reports and attachments recorded in the meeting minutes, and coordinating interdepartmental communications necessary for requested presentations between SCPRC, SPD, OPSA and City Council.
2. **OPSA should provide staffing support.** This includes presenting quarterly updates and annual presentations of its complaint activity reports and informing the Commission about all officer-involved shootings and the Inspector General’s findings once completed. OPSA should also be given the resources to provide additional staff support including research, report writing, meeting coordination between stakeholders, and other programmatic support such as outreach. The Commission has started a list serve of its own but would greatly appreciate staff support in increasing contacts and maintaining it.
3. **SPD must operate as a collaborative partner with the Commission and OPSA.** To this effect, SPD should be required to:
  - Meet with the Commission and OPSA staff during agenda setting meetings to directly address requests instead of having OPSA or the City Manager’s Office serve as an intermediary.
  - Require that SPD have a uniformed police liaison present at all SCPRC monthly meetings to respond to questions and information requests.
  - Require SPD to report any new general orders or policy updates concerning Body Worn Cameras, Foot Pursuit, Use of Force and Discipline to the SCPRC before they are activated.
  - Require that the Police Chief, or their representative, meet with the SCPRC to provide feedback to SCPRC about its recommendations as part of the drafting process.
  - Require that SPD give presentations to the Commission on topics that fall within the scope of the Commission.
  - Require that SPD respond in good faith to reasonable Commission questions.

On October 3, 2023, the Mayor and City Council requested a joint workshop between the full City Council and the SCPRC to discuss how to address the City Auditor’s findings and recommendations. Our commission formally agreed to the joint workshop on October 9, 2023. Until such time as the Mayor and City Council honors its commitment to a Joint Workshop, neither the Commission or the public can expect it any consideration or action for this recommendation.

**DRAFT**

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Internal Ad Hoc #10

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

SPD is not required to send a representative to attend SCPRC meetings to respond to questions or requests.

**Amend City Code Chapter 2.110:** Require SPD to have a police liaison present at all the SCPRC monthly meetings to respond to questions and information request.

## SCPRC RECOMMENDATION RATIONALE

The SCPRC role is to provide independent review of police programs and help elevate community voices. The SCPRC's effectiveness can be increased by building a collaboratively working relationship with SDP.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 43:28
- Staff Report: [https://sacramento.granicus.com/Viewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/Viewer.php?view_id=21&meta_id=631887)
  - Page 4

Since 2022, the Assistant City Manager for Public Safety, Mario Lara, has been serving as SPD's representative for monthly commission meetings.

As of February 2023, commission chair and vice chair have direct access and regularly meeting with the Professional Standards Unit's Lieutenant Jeffrey Shiraishi.

Since October 2023, SPD has been present at every monthly commission meeting and plans to continue sending an SPD staff member to future meetings.

Additionally, the Commission has access to the Liaison outside of regularly scheduled meetings by email and phone, as well as through OPSA.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

## SCPRC RESPONSE

**NOT IMPLEMENTED.** In its audit of the SCPRC, the City Auditor found several deficiencies including the lack of clarity in powers, duties which corroborated this recommendation and others we submitted. To strengthen the Recommendation Process, the City Auditor recommended that the City Council should clarify the purpose, powers, and duties of the SCPRC and memorialize the changes in City Code.

The Mayor and City Council has issued multiple directions for SPD to work collaboratively with the SCPRC, including attending all our public meetings as recently as August 27, 2024. Unfortunately, the two biggest obstacles to meaningful collaboration are the current Police Chief Katherine Lester and City Manager Howard Chan – who countermanded Council direction by appointing an Assistant City Manager who does not have the necessary knowledge or experience compared with a sworn police officer. As raised during recent City Council meetings, the City Manager has refused to comply with explicit Council directions, which includes open retaliation against the full Commission by ordering SPD's disengagement based on his own personal prejudices and disagreements with the First Amendment activities of individual commissioners outside the role and scope of the Commission's work. These actions have wasted as much as 13 months of the Commission's public and private meeting times with SPD liaisons we started engaging with on a biweekly basis. This has disrupted the Commission's approved annual work plans and inhibited our function and efficiency in performing our duties for the last 2 years.

**At this juncture, the Commission recommends the City Council should amend by resolution Sacramento City Code Chapter 2.110 to establish the responsibility of the City Clerk's office, OPSA, and SPD to the SCPRC and the Commission's overall authority:**

1. **The City Clerk should provide meeting support.** This includes preparing staff reports, forwarding relevant reports and attachments recorded in the meeting minutes, and coordinating interdepartmental communications necessary for requested presentations between SCPRC, SPD, OPSA and City Council.
2. **OPSA should provide staffing support.** This includes presenting quarterly updates and annual presentations of its complaint activity reports and informing the Commission about all officer-involved shootings and the Inspector General's findings once completed. OPSA should also be given the resources to provide additional staff support including research, report writing, meeting coordination between stakeholders, and other programmatic support such as outreach. The Commission has started a list serve of its own but would greatly appreciate staff support in increasing contacts and maintaining it.
3. **SPD must operate as a collaborative partner with the Commission and OPSA.** To this effect, SPD should be required to:
  - Meet with the Commission and OPSA staff during agenda setting meetings to directly address requests instead of having OPSA or the City Manager's Office serve as an intermediary.
  - Require that SPD have a uniformed police liaison present at all SCPRC monthly meetings to respond to questions and information requests.
  - Require SPD to report any new general orders or policy updates concerning Body Worn Cameras, Foot Pursuit, Use of Force and Discipline to the SCPRC before they are activated.
  - Require that the Police Chief, or their representative, meet with the SCPRC to provide feedback to SCPRC about its recommendations as part of the drafting process.
  - Require that SPD give presentations to the Commission on topics that fall within the scope of the Commission.
  - Require that SPD respond in good faith to reasonable Commission questions.

On October 3, 2023, the Mayor and City Council requested a joint workshop between the full City Council and the SCPRC to discuss how to address the City Auditor's findings and recommendations. Our commission formally agreed to the joint workshop on October 9, 2023. Until such time as the Mayor and City Council honors its commitment to a Joint Workshop, neither the Commission or the public can expect it any consideration or action for this recommendation.

SCPRC QUESTIONS/REQUEST



# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Internal Ad Hoc #11

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	X	PENDING FURTHER REVIEW
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED

## SCPRC RECOMMENDATION

SPD is not required to report the status or timeline for implementing SCPRC recommendations once they are submitted.

**Amend City Code Chapter 2.110:** Require SPD to report to the SCPRC on the status of the recommendations once they are submitted to the City Council and SPD at the end of the year. SPD should communicate to SCPRC on each recommendation pertaining to the police department if it was adopted, it will be adopted and a timeline, or the reason preventing the adoption.

## SCPRC RECOMMENDATION RATIONALE

Once recommendations are shared with City Council and SPD at the end of the year, SPD should report to the SCPRC on the status of the recommendations. SCPRC recognizes that some of the recommendations will require the City to amend its statutes or provide resources for SPD to comply, however, some recommendations might be accomplished through administrative changes. To that end, SPD should communicate to SCPRC on each recommendation pertaining to the police department if it was adopted, it will be adopted and a timeline, or the reason preventing the adoption.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 44:08
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 4

SPD regularly provides updates to the SCPRC.

For clarification, the SCPRC reports and makes recommendations to Mayor and City Council. It is ultimately up to Mayor and City Council to adopt those recommendations and provide direction to the City Manager.

The Police Department reports to the City Manager, not directly to the Commission. SPD regularly adopts recommendations outside of the formal meetings and provides updates (outside the council process) throughout the year.

As of February 2023, commission chair and vice chair have direct access and regularly meeting with the Professional Standards Unit's Lieutenant Jeffrey Shiraishi.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

## SCPRC RESPONSE



**STARTED IMPLEMENTATION.** As recently as August 2024, the Mayor and City Council has issued multiple directions for SPD to work collaboratively with the SCPRC, including providing written responses to our recommendations. In its audit of the SCPRC, the City Auditor found several deficiencies including the lack of a formal recommendation Process which corroborated this recommendation and others we submitted. To strengthen the Recommendation Process, the City Auditor issued the following recommendations:

1. The City Council should determine a format and required content for SCPRC recommendations.
2. The City Council should determine whether the SPD should provide written responses to SCPRC recommendations.
3. The City Council should determine whether it should vote on SCPRC recommendations.
4. The City Council should determine whether the City should track and report on the implementation of SCPRC recommendations.

The Commission has approved over 178 recommendations every year since 2018, but only 1 recommendation (adding 'last resort' and AB 392 language to SPD's Use of Force policy) have ever received a formal vote by the City Council (June 1, 2021). While SPD provided responses to certain 2020 recommendations during that discussion, it took almost a year following months of protests and civil unrest following George Floyd's murder and post-election violence in 2020 before the SCPRC received that response. The Commission has waited as long as 4 years for SPD to issue written responses to our earliest recommendations from 2018 and 2019. During the 2024 annual review process of SPD's military equipment use (MEU), the department only issued written responses to 23 MEU-related recommendations approved in 2022 and 2023, several of which were duplicated despite receiving our approved language multiple times since October 2023.

The SCPRC has provided its annual recommendations in a usable format requested by SPD. It is the department's responsibility to respond concisely about whether a recommendation was fully implemented, partially, or not implemented. "Fully implemented" meaning completely and exactly as recommended. "Partially implemented" including an explanation of what was implemented and why, and what was not implemented and why. "Not implemented" should accompany an explanation as to why it was not implemented. Responses should include an estimated timeline for when SPD expects the recommendation to be fully implemented – whether a specific date or an approximate period of months, weeks, or year. And most importantly, it must be delivered in writing to allow for SCPRC to review and reference when monitoring or evaluating implementation.

Additionally, the Mayor and the City Manager has full authority to agenda items for City Council meetings but have refused to agenda SCPRC approved recommendations for a Council vote despite multiple requests and specific direction from the Mayor and City Councilmembers. For example, the SCPRC Chair was routinely invited to present the Commission's recommendations in full to the City Council until April 2021. After Council approved recommended changes to the UOF policy, however, the SCPRC was not invited to present its annual recommendations for 2021 or 2022. And while SCPRC Chair was given the opportunity to present its 2023 annual report and recommendations in May 2024, this only occurred after public frustration was raised by members of the Active Transportation Commission, the Disability Rights Advisory Board, and City Council who expressed significant frustration that city commissioners' work was being agenda for the Consent Calendar, which Council Rules prevent an opportunity for Commissions to present or allow City Councilmembers to discuss or ask them questions during the public meeting.

As it stands, the Commission considers one of the biggest obstacles to meaningful collaboration on the backlog of SCPRC recommendations to be the current City Manager Howard Chan. As raised during recent City Council meetings, the City Manager has refused to comply with explicit Council directions and has openly retaliated against the full Commission by ordering SPD's disengagement based on his own personal prejudices and disagreements with the First Amendment activities of individual commissioners outside the role and scope of the Commission's work. These actions have wasted as much as 13 months of the Commission's public and private meeting times with SPD liaisons we started engaging with on a biweekly basis. This has disrupted the Commission's approved annual work plans and inhibited our function and efficiency in performing our duties for the last 2 years.

On October 3, 2023, the Mayor and City Council requested a joint workshop between the full City Council and the SCPRC to discuss how to address the City Auditor’s findings and recommendations. Our commission formally agreed to the joint workshop on October 9, 2023. Until such time as the Mayor and City Council honors its commitment to a Joint Workshop, neither the Commission or the public can expect it any consideration or action for this recommendation.

SCPRC QUESTIONS/REQUEST

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Mental Health Ad Hoc #1

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION	X	DENIED	

## SCPRC RECOMMENDATION

SCPRC lacks timely access to pertinent data and information relevant to its review and monitoring of SPD policies, practices, and procedures.

**Changes to Existing Policy(s):** Require SPD to provide the SCPRC a copy of 911 Call and Dispatch data provided to the Department of Community Response on a quarterly basis.

## SCPRC RECOMMENDATION RATIONALE

On July 1, 2020, the Mayor proposed, and the City Council approved a measure to create an alternative response model for 911 calls that are not related to Fire or Emergency Medical Service (EMS) response and do not require a sworn police officer. The new direction the city has taken could include the creation of a new city division with required staffing and/or the ability to contract out specific referrals to qualified community-based organizations. The goal is to have a city program that can provide the most appropriate response to a person experiencing a mental health crisis.

The City Council also approved the reallocation of \$5 million dollars for the work of this new program to begin immediately with the goal of effectively transferring these types of non-medical, fire, or law enforcement calls for emergency service to alternative first responders over the next two years. At the end of the first year, the reduction in calls to sworn police officers and Fire Fighter/EMS will be assessed to determine what cost savings can be applied to support this other emergency services model.

On July 14, 2020, the City Manager appointed Bridgette Dean, Interim Director, of the Office of Community Response to create a national model that can shift how Sacramento responds to people in experiencing a mental health crisis. The creation of this new office was projected to take up to 24 months and while well intentioned, there are still too many unanswered questions for the SCPRC to fully evaluate the office and its programs over 2 years later.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 1:01:22
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 11, 12, and 13

As of June 2021, the majority of this information has been provided.

Based on the nature and sensitivity of some of the requested information, SPD is unable to produce it. Additionally, some of the requested information is not recorded, tracked, or maintained.

Additionally, statistics related to response to mental health calls can be found on the SPD Transparency Website, Crime Statistics, "Monthly Chief's Report"

- <https://www.cityofsacramento.gov/police/crime-and-safety/crime-statistics>

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A

SCPRC RESPONSE

**PENDING FURTHER REVIEW.** The SCPRC recognizes that several of the 2020 Mental Health Recommendations were made at a time before the creation of the Department of Community Response (DCR). Given the changes the City Council has made and the establishment of the County’s Community Wellness Response Team program, it would be prudent to revisit whether the collaboration between SPD and DCR is meeting the expectations set when the DCR was first created.

The deficiencies that lead to the creation of DCR are best articulated in July 1, 2020 agenda memo titled [“911 Alternative Response Model – Office of Community Response”](#) which states:

*“The City’s traditional emergency services--including police, fire, and EMT services--are not equipped to resolve the types of crises that are discussed in this memo. The inability of traditional emergency services to resolve crisis situations, particularly in cases of mental health crisis and intimate partner violence, has created a revolving door between the streets, the jails, and the emergency rooms in cities across the country. As it stands now, police are only equipped with temporary and generally ineffective measures to respond to crisis situations.*

*The City of Sacramento currently dispatches only traditional emergency services including Police, Fire, and Emergency Medical Services to 911 calls. However, these responders often are not adequately equipped, authorized or trained to resolve certain emergencies or crisis situations such as behavioral health, addiction, and homelessness. Additionally, these traditional first responders do not have ready access to treatment options beyond jails and emergency rooms. The result is a cycle of futility as complex behavioral issues move through our streets, jails, and emergency rooms without resolution. Additionally, the capacity of our police, firefighters and EMS to respond to urgent 911 calls that they can resolve is effectively diminished.”*

SCPRC QUESTIONS/REQUEST

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Mental Health Ad Hoc #2

DISCUSSED BY SPCRC	02/08/2021
RECEIVED BY SPD	02/08/2021
RETURNED TO SPCRC	12/07/2023

APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
PARTIAL IMPLEMENTATION	X	DENIED	

## SCPRC RECOMMENDATION

SCPRC lacks timely access to pertinent data and information relevant to its review and monitoring of SPD policies, practices, and procedures.

**Information Request:** Provide the SCPRC any available information that is responsive to its questions from July 2020 and direct SPD to provide periodic updates. The information that was requested is as follows:

1. How does SPD track which calls are related to mental health? (i.e., is there a code attached to these calls?)
2. Over the past 12 months, how many calls for service were mental health related? What percentage of total calls for service does this represent? Please provide a breakdown of the demographics of the suspects involved in these incidents including race, age, gender, and primary language.
3. Over the past 12 months, how many proactive stops or incidents (i.e., incidents that did not result from a call for service) were mental health related? What percentage of total incidents does this represent? Please provide a breakdown of the demographics of the suspects involved in these incidents including race, age, gender, and primary language.
4. Within all of the mental health related interactions over the past 12 months, how many resulted in a 5150 and/or hospital admission? Please provide a breakdown of the demographics of the suspects involved in these incidents including race, age, gender, and primary language.
5. Within all of the mental health related interactions over the past 12 months, how many resulted in a jail admission? Please provide a breakdown of the demographics of the suspects involved in these incidents including race, age, gender, and primary language.
6. Within all of the mental health related interactions over the past 36 months, how many resulted in any use of force? Or these, how many were less lethal and how many were lethal uses of forces? Please provide a breakdown that includes type of force utilized, suspect demographics (race, age, gender, primary language), officer demographics (race, gender, number of years on the force)
7. Within all of the mental health interactions over the past 36 months, please provide a break-down of the top 10 crimes recorded in conjunction with these incidents.
8. How many calls for service did the mobile crisis response team respond to over the past 12 months? Please provide a breakdown of the suspect demographics for these calls including race, age, gender, and primary language. And please provide a breakdown of the resolution of these calls."

## SCPRC RECOMMENDATION RATIONALE

SCPRC has been interested in this information for many months and to reduce duplication of work we ask that SPD provide a copy of the data provided to the Office of Community Response on a quarterly basis.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 1:01:22
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 11, 12, and 13

As of June 2021, the majority of this information has been provided.

Based on the nature and sensitivity of some of the requested information, SPD is unable to produce it. Additionally, some of the requested information is not recorded, tracked, or maintained.

Additionally, statistics related to response to mental health calls can be found on the SPD Transparency Website, Crime Statistics, "Monthly Chief's Report"

- <https://www.cityofsacramento.gov/police/crime-and-safety/crime-statistics>

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A

SCPRC RESPONSE

**PENDING FURTHER REVIEW.** The SCPRC recognizes that several of the 2020 Mental Health Recommendations were made at a time before the creation of the Department of Community Response (DCR). Given the changes the City Council has made and the establishment of the County's Community Wellness Response Team program, it would be prudent to revisit whether the collaboration between SPD and DCR is meeting the expectations set when the DCR was first created.

To the knowledge of current Commissioners, the SPD has never provided direct responses to these questions in writing.

SCPRC QUESTIONS/REQUEST

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Mental Health Ad Hoc #3

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION	
		PENDING FURTHER REVIEW	
		SPD UNABLE TO IMPLEMENT	X
		DENIED	

## SCPRC RECOMMENDATION

The Office of Community Response lacks the funding, resources, and staffing necessary to perform the City services it is tasked related to homelessness, mental health crisis, youth violence and gang intervention, and substance abuse treatment.

**Changes to Existing Policy(s):** Reallocate at least \$5M annually from the SPD budget to fund community-based mental health response programs, such as MH First to work in partnership with the Office of Community Response. The City should create a transparent and equitable process for contracting for community-based mental health services and provide support for community-based entities to become eligible for city contraction.

## SCPRC RECOMMENDATION RATIONALE

Even without department specific data, it is clear that law enforcement responses to mental health crises are inappropriate, and often escalate the situation and result in inappropriate uses of force, in some cases even leading to the killing of a member of our community who needed medical attention. Nationwide, people experiencing the signs and symptoms of a mental health crisis are 16 times as likely to be killed by law enforcement as their peers. Black men experiencing mental health crises are more likely to be killed by law enforcement than any other demographic. It is abundantly clear that dispatching law enforcement to respond to mental health crises only endangers our community, particularly Black and Brown residents.

The SCPRC questions whether training or changes within SPD can adequately address this crisis. Despite Sacramento Police Department investing in crisis intervention training for every officer and developing a mobile crisis response unit, the California Attorney General found that altered mental health was a factor in over 60% of the use of force cases they reviewed, and, most alarmingly, that over half of use of force cases reviewed displayed ""issues with the tactical choices that SPD officers made... most commonly failure to use or fully utilize de-escalation"".

At our August 2020 meeting, the Commission heard a presentation from MH First, a community-based mental health crisis response program that currently operates through an entirely volunteer model. MH First clearly articulated their racial justice focused approach, which appears to provide a robust alternative to law enforcement and has had anecdotal success. While no outcome data was yet available at this time, approximately a dozen community members testified to their personal support for the initiative.

The Commission recommends that Sacramento reallocate at least \$5M annually from the SPD budget to fund community-based mental health response programs, such as MH First to work in partnership with the Office of Community Response. It is projected that this level of investment would allow for capacity to be built to provide 24/7 citywide crisis response. In order to further the goal of equity, the process for contracting for these services should be transparent and should ensure that community-based entities without a history of city contracting are eligible and are supported throughout the process.

## SPD RESPONSE

- Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:
- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
    - Minute Marker: 1:03:22

- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 13

SPD unable to implement, requires further input from other city departments and offices.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A

SCPRC RESPONSE

**PENDING FURTHER REVIEW.** The SCPRC recognizes that several of the 2020 Mental Health Recommendations were made at a time before the creation of the Department of Community Response (DCR). Given the changes the City Council has made and the establishment of the County’s Community Wellness Response Team program, it would be prudent to revisit whether the collaboration between SPD and DCR is meeting the expectations set when the DCR was first created.

The deficiencies that lead to the creation of DCR are best articulated in July 1, 2020 agenda memo titled [“911 Alternative Response Model – Office of Community Response”](#) which states:

*“The City’s traditional emergency services--including police, fire, and EMT services--are not equipped to resolve the types of crises that are discussed in this memo. The inability of traditional emergency services to resolve crisis situations, particularly in cases of mental health crisis and intimate partner violence, has created a revolving door between the streets, the jails, and the emergency rooms in cities across the country. As it stands now, police are only equipped with temporary and generally ineffective measures to respond to crisis situations.*

*The City of Sacramento currently dispatches only traditional emergency services including Police, Fire, and Emergency Medical Services to 911 calls. However, these responders often are not adequately equipped, authorized or trained to resolve certain emergencies or crisis situations such as behavioral health, addiction, and homelessness. Additionally, these traditional first responders do not have ready access to treatment options beyond jails and emergency rooms. The result is a cycle of futility as complex behavioral issues move through our streets, jails, and emergency rooms without resolution. Additionally, the capacity of our police, firefighters and EMS to respond to urgent 911 calls that they can resolve is effectively diminished.”*

SCPRC QUESTIONS/REQUEST



# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Mental Health Ad Hoc #4

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

The Office of Community Response lacks the funding, resources, and staffing necessary to perform the City services it is tasked related to homelessness, mental health crisis, youth violence and gang intervention, and substance abuse treatment.

**Changes to Existing Policy(s):** Allocate at least \$20M annually from the SPD budget to establish a grant program for local, community-based organizations to provide mental health prevention, early intervention, and treatment. The grant program should focus on resourcing community agencies who serve the communities most impacted by police violence.

## SCPRC RECOMMENDATION RATIONALE

In order to meet the critical need for mental health services, including for those contacted by the community-based mental health response programs, we additionally recommend that \$20M be allocated annually from the SPD budget to establish a grant program for local, community-based organizations to provide mental health prevention, early intervention, and treatment. The grant program should focus on resourcing community agencies who serve the communities most impacted by police violence.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 1:03:42
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 13 and 14

SPD unable to implement, requires further input from other city departments and offices.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

## SCPRC RESPONSE

**PENDING FURTHER REVIEW.** The SCPRC recognizes that several of the 2020 Mental Health Recommendations were made at a time before the creation of the Department of Community Response (DCR). Given the changes the City Council has made and the establishment of the County’s Community Wellness Response Team program, it would be prudent to revisit whether the collaboration between SPD and DCR is meeting the expectations set when the DCR was first created.

The deficiencies that lead to the creation of DCR are best articulated in July 1, 2020 agenda memo titled [“911 Alternative Response Model – Office of Community Response”](#) which states:

*“The City’s traditional emergency services--including police, fire, and EMT services--are not equipped to resolve the types of crises that are discussed in this memo. The inability of traditional emergency services to resolve crisis situations, particularly in cases of mental health crisis and intimate partner violence, has created a revolving door between the streets, the jails, and the emergency rooms in cities across the country. As it stands now, police are only equipped with temporary and generally ineffective measures to respond to crisis situations.*

*The City of Sacramento currently dispatches only traditional emergency services including Police, Fire, and Emergency Medical Services to 911 calls. However, these responders often are not adequately equipped, authorized or trained to resolve certain emergencies or crisis situations such as behavioral health, addiction, and homelessness. Additionally, these traditional first responders do not have ready access to treatment options beyond jails and emergency rooms. The result is a cycle of futility as complex behavioral issues move through our streets, jails, and emergency rooms without resolution. Additionally, the capacity of our police, firefighters and EMS to respond to urgent 911 calls that they can resolve is effectively diminished.”*

SCPRC QUESTIONS/REQUEST

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Mental Health Ad Hoc #5

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION	X	DENIED	

## SCPRC RECOMMENDATION

The Office of Community Response lacks the funding, resources, and staffing necessary to perform the City services it is tasked related to homelessness, mental health crisis, youth violence and gang intervention, and substance abuse treatment.

**Changes to Existing Policy(s):** Hire trained mental health professionals to screen 911 dispatch calls and appropriately divert service requests to the Office of Community Response or other community-based mental health response teams. Modify SPD mobile crisis response program to effectively partner with the community-based response system, including but not limited to:

- (1) training and requiring SPD officers to request the community-based mental health response team immediately upon assessment that mental health may be a factor in an incident;
- (2) requiring SPD officers to maintain time and distance until the response team arrives, absent an immediate threat of death or serious bodily injury.

## SCPRC RECOMMENDATION RATIONALE

In order to integrate community-based mental health response services with our current 911 system in the near-term, we recommend the hiring of trained mental health professionals to screen calls at dispatch and appropriately divert requests for service to the community-based mental health response team. In addition, the existing SPD mobile crisis response program should be modified to effectively partner with the community-based response system.

We also recommend that officers be trained and required to request the community-based mental health response team immediately upon assessment that mental health may be a factor in the incident. Officers should be required to maintain time and distance until the response team arrives, absent an immediate threat of death or serious bodily injury.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 1:03:42
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 13, 14, and 15

Since 2016, all officers have attended extensive CIT training and are annually required to attend 40 hours of Continued Professional Training (CPT) which has included a variety of contemporary police-related topics and trends, to include the importance of de-escalation.

- <https://www.cityofsacramento.gov/police/police-transparency/education-and-training-materials>

Unfortunately, there does not exist any community-based mental health response teams available to officers.

SPD unable to implement, requires further input from other city departments and offices.

## OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A

SCPRC RESPONSE

**PENDING FURTHER REVIEW.** The SCPRC recognizes that several of the 2020 Mental Health Recommendations were made at a time before the creation of the Department of Community Response (DCR). Given the changes the City Council has made and the establishment of the County’s Community Wellness Response Team program, it would be prudent to revisit whether the collaboration between SPD and DCR is meeting the expectations set when the DCR was first created.

The deficiencies that lead to the creation of DCR are best articulated in July 1, 2020 agenda memo titled [“911 Alternative Response Model – Office of Community Response”](#) which states:

*“The City’s traditional emergency services--including police, fire, and EMT services--are not equipped to resolve the types of crises that are discussed in this memo. The inability of traditional emergency services to resolve crisis situations, particularly in cases of mental health crisis and intimate partner violence, has created a revolving door between the streets, the jails, and the emergency rooms in cities across the country. As it stands now, police are only equipped with temporary and generally ineffective measures to respond to crisis situations.*

*The City of Sacramento currently dispatches only traditional emergency services including Police, Fire, and Emergency Medical Services to 911 calls. However, these responders often are not adequately equipped, authorized or trained to resolve certain emergencies or crisis situations such as behavioral health, addiction, and homelessness. Additionally, these traditional first responders do not have ready access to treatment options beyond jails and emergency rooms. The result is a cycle of futility as complex behavioral issues move through our streets, jails, and emergency rooms without resolution. Additionally, the capacity of our police, firefighters and EMS to respond to urgent 911 calls that they can resolve is effectively diminished.”*

SCPRC QUESTIONS/REQUEST

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Mental Health Ad Hoc #6

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

SCPRC lacks timely access to pertinent data and information relevant to its review and monitoring of SPD policies, practices, and procedures.

**Information Request:** We request that the Office of Community Response provide quarterly updates to SCPRC on its ongoing work to coordinate community efforts to create systemic collaboration with its program.

## SCPRC RECOMMENDATION RATIONALE

On July 1, 2020, the Mayor proposed and the City Council approved a measure to create an alternative response model for 911 calls that are not related to Fire or Emergency Medical Service (EMS) response and do not require a sworn police officer. The new direction the city has taken could include the creation of a new city division with required staffing and/or the ability to contract out specific referrals to qualified community-based organizations. The goal is to have a city program that can provide the most appropriate response to a person experiencing a mental health crisis.

On July 14, 2020, the City Manager appointed Bridgette Dean, Interim Director, of the Office of Community Response to create a national model that can shift how Sacramento responds to people in experiencing a mental health crisis. The creation of this new office was projected to take up to 24 months and while well intentioned, there are still too many unanswered questions for the SCPRC to fully evaluate the office and its programs over 2 years later.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 1:03:42
- Staff Report: [https://sacramento.granicus.com/Viewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/Viewer.php?view_id=21&meta_id=631887)
  - Page 13 and 14

SPD unable to implement, requires further input from other city departments and offices.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

## SCPRC RESPONSE

**NOT IMPLEMENTED.** For its 2024 Annual Work Plan, the SCPRC has requested a presentation and discussion on the role of SPD's Impact Team within the Department of Community Response's Incident Management Team. This request was denied by the City Manager's Office stating that DCR is not within the purview of the SCPRC, despite SPD's stated role in its work.

Given the changes the City Council has made and the establishment of the County's Community Wellness Response Team program, it would be prudent to revisit whether the collaboration between SPD and DCR is meeting the expectations set when the DCR was first created.

SCPRC QUESTIONS/REQUEST

DRAFT

# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Mental Health Ad Hoc #7

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING		SPD UNABLE TO IMPLEMENT	X
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

GO 580.01 Use of Force Review Board (UOFRB)

SPD's UOFRB contains only department staff, and it is unclear the scope.

**Adopt a New General Order:** Establish a Serious Incident Review Board (SIRB) with a clear, written scope of work that includes, but is not limited to:

- (1) Reviewing of all reportable Level 1 and Level 2 uses of force, as well as 10% of Level 3 uses of force and all uses of force against a person demonstrating signs and symptoms of mental illness, regardless of the force reporting level.
- (2) Analyze the case from the call for service to the conclusion of the incident including analysis of the policy, training, and tactics that may have contributed to the incident.
- (3) Require the staffing include mental health professionals, community members, OPSA, and at least one SCPRC member in addition to SPD staff.
- (4) Require all written analyses by the SIRB be made available to the SCPRC and the public.

## SCPRC RECOMMENDATION RATIONALE

While the Commission recommend that Sacramento urgently move away from law enforcement response to mental health crises, it is likely that SPD officers will continue to encounter situations in which mental health is a factor. Therefore, and in light of the Attorney General's findings, we continue to recommend changes to the use of force policy and increased accountability for the use of force against persons experiencing mental health crises.

According to SPD, they launched a "Use of Force Review Board" in September 2020; however, this entity contains only department staff, and it is unclear the scope. In contrast, the Commission recommends SPD establish a Serious Incident Review Board (SIRB), including not only department staff but also mental health professionals, community members, OPSA, and at least one member of the Police Review Commission. In contrast with the current UOFRB, the SIRB would be a more comprehensive and transparent review board, based on the successful model employed by the Seattle Police Department.

The SIRB would review all reportable Level 1 and Level 2 uses of force, as well as 10% of Level 3 uses of force and all uses of force against a person demonstrating signs and symptoms of mental illness, regardless of the force reporting level. The SIRB would analyze the case from the call for service to the conclusion of the incident including analysis of the policy, training, and tactics that may have contributed to the incident. The SIRB would make available their written analysis of the incident to the Police Review Commission and the public.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 1:05:17
- Staff Report: [https://sacramento.granicus.com/MetaViewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/MetaViewer.php?view_id=21&meta_id=631887)
  - Page 14 and 15

SPD implemented a Use of Force Review Board in 2020 per the recommendation from the Department of Justice. The Use of Force Review Board's policy states:

*The Sacramento Police Department shall objectively evaluate officer or authorized non-sworn uniformed department personnel use of force incidents to ensure that force is used lawfully, appropriately and is consistent with training and policy.*

- GO 580.01 – Use of Force Review Board – [link](#)

Allowing non-departmental staff to participate in reviewing an employee's use of force incident cannot be implemented as this topic is a contractual issue that is subject to labor agreements. Additionally, mandating the appearance of staff from other city departments requires further input from other city departments and offices.

OTHER CITY DEPARTMENTS

N/A

APPENDIX

N/A

SCPRC RESPONSE

**NOT IMPLEMENTED.**

SCPRC QUESTIONS/REQUEST

DRAFT



# RECOMMENDATION SUBMISSION AND RESPONSE FORM

2020 Mental Health Ad Hoc #8

DISCUSSED BY SCPRC	02/08/2021	APPROVED AND IMPLEMENTED		PENDING FURTHER REVIEW	
RECEIVED BY SPD	02/08/2021	APPROVED AND PENDING	X	SPD UNABLE TO IMPLEMENT	
RETURNED TO SCPRC	12/07/2023	PARTIAL IMPLEMENTATION		DENIED	

## SCPRC RECOMMENDATION

The high rates of physical and mental health conditions among law enforcement officers reflect the need for medical and behavioral support and treatment.

**Changes to Existing Policy(s):** Require SPD conduct recurring mental health checks for all personnel not tied to incident-driven.

## SCPRC RECOMMENDATION RATIONALE

Studies show that people under stress find it harder than people not experiencing stress to connect with others and regulate their own emotions. Despite the prevalence of mental health issues amongst law enforcement, there is a stigma around getting help. Additionally, many law enforcement officers believe that talking about their struggles will result in stigma from other officers, career setbacks, and the shame of having their weapons removed.

While it is important to ensure that members of the public experiencing mental health crisis are treated with dignity and compassion, we need to recognize the impact that the mental health of the first responders have on realizing this goal.

Fostering a culture of emotional wellness within the Sacramento Police Department and advancing the understanding that high levels of stress are an inextricable part of the profession, the Commission recommends that recurring mental health checks not tied to incident-driven be instituted.

## SPD RESPONSE

Sacramento City Council Meeting (Item #2) on 06/01/2021, presented by Deputy Chief Lester:

- 2:30 PM City Council (Special Meeting): <https://sacramento.granicus.com/player/clip/4964>
  - Minute Marker: 1:05:49
- Staff Report: [https://sacramento.granicus.com/Viewer.php?view\\_id=21&meta\\_id=631887](https://sacramento.granicus.com/Viewer.php?view_id=21&meta_id=631887)
  - Page 14 and 15

SPD agrees with the commission on the importance of mental wellness of our employees.

Since 2008, SPD has maintained full-time positions for the Employee Services Unit which focuses on employee wellness through coordination with the employee assistance program, physical fitness, and oversees nearly 100 ancillary members of the Peer Support Team.

Funding and grant opportunities are being sought to offer recurring mental health checks.

## OTHER CITY DEPARTMENTS

N/A

## APPENDIX

N/A

PENDING FURTHER REVIEW.

DRAFT