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OFFICE OF PUBLIC SAFETY ACCOUNTABILITY  
DON CASIMERE, DIRECTOR

April 19, 2005

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Honorable Mayor and  
Sacramento City Council Members

This is our fifth Annual Report, which covers the period from January 1, 2004 to December 31, 2004 with highlights in the Executive Summary of our activities and accomplishments.

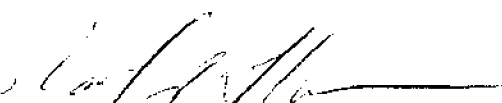
In July 2004, following highly publicized allegations of serious misconduct by City firefighters, at the direction of the City Manager, the responsibilities of the Office of Police Accountability were broadened to include oversight of the Sacramento Fire Department (SFD). The Mayor and City Council approved this action and the name was changed to the Office of Public Safety Accountability. While there is little data in this report about complaint trends within the SFD, this report will present information about the OPSA's participation in the SFD's investigations into firefighter misconduct issues. This report will also discuss initial and ongoing efforts to set up SFD accountability procedures and protocols.


We have seen a trend of complaints declining in the Sacramento Police Department (SPD) over the past five years. Total complaints decreased by 20% between 2003 and 2004, with a significant decrease in Force complaints, which declined by 49%. This can be attributed to greater levels of training and supervision, as well as internal and external accountability efforts. As in past years, officers with less than five years of experience received the largest number of complaints. As the SPD increases the number of new officers by an unprecedented 67 officers, it is anticipated that this trend will continue. The OPSA Director has discussed with the Chief of Police the importance of supporting, training and supervising these new officers.

We would like to assure all Sacramentans that the City of Sacramento is committed to providing professional and efficient public safety services. We thank Police Chief Albert Nájera, and Sacramento Police Officers Association President David Topaz and their executive staffs for their continued cooperation and contributions to this report. We also thank Fire Chief Julius "Joe" Cherry and Sacramento Area Firefighters Local 522 President Brian Rice for their assistance in creating an atmosphere of respect and cooperation between the OPSA and SFD.

We welcome your comments on this report and on how future reports can be improved.

Respectfully submitted,

  
Robert P. Thomas, City Manager

  
Donald L. Casimere, Director

**Sacramento  
City Council Members**



Mayor Heather Fargo  
City of Sacramento

Raymond L. Tretheway, III  
District One

Lauren Hammond  
District Five

Sandy Sheedy  
District Two

Kevin McCarty  
District Six

Steve Cohn  
District Three

Robbie Waters  
District Seven

Robert King Fong  
District Four

Bonnie Pannell  
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**City Manager**  
Robert P. Thomas

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Ray Kerridge  
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## Mission Statement

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The Mission of the Office of Public Safety Accountability is to enhance relationships between the City of Sacramento's public safety employees and the community by independently accepting, monitoring and investigating complaints of misconduct.

## Contact Information

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## Director and Staff



**Don Casimere, Director** – Mr. Casimere is the Director of the Office of Public Safety Accountability (OPSA) for the City of Sacramento. He has over 21 years of experience in police oversight including four and a half years in his current position. Prior to becoming the Director, he was the Investigative and Appeals Officer for the Richmond Police Commission, reporting directly to the Mayor and City Council, and Senior Investigator, Office of Citizen Complaints with the San Francisco Police Department. He also was a Police Officer and Police Sergeant with the City of Berkeley for 12 years.

Mr. Casimere holds a Master of Public Administration Degree, a Bachelor of Arts Degree in Mass Communications from California State University, Hayward, as well as an Associate of Arts Degree in Police Science from Merritt College in Oakland.

His professional affiliations include founding member of the Board of Directors of the National Association for Civilian Oversight of Law Enforcement and Bay Area Police Oversight Network. He is Past President and Founding Board Member of the International Association for Civilian Oversight of Law Enforcement.



**Kathy McAllister, Administrative Assistant** – Ms. McAllister began her career with the City of Sacramento in 1982, promoting to the City Manager's Office in 1986. During that time she has gained a great deal of knowledge about the people and places in and around the City of Sacramento. She is notorious for knowing where to find any information people may need. Her knowledge and customer service skills significantly enhance the operations of the Office of the Public Safety Accountability.

The OPSA would also like to acknowledge staff in the City Manager's Office, the Police Department's Internal Affairs and the Professional Standards Unit, and the Sacramento Fire Department for their help in assisting with this report.

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# Executive Summary

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This is the fifth Annual Report published by the City Manager's Office. This report covers the period from January 1, 2004 to December 31, 2004 with highlights in the Executive Summary of activities and accomplishments. This report will also begin to bridge in our expanded responsibilities to provide civilian oversight/review to the Sacramento Fire Department (SFD). In 2005, it is expected that approximately fifty percent (50%) of the Director's time will be spent setting up SFD accountability efforts in the Office of Public Safety Accountability (OPSA). After the Director's initial set up of accountability protocol, it is estimated the greater margin of his time will be spent on Sacramento Police Department (SPD) accountability. In order to minimize the impact on SPD accountability efforts, at the direction of the City Manager and with approval of the Mayor and City Council, a Deputy Director and Program Analyst will be added to the office in 2005.

## Background Information

In 1998, the City authorized a Blue Ribbon Committee to address issues regarding the SPD. That committee recommended the establishment of a "Citizen Complaint Monitor". Don Casimere was appointed to the newly established position and formally took office on August 14, 1999. The first few weeks were used to establish the Office of Police Accountability's (OPA) Purpose, Authority, and Procedures and Mission Statements and develop operational guidelines for the office. During this time, with City Council approval, the title was changed to Director, OPA. The office is under the direction, control and supervision of the City Manager. Additionally, the City Manager has the authority to extend the office's scope and review responsibilities to other departments in the City.

In July 2004, the City Manager exercised his authority to extend the office's responsibilities to include the SFD. The name was changed to the OPSA to more accurately reflect its expanded duties.

**Revised Purpose, Authority and Procedures Statement is included in Appendix B**

## OPSA Outreach

The OPSA has put emphasis on establishing and maintaining credible relationships in the Sacramento community. This will remain a primary and ongoing commitment of the OPSA. Additionally, the OPSA has established relationships with other jurisdictions and educational institutions to raise awareness of public safety accountability. The Director of OPSA has continued to devote time to participating in community forums, seminars and professional organizations. Some of these efforts are listed beginning on page eight of this report.

The OPSA website ([http://www.cityofsacramento.org/cityman/T\\_monitor.html](http://www.cityofsacramento.org/cityman/T_monitor.html)) provides information to the public and accepts online filing of complaints. The website can accept commendations as well as complaints.

## **Relationship with the Sacramento Police Department**

It is imperative for the effective functioning of the OPSA that there be a mutually respectful relationship between the OPSA and the SPD. The OPSA Director continues to meet with the Chief of Police, his executive staff and leadership from the Sacramento Police Officers Association (SPOA) in order to maintain a good relationship between the OPSA and police officers. The OPSA Director continues to make roll-call appearances, tour police facilities, participate in police ride-alongs, make presentations at the police academy, and meet with individual staff when they have requested it.

## **Relationship with the Sacramento Fire Department**

As with the SPD, the importance of a positive working relationship between the OPSA and the SFD is imperative. The OPSA Director has held introductory meetings with executive staff and Sacramento Area Firefighters Local 522 leadership to discuss the operations of the OPSA and protocol issues. He has gone on numerous ride-alongs throughout the City, toured facilities to become acquainted with the operations of the SFD and attended a fire prevention officers staff meeting.

## **City Manager Directed Activities**

At the direction of the City Manager the OPSA specifically tracks and monitors high profile or serious complaint cases to conclusion, reviews completed investigations, and advises him of any deficient investigations.

## **Recommendations made to the City Manager, Sacramento Police and Fire Departments**

The OPSA Director will make recommendations to the City Manager, the SPD and the SFD based on critical incidents, investigations and audited cases, as well as complaint trends.

## **Critical Incidents (SPD) and High Profile Incident Notification (SFD)**

In addition to receiving complaints, the OPSA Director is on the **Critical Incident Call-up list** for the SPD and the **High Profile Incident Notification Call-up list** for the SFD and will be notified when incidents occur. The Director will have the option of responding to any and all such incidents. Additionally, the Director shall have the authority to monitor interviews of subject employees, employee witnesses and citizens immediately following such an incident.

## **Sacramento Police Department (Critical Incidents)**

When critical incidents (such as an officer involved shooting or in-custody death) occur, notifications are made to the OPSA, District Attorney investigators, homicide and Internal Affairs investigators and the SPD Professional Standards Unit. **As a member of the critical incident call up team, the Director of OPSA was notified of three critical incidents involving the SPD during calendar year 2004.** The Director or representative responded to the incident scene on all of those occasions. Two of the incidents dealt with an officer involved shooting and one involved an in-custody death.

During a call out, the OPSA Director and other critical incident team members participate in a walk through at the incident scene and later will monitor interviews of the involved officers at Police headquarters. A synopsis of each critical incident is provided in this report.

## **Sacramento Fire Department (High Profile Incident Notification)**

The OPSA and the SFD established a High Profile Incident Notification protocol similar to the Critical Incident protocol in place for the SPD. The "High Profile Incident Notification" call up list was approved in December 2004.

Examples of High Profile Incidents are as follows:

- ◆ Serious Misconduct
- ◆ Vehicle accidents with death/serious injury involving fire apparatus
- ◆ Fire related death/serious injury of personnel
- ◆ Industrial accident/injury involving personnel where California Occupational Safety & Health Administration (CAL OSHA) response is mandated
- ◆ Law enforcement arrest of personnel
- ◆ Harassment issues involving personnel
- ◆ Work place violence claims against personnel
- ◆ Emergency Medical Service (EMS) patient care complaints that rise to a level of disciplinary action (conduct-related issues as opposed to medical care issues)

## **Audited Cases Regarding the Sacramento Police and Fire Departments**

### **Sacramento Police Department (Audited Cases)**

The Director of OPSA audits formal investigations conducted by SPD Internal Affairs (IA). Formal investigations require IA investigators to contact all applicable and available witnesses, including police officers. They must also examine any and all relevant evidence and gather all pertinent information. The Chief of Police renders a disposition or a finding for a formal investigation. The OPSA Director may make recommendations or request further investigation after his audit. During audits, the OPSA Director receives and reviews the original investigative file from the SPD, including all attachments to the investigative report. The OPSA Director may audit any other investigative files upon request and at the direction of the City Manager. The OPSA audits and provides input on investigations prior to the final disposition of each case.

*In 2004, the OPA Director performed 11 formal audits and 80 informal audits.*

### **Sacramento Fire Department (Audited Cases)**

The Director shall have authority to review all in progress and completed investigations into citizens' complaints regarding the SFD personnel.

The OPSA Purpose, Authority and Procedures Statement was revised to include investigations conducted by the SFD. These procedures will be built upon as the SFD establishes and builds its Internal Affairs/Professional Standards Unit.

### **Year End Complaint Statistics/Comparisons (Sacramento Police Department)**

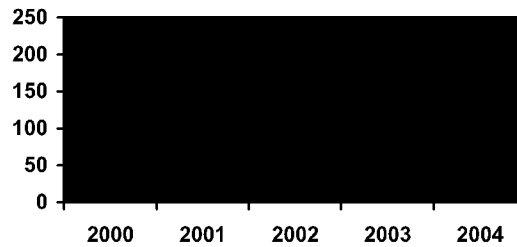
The OPSA tracks statistical profiles on complainants, officers and complaints. This information includes details of when and where an incident occurred, in what council district it occurred, the alleged misconduct as well as other details. Following the City Council's recommendation, OPSA also tracks the council district in which a complainant resides. The OPSA also tracks officer data such as age and years with the SPD.

For informational purposes, the SPD conducted *48,687 vehicle stops in 2004*; there were *25,975 arrests in 2004 (12,628 felonies and 13,347 misdemeanors)*.

## Complaint Trends

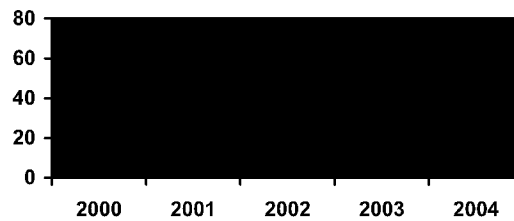
Total complaints continue to decrease:

2004 complaints total 117  
2003 complaints total 159  
2002 complaints total 174  
2001 complaints total 187  
2000 complaints total 219



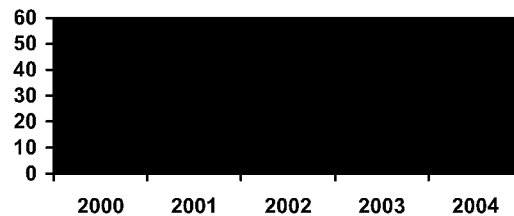
In 2004, Force complaints declined by 49%

2004 Force complaints 23  
2003 Force complaints 45  
2002 Force complaints 33  
2001 Force complaints 39  
2000 Force complaints 65



Service complaints are also on the decline:

2004 Service complaints 20  
2003 Service complaints 34  
2002 Service complaints 49  
2001 Service complaints 30  
2000 Service complaints 20



The remaining 74 complaints are in other categories

Most citizens' complaints are against officers with one through five years of service. This is consistent with prior annual reports for the last five years.

### Sacramento Fire Department (Year End Complaint Statistics/Comparisons)

At this point, there is very little statistical data to report regarding complaints received by the SFD. These data collection procedures will be developed as the SFD establishes its Internal Affairs/Professional Standards Unit.

Future reports will present statistical data that document the number of complaints by category, the number of sustained complaints, and the corrective action taken. Reports will also analyze any trends and patterns of complaints.

## Background

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On February 20, 1998, then City Manager Bill Edgar appointed a Blue Ribbon Citizens Committee to examine concerns regarding specific areas of performance of the Sacramento Police Department. Professor Gerald Caplan, then Dean of McGeorge School of Law, chaired the committee. Other committee members included: Dr. Roland Dart, Mrs. Dorothy Enomoto, Mr. Ray Johnson, Mr. Kenneth Macias, Mr. Harold Turner and Mr. Richard Uno.

The first area addressed was the citizen complaint process: specifically, how citizen complaints are received, investigated and resolved. The second area considered was the use of police vehicles in pursuit situations.

The committee diligently reviewed the internal operating policies of the SPD, and examined the “best practices” of other jurisdictions in terms of their police oversight/review efforts. The work of the committee culminated in a final report to the City Manager, which contained several recommendations. The report issued by the Blue Ribbon Committee both in its entirety and in summary form are available on the OPSA website or in hard copy at the Office of Public Safety Accountability.

The committee well understood that the Chief of Police was vested with the authority to manage all areas of the Police Department. This included the process of handling citizen complaints. The committee also supported the concept of “citizen oversight/review” as a way to provide public reassurance that the citizen’s complaint process was impartial and effective.

The committee examined citizen oversight/review mechanisms in several different municipalities. The form of oversight/review that the committee recommended to be created in Sacramento was “monitor/auditor” style. The committee believed this form would best compliment the system whereby the Police Chief manages the Police Department, and the Chief is held accountable by the City Manager.

The committee recommended the creation of a “Citizen Complaint Monitor” position. As written in its final report, the committee’s final report defined the monitor’s authority as follows:

- ◆ To monitor ongoing investigations of citizen complaints.
- ◆ To review completed investigations and advise the City Manager which investigations, if any, appear incomplete or otherwise deficient.

- ◆ To produce, after consultation with the Chief of Police and City Attorney, an annual report to the City Manager (a) evaluating the effectiveness of existing policies, practices, and regulations; (b) analyzing issues, trends, patterns; (c) identifying pervasive and emerging problems, and (d) recommending ways to improve the complaint process.
- ◆ To observe, but not directly participate in, the interviewing of involved officers by Sacramento Police Department investigators.
- ◆ To independently re-interview complainants and witnesses in exceptional cases such as when the integrity of an investigation has been put in question.
- ◆ To accept complaints for forwarding to Internal Affairs or other appropriate authorities.
- ◆ To serve as liaison with complainants who otherwise would be unfamiliar with, or intimidated by, the investigative process.
- ◆ To mediate disputes between the public and the Police Department, upon the invitation of the Chief of Police.

The Blue Ribbon Committee Report additionally recommended giving the City Manager the authority to extend the Office's scope and review responsibilities. In July, 2004, following serious allegations of misconduct by firefighters, the City Manager expanded the OPSA's responsibility to include the SFD.

**A Summary of the Blue Ribbon Citizen's Committee Report is included in Appendix A.**

# OPSA Outreach

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In 2004, through its website, media contacts, educational efforts and community forums, the OPSA continues its commitment to build trust, visibility and recognition as a means of assuring all citizens there is independent public safety oversight. Outreach efforts are ongoing and a permanent part of the OPSA operations. During the last annual report presentation, it was requested that OPSA increase outreach efforts to schools and youth. Although, there is improvement to report, this is a work in progress. In 2005, with the increase in staffing, these outreach efforts will be further developed.

## **The OPSA continues to conduct extensive community outreach for the following purposes:**

- ◆ To introduce the OPSA and its Director to the community.
- ◆ To give the OPSA Director an opportunity to learn more about perspectives, needs and concerns of Sacramento stakeholders.
- ◆ To initiate and build community partnerships.
- ◆ To educate the community about the purpose, role and authority of the OPSA.
- ◆ To educate the community about the citizens' complaint processes relative to the SPD and SFD, its employees, policies and practices.

## **Media Relations**

Professional relationships have been established and maintained with the local print and electronic media. The Director is available to representatives of the media to provide public information about the OPSA and provide commentary regarding important occurrences (i.e., critical incidents, officer involved shootings).

## **Website ([www.cityofsacramento.org/cityman/T\\_monitor.html](http://www.cityofsacramento.org/cityman/T_monitor.html))**

The OPSA website continues to be a good source of information about the OPSA. Citizens who visit the website can read about the following:

- ◆ The Blue Ribbon Panel Report
- ◆ Purpose, Authority and Procedure Statement for the Office of Public Safety Accountability
- ◆ How to file on-line, a commendation or complaint regarding a public safety employee.
- ◆ Information regarding OPSA staff
- ◆ Past OPSA annual reports

- ◆ How to contact the OPSA via email or telephone

### **School/Youth Outreach**

- ◆ Sacramento City Unified School District Administration
- ◆ Grant School District Administration
- ◆ Elk Grove School District, Valley Hi High School Principal
- ◆ Sacramento, Area Congregations Together (ACT), Outreach to the Hmong and Russian youth and their communities
- ◆ Hmong Organization for Parents, Educators and Students, Inc. (HOPES)
- ◆ Sacramento Hmong Alliance Church

### **Community Forums/Seminars**

- ◆ Martin Luther King, Jr. Celebration, January 2004
- ◆ Annual Fellowship Luncheon, City of Sacramento Employees
- ◆ Sacramento Downtown Partnership, State of the Downtown breakfast
- ◆ Sacramento Metropolitan Chamber of Commerce, State of the City luncheon
- ◆ William “Bill” Bean, Jr., A Remembrance Ceremony
- ◆ Freedom Bound Center town hall meeting outreach event “Does Racial Profiling Still Exist?”
- ◆ Cinco de Mayo Festivities, City of Sacramento
- ◆ NAACP Prayer Breakfast
- ◆ Sacramento NAACP Annual Freedom Fund Dinner
- ◆ The Sacramento Observer
- ◆ Sacramento Urban League
- ◆ Interfaith Service Bureau Prayer Breakfast
- ◆ Sacramento Black Chamber of Commerce
- ◆ Sacramento Lawyers for the Equality of Gays and Lesbians (LEGAL)

- ◆ Wiley Manuel Bar Association
- ◆ Sacramento Area Congregations Together (ACT)
- ◆ Mutual Assistance Network of Del Paso Heights
- ◆ Sacramento Hispanic Chamber of Commerce
- ◆ Alkali Flat Vision Project
- ◆ Unity Bar Associations of Sacramento
- ◆ Sacramento Area League of Associated Muslims (SALAM)
- ◆ Hanson Bridgett event to support the Capital Unity Council

#### **Educational Contacts/Outreach**

- ◆ City of Sacramento, City Management Academy
- ◆ Presenter at the Sacramento County District Attorney's Citizen Academy, a ten-week course designed to engage minority communities in communication, participation, and mutual learning of the criminal justice system. OPSA presentations were made in Spring 2004 and Fall 2004
- ◆ Regional Community Policing Institute (RCPI) Board Member
- ◆ Presenter Cordova High School 2004 Career Week
- ◆ Instructor at the Sacramento Police Academy on police oversight and the OPSA
- ◆ In-Service Training for City of Sacramento Fire Captains on ethics

#### **Outreach With Other Jurisdictions Regarding Civilian Oversight**

- ◆ City of Denver, Colorado, on establishing Denver's Office of Police Monitor
- ◆ City of Fresno, California, Council Member Cynthia Sterling, regarding civilian oversight
- ◆ U.S. Department of Justice, Language Services Compliance Review

## **Conferences or Seminars Attended by the OPSA Director**

- ◆ National Police Auditors Conference, Portland, Oregon
- ◆ NACOLE (National Association for Civilian Oversight of Law Enforcement) Conference, Los Angeles, California
- ◆ Training, “How To Be An Outstanding Communicator”
- ◆ Seminar, “E-mail Stands for Evidence”, Hanson Bridgett
- ◆ Seminar, “The Essentials of Communicating with Tack & Finesse”
- ◆ California State University, Sacramento College of Continuing Education Course: “Effectiveness in Changing Times”
- ◆ Western Regional Racially Biased Policing Summit hosted by the Sacramento Police Department
- ◆ A live broadcast with Dr. Stephen Covey “Unleashing Human Potential”
- ◆ Multi-ethnic “Media Breakfast” and Panel Discussion on Ethnic Media

## **Relationship with the Police Department**

In order for the OPSA to be effective, it is critical that the OPSA enjoys a professional and mutually respectful relationship with members of the SPD. Since the OPSA has been in existence, many steps have been taken to ensure that such a relationship exists and continues to be maintained. The OPSA Director has been involved in the following in-reach activities involving the SPD:

### **◆ Roll Call Appearances**

The OPSA Director continued to make appearances at roll calls. At these “roll calls”, patrol officers and supervisors who were about to begin their duty shifts had the opportunity to listen to the OPSA Director and to inquire about the police oversight/review process.

### **◆ Ride-Alongs**

The OPSA Director continues to participate in “ride-alongs” with police officers at both the William J. Kinney and Joseph E. Rooney Police Facilities, which are the police stations for the north and south areas of Sacramento. Ride-alongs have also been completed in the midtown area.

◆ **SPD Police Academies**

The OPSA Director continues to give presentations at SPD police academies for both new recruits and lateral transfer officers. The purpose of these presentations is to discuss the workings of the OPSA specifically and police community relationships in general.

Such training will be provided at all future academies as part of required training.

◆ **Individual SPD Officers**

Upon request, the OPSA Director will meet with individual officers.

◆ **Sacramento Police Officer Association (SPOA)**

Periodic meetings continue to be held with the President of SPOA. The SPOA continues to demonstrate its support for the OPSA.

◆ **SPD Executive Leadership**

Periodic meetings continue to be held with the Police Chief and Deputy Chiefs.

## **Relationship with Police Department's Internal Affairs Division**

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An effective working relationship continues to this day with the Captain, Sergeants and Administrative support staff assigned to IA.

The Captain for IA is the designated representative of the Police Chief in addressing concerns regarding citizen complaints. As such, the IA Captain receives and responds to all requests made by the OPSA Director for complaint files, police reports and other relevant documentation. It is imperative to note all OPSA requests for information pertaining to citizen complaints continue to be honored. In addition to frequent meetings with the OPSA Director, the Captain is also the principal contact person for the Director of OPSA (along with Police communications personnel) during "critical incident" call-outs.

### **Relationship with SPD's Professional Standards Unit**

The Sacramento Police Department's Professional Standards Unit conducts on-going audits of departmental policies and procedures and monitors police services. Staff members also respond to critical incident scenes and monitor interviews with involved police officers after such incidents.

The Director of OPSA continues to meet with staff. It should also be noted that the Director of OPSA receives, and is invited to comment on, drafts of all proposed new and revised policy directives for the SPD.

## **Relationship with the Fire Department**

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The significance of building a positive and respected relationship between the OPSA and the SFD is foremost as the SFD establishes its internal affairs procedures. The OPSA looks forward to including the principals and concepts of “civilian review/oversight” into SFD IA policies and procedures.

The OPSA Director has taken steps to get to know staff and become acquainted with the operations of the SFD.

The OPSA Director has been involved in the following in-reach activities involving the SFD:

◆ **Ride Alongs and Facility Tours**

The OPSA Director has gone on several ride-alongs with SFD battalion chiefs and other personnel, which have included tours of fire stations and other facilities throughout the City. Additionally, at the invitation of the SFD he attended a staff meeting for fire prevention officers and participated in ride-alongs to learn about their responsibilities.

◆ **SFD Academics/Training**

Observed Ethics training for Fire Captains.

◆ **Individual SFD personnel**

Upon request, the OPSA Director will meet with individual employees.

◆ **Sacramento Area Fire Fighters Local 522**

The Director has met with the President of Local 522 to discuss the policies, procedures and protocols of the OPSA.

◆ **SFD Executive Leadership**

Meetings have been conducted to introduce SFD executive staff to the OPSA Director.

# City Manager Directed Activities

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As a part of the OPSA Purpose, Authority and Procedures Statement, the City Manager may request that the Director of OPSA specifically track and monitor high profile or serious complaint cases to conclusion, review completed investigations, and advise him of any deficient investigations. The City Manager may also assign additional duties to the OPSA Director.

## **Sacramento Police Department**

The City Manager requested that the OPSA audit the SPD's investigative file regarding an incident where police personnel deployed a taser on an individual who later died in the custody of the Sacramento County Sheriff's Department. The OPSA Director received and reviewed the investigative file. SPD personnel acted in accordance with existing policy.

## **Sacramento Fire Department**

The City Manager directed the OPSA Director to monitor administrative investigations conducted by and regarding SFD personnel. Directives from the City Manager included:

- ◆ Monitor the investigations concerning allegations of misconduct by SFD personnel.
- ◆ Audit in-progress and completed investigative reports and/or documents regarding such investigations.
- ◆ Receive all documents, reports, or any other items necessary to monitor SFD investigations regarding allegations of misconduct.
- ◆ The Director was appointed along with Fire Chief Julius "Joe" Cherry, Police Chief Albert Nájera, Internal Audit Manager Martin J. Kolkin, and Labor Relations Manager Dee Contreras to the SFD Task Force to conduct an immediate systems review of the SFD management, command and control operations, and policies and procedures. The Task Force forwarded several recommendations, which were implemented by SFD. (A copy of the Task Force report is included as Appendix E)
- ◆ Establish a "High Profile Incident Notification" protocol for the SFD similar to the "Critical Incident" protocol in place for the SPD.

Since that time, the OPSA Director has to a great extent been involved in matters related to the SFD.

- ◆ The OPSA Director attended and monitored over 50 fact-finding interviews involving allegations of misconduct by personnel. Since original allegations surfaced in July 2004, additional allegations involving personnel have manifested.

- ◆ The OPSA immediately became available to accept and document complaints from citizens regarding SFD personnel. Approximately 15 inquiries were received by the OPSA regarding SFD activities, including six formal complaints. The remaining inquiries were from citizens seeking information and/or complaints that were of a policy and procedure type rather than allegations of employee misconduct. Those inquiries were referred to the SFD for resolution.
- ◆ The Director has responded to numerous print and broadcast media requests to provide public information and updates about the OPSA and the allegations of misconduct by firefighters.
- ◆ The OPSA has expanded its Policy and Procedure statement (located on page 44) to include the responsibilities of interfacing with the SFD. Additionally, Police Chief Albert Nájera, Fire Chief Julius “Joe” Cherry, SPOA President David Topaz and Local 522 President Brian Rice have reviewed, agreed with, and support the contents of this document.
- ◆ The OPSA monitored the Fire Department Hotline that was established for citizens to call to relay information about any inappropriate behavior by firefighters and to ask questions they may have about the Sacramento Fire Department. *A total of 17 complaints/inquiries were received on the hotline.* While, calls received on the hotline have declined, staff continues to monitor incoming calls.
- ◆ The OPSA made revisions to its mission statement, website, citizens’ complaint database and citizens’ complaint form reflecting these additional responsibilities.
- ◆ A new public information outreach handout has been prepared regarding the OPSA and the citizens’ complaint and commendation procedures for public safety employees. In addition to being made available to the SPD, this handout is currently available at every fire station for employees and/or distribution to citizens who inquire about filing a citizen complaint or employee commendation. (A copy of the OPSA outreach handout is included as Appendix D)
- ◆ Recognizing the importance of establishing a professional and mutually respected relationship with the SFD, the OPSA Director has taken steps to become acquainted with staff and learn about the day-to-day operations of the SFD.

## **Community Racial Profiling Commission**

**The OPSA Director serves as a charter member of the Community Racial Profiling Commission.** This Commission was previously named the “The Citizen’s Advisory Committee”. The Commission is charged with:

- ◆ Discussing and addressing issues surrounding racial profiling;
- ◆ Reviewing data collection and analyze processes, procedures and reporting guidelines;
- ◆ Developing common language and terms pertinent to the issue;
- ◆ Educating the community regarding department programs and efforts; and
- ◆ Identifying community concerns and other police-community relations issues.

## **Inclusion Council**

**The OPSA Director is the City Manager’s representative on the Inclusion Council. The OPSA Director is a past Chairperson of the Inclusion Council.**

The role of the Inclusion Council is to identify and recommend systematic changes that will:

- ◆ Maximize employee’s potential;
- ◆ Attract and retain good employees;
- ◆ Be the organization’s “Diversity Change Team”;
- ◆ Champion citywide and department efforts;
- ◆ Make the City of Sacramento a great place to work; and
- ◆ Create a more inclusive and welcoming work culture.

## **Recommendations Made to The City Manager**

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### **Sacramento Fire Department**

The OPSA Director was appointed to the SFD Task Force by the City Manager along with Fire Chief Julius “Joe” Cherry, Police Chief Albert Nájera, Internal Audit Manager Martin J. Kolkin, and Labor Relations Manager Dee Contreras. The Task Force was charged with reviewing management oversight of SFD personnel. The following recommendations were presented to the City Manager, which he supported and forwarded to the Mayor and City Council for adoption.

- ◆ Authorize the creation of an Internal Affairs/Professional Standards Unit (IA/PSU) within the SFD.
- ◆ Receive and file the SFD’s Task Force findings and authorize the City Manager to return at midyear to the Mayor and City Council to add one new Battalion Fire Chief to head-up the new IA/PSU and present a staffing plan that will be driven on a case load needs-basis.

- ◆ Authorize the City Manager to immediately establish a new Assistant Chief for Operations and appropriate \$110,000 to the SFD budget on an annual basis to fund the subject position. As confirmed by the SFD Task Force all Battalions will now report to a single Assistant Chief for command staff oversight continuity. (A copy of the SFD Task Force report is included as Appendix E)
- ◆ Schedule a six-month report back from the Fire Chief on matters in the SFD Task Force Report.

The entire staff report, including its attachments, can be located on the OPSA website. [www.cityofsacramento.org/cityman/T\\_monitor.html](http://www.cityofsacramento.org/cityman/T_monitor.html)

## **Critical Incidents (Police Department)**

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### **Officer Involved Incidents**

The OPSA Purpose, Authorities and Procedures Statement indicates that the Director will be placed on the critical incident call-up list for the SPD and shall have the option of responding to the scene of any and all such incidents. The Director, or his representative, also has the authority to monitor interviews of subject employees, employee witnesses and citizens immediately after such incidents.

A Police communications dispatcher and/or the Captain from IA generally contact the Director shortly after a critical incident occurs. The primary purpose of the call-out is to provide an independent evaluation of the handling of these critical incidents and the crucial interviews that follow. Interviews of involved officers are conducted at Police headquarters by a homicide investigator. The OPSA Director, a District Attorney Investigator, Police Internal Affairs representative and a representative of the Police Department's Professional Standards Unit monitor each interview. Those who monitor the interviews are allowed to submit questions to be asked by the homicide investigator.

*During the one year time period covered by this report, the OPSA Director was notified of critical incidents on three occasions. The OPSA Director, or his representative, responded to the incident scene on all occasions. A walk through of the incident scene and subsequent pertinent interviews were monitored in these three incidents.*

### **Incident One: Council District 1**

On January 28, 2004, at approximately 9:40 a.m., a police sergeant who had just arrived for a work related meeting at 9<sup>th</sup> and J Streets was approached by two downtown guides and informed that an individual (here after referred to as suspect) had brandished a knife on another individual minutes earlier during an altercation on K Street. The guides further reported that the suspect pulled the sheathed knife from his pocket, showed it to them and mumbled something about "murder". The suspect then placed the knife in his pocket and walked to 9<sup>th</sup> Street. The guides followed the suspect as he walked north on 9<sup>th</sup> Street. When the guides approached the sergeant, the suspect was standing about 20 to 30 feet away from them. Upon hearing the report from the guides and simultaneously observing

the suspect holding a sheathed knife in his hands, the sergeant notified dispatch, requested cover and retrieved his baton from his vehicle.

The suspect started walking east bound toward the alleyway, which runs east west from 9<sup>th</sup> Street to 10<sup>th</sup> Street between J and K Streets. The sergeant repeatedly yelled for the suspect to stop and drop the knife. The suspect ignored the orders. While moving away, he repeatedly looked back at the sergeant before turning east into the alley out of view. The officer carefully followed him into the alley and regained sight of him. The suspect was still moving through the alley with the sheathed knife in view. Orders to stop and drop the knife were repeated by the sergeant.

The suspect turned around, unsheathed the knife, pointed the knife toward the sergeant and began to walk toward him. At this point, the sergeant commanded the suspect to stop and drop the knife. The sergeant then removed his service weapon from its holster and pointed it at the advancing man while loudly shouting for him to stop and put down the knife.

When the suspect had advanced to within 12 feet of the sergeant and continued advancing, the sergeant fired two shots, striking the suspect in the torso area. The suspect fell to the ground; the knife fell out of the suspect's hand and came to rest near his body. The sergeant moved toward the suspect and held him at gunpoint. The suspect was conscious, moving and appeared to be reaching for the knife. The sergeant called for medical assistance.

While medical personnel were treating the suspect, he lost consciousness. He was transported to the hospital where he was pronounced dead. The Sacramento County Coroner's Office pathologist indicated in the initial autopsy that the cause of death was from a single gunshot wound.

The officer's actions were within policy.

### **Incident Two: Council District 1**

On Wednesday, February 18, 2004, at approximately 3:45 p.m., an individual (here after referred to as suspect) ran into the store area of a gas station and went behind the cashier counter. When the proprietor told the suspect to stop, the suspect attempted to force his way into a back office area. A store employee tried to hold the door to keep the suspect out of the office.

The suspect eventually forced his way into a nearby bathroom, fell to the floor and attempted to push the door shut with his feet, while lying on his back. A store employee grabbed the outside handle of the bathroom door and prevented the suspect from locking the door.

The proprietor and employees described the suspect as "high"; the suspect did not say anything and ignored the employees' consistent instructions for him to leave the store. At this point, an employee made a 911 call and officers were dispatched.

The first officer to arrive waited for cover before contacting the suspect. A second officer arrived and both officers went to the bathroom door and ordered the suspect to open the door. One officer was armed with a handgun; the second officer was armed with a taser. Both officers pointed their weapons at the door. The suspect, who was lying on the bathroom floor, opened the door and raised his hands when ordered to do so. When asked by officers if he was under the influence of drugs or alcohol, the suspect told them he had recently “smoked dope”.

The suspect was handcuffed and escorted out of the store without incident. He did not struggle with officers or resist being taken into custody. Aside from handcuffing (arms behind back) the suspect and holding his arm while escorting him outside and placing him into the patrol car, officers used no force on suspect.

A few minutes after the suspect was placed in the patrol vehicle, he complained of the air being “stuffy”. The officer rolled down the rear passenger window and asked the suspect “is that better?” The suspect said “yes”. The officer was sitting in the front seat of the same car using the computer when he noticed the suspect slumped over in the rear seat. When the officer checked the suspect more closely, he found the suspect was unresponsive.

SFD paramedics and an ambulance were summoned. The suspect was removed from the car, un-handcuffed and given Cardiopulmonary Resuscitation (CPR). He was transported to the hospital where he was pronounced dead.

The Sacramento County Coroner determined the cause of death to be “sudden cardiac death due to excited delirium due to acute cocaine intoxication”.

The officers actions were within policy.

### **Incident Three: District 1**

On Friday, March 5, 2004, at approximately 3:30 p.m., a West Sacramento Police officer observed an individual (here after referred to as suspect) walking on the railroad tracks on the West Sacramento side of the I Street Bridge with an alcohol container. When the officer approached the suspect, he became hostile and would not comply with the officer’s orders. The officer notified police dispatch by radio and requested assistance. The suspect continued his hostile behavior and threw a bottle at the officer. The suspect ran east on the bridge toward the Amtrak train station in the City of Sacramento.

West Sacramento Police Department immediately called the SPD for assistance in apprehending this suspect who was heading toward the City of Sacramento. On several occasions, the suspect stopped, picked up jagged rocks off the ground and threw them at the pursuing officer. At one point, the suspect turned around and advanced towards the officer. When the suspect was within 15 feet, the West Sacramento officer sprayed pepper spray in the suspect’s face resulting in the suspect turning around and running across the bridge in the direction of the City of Sacramento and the Sacramento Amtrak Station.

The West Sacramento officer continued to follow the suspect when he observed two SPD officers on bicycles approach the suspect on the Sacramento side of the river with their guns drawn. At this point, another West Sacramento officer arrived at the scene and deployed his taser at the suspect striking him in the chest. The suspect removed the darts and appeared unaffected by the weapon. A second taser round was deployed when the suspect again failed to comply with the officers' commands.

At this point, one of the SPD officers saw the suspect remove a knife from his waist area then move into a crouch with the knife in his left hand. The officer ordered the suspect to drop the knife numerous times, but instead the suspect threw a rock at the officer then transferred the knife to his right hand. The suspect threw the knife as the SPD officer fired three rounds from his service weapon. The suspect fell to the ground as the knife passed the head of the officer.

This incident occurred within a short distance of where a large number of people were waiting for trains on the rail station platform.

The suspect was handcuffed and found to have suffered multiple gunshot wounds to the chest. Within minutes, medical personnel responded and the suspect was taken to the hospital where he was pronounced dead.

The Coroner's autopsy indicated that the cause of death was due to multiple gunshot wounds.

The officer's actions were within policy.

## **Audited Cases: Formal and Informal Investigations**

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### **The Sacramento Police Department**

The Director of OPSA audits formal and informal investigations, which are performed by IA. Formal investigations require IA investigators to interview all applicable and available witnesses, including police officers. They must also examine any and all relevant evidence and gather all pertinent information. The Chief of Police renders disposition or finding for Internal Affairs investigations.

The OPSA Director receives and reviews the original investigative file from the Police Department, including all attachments to the investigative report. The OPSA Director may make recommendations or request further investigation after his audit. *The OPSA audits and has input on investigations prior to the final disposition of each case.*

The Director has the authority to review the handling of complaints, inquiries or investigations of any other matter as directed by the City Manager. If the Chief of Police or his representative denies any request or recommendation from the Director, the Director may direct his request or recommendation to the City Manager for further consideration.

A description of audited cases is further explained in Appendix B: Purpose, Authority and Procedure Statement. A description of dispositions is explained in Appendix C.

**During 2004 the OPSA audited 11 formal cases and 80 informal cases.**

The following is a synopsis of each formal complaint investigated by IA that has been audited by the OPSA. The audit completion date for each case is included in the report.

- 1) Complaint alleged that an officer physically pushed him, causing him to fall to the ground. The incident was not documented nor was a supervisor notified, and the complainant was not identified at the scene. This case involved two officers.

The investigation did not reveal violation of policy regarding the use of force, and the allegations of service were not sustained. **However, both officers received documented counseling on improper tactics for not properly documenting the incident.**

Complaint Received: September 2003

Complaint Audited: January 2004

IA Finding: Officer #1

Force: Exonerated

Service: Not Sustained

IA Finding: Officer #2

Service: Not Sustained

- 2) Complaint alleged false arrest and use of unnecessary force during an arrest.

Complaint Received: August 2002  
Complaint Audited: February 2004

IA Finding: Force: Not Sustained  
Improper Tactics: Sustained  
Harassment: Unfounded

- 3) Complaint alleged false arrest and the improper towing of a vehicle. This complaint involved multiple officers.

Complaint Received: November 2002  
Complaint Audited: February 2004

IA Finding: **Four Officers**  
False Arrest: Unfounded  
Improper Tactics and Service: Sustained  
**One Officer**  
False Arrest, Improper Tactics and Service: Unfounded

- 4) Two separate complaints were connected and investigated. A citizen's complaint by a parent alleged unnecessary use of force on a minor, and a departmental complaint regarding Conduct Unbecoming an Officer (CUBO).

Complaints Filed: June and July 2003  
Complaint Audited: March 2004

IA Finding: Force, CUBO and Improper Tactics: Sustained

- 5) Investigation pertaining to an in-custody death of a suspect. This complaint involved three officers.

Complaint Filed: April 2003  
Complaint Audited: March 2004

IA Finding: **All Officers:**  
Force and Improper Tactics: Exonerated

SPD Recommendation: Policy Change and Training for Custody Death Syndrome (CDS)

- 6) Complaint alleged an officer harassed and used excessive force during a pat down search.

Complaint Filed: December 2003  
Complaint Audited: April 2004

IA Finding: Force: Exonerated  
Discourtesy & Harassment: Unfounded

- 7) Complaint alleged false arrested and use of excessive force.

Complaint Filed: August 2003  
Complaint Audited: May 2004

IA Finding: **Officer #1**  
Force and Discourtesy: Unfounded  
False Arrest: Exonerated  
**Officer #2**  
Force and Discourtesy: Unfounded  
False Arrest: Exonerated

- 8) The complaint alleged that one of the subject officers used force during a vehicle stop. The vehicle was subsequently towed and the complaint further alleged that property was missing from the vehicle.

Complaint Received: May 2003  
Complaint Audited: May 2004

IA Finding: **Officer #1**  
Force and Failure to  
Property Document Property: Unfounded  
**Officer #2 and #3**  
Failure to Properly  
Document Property: Sustained

- 9) Employee exhibited unprofessional behavior and made inappropriate comments to several department employees, improper use of department computer, equipment and confidential information.

Complaint Received: March 2004  
Complaint Audited: June 2004

IA Finding: CUBO, Harassment  
Discourtesy & Service: Sustained

10) Complaint alleged use of force by officers during an arrest.

Complaint Received: March 2004

Complaint Audited: July 2004

IA Finding: **Two Officers**

Force: Exonerated

Punch: Unfounded

11) A citizen complaint alleged discourtesy. Due to the multiple complaint history of the subject officer a formal investigation was conducted.

Complaint Received: December 2003

Complaint Audited: November 2004

IA Finding: Discourtesy: Not Sustained

IA Recommendation: A performance improvement plan that requires the mandatory use of a department issued recording device on all contacts with the public.

### **The Sacramento Fire Department**

Since July 2004, the OPSA Purpose, Authority and Procedures Statement has been revised to interface with the SFD. These procedures will be built upon as the SFD establishes its Internal Affairs/Professional Standards Unit.

The following is a synopsis of investigations conducted by the SFD. Pursuant to the direction of the City Manager, the OPSA monitored more than 50 interviews and audited several reports regarding the following matters.

1) Allegations of serious misconduct by Fire personnel in July 2004 at the Raddison Hotel and related issues.

Interviews Conducted: 22 Employees  
6 Members of the Community

SFD Findings: Allegations of misconduct Sustained  
8 Employees received formal discipline  
2 resignations

- 2) Allegations of giving unauthorized rides in fire equipment, joy riding and on-duty alcohol consumption.

Interviews Conducted: 28 Employees  
8 Members of the Community

SFD Findings: Allegations of misconduct Sustained  
16 Employees received formal discipline

- 3) Allegations of inappropriate sexual conduct by employees assigned to Station 12.

Interviews Conducted: 34 Employees

SFD Findings: Allegations of misconduct sustained  
3 Employees received formal discipline  
1 Resignation

- 4) Investigation into photo showing firefighters standing and posing over a prone, partially dressed male.

Interviews Conducted: 9 Employees

SFD Findings: Unfounded

## **Year End Statistics/Comparisons**

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This data is for the Sacramento Police Department. The information in this section is informative, and not interpretive. The following statistics are taken from the OPSA database and reflect information found in OPSA cases that are filed by citizens. Also included is information on complaints that IA refers to the OPSA. IA refers its citizen's complaints to the OPSA and complaints initiated by the department pertaining to allegations of force.

The OPSA uses Microsoft Access to track the data, and the database has a confidential password to ensure the data is as protected as possible.

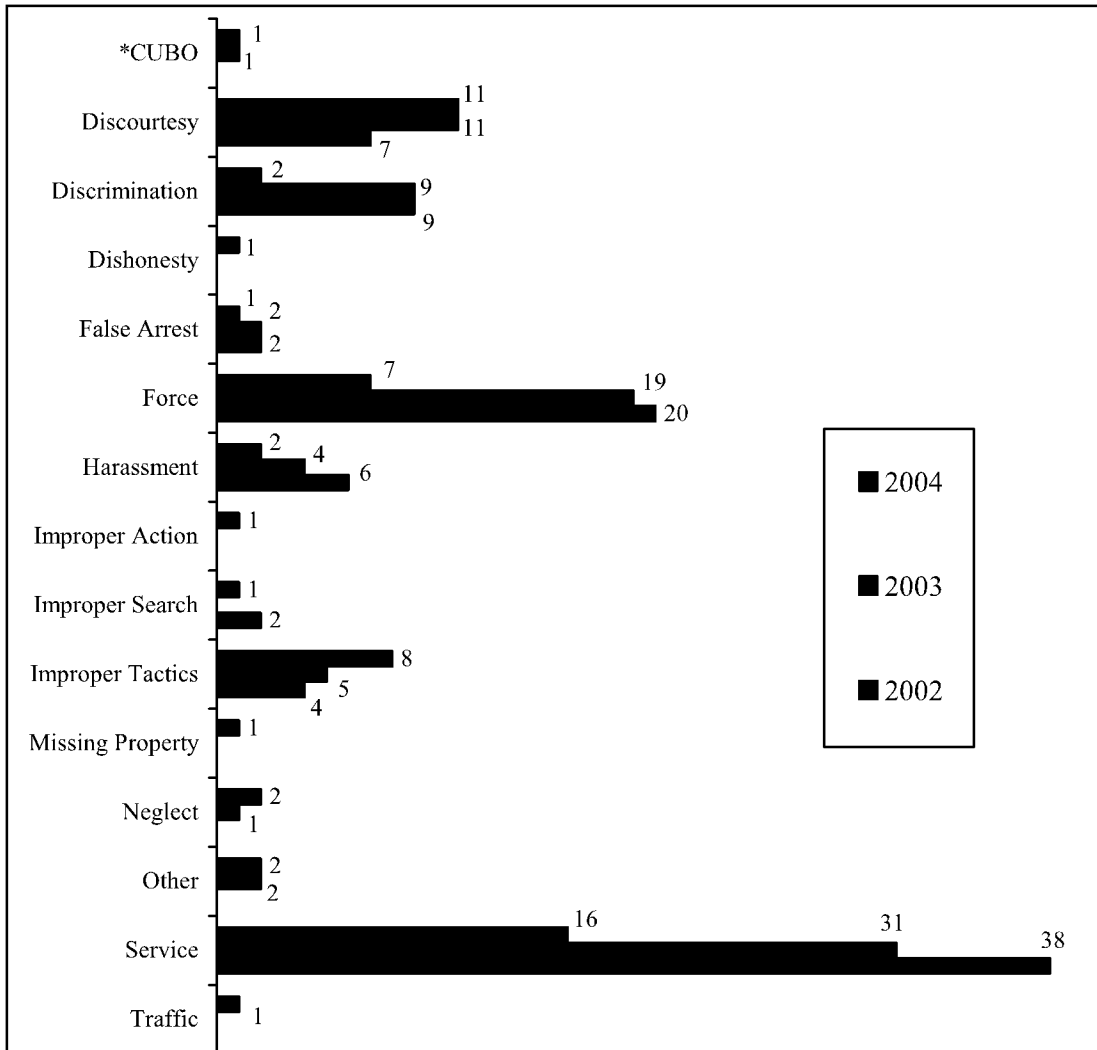
**In 2004 the OPSA directly received 57 complaints from citizens and received 60 complaints referred by IA for a total of 117 complaints.**

**Chart 1** breaks the types of complaints filed by citizens directly with OPSA. This chart does not show complaints filed at IA. In some cases more than one allegation of misconduct is made. In those cases, both allegations are recorded in the OPSA database; however, the allegation that is most serious is listed as the main complaint. For example, if a complaint says an officer used force and harassed him or her, force is listed as the main complaint.

In 2004, the most frequent type of complaint received by the OPSA was for service, which is the same as 2003, 2002 and 2001. However, the number of service complaints declined by 48 percent

**Chart 1: Complaints Received Directly From Citizens at OPSA**

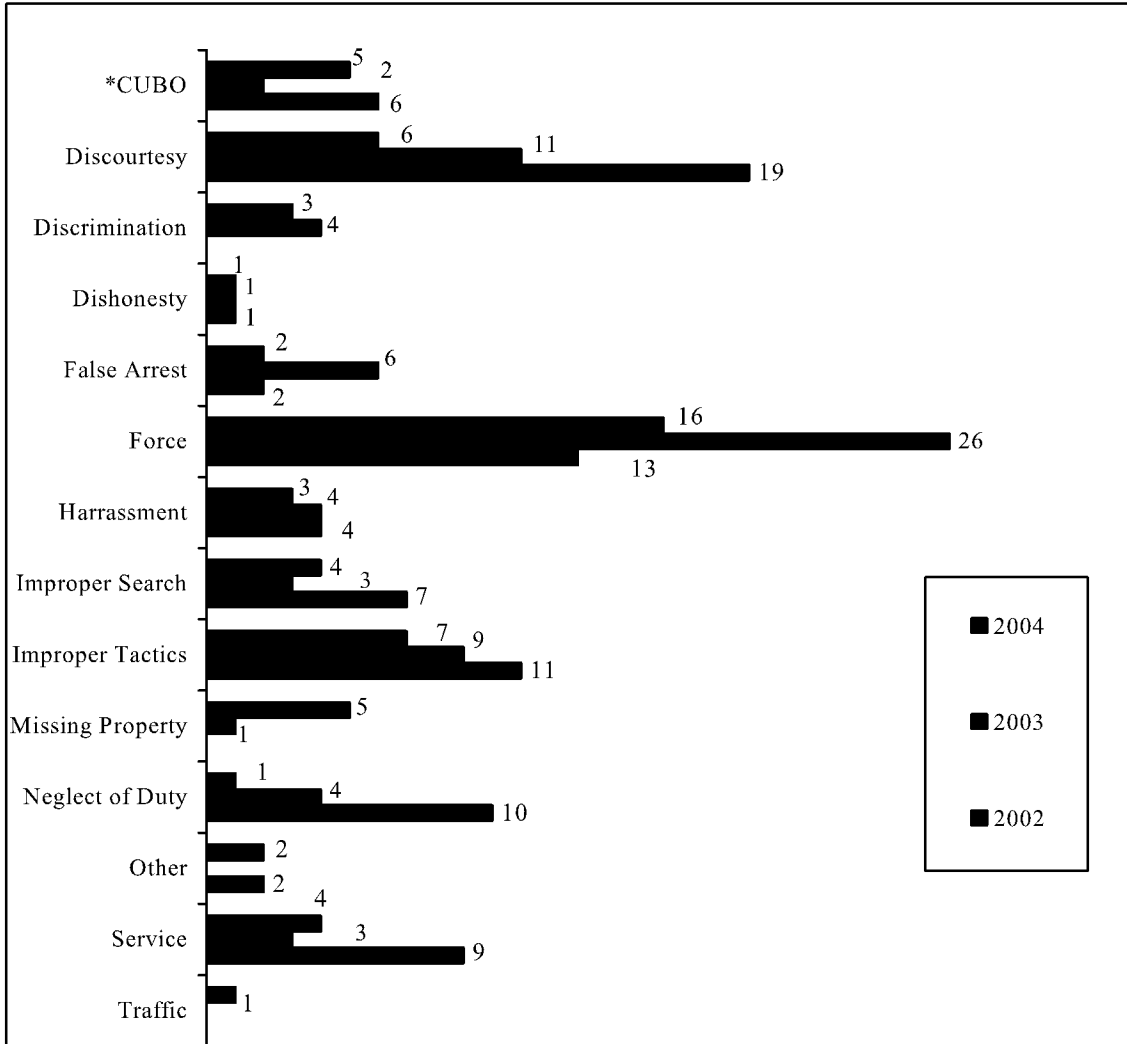
\* CUBO (Conduct Unbecoming An Officer)



**Chart 2** shows the breakdown of the types of complaints filed directly with IA and then referred to the OPSA. In 2004, the most frequent type of complaint received by IA was for Force. There were increases in the number of CUBO and Missing Property complaints. Most complaint types decreased or stayed level. Total complaints decreased by 20 percent between 2003 and 2004.

**Chart 2: Complaints Referred to OPSA by IA**

\*CUBO (Conduct Unbecoming An Officer)

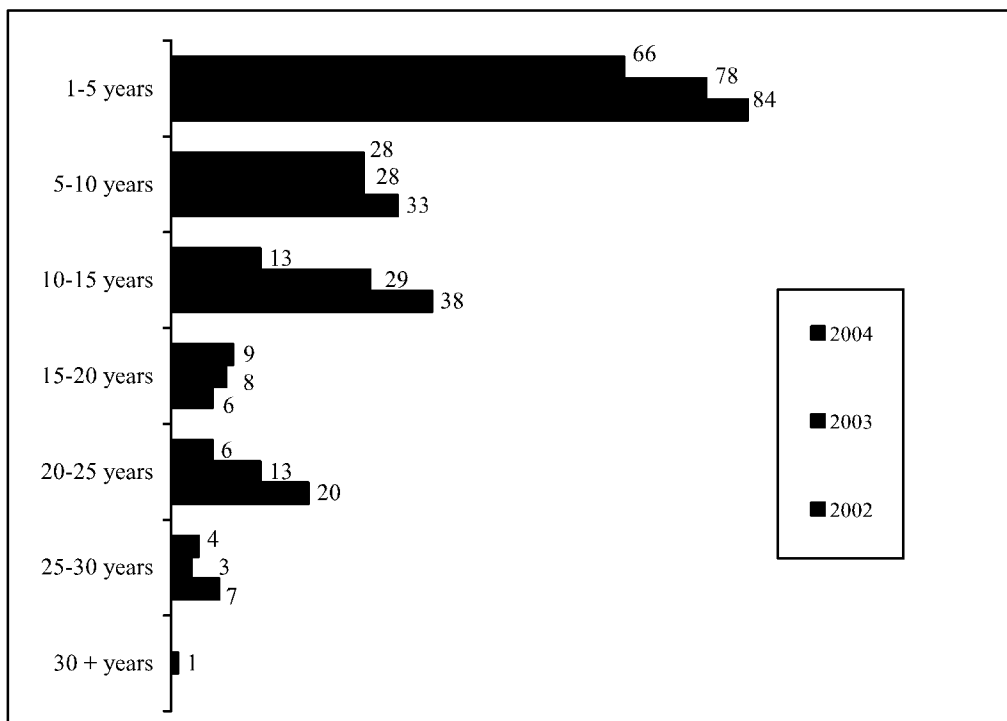


## Officer Statistics

As part of our examination of trends, OPSA tracks the race, age and experience of SPD officers receiving complaints. For this report, the statistics used are from the total number of complaints filed directly with the OPSA and also those filed at IA. The purpose of examining this data is to determine if there are any possible areas of concern. For example, the OPSA can look to see if there is a general trend of first year officers having the most complaints filed against them. If this is the case, the OPSA can perhaps suggest increased training to further prevent this from reoccurring in the following year.

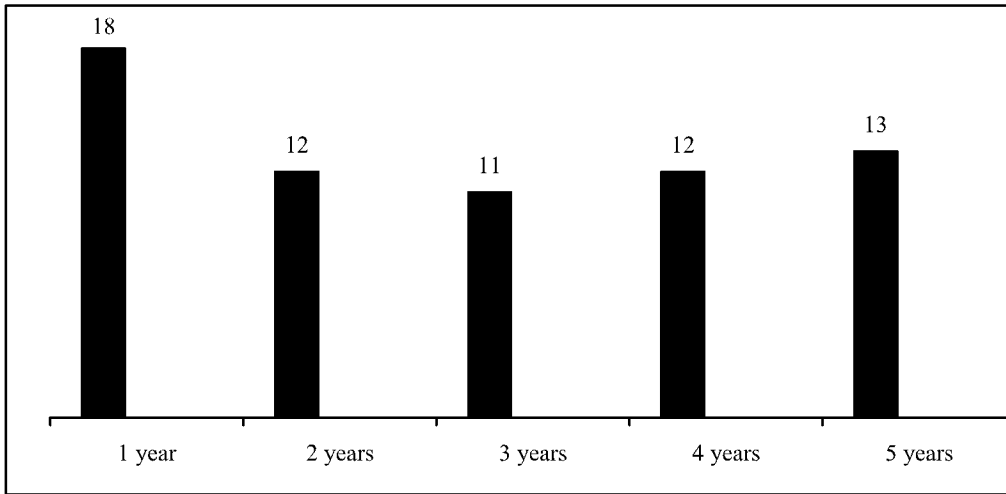
**Chart 3** confirms, as in past years that officers with one to five years of service receive the largest number of citizen complaints. As SPD increases its number of new officers it is anticipated that the trend will continue. The number of complaints in the one to five years category decreased overall by 15 percent.

**Chart 3: Complaints by Officers Experience**



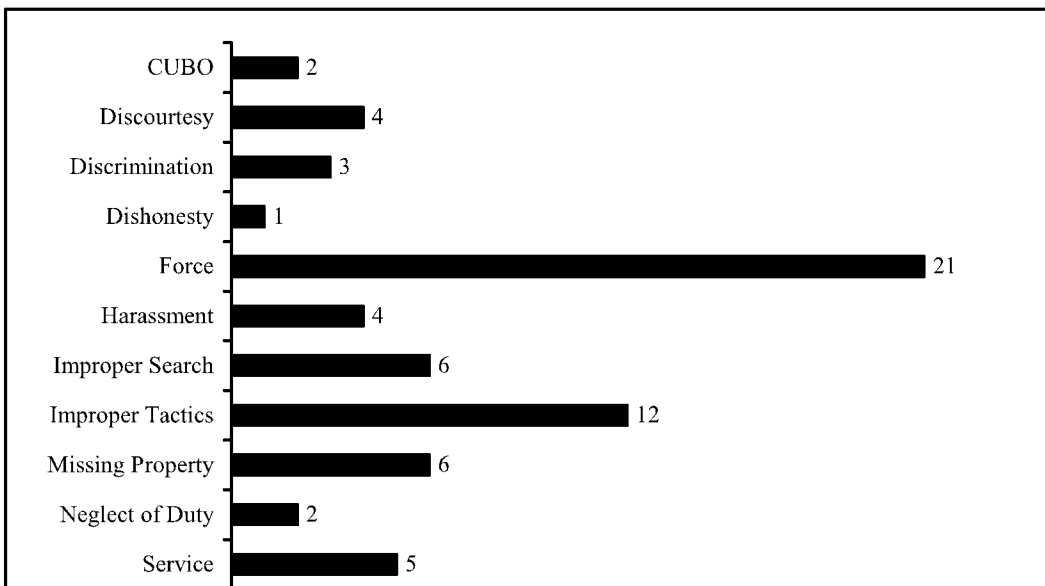
**Chart 4** further breaks down complaints received by officers in their first five years of service, on a year-by-year basis. After year two, officers are receiving fewer complaints, matching the trend across all levels of experience. As officers become more experienced, complaints decrease.

**Chart 4: The number of complaints during officers first five years of service**



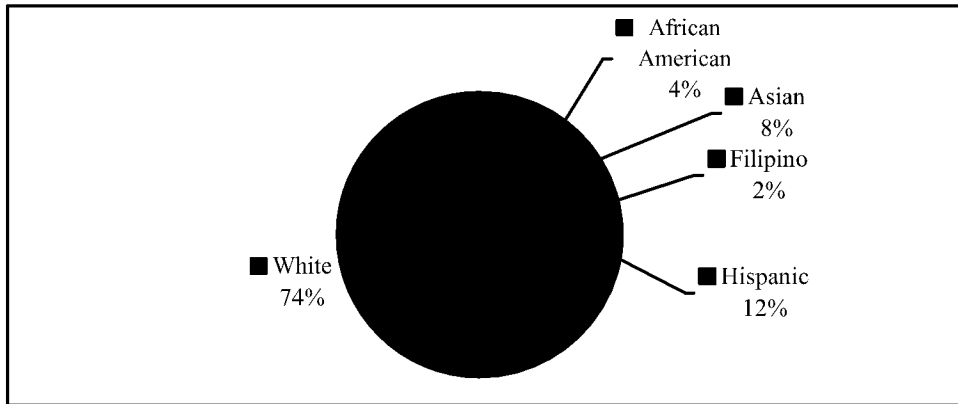
**Chart 5** shows the categories of complaints that were filed against officers during their first five years of service in 2004. There were a total of 23 “Use of Force” complaints reported in 2004. Of those reports, 21 (91 percent) were attributed to officers with less than five years of experience.

**Chart 5: Types of complaints filed during the first five years of service**



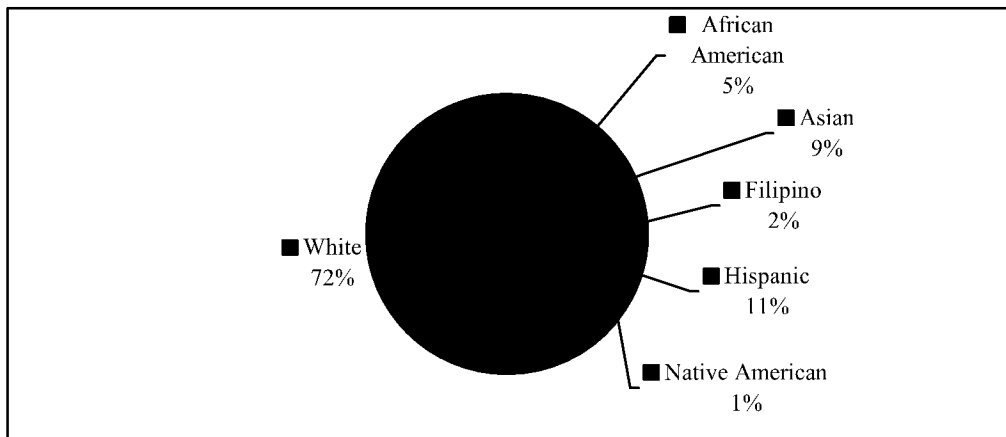
**Chart 6** breaks down the race of the officers who have had complaints filed against them. Some officers have multiple cases filed against them. These numbers do not include those officers with multiple cases; rather each officer is counted only one time.

**Chart 6: Race of officers with complaints filed against them**



**Chart 7** shows the racial breakdown of the entire SPD police force as of January 2005. Although these two graphs do not match exactly, they are closely similar, suggesting that no one particular race has received an inordinate number of complaints.

**Chart 7: Racial breakdown of SPD sworn officers as of January 2005**  
(There are 652 Sworn Officers)

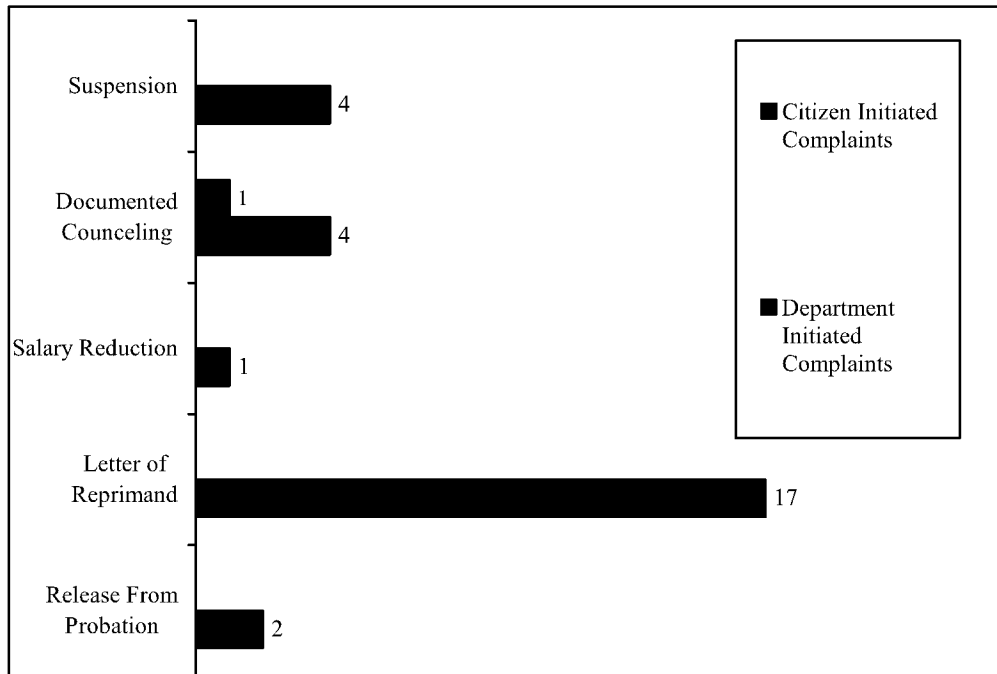


**City of Sacramento Population Demographics:** White: 40.5%; Hispanic 21.6%; Asian 16.4%; African American: 15.5%; Dual Ethnicity 4.4%; Pacific Islander 0.9%; American Indian 0.8%; Other 0.1% - Source: California Department of Finance, Demographic Research Unit.

## Internal Affairs Statistics

**Chart 8** is taken from IA's statistics and shows a breakdown of discipline imposed on sworn officers in 2004 with sustained allegations. This information is distinguished by citizens' complaints and complaints initiated by the Department. A total of 29 officers were disciplined in 2004. Other categories of discipline such as Termination or Resignation do not appear because no officers were disciplined in this manner in 2004.

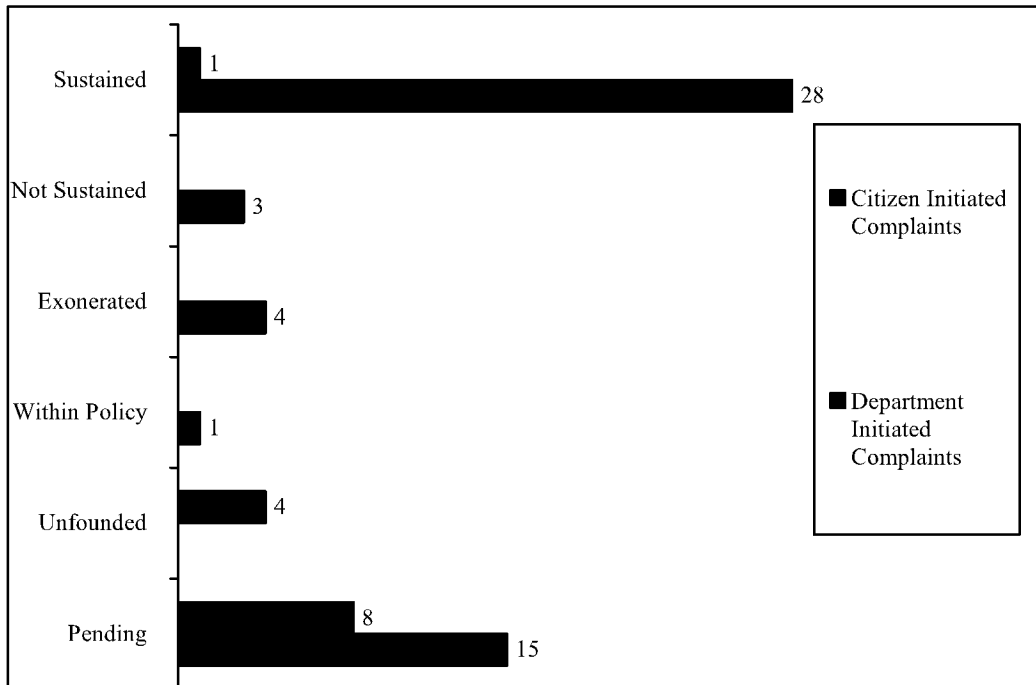
**Chart 8: Discipline of sworn officers with sustained allegations**



**Chart 9** using Internal Affairs statistics shows the dispositions of cases that were formally investigated in 2004. This is for sworn officers and is broken down between citizen-initiated complaints and department-initiated complaints. Currently there are 29 formal investigations pending.

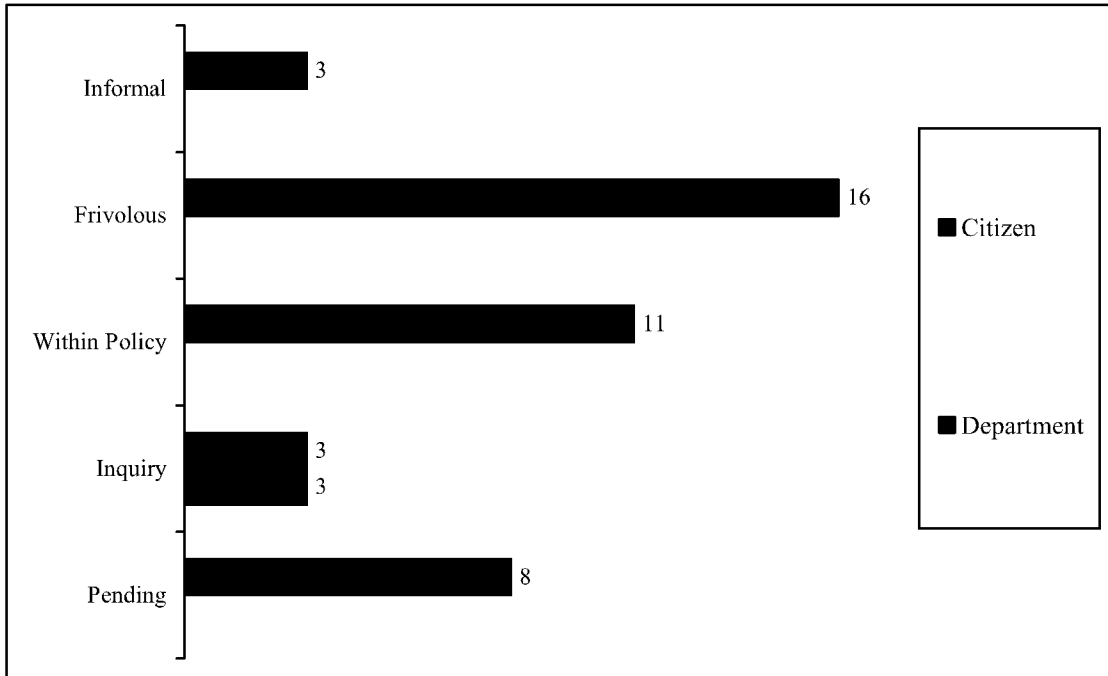
*A description of dispositions is included in Appendix C*

**Chart 9: Disposition of cases formally investigated by IA**



**Chart 10** shows the disposition rendered for complaints classified as “References”. The Chief of Police may render a disposition after a preliminary investigation is done. A preliminary investigation may find that the officer was following policy and procedure, the complaint was handled at a supervisory level, or IA satisfactorily addressed the concerns of the citizen with a telephone interview. Currently there are 8 complaints classified as references that are pending.

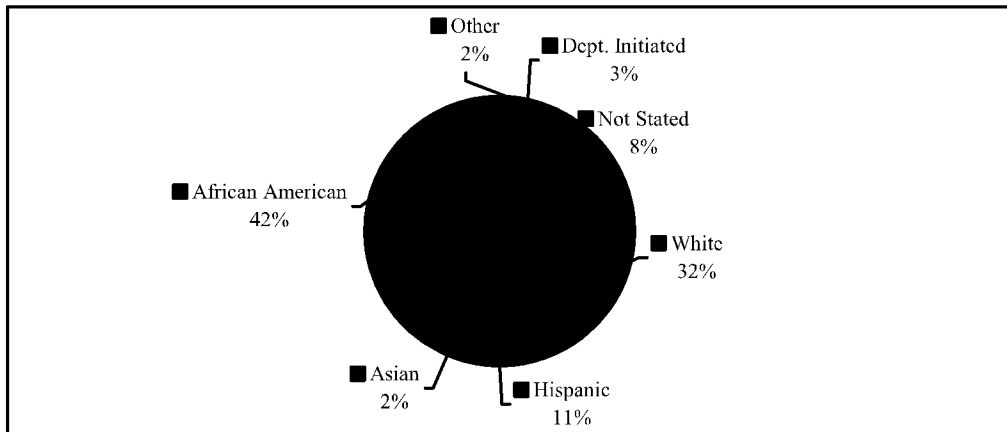
**Chart 10: Dispositions of References**



## Complainant Statistics

The following **Chart 11 and Table 1** show the racial breakdown of individuals who have filed complaints. While the total number of complaints decreased, the proportion of reports by African Americans increased by 4 percent while complaints by Whites decreased by 3 percent. The proportion of reports by women increased by 4 percent.

**Chart 11: Racial breakdown of complainants 2004**



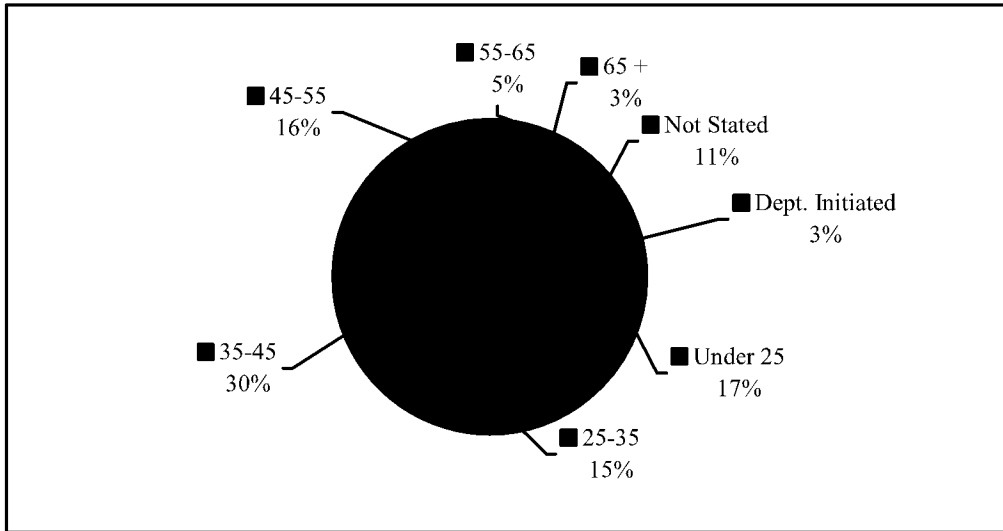
The table below breaks down complaints received by race and gender.

**Table 1: Complaints received by race and gender**

Asian	F	2	1.71%
Asian	M		0.00%
African American	F	19	16.24%
African American	M	31	26.50%
Hispanic	F	7	5.98%
Hispanic	M	6	5.13%
White	F	14	11.97%
White	M	23	19.66%
Other	F	1	0.85%
Other	M	1	0.85%
Not Stated	F	8	6.84%
Not Stated	M	1	0.85%
Dept. Initiated		4	3.42%
<b>Total</b>		<b>117</b>	<b>100%</b>

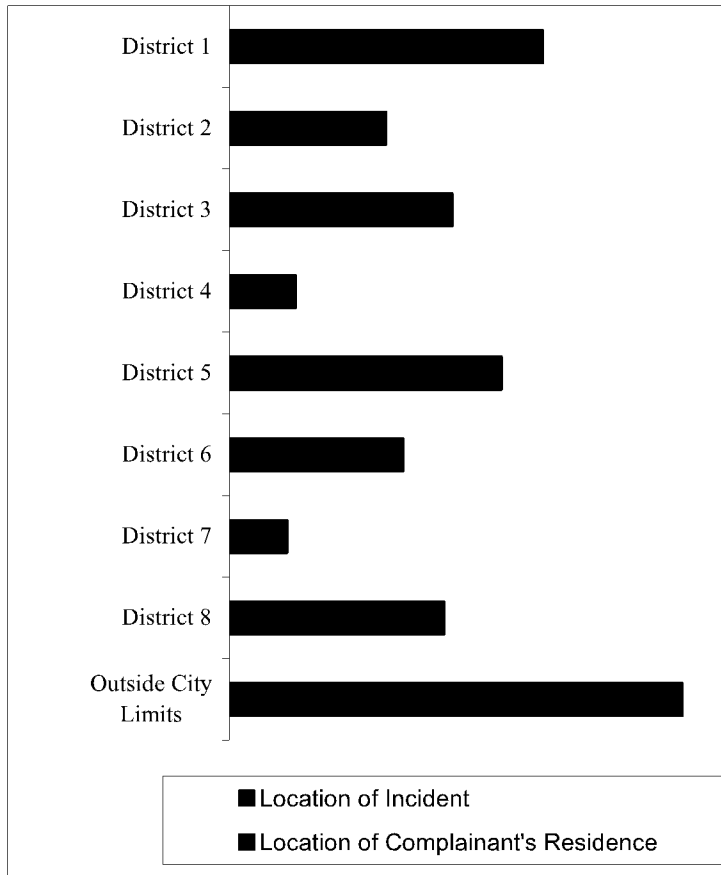
**Chart 12** breaks down the age of individuals who filed complaints, of the total 117 complaints in 2004, 30 percent were in the 35-45 year age group, 15 percent in the 45-55 year age group and 15 percent in the 25-35 year age group. This distribution is consistent with prior years.

**Chart 12: Age breakdown of complainants**



## City Council District Statistics

Since inception, the OPSA has tracked the number of complaints occurring in the various



council districts. At the suggestion of the City Council, the OPSA also tracks the Council district a complainant resides in. For this report, the statistics compiled will include complaints filed directly with the OPSA and complaints referred to the OPSA by IA.

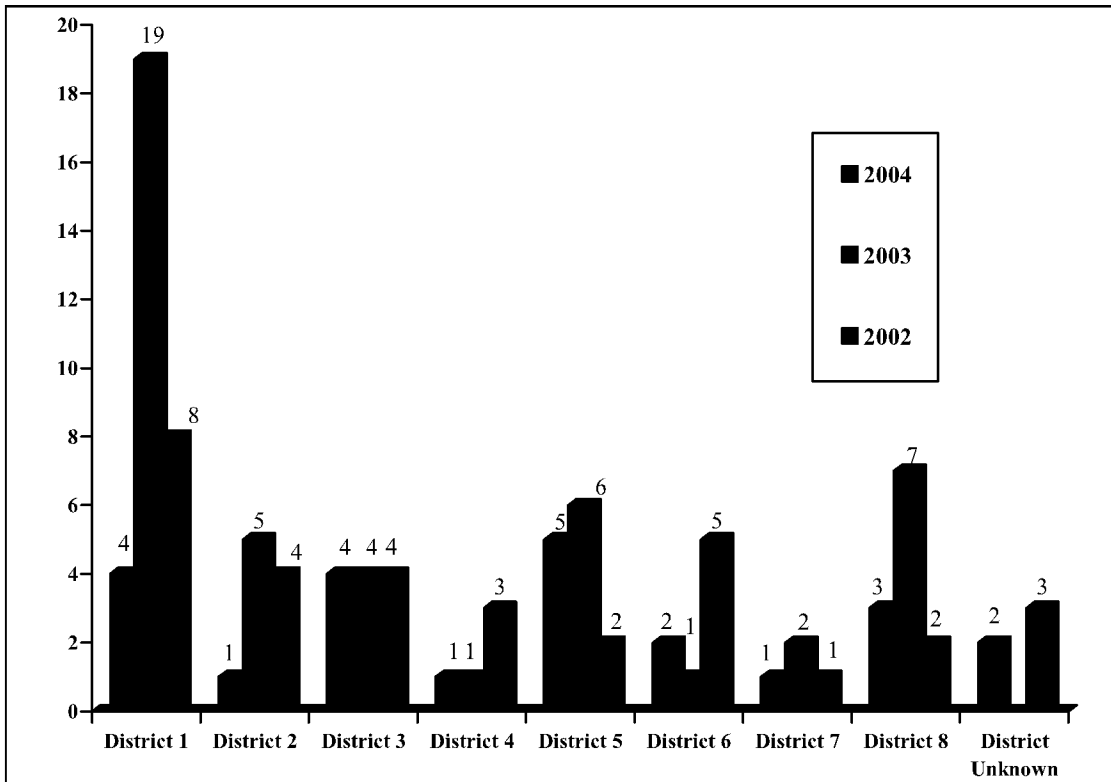
The following information shows the number of complaints filed by the location of the incident and by the complainants address.

There are 12 cases or complaints filed that occurred outside the City limits, where SPD may act outside the city limits on probation searches, traffic stops or other police business. There were 43 complaints from citizens who live outside of the city limits, used a post office box, or may be homeless or incarcerated. Included in the 43 are four complaints filed by the department.

The following charts in this section will illustrate the complaint categories with the highest number of complaints by City Council District. Those categories include: Force; Service; Discourtesy; and Improper Tactics.

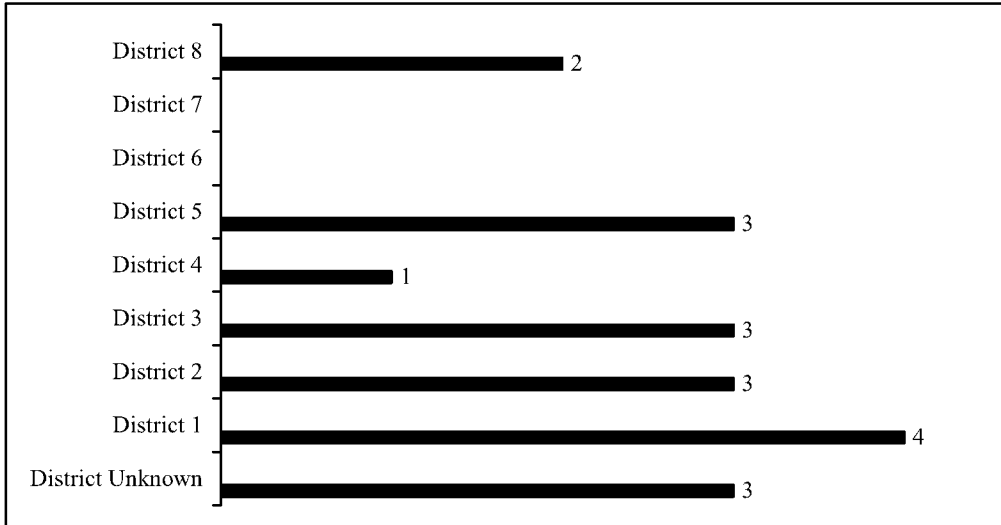
**Chart A** shows the number of force complaints made by City Council District. This information is associated with the incident location. Uses of Force complaints receive the greater number of complaints. This chart provides a three-year comparison of Use of Force complaints by City Council District. The number of Force complaints decreased by 49 percent overall in 2004, with the most dramatic reduction in District 1.

**Chart A: Force Complaints by Council District**

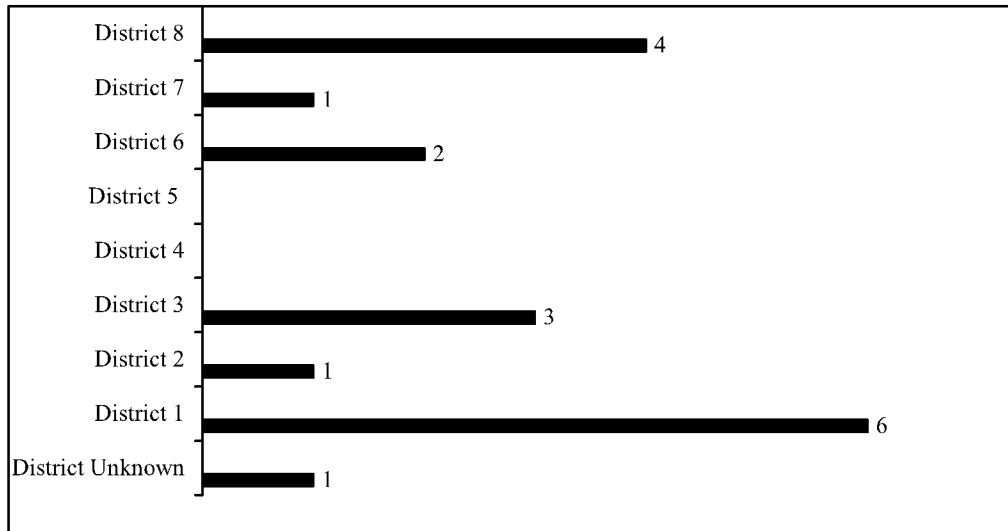


The following chart shows complaints of service for 2004; this is the City's second most filed complaint category.

**Chart B: Service Complaints by City Council District**

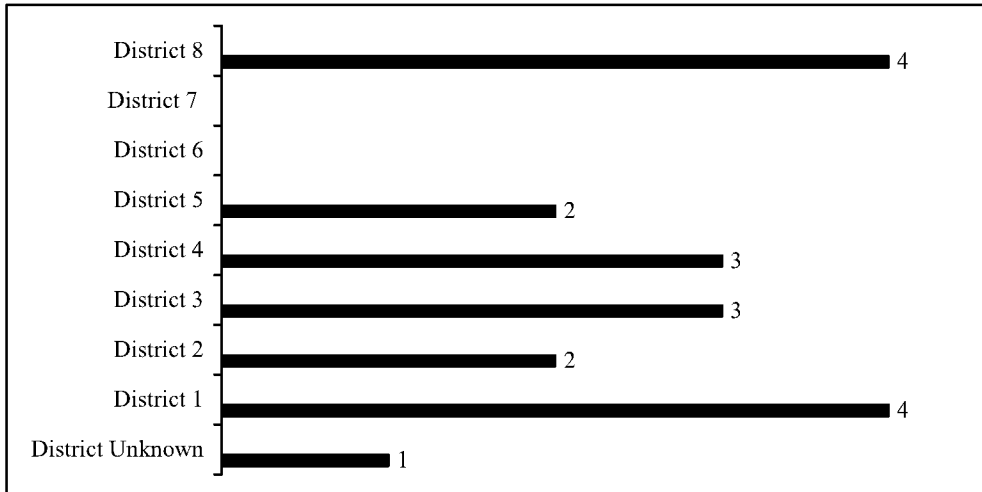


**Chart C: Discourtesy complaints by City Council District**



While the number of Improper Tactics complaints remained the same, the distribution across City Council district changed.

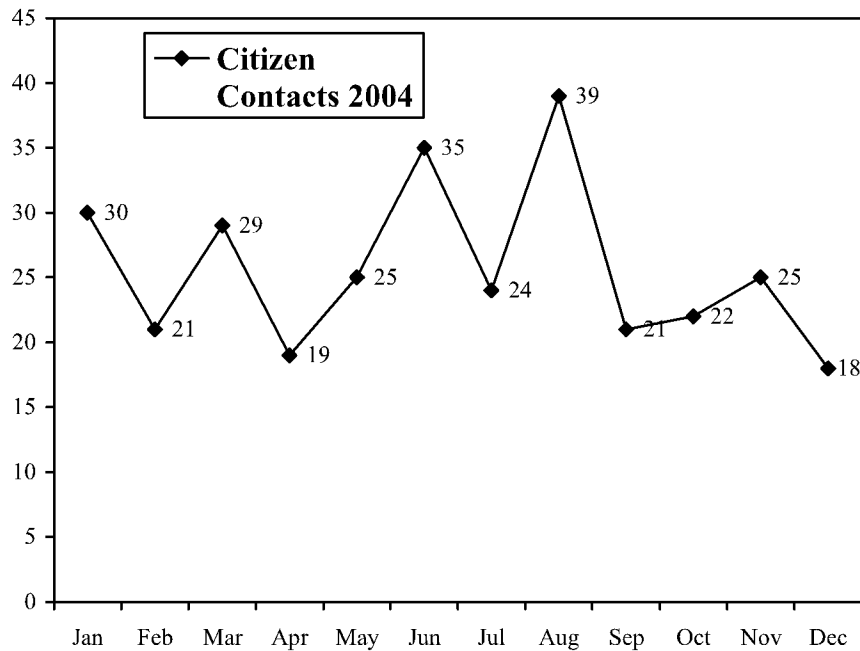
**Chart D: Improper Tactics complaints by City Council District**



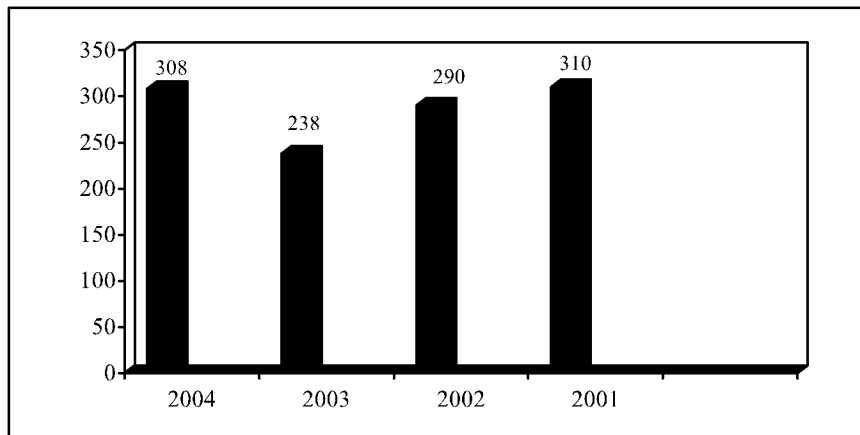
## Contact Statistics

Currently the Director of OPSA keeps statistics on contacts made with citizens, who call to get advice, file a complaint, or ask about the complaint process. The 308 inquiries in 2004 represent what has been tracked. Because the OPSA currently shares staff with the City Manager's Office, the OPSA does not have the resources to monitor every call that may come into the office. However, the number gives an indication of the amount of interest the public has in the OPSA.

The OPSA also receives many phone calls and letters each month that do not always lead to complaints being filed. Many phone calls received involve complaints against other agencies. The OPSA referred approximately 12 calls to the Sacramento County Sheriff's Department. In other cases, speaking with the OPSA Director may satisfy the caller.



Contact Information for years: 2004; 2003; 2002; 2001



# Agency Comparisons

The following represents how Sacramento compares to other comparable agencies.

<b>Agency Staffing</b>	<b>City of Sacramento</b>	City of Oakland	City of Long Beach	City of Fresno	County of Sacramento
Population	<b>*441,000</b>	399, 484	487,112	470,000	<b>**805,800</b>
Sworn Officers/Firefighters	<b>676 SPD 579 SFD</b>	800	928	775	1569
Civilian Oversight Agency	<b>Office of Public Safety Accountability</b>	Citizen Police Review Board	Citizen Police Complaint Commission	Pending	N/A
Civilian Oversight Agency Staffing	<b>1 Director</b>  <b>Shared Administrative support</b>  <b>2004 Increase:</b>  <b>1 Deputy Director</b>  <b>1 Program Analyst</b>	1 Ex. Director 1 Ex. Assistant  3 Investigators  1 Policy Analyst  10 percent of a Hearing Officer position  10 percent of an Administrative Asst. position	1 Executive Director/Lead Investigator  .5 percent of an Investigator position  1 Executive Secretary		

\*Source: State of Calif. Department of Finance

\*\*Unincorporated part of the County, including cities contracted with the Sheriff's Department.

<b>Complaints received</b>	<b>Sacramento</b>	Oakland	Long Beach	Fresno	County of Sacramento
Total Complaints Received	<b>117</b>	130	269	97	254
Force Complaints/Allegations	<b>23 (20 %)</b>	29%	25%	41%	27.8%
Officer Involved Shootings (Intentional Discharge Hitting Citizen/Suspect)					
	<b>Sacramento</b>	Oakland	Long Beach	Fresno	County of Sacramento
Total	<b>2***</b>	9	11	9	8
Citizen/Suspects Killed	<b>2</b>	2	5	6	3
Citizen/Suspect Injured	<b>0</b>	2	6	2	1
No Hit	<b>0</b>	5	1	2	4
Officer Injuries	<b>0</b>	1	1	0	2

Information provided by the Long Beach Citizen Complaint Commission; Long Beach Police Department Internal Affairs (IA); Fresno Police Department IA; Oakland Citizens' Police Review Board; and the Sacramento County Sheriff's Department IA Bureau.

\*\*\* In the City of Sacramento there was one "non-shooting" in-custody death incident.

The City of Fresno Police Department and Sacramento County Sheriff's Dept. does not have a civilian oversight office.

<b>Civilian Oversight Agency Authority</b>		
<b>Sacramento</b>	<b>Oakland</b>	<b>Long Beach</b>
<b>Office of Public Safety Accountability (OPSA)</b>	Citizen Police Review Board (CPRB)	Citizen Police Complaint Commission (CPCC)
<b>Accept and document complaints directly from citizens as an alternative procedure for receiving citizen complaints involving SPD and SFD employees</b>	Receive and investigate independently some complaints	Receives and at its discretion, administers and investigates allegations of police misconduct with emphasis on excessive force, false arrest, and complaints with racial or sexual overtones
<b>Monitor all investigations conducted by the Police Department containing allegations of excessive force.</b>	Citizen may file excessive force and bias complaints with both CPRB and the Professional Standards Division of the Police Department	Refers complaints to Department's Internal Affairs Unit for investigation
<b>Monitor investigations of citizen complaints alleging other categories of misconduct, as the OPSA director deems necessary.</b>	Citizen must file other complaints first with Professional Standards Division, and may file with CPRB if Professional Standard Division investigation takes too long or if they do not agree with the decision.	
<b>The OPSA Director will be notified of each Critical Incident (SPD) and High Profile Incident Notification (SFD) and have the authority to respond to the scene. The Director may also monitor interviews of involved officers and witnesses after critical incidents take place.</b>	CPRB holds full evidentiary public hearings  Recommendations for discipline are sent to the City Manager	
<b>Monitor and/or independently investigate any other matter as directed by City Manager</b>	Board makes policy recommendations on issues before it and publishes statistical reports.	

## **APPENDIX A: Summary of Blue Ribbon Report**

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The Committee in its report to the City Manager recommended significant changes in processing and investigating citizen complaints of police misconduct and in deployment of police vehicles in emergency response or pursuit modes. Strongly endorsing civilian review of police handling of citizen complaints, the Committee recommended the creation of a new unit headed by a senior level appointee with broad oversight powers, the "Citizen Complaint Monitor" reporting directly to the City Manager.

The Monitor would have broad oversight powers to review both ongoing and completed investigations of citizen complaints and to encourage procedural and systemic reforms on behalf of the City Manager. The Monitor's job description was drawn from the experiences of California cities employing inspectors general, ombudsmen, and independent auditors. The Committee recommended that the jurisdiction of the Monitor be extended to all municipal agencies, after an initial trial period and performance evaluation.

The Committee encouraged city officials to treat "informing the public as a municipal goal," and to find additional ways to communicate "as much information to the public concerning police performance as is consistent with law and sound administration." The Committee also recommended enlarging and diversifying the staff of the internal affairs section, establishing deadlines for completion of investigations, better informing the public on how to file a complaint and emphasizing the role of field training officers and supervisors in directing field operations. "Errors and misbehavior by officers in the field may flow from the negligence or poor judgment of field training officers and supervisors."

The Committee recommended significantly enhanced driver training and evaluation for officers, and clarification and elaboration of vehicle pursuit and response policy. "Continuous training is central to implementing sound vehicle pursuit and response policies." The Committee urged the Department to "highlight" in its training "the similarities between the criteria used to initiate or continue vehicle pursuits and those used to justify use of deadly force" with service weapons. Two restrictions on pursuits are recommended. First, the Police Department "should revise its vehicle pursuit policy to prohibit hot pursuits of individuals for minor violations or infractions and perhaps stolen vehicles." Second, officers should be required to "seek and receive supervisory approval before initiating a Code 3 response."

# **APPENDIX B: Purpose, Authority and Procedures Statement**

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## **I. PURPOSE**

The purpose of this statement is to set forth the authority of the Director, Office of Public Safety Accountability and to establish the procedures to be utilized in performing the duties of the position. The position has been established for the purpose of monitoring the investigations of citizen complaints concerning misconduct by employees of the Sacramento Police Department and the Sacramento Fire Department. The Director has broad oversight powers that include the evaluation of the overall quality of performance by public safety employees and the authority to encourage systemic change. In addition, the Director will specifically track and monitor high profile or serious complaint cases to conclusion, review completed investigations, and advise the City Manager of any deficient investigations.

## **II. AUTHORITY AND RESPONSIBILITIES OF THE DIRECTOR**

Under the direction, control and supervision of the City Manager, the Director shall have the following authority and responsibility as related to the Sacramento Police Department and Fire Department:

- A. Monitor all investigations conducted by the Sacramento Police Department concerning allegations of unnecessary or excessive force.
- B. Monitor all investigations of citizen complaints alleging other categories of misconduct, as the Director deems necessary.
- C. Request further investigation in those cases, which require additional investigation as determined by the Director.
- D. Receive all documents, reports or any other item necessary to monitor an investigation of citizen complaints and force investigations.
- E. Produce an annual report to the City Manager in which the Director will compile statistical information including number of complaints filed, number sustained and action taken. The Director will provide in the annual report an analysis of trends and patterns. The Director will make recommendations for improvements in the complaint process, training needs of public safety personnel or other measures the Director believes will improve the overall citizen complaint process, including recommendations for systemic changes.

- F. Accept and document complaints directly from citizens as an alternative procedure for receiving citizen complaints concerning public safety personnel. A separate complaint form from that utilized by the Sacramento Police Department or Fire Department shall be created and utilized by the Director. All such complaints shall be forwarded to the respective public safety department for investigation as soon as possible.
- G. Interview and/or reinterview complainants and citizen witnesses as needed.
- H. Provide complainants with timely updates on the status of investigations, excluding disclosure of any information, which is confidential or legally protected.
- I. Serve as a liaison to complainants who would otherwise be unfamiliar with or intimidate by the complaint/investigative process.
- J. Monitor and/or independently investigate any other matter as directed by the City Manager.
- K. Serve in public information capacity which will include providing public information on pending investigations as directed by the City Manager and making presentations in various community forums, excluding disclosure of any information, which is confidential or legally protected.
- L. If the Chief of Police or Fire Chief or their designated representative denies any request from the Director, the Director may direct his request to the City Manager for further consideration.

### **III. PROCEDURES - RECEIVING AND MONITORING COMPLAINTS, INTERVIEWS**

- A. The Director or his representative shall be available to accept complaints by members of the community against Sacramento public safety personnel. The Director, or his representative, shall receive complaints from citizens in person, in writing, or over the telephone, and shall follow similar procedures for accepting complaints as followed by the Sacramento Police Department and Fire Department including:
  - 1. All complaints must be received by the Director within one (1) year of the incident-giving rise to the complaint. No complaint shall be accepted by the Director if it is not filed within one (1) year after the date of the incident giving rise to the complaint.
  - 2. The complaint form for Police employees shall substantially comply with the requirements of California Penal Code section 148.6, subdivision (a)(2).

3. The Director or representative shall, as soon as possible, notify the Sacramento Police Department or Fire Department upon receipt of a complaint against an employee of the Sacramento Police Department or Fire Department. The Police Chief or Fire Chief or their designated representative shall process the complaint pursuant to the procedures set forth in the Citizen Complaint Manual.
- B. The Director shall monitor all Sacramento Police Department investigations concerning complaints alleging excessive or unnecessary force by police employees while the investigation is in progress. The Director shall have authority to monitor investigations of all other citizen complaints while the investigation is in progress as the Director deems necessary. The procedures for facilitating the monitoring of investigations are as follows:
1. The Police Chief or Fire Chief or their designated representative shall notify the Director in writing of all complaints from whatever source received by personnel of the Sacramento Police Department or Fire Department. The notice shall include the identity of the individual designated to represent the Police Chief or Fire Chief throughout the complaint process, (hereafter "designated representative"). The Director shall give prior written notice to the Police Chief or Fire Chief, through the designated representative, of his intent to monitor an investigation. Upon such notice, the Director shall have authority to monitor all aspects of the investigation.
  2. The Police Chief or Fire Chief or their designated representative shall, as soon as possible, provide all documents, reports, or other items requested by the Director, which relate to the matter under investigation.
  3. The Director may be present when interviews of employees, citizen complainants and/or witnesses are conducted by the Sacramento Police or Fire Department. The Director may submit questions during the interview. Questions submitted by the Director shall be asked by the interviewer in accordance with state and federal law. Subsequent to an initial interview, if the Director believes that additional questions need to be asked to gather relevant information that was not elicited during the initial interview, the Director may request, through the Police Chief or Fire Chief or their designated representative, that employees, citizen complainants and/or witnesses be re-interviewed. The Director may be present during any subsequent interviews.

4. The Director shall be placed on the Critical Incident call-up list for the Police Department and the High Profile Incident Notification call-up list for the Fire Department, and will be notified when critical incidents occur. The Director will have the option of responding to any and all such incidents. The Director shall have the authority to monitor interviews of subject employees, employee witnesses and citizens immediately after such incidents.

In the case of the Sacramento Fire Department, the following are examples of High Profile Incidents:

- 4.1 Serious misconduct
- 4.2 Vehicle accidents with death/serious injury involving Fire Apparatus
- 4.3 Fire related death/serious injury of Fire Department personnel
- 4.4 Industrial accident/injury involving personnel where California Occupational Safety & Health Administration (CAL OSHA) response is mandated
- 4.5 Harassment issues involving Fire Department personnel
- 4.6 Work place violence claims against Fire personnel
- 4.7 EMS patient care complaints that rise to a level of disciplinary action (behavior related issues as opposed to medical care issues)

5. If the Police Chief or Fire Chief or their designated representative denies any request from the Director, the Director may direct his request to the City Manager for further consideration.

- C. The Director may interview or re-interview complainants and citizen witnesses as the Director deems necessary.
- D. In all other matters where the City Manager directs monitoring by the Director, the procedures set forth in Section III shall apply.

#### **IV. AUDITS**

The Director shall review all completed investigations of excessive or unnecessary force by Police officers. The Director shall have authority to review all in progress and completed investigations into citizen complaints regarding the Sacramento Fire Department. The Director, as the designated representative of the City Manager, shall have authority to review the handling of complaints, inquiries or investigations of any other matter as directed by the City Manager. The procedures in matters under review by the Director are as follows:

- A. The Police Chief or his/her designated representative shall forward to the Director a copy of all records concerning investigations of excessive or unnecessary force against Sacramento Police officers no later than 10 working days after the investigation is completed. These records shall include the disposition of the complaints.
- B. The Police Chief or his/her designated representative shall make available upon request by the Director all records which reflect a complaint or inquiry, including, but not limited to, incident reports, supplemental attachments to a call history, incident logs, case summary reports or complaints classified as frivolous, unfounded or exonerated within the meaning of Penal Code section 832.5.
- C. The Director shall review the file and, thereafter may request that the Police Chief or Fire Chief or their designated representative conduct further investigations. The Director shall identify and substantiate the reasons for requesting additional investigation to the Police Chief, Fire Chief or through the designated representative.
  - 1. If the Director believes that relevant questions were not asked during an interview, and/or that relevant information was not gathered, the Director may request that the Police Chief, Fire Chief or their designated representative, re-conduct such interview(s) with public safety employees, citizen complainants and/or witnesses who were previously interviewed.
  - 2. If the Director believes that interviews of public safety employees, citizen complainants and/or witnesses should have been conducted but were not, the Director may request that the Police Chief or Fire Chief or their designated representative, conduct such interviews.
  - 3. When interviews are conducted, the Director is authorized to be present. The Director may submit questions during the interview and the interviewer shall ask questions submitted by the Director in accordance with state and federal law.
- D. If the Police Chief, Fire Chief or their designated representative denies any request from the Director, the Director may direct his request to the City Manager for further consideration.

## **V. ANNUAL REPORT**

- A. The Director shall prepare an annual report. The Director's annual report shall include, but is not limited to, the following:
1. A statistical analysis documenting the number of complaints by category, the number of complaints sustained and the actions taken.
  2. An analysis of trends and patterns.
  3. Specific recommendations for change.
- B. The Director's report shall not contain any information concerning the discipline of any particular employee, nor make reference to or identify any particular employee, nor shall the report comment upon or make any recommendation concerning potential civil or criminal liability of specific employees, or citizens. Whenever disclosure of information may possibly reveal the identity of a particular employee, the information shall be sanitized so that accurate statistical data may be conveyed while simultaneously protecting the employee's identity. However, if the circumstances are such that disclosure of any information will necessarily reveal the identity of a particular employee, the information shall be excluded from the annual report.
- C. The report shall be forwarded to the City Manager for dissemination to the Mayor, City Council, City Attorney, Police Chief, Fire Chief, Labor Relations Director, and the City Clerk for filing as a public record.

## **VI. CONFIDENTIALITY OF RECORDS**

Any personnel records, citizen complaints against city personnel employed by the Police Department or Fire Department and information obtained from these records, including records in Internal Affairs files, which are in possession of the Director or staff, shall be confidential and shall not be disclosed to any member of the public, except in accordance with applicable law. All original files provided by the Police Chief, Fire Chief or their designated representative to the Director shall be returned to the respective department within ninety (90) days after case closure and submission for final review. The Director, and his representative, is responsible for the confidentiality, security and safekeeping of all Sacramento Police Department and Fire Department files in the Director's possession.

Investigative reports prepared by the OPSA may only be submitted to the City Manager and City Attorney when litigation is pending or highly probable.

## **VII. COOPERATION AND COORDINATION**

The Director shall report directly to the City Manager. However, the Director shall meet periodically with the Police Chief and Fire Chief and their respective Internal Affairs Commanders regarding recommendations to improve the Sacramento Police and Fire Departments investigative process within the framework of applicable law and labor agreements.

## **VIII. PUBLIC RELATIONS**

- A. The Director and/or his representative shall publicly comment on pending complaints and investigations as directed by the City Manager. Public comments shall conform to State law regarding confidentiality of public safety personnel records and shall exclude disclosure of any information regarding protected aspects of investigations.
- B. An important aspect of the Director's responsibility shall be devoted to providing public information, including printed literature, radio and television, and public presentations at community meetings. Communications should be sensitive to our diverse community and written material presented in a multilingual format.
- C. The Director shall not disclose information that is confidential or legally protected.

# APPENDIX C: Disposition Descriptions

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## COMPLAINT DISPOSITION

### A. CLASSIFICATIONS

Misconduct complaints shall be placed into one or more of the following classifications for final disposition:

1. Unfounded

The act (s) alleged did not occur, or the employee (s) named were not involved in the act (s), which were alleged to have occurred.

2. Exonerated

The act (s) alleged occurred and were justified.

3. Not Sustained

Insufficient evidence exists to clearly prove or disprove the allegation.

4. Sustained

Sufficient evidence supports the allegation (s) against the employee.

5. Informal

The allegation involves minor infractions with no independent corroborating information, evidence, or witnesses available to support the complaint; and it may be handled by bringing the matter to the attention of the employee's supervisor and chain of command. The utilization of this process does not imply that the subject officer has in fact committed the allegation as described by the complainant. However, informal discipline may be imposed to correct the problem. These complaints will be indexed for retrieval for Pitchess motions.

6. Frivolous

Allegations that, upon investigation, are found to be totally and completely without merit or for the sole purpose of harassing an employee. These complaints will not be placed in the employee's personnel file, but will be indexed for retrieval for Pitchess motions.

7. Reclassified to a Citizen Inquiry

Where preliminary investigation discloses this is not a complaint, the matter will be reclassified as a citizen inquiry and filed under the citizen's name.

8. Dispute of Fact Traffic Citation Cases

Where the allegation involves a dispute of fact concerning the employee's issuance of a traffic citation that is to be adjudicated in traffic court, and there is no independent information, evidence, reports, or witnesses available to support the complaint, the matter may be closed without finding. These complaints will be indexed for retrieval for Pitchess motions.

9. Within Procedure

Where the allegation results in a determination that the employee acted reasonably and within Departmental policy and procedure, and/or pertains to an established policy, procedure or law, properly employed or enforced by a Department member, the matter may be closed without a finding. These complaints will be indexed for retrieval for Pitchess motions.

B. PROCESSING CASE DISPOSITIONS

1. In no event shall employees under investigation be notified of the case findings and /or proposed disposition until the Chief of Police COP, or acting COP has reviewed the case and has rendered a final disposition.
2. The COP shall not be bound to subordinate findings or recommendations and may issue new and separate findings and dispositions on cases.
3. To ensure confidentiality and security of discipline, documentation of discipline shall be hand-carried to each recipient as appropriate. At no time shall documents of discipline be left unattended, but shall be secured in a locked desk or file cabinet if not immediately filed in the employee's respective Internal Affairs Division (IAD) file.

All Letters of Discipline and IAD Complaint Disposition Reports shall be reviewed by the employee's first line supervisor and division manager/captain prior to receipt by the employee.

**Left blank intentionally**

# APPENDIX E: SFD Task Force

C I T Y O F S A C R A M E N T O

Don Casimere  
Director  
730 "I" Street  
Suite 304  
Sacramento  
California 95814  
(916) 808-5704  
Fax: (916) 808-7618



*Public Safety Accountability is to ensure the City of Sacramento's public safety by independently accepting responsibility for all complaints of misconduct.*

In 1999, the Mayor and Sacramento City Council established the Office of Police Accountability for the purpose of monitoring the investigation of citizens' complaints. In July 2004, the City Manager increased the Office's responsibilities to include the Sacramento Fire Department. The Office was renamed to the Office of Public Safety Accountability (OPSA).

Since its inception, Don Casimere has served as the Director. He has broad oversight authority that includes the evaluation of the overall quality of performance by employees and the authority to encourage systemic change. The Office specifically tracks and monitors high profile or serious complaint cases to conclusion, reviews completed investigations, and advises the City Manager of any deficient investigations. The Office is under the direction, control and supervision of the City Manager.

## WHO MAY FILE A COMPLAINT?

As a community member of Sacramento you are entitled to file a complaint against any employee of the Sacramento Police Department (SPD) or Sacramento Fire Department (SFD). A complaint may be made by the person involved, or by a friend, family member or other third party who has knowledge of the incident.

OPSA must receive a complaint within one (1) year from the date of the incident upon which the complaint is based.

## WHAT INFORMATION DO I NEED?

The following will be helpful; however, if you do not have all of this information, you may still file a complaint:

- Date, time and location of the incident.
- Employee's name and badge number.
- Your name, address and telephone number.
- The names, addresses and phone numbers of any witnesses.

## HOW DO I FILE A COMPLAINT?

A complaint may be made by phone at (916) 808-5704, online at [www.cityofsacramento.org/cityman/monitor.html](http://www.cityofsacramento.org/cityman/monitor.html) or in person at the OPSA office, 730 "I" Street, Suite 304, Sacramento, California 95814.

## WHAT HAPPENS TO MY COMPLAINT?

When a complaint is received by the OPSA, it is reviewed by the Director, and then forwarded to the Internal Affairs Division (IA) of the SPD or SFD for a preliminary investigation. IA reviews and categorizes the case and forwards a recommendation to the Police Chief or Fire Chief.

At this point, the Chief of Police or Fire Chief may render a final disposition or send the case back to IA for a formal investigation. During this process, the OPSA may monitor and investigate at any stage and make recommendations when necessary. These recommendations may include additional investigation or re-interviewing involved persons.

The OPSA also reviews completed formal investigations for the final disposition as recommended by the Police Chief or Fire Chief.

IA from either the SPD or SFD notifies the complainant(s) of the case disposition(s). Throughout this process the OPSA is available to the complainant to provide information and answer questions excluding disclosure of any confidential or legally protected information.

**ROLES AND RESPONSIBILITIES OF THE OFFICE OF PUBLIC SAFETY ACCOUNTABILITY**

- Monitor all SPD investigations concerning complaints alleging excessive force.
- Monitor investigations of citizen complaints alleging misconduct by SPD or SFD employees.
- Request further investigation of a complaint, when needed.
- Receive and review all documents of an IA investigation.
- Produce an annual report, including recommendations for improvements in the complaint process and training needs of police officers and firefighters. The current edition of the OPSA Annual Report may be viewed at [www.cityofsacramento.org/cityman/monitor.html](http://www.cityofsacramento.org/cityman/monitor.html).
- Accept and document complaints of SPD and SFD personnel directly from citizens.
- Interview and re-interview complainants and citizen witnesses as needed.
- Provide complainants with timely updates on the status of investigations.
- Serve as liaison to complainants.
- Monitor and/or independently investigate any other matter as directed by the Sacramento City Manager.

- Serve in a public relations capacity, which include providing public information on pending investigations as directed by the City Manager
- Conduct presentations to a wide spectrum of community groups, neighborhood meetings, civic organizations, state and national professional agencies and associations.

**ABOUT THE DIRECTOR OF PUBLIC SAFETY ACCOUNTABILITY**

Don Casimere has over 20 years of experience in police oversight including five (5) years in his current position with the City of Sacramento. Prior to becoming the Director, he was the Investigative and Appeals Officer for the Richmond Police Commission, reporting directly to the Mayor and City Council, and Senior Investigator, Office of Citizen Complaints with the San Francisco Police Department. He also was a Police Officer and Police Sergeant with the City of Berkeley for 12 years.

Mr. Casimere holds a Master of Public Administration Degree, a Bachelor of Arts Degree in Mass Communications and an Associate of Arts Degree in Police Science.



**SACRAMENTO CITY COUNCIL**

- Heather Fargo, Mayor
- Ray Tretheway, District 1
- Sandy Sheedy, District 2
- Steve Cohn, District 3
- Robert King Fong, District 4
- Lauren R. Hammond, District 5
- Kevin McCarty, District 6
- Robbie Waters, District 7
- Bonnie J. Pannell, District 8

**SACRAMENTO CITY MANAGER'S OFFICE**

- Robert P. Thomas, City Manager
- Ray Kerridge, Assistant City Manager
- Ken Nishimoto, Assistant City Manager
- Richard J. Ramirez, Assistant City Manager

# APPENDIX E: SFD Task Force

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**FIRE DEPARTMENT**  
*"An All-Risk Organization"*

**Julius J Cherry**  
FIRE CHIEF

**CITY OF SACRAMENTO**  
CALIFORNIA

5770 FREEPORT BL  
SUITE 200  
SACRAMENTO, CA  
95822

PH 916-433-1300  
FAX 916-433-1629

December 3, 2004

City Council  
Sacramento, CA

Honorable Members in Session:

**SUBJECT: FIRE DEPARTMENT TASK FORCE REPORT REGARDING MANAGEMENT  
OVERSIGHT OF FIREFIGHTER'S CONDUCT AND THE DEVELOPMENT OF  
AN INTERNAL AFFAIRS/PROFESSIONAL STANDARDS UNIT**

**LOCATION AND COUNCIL DISTRICT:** Citywide

**RECOMMENDATION:**

The City Manager recommends the adoption of the attached resolution on page 41 which:

1. Authorize the creation of an Internal Affairs/Professional Standards (IA/PSU) Office within the Fire Department.
2. Receive and File the Fire Department's Task Force findings and authorize the City Manager to return at mid-year to the Mayor and Council to add one new Battalion Fire Chief to head-up the new IA/PSU Office and present a staffing plan that will be driven on a case load needs-basis.
3. Authorize the City Manager to immediately establish a new Assistant Chief for Operations and appropriate \$110,000 to the Fire Department budget on an annual basis to fund the subject position. As confirmed by the Fire Task force all Battalions will now report to a single Assistant Chief for command staff oversight continuity.
4. Schedule a six-month report back from the Fire Chief on matters in this report.

**CONTACT PERSON:** Julius Cherry, Fire Chief, 433-1601

**FOR COUNCIL MEETING OF:** December 14, 2004

**SUMMARY:**

This staff report provides the Fire Department Task Force's:

- Evaluation and recommendations for improving management oversight of firefighter conduct and behavior; and
- Recommendations for structure, duties, responsibilities, and costs for the creation of an Internal Affairs/Professional Standards unit in the Fire Department.

**COMMITTEE/COMMISSION ACTION:** None

**BACKGROUND INFORMATION:**

Fundamental Findings of the Task Force

The Fire Department requires greater oversight, from all levels of management, to ensure the appropriate conduct and behavior of its employees.

The Fire Department needs to develop capacity to investigate complaints and establish clear professional standards.

Fire Department Task Force

Following allegations of firefighter misconduct, which included allegations of unauthorized ride-alongs, misuse of City equipment, and consumption of alcohol on duty, the Mayor and City Council adopted Resolution Number 2004-611, dated July 27, 2004, that directed the City Manager to appoint a task force to report back on management oversight of firefighter's conduct and behavior and the structure, duties, responsibilities, and cost necessary to form an Internal Affairs/Professional Standards Unit.

A separate disciplinary investigation evaluated personnel actions and resulted in 25 department personnel being disciplined. As such, this report does not address personnel issues, but focuses on systems review.

**REVIEW OF RESULTS**

**Management Oversight**

After reviewing policies and procedures, examining written logs, interviewing Fire management personnel, observing the significant number of vacancies in front line management (Battalion Chiefs), noting the continued rotation of Captains to Acting Battalion Chiefs, and detecting a practice of using decentralized lines of command and control among different Assistant Chiefs, the Fire Department Task Force concluded that management oversight of firefighters conduct and behavior requires improvement.

This Task Force recommends accomplishing greater management oversight and accountability by:

1. Updating and modernizing the language of written expectations regarding conduct and behavior to promote greater firefighter understanding of these expectations;
2. Requiring training of firefighters that reinforces written expectations of firefighter conduct and behavior; and
3. Increasing management oversight to monitor firefighter behavior and conduct.

### **Actions taken by the Fire Department**

#### Updating and Modernizing Written Expectations

Hundreds of hours of support staff's time was expended examining and then identifying over 600 pages of existing written guidance that in some fashion addressed firefighter conduct and behavior. These identified documents were then evaluated for adequacy and the language modernized to promote greater firefighter understanding of expected behavior and conduct.

Action taken included updating and revising the following documents, (refer to Attachment A for a copy of the updated and revised documents listed):

- Rules and Regulations including:
  - ✓ The Ethic Statement
  - ✓ The Standards of Conduct
- Manual of Operations regarding:
  - ✓ Ride-alongs
  - ✓ Alcohol and drug use
  - ✓ Standards for reporting misconduct
  - ✓ Unusual incident reporting
  - ✓ Report and record preparation standards

Additionally, the Department's Rules and Regulations document was reworked from a 42-page document to a succinct 8-page document.

#### Required Training

A required training plan was implemented to reinforce written expectations (refer to Attachments B and C for the complete plan). The training will be offered in visual, auditory, and hand-on instruction to ensure that numerous mediums were available for training firefighters. Training classes include annual instruction for ethics, conduct, and leadership skills. The Fire Chief will also conduct Quarterly Chief Chats and semi-annual general communication of disciplinary actions (violations, not individuals) will serve as a teaching tool to assist in understanding and avoid future violations.

#### Increased Management Oversight

The cornerstone of the management oversight system for the Fire Department rests on the existing chain of command and the responsibility of its management. Each layer of Fire management has responsibility for the individuals within their span of control, starting from the Fire Chief down to Fire Captains. Each level of management is now specifically required to discuss conduct and behavior with employees within their span of control and to periodically spot check as an ongoing system to provide direct feedback regarding Firefighters' knowledge of behavior and conduct requirements.

Several other actions have occurred that will provide increased management oversight, including:

- Four Battalion Chief positions were filled in September 2004. Three more Battalion Chief positions are in the 2005 FY staffing plan since the City is not facing a major "hit" from the State. Approximately two-thirds of management positions that oversee fire companies had been vacant for an extended period of time and were filled by transient acting Battalion Chiefs (Fire Captains) (refer to Attachment D).
- A new system where all line Battalion Chiefs began reporting to a single Assistant Chief, effective October 2004. An Assistant Chief position is now allocated on a temporary assignment, in-charge of all three platoons and provides a consistent message from senior management and aids in resolving conflicts (refer to Attachment D). This temporary assignment needs to be made permanent and is a critical recommendation of the Task Force.
- Battalion Chiefs are now responsible for continuously monitoring Public Events Logs. Additionally, Battalion Chiefs will monitor Station Journals, Visitor Logs, and Incoming Logs on a monthly basis (refer to Attachment C).
- Background investigations will be completed on new hires to ensure the characters of individuals hired reflects the ethics and image of the fire service (refer to Attachment E).
- The establishment of an Office of Public Safety and Accountability and an Internal Affairs/Professional Standards unit (Attachment F).

#### **Internal Affairs/Professional Standards Unit**

The Fire Department Task Force recommends that a phase in plan be created that reflects case load. Initially, the first phase of the staffing plan would be establishment of the Internal Affairs/Professional Standards unit and that it be headed by a Battalion Chief appointed by the Fire Chief, reporting directly to the Assistant Chief of Human Resources with access to the Fire Chief. The duties and responsibilities of the new unit will include ensuring the timely review and investigation of complaints and establishing professional standards that will ensure the integrity of the Fire Department (refer to Attachment F).

Since an Internal Affairs/Professional Standards unit is new to Sacramento, no quantifiable basis exists within the City to determine workload. However, based on Cities with similar type of units, such as Los Angeles City, Phoenix (Arizona), and Fairfax County (Virginia), the Fire Department Task Force recommends adding a minimum of one Battalion Chief and one Confidential Clerk Typist with the objective of achieving a desired staffing level. The desired staffing level is a total of four, which would add a Fire Captain and an Administrative Analyst to the two positions listed above.

#### **FINANCIAL CONSIDERATIONS:**

Financial considerations include the creation of an Assistant Chief position with an annual operating impact of one FTE and \$110,000 of annual ongoing costs and \$50,000 of one-time costs for a command vehicle, funded from the General Fund Administrative Contingency.

The Midyear 2005 Report will recommend a case load driven Internal Affairs/Professional Standards Unit staffing plan. Preliminary estimates range from:

- Minimum annual operating impact of two FTEs and \$265,000 operating costs with one time costs of \$56,000 for the purchase of one vehicle, computers, office equipment and furniture.
- Full staffing annual operating impact of four FTEs and \$497,500 operating costs with one time costs of \$110,000 for the purchase of two vehicles, computers, office equipment and furniture.

**ENVIRONMENTAL CONSIDERATIONS:**

This activity does not constitute a "project" and is therefore exempt from the California Environmental Quality Act (CEQA), CEQA Guidelines Sections 15061(b) and 15378(b)(3).

**POLICY CONSIDERATIONS:**

The addition of an Internal Affairs/Professional Standards Unit to the Fire Department which will provide for the timely review and investigation of complaints and the consistent review and updating of departmental policies and procedures is consistent with the City Council's goal of implementing organizational improvement.

**ESBD CONSIDERATIONS:**

Not applicable.

Respectfully Submitted,



Julius J. Cherry  
Fire Chief



Dee Contreras  
Director of Labor Relations



Albert Najera  
Police Chief



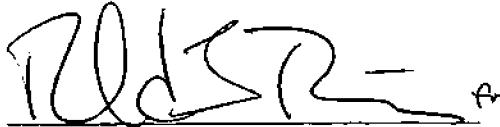
Don Casimere, Director  
Office of Public Safety Accountability

City Council  
FIRE DEPARTMENT TASK FORCE REPORT ON MANAGEMENT OVERSIGHT OF FIREFIGHTER'S  
CONDUCT AND THE DEVELOPMENT OF AN INTERNAL AFFAIRS/PROFESSIONAL STANDARDS UNIT  
December 3, 2004



Martin Kolkin  
Internal Audit Manager

**RECOMMENDATION APPROVED:**



ROBERT P. THOMAS  
City Manager

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