
County of Sacramento Office of Inspector General



2012 Annual Report

January 2013
Inspector General Lee Dean

County of Sacramento Office of Inspector General

~ Calendar Year 2012 Annual Report ~

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Executive Summary

The mission of the Sacramento County Office of Inspector General is to independently review defined areas of interest in order to strengthen and improve both services as well as standards of conduct through transparency and accountability. The Inspector General reports to the Board of Supervisors and works collaboratively with the offices of the County Executive and Sheriff. Please visit us at www.inspectorgeneral.saccounty.net.

First established in September 2007, the Office of Inspector General (OIG) conducts fact finding, audits, and other inquiries pertaining to administrative or operational matters as deemed appropriate by the Board of Supervisors, County Executive, Sheriff, or concerned Department Head. Upon request the Inspector General may also:

- Accept complaints directly from or assist members of the public in filing complaints of misconduct involving county employees;
- Monitor and/or conduct fact finding pertaining to select allegations of employee misconduct;
- Audit investigations and conduct systemic reviews of the disciplinary system;
- Interview or re-interview complainants and witnesses to ensure that investigations are fair, unbiased, factually accurate and complete;
- Provide complainants with timely updates on the status of investigations, excluding disclosure of any information which is confidential or legally protected;
- Serve as a conduit to community leaders and the public to explain and clarify procedures and practices, and to mitigate and resolve disputes;
- Provide preemptive training in internal investigations and conflict resolution.

The OIG audits and monitors all use of deadly force by Sacramento County Deputy Sheriffs as well as all complaints of excessive use of force. Additionally, the OIG audits and reviews all in-custody deaths and reports of serious bodily injury sustained by individuals held within the Sacramento County Sheriff's custodial facilities.

Within a defined area of inquiry, the OIG evaluates compliance with policy and procedure, industry standards, and fiduciary tenets. Isolated conduct as well as widespread patterns or practices are evaluated based on whether and to what extent they promote or hinder:

- Transparency and accountability;
- Protection of Constitutional rights, privileges, or immunities;
- Receipt, investigation, and judicious resolution of citizen complaints;
- Risk reduction systems and strategies;
- Promotion of best practices in view of industry standards and internal assessments;
- Adherence to technical assistance letters, judicial decrees, or executive directives;
- Management and supervisory practices which support professional standards;
- Objective, measurable performance indicators.

Sheriff's Audit Program

In February 2011, at the behest of then newly elected Sheriff Scott Jones, the Office of Inspector General (OIG) developed uniform procedures for Division-level audits within the Department. Audits were to be initiated by the Sheriff and conducted by the OIG in concert with the Sheriff's Division Commanders, with the ultimate goal of transitioning the program to internal management.

Measuring accomplishments and encouraging a fluid assessment of optimum service levels are part and parcel of how any successful organization does business—this is the end-in-mind from SSD's audit program. Additionally, identifying causative factors and remedial strategies targeting potential pitfalls relative to day-to-day operations will help avoid them in the first place; when this happens, everyone wins. Transparency, accountability, better decision making, risk mitigation, and improved efficiency are the outcomes sought.

Audit reports may contain protected information relative to internal critique of systems and procedures in connection with claims or potential claims, and as such, are confidential documents not subject to public dissemination absent express authorization from the Office of the Sheriff.

A prescribed audit tool is used to assess compliance with internal directives and regulations governing specified focus areas and to make recommendations for improvements or corrective action as warranted. The four focus areas are:

1. Internal Systems
2. Policy and Procedure
3. Personnel Standards
4. SSD Strategic Plan

A written audit report is submitted to the service area Chief Deputy synthesizing pertinent findings and possible corrective strategies identified during the process. A corrective action plan responsive to the audit's findings, once approved by the Sheriff's Executive Staff, becomes the foundational plan for implementing such steps.

At the direction of the Sheriff, the audit program falls under the office of Undersheriff for organizational purposes. To-date, the OIG has audited the Rio Cosumnes Correctional Center, South Central Patrol Division, and the Correctional Health Services Division—the last such audit was completed over a year ago in November 2011.

Action Item: Transition Divisional audits to internal administration under the auspice of the Sheriff's Professional Standards Division. Reinstitute the program as part of the Department's ongoing strategic planning process.

Complaints and Discipline

Uniform benchmarks have been adopted by the Department to aid in evaluating conduct. When referenced in the investigative findings completed by Command and Executive Staff these standards comprise a powerful tool for reaffirming expectations regarding conduct.

A. To what extent are SSD organizational core values impugned?

Acts which violate the organization's core values, (i.e. dishonesty, criminal conduct, moral depravity, etc.), represent one end of the spectrum. Such conduct implicates both the *Peace Officers Code of Ethics* and the *Oath of Office*. Public trust is diminished and often remains tenuous throughout the investigation. While there are obviously gradations here, sustained violations of this sort merit strict scrutiny.

B. Was the conduct intentional, reckless, negligent or purely accidental?

The employee's state of mind is a factor in discipline. While there are sometimes difficult degrees of separation here, this is of threshold importance.

C. What sanction/corrective action is needed to address the reasons for discipline?

- Punish the conduct;
- Correct the behavior;
- Reaffirm expectations within the organization and deter further misconduct; (where the weight is placed depends on the conduct in question and the context. The notion that higher rank equates to greater accountability is also comes into play here).

D. Are there mitigating or aggravating circumstances which tilt the balance?

- Extent to which conduct discredits the agency/law enforcement; notoriety and nature of conduct;
- Adverse impact on agency efficiency and effectiveness;
- Nature and extent of resulting harm;
- Nature and degree of risk to the public;
- Nature and degree of risk to fellow employees;
- Cooperative versus uncooperative response by employee;
- Prior conduct by the employee;
- Context within which the conduct occurred;
- Circumstances unique to the occurrence which either aggravate or mitigate.

Law enforcement officers are entrusted with unparalleled responsibility and authority—they make countless decisions daily which both impact members of the public and shape public opinion. This is especially true when it comes to use of force and the humane treatment of incarcerated individuals, two areas that bear upon long-established Constitutional liberties.

Ultimately, no set of written directives can possibly cover every contingency an officer may encounter. Within a given context, policies and procedures will be subordinate to discretion and sound judgment. Ultimately, those sworn to uphold the law must in turn hold themselves to the highest standard of ethical conduct—this is the overarching measure for evaluating conduct.

Complaints-Context

During its first four years of operation, the OIG developed a database for consistent year-to-year reporting of complaints and discipline. The Sheriff's Professional Standards Division now administers this database and provides the OIG with the formatted data reflected in this report.

Only those cases which are closed during the reporting period are included for data purposes in the *OIG Annual Report*; cases opened but not closed during the year are reflected in data for the following year. This comprehensive picture of the Sheriff's disciplinary system enables tracking and trending of misconduct as one means of evaluating corrective and preventive measures.

A sense of context is important when viewing complaint data. For the reporting period, the Sheriff's Department had an overall sustained rate of 52% for all categories of complaints. This means that misconduct was found to have occurred in approximately one-half of all investigations. Also, about 65% of these investigations were initiated internally. In their entirety, these numbers reflect a significantly high level of internal accountability.

The magnitude of services provided by members of the Sheriff's Department during the reporting period is likewise important to bear in mind. Such services include 290,992 calls for service, 230,350 dispatched events, 19,276 adult arrests, 44,798 prisoner bookings at the Main Jail alone, and literally thousands of other community contacts.

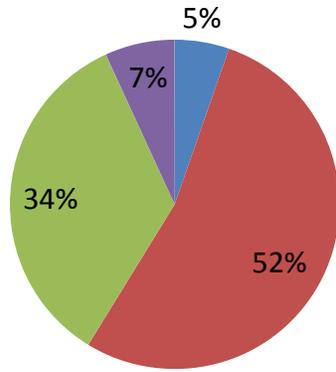
Use of Force Complaints

Over the past five years, inclusive of 2012, the Department has investigated a total of 134 complaints of excessive force. Fully 52% of these complaints are from the Main Jail located in downtown Sacramento—7% originated from the Sheriff's Rio Cosumnes Correctional Center in the south county. Roughly 34% of these cases came from Field Services—31% from patrol and 2% from Centralized Investigations. The balance of complaints in this category came mostly from Court Security which accounted for 5% of the complaints made.

Of the total number of excessive force complaints spanning the past five years, 19% have been sustained, meaning that the officer's use of force was found to be in excess of what was reasonably required under the circumstances. Discipline following a sustained outcome ranged from termination of employment when conduct was found to be egregious, to a documented counseling for conduct of a less serious nature.

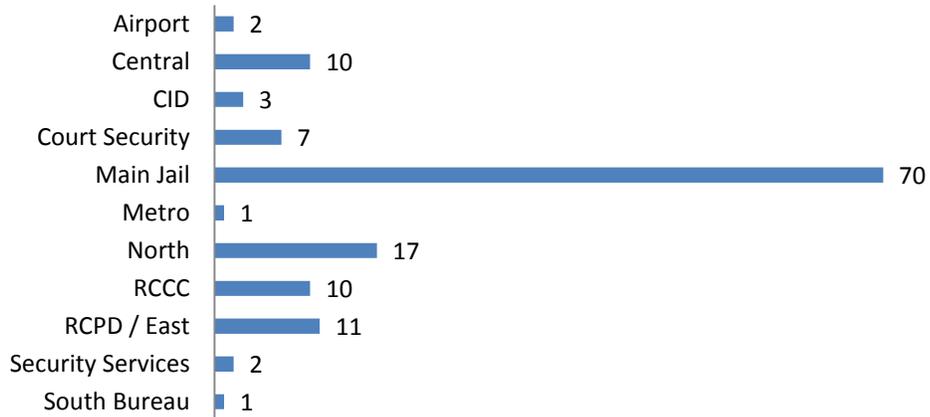
2008-2012 Use-of-Force Complaints

■ Court Security
 ■ Main Jail
 ■ Field Services
 ■ RCCC

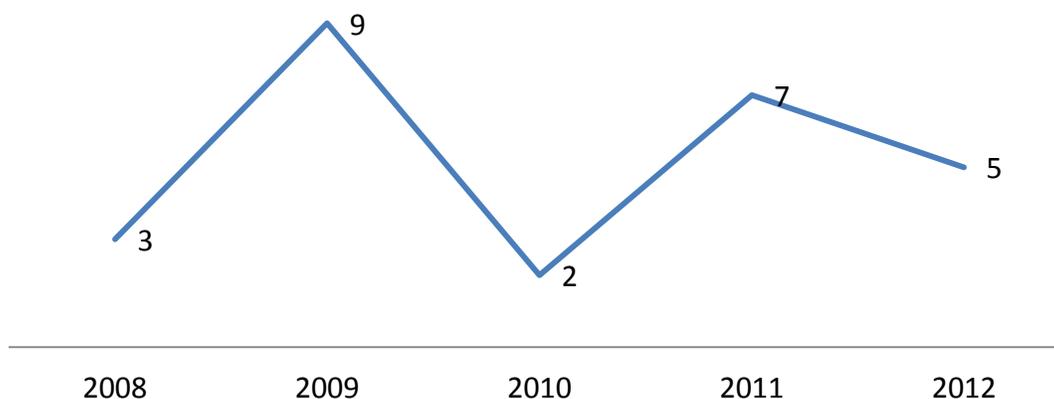


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2008-2012 Use-of-Force Complaints



2008-2012 Sustained Use-of-Force Complaints



Proactive Measures

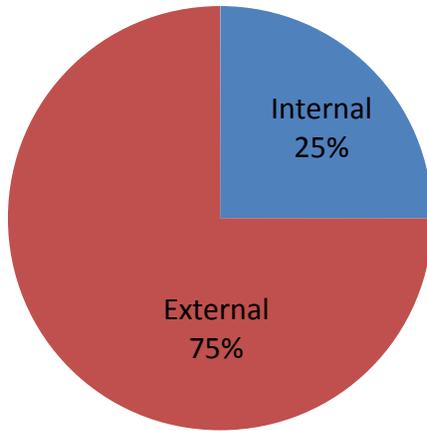
Suffice to say that most complaints of excessive force originate in the Sheriff's Main Jail. This isn't surprising given the thousands of bookings at the Main Jail during the five-year period reported and the inherently stressful atmosphere that accompanies this process as well as the custodial setting generally. In its *2011 Annual Report*, the OIG noted:

"Careful documentation and supervisory oversight, particularly in the custodial setting, are two areas that merit attention. A third area is refinement of control techniques, defensive tactics, and critical thinking to mitigate frequency of occurrence and resulting injuries to officers and inmates alike".

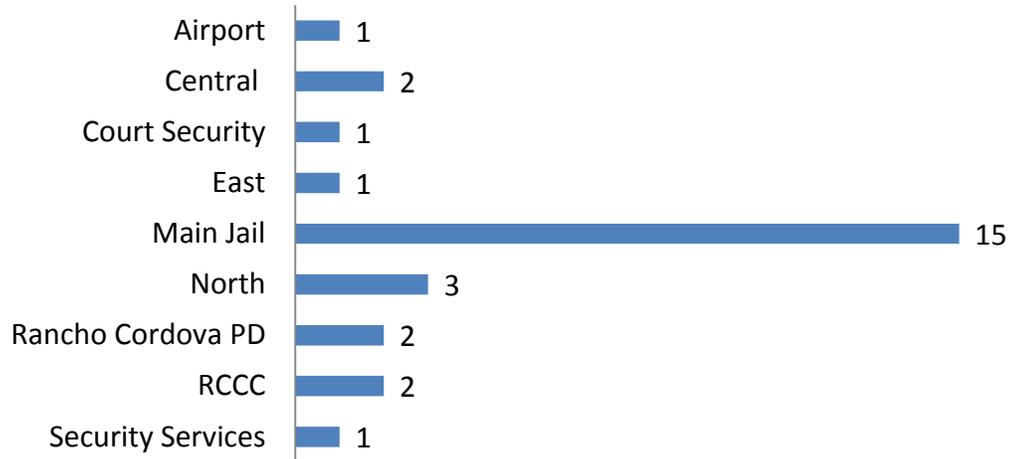
A defensive tactics curriculum for officers who will likely not see field service for extended periods was undertaken by the Department during calendar year 2012. Additionally, starting in 2012, each of the Sheriff's Division Commanders receives a break-down of complaints and claims originating under their respective commands.

During 2012, twenty-eight use-of-force complaints were investigated and closed by the Sacramento Sheriff's Department (SSD) Professional Standards Division. Of these complaints seven were internally initiated, while twenty-one cases were citizen-initiated.

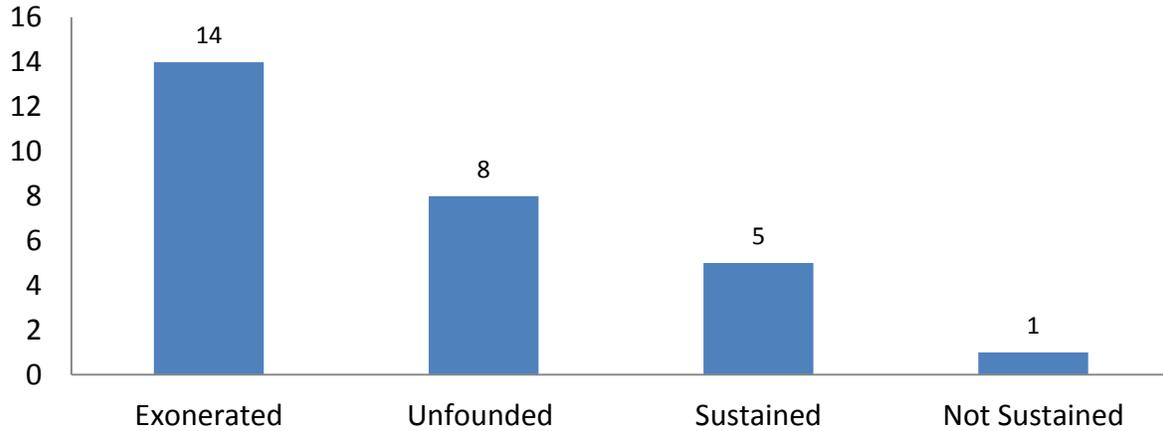
Source of Use-of Force Complaints



Use-of-Force Complaints by Division



Use-of-Force Complaints: Findings



Definitions:

Exonerated - The investigation indicates the act occurred, but that the act was justified, lawful, and proper.

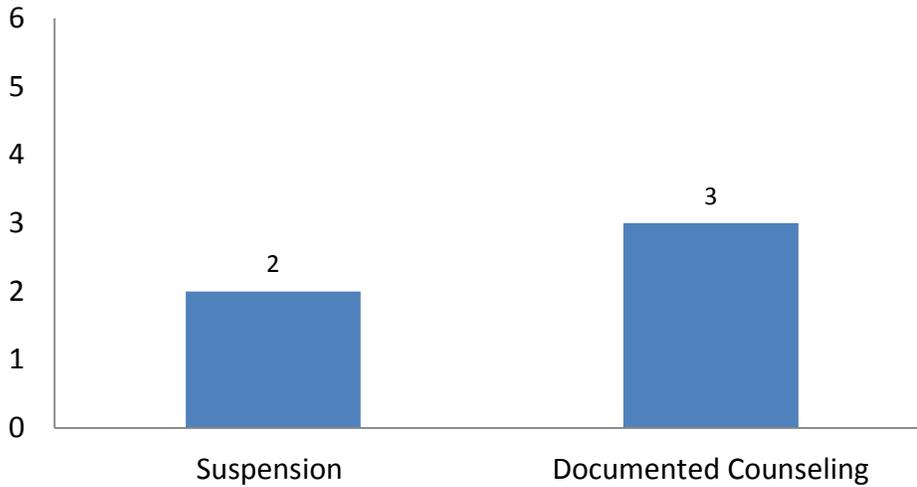
Not Sustained - The investigation discloses insufficient evidence to prove or disprove, clearly, the allegations made.

Sustained - A preponderance of evidence indicates "that the complained of conduct did occur", i.e.: it is more likely true than not true.

Unfounded - The investigation indicates the act complained of did not occur.

Withdrawn - The claim of misconduct was recanted by the claimant and available

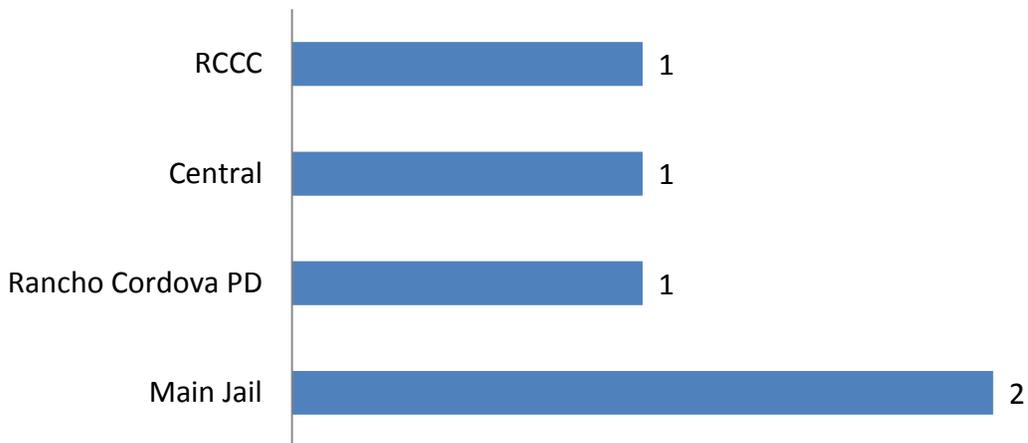
Sustained Use-of-Force Complaints: Action Taken



*Records of counseling and reprimand are steps in the SSD progressive discipline system, which memorialize the incident and outline corrective measures.

The five sustained cases involved a total of seven employees.

Sustained Use-of-Force Complaints by Divison

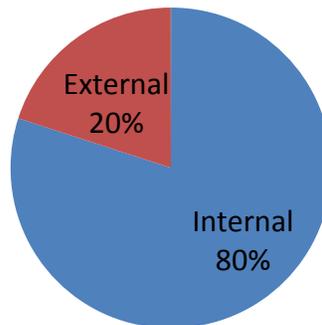


Professional Standards Complaints

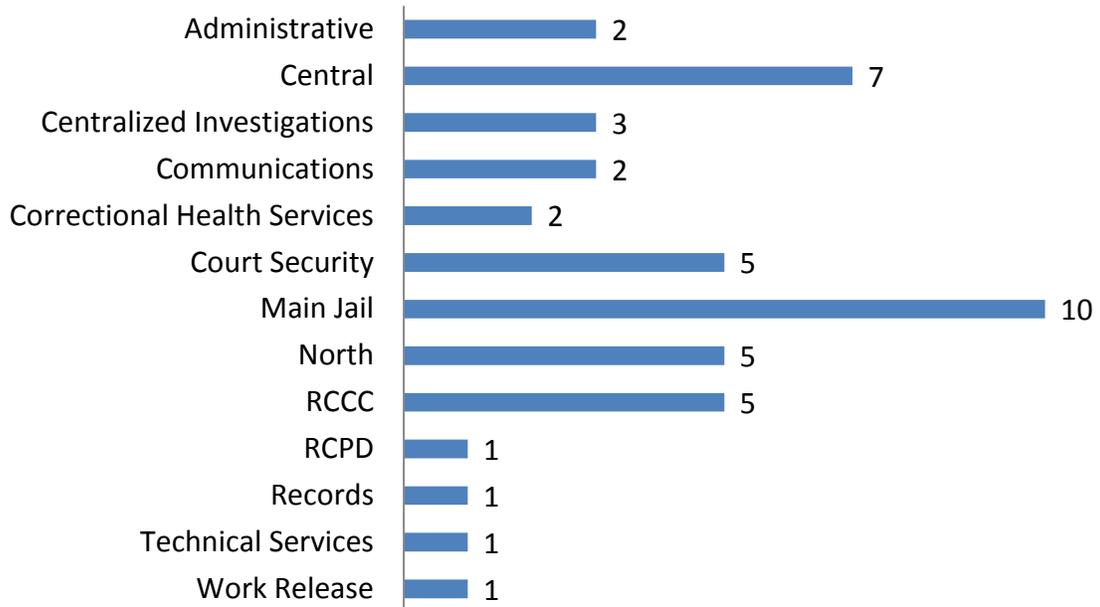
Every complaint of misconduct is investigated by the Department. Internal investigations are completed for allegations of a more serious nature, including all allegations of criminal misconduct. These investigations are conducted by the Sacramento Sheriff's Department (SSD) Professional Standards Division or by the Fair Employment Officer (FEO) when disparate treatment based on sexual harassment or protected-class status is alleged.

Forty-five employee misconduct cases not involving use of force as a primary allegation were investigated by PSD and closed during 2012. This number represents a relatively small fraction of SSD's total workforce. These cases encompass ten distinct allegations. Thirty-six cases were internally initiated while eleven were citizen-initiated.

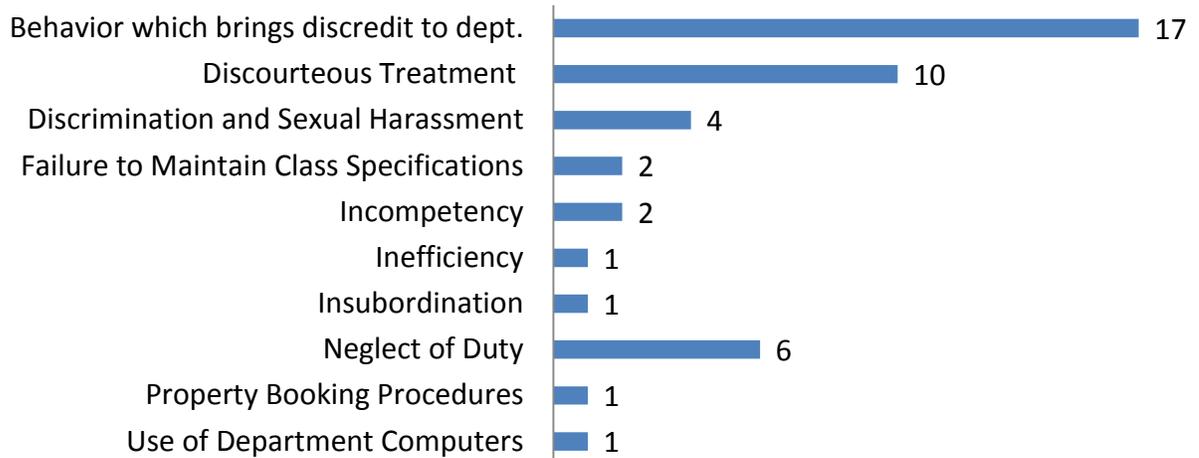
Source of PSD Complaints



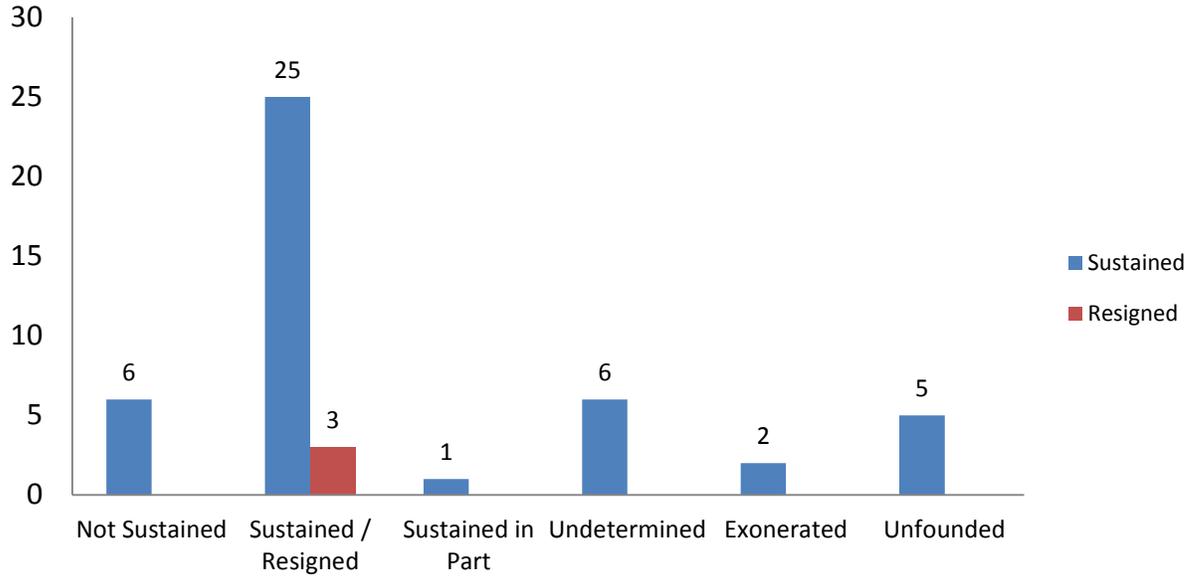
PSD Complaints by Division



Misconduct Allegations for PSD Complaints

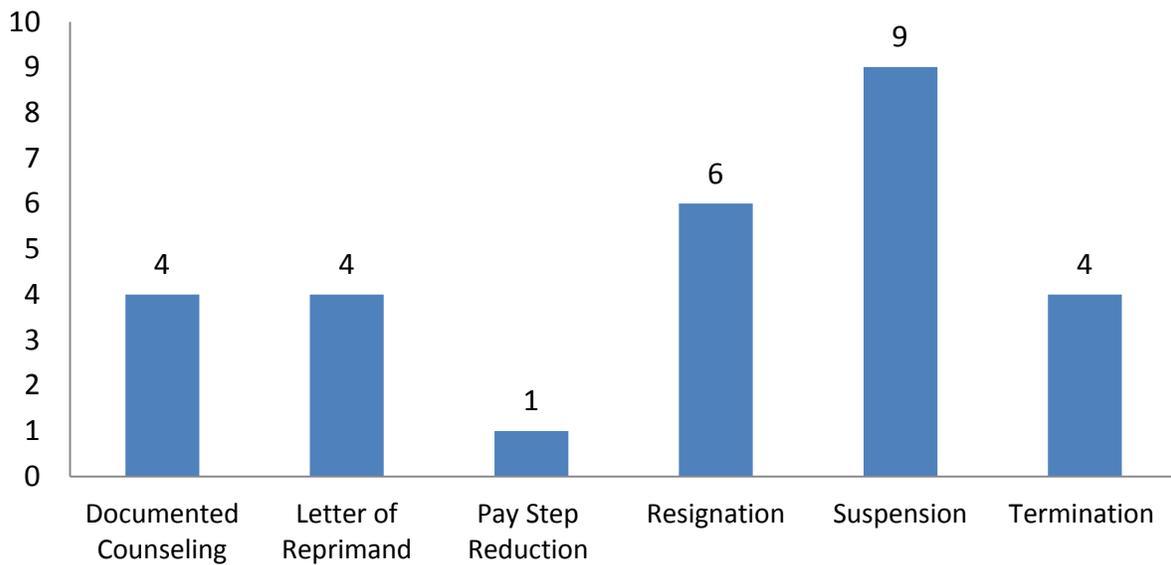


PSD Complaints: Disposition



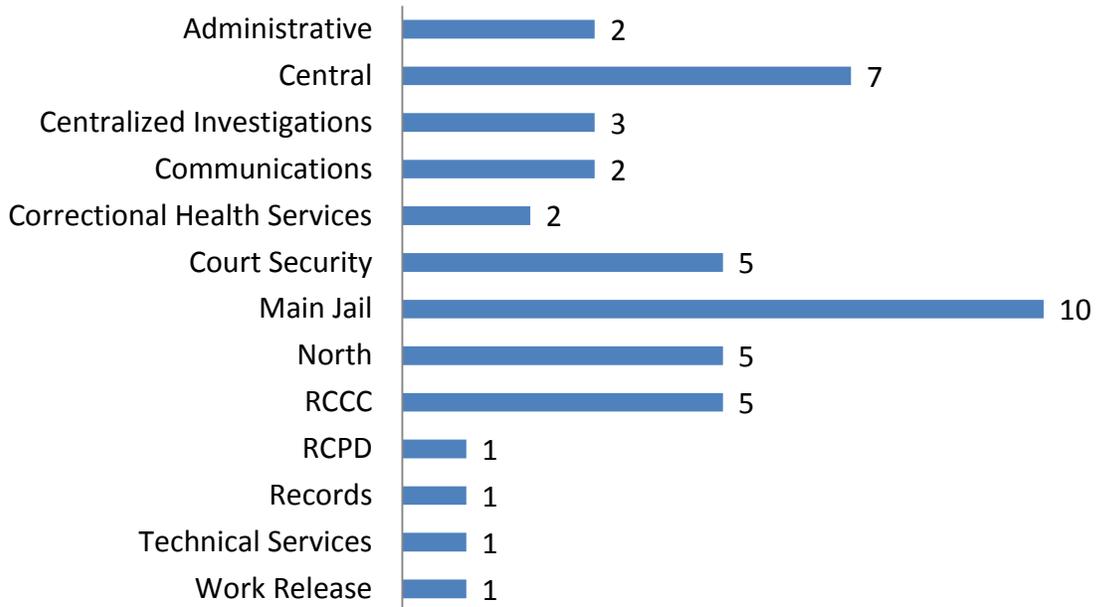
Three employees resigned in lieu of termination.

Sustained PSD Complaints: Action Taken



The twenty-eight sustained cases involved a total thirty-five employees. (The variation in resignations reflect cases where employees resigned prior to completion of investigation).

PSD Complaints by Division

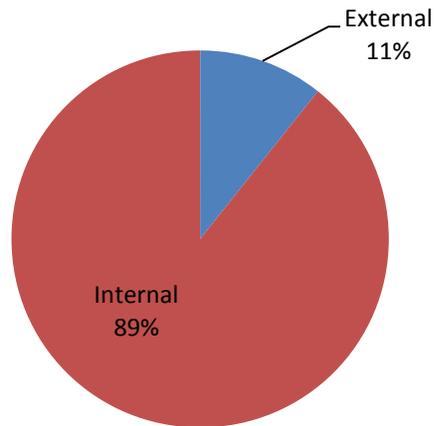


Division-Level Complaints

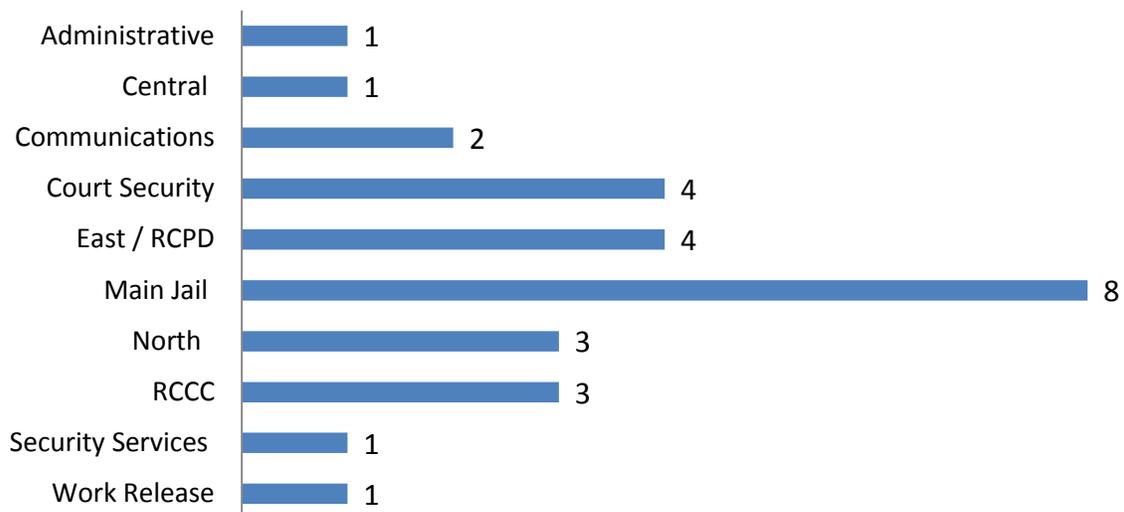
Divisional investigations generally stem from complaints regarding poor service or below standard job performance, or from internal policy violations. The accused employee's immediate chain-of-command conducts these investigations.

Twenty-eight employee misconduct cases were investigated by Division Commanders during 2012. These cases encompass seven distinct allegations. Twenty-five cases were internally initiated while three was citizen-initiated.

Source of Divisional Investigations



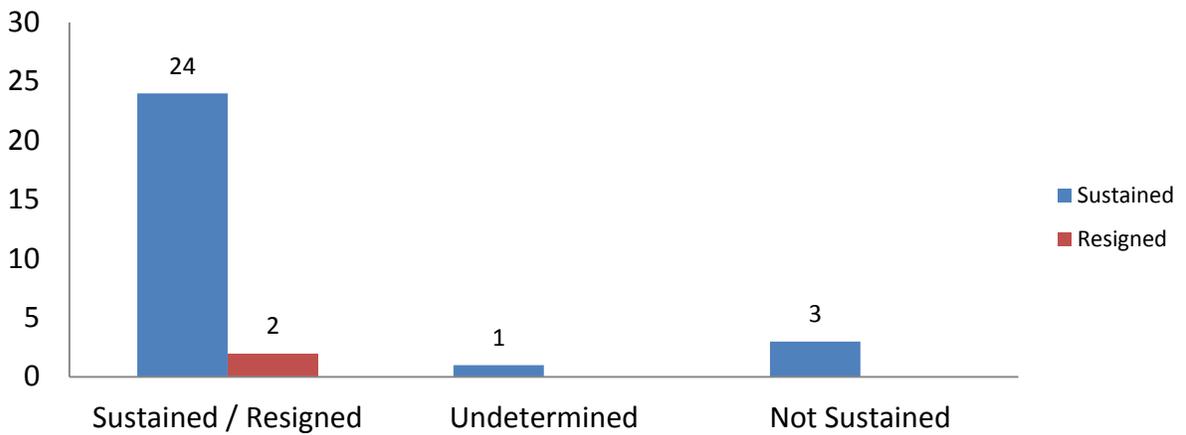
Divisional Complaints by Division



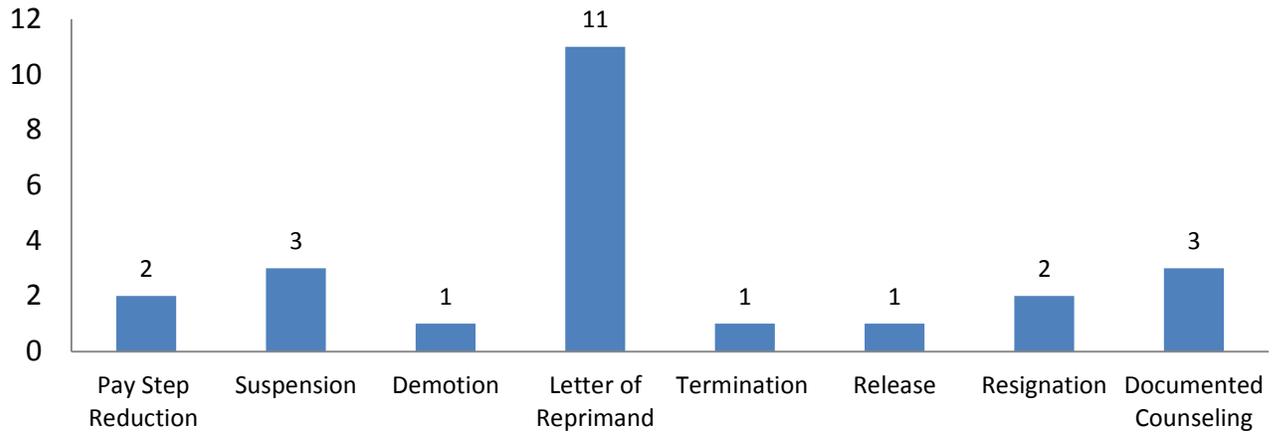
Misconduct Allegations for Divisional Complaints



Divisional Complaints: Disposition

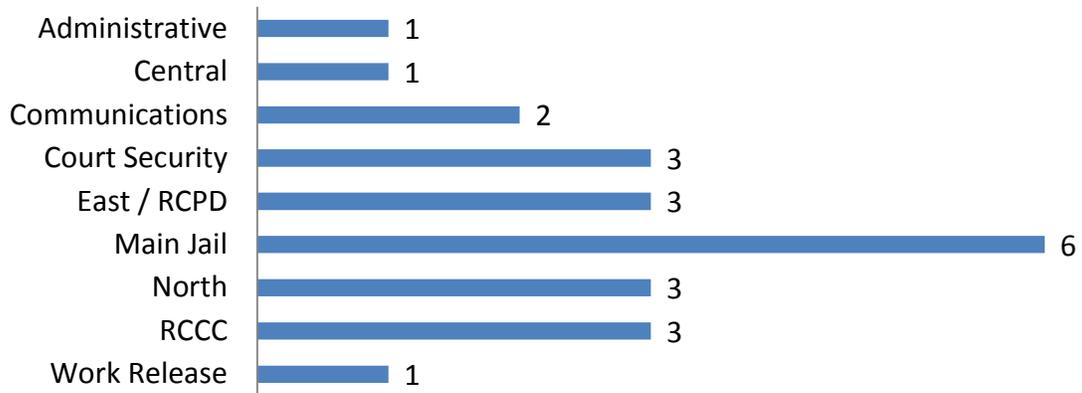


Divisional Complaints: Action Taken



The twenty-four sustained cases involved a total of thirty employees.

Sustained Divisional Complaints by Division



Critical Events

Professional Standards Fortified

To the extent some law enforcement practices are predictable there is a legitimate expectation that leaders take affirmative steps to minimize the likelihood of adverse outcomes and damaged public relations. There is every good reason to forecast potential challenges and tailor specific steps to address such challenges effectively and in a manner which increases the likelihood of public support and minimal potential for litigation.

With this in mind, Sheriff Jones in concert with the OIG has adopted use-of-force review protocol, and concurrently, is poised to form a *Professional Standards Division* with uniform oversight of complaints, claims, training and related functions that bear on mitigating adverse events and outcomes.

It is never too soon to begin planning and operating in such a manner as to mitigate the frequency of occurrence and adverse fallout from such events that inherently triggers the potential of costly consequences. Safeguarding the public trust and thereby the public image of the Sheriff's Department is an ongoing challenge which requires ongoing effort.

Risk Mitigation

Three years ago, the OIG in collaboration with representatives from the Sheriff's Department, County Counsel's Office, County Risk Management, and the County's claims and liability management firm, George Hills Company, launched *Project Horizon*. The aim of this endeavor is to track patterns of conduct by SSD employees that exposure the county to liability, in order to engage preemptive strategies in the form of policy, practice, training, and education.

The *Project Horizon* infrastructure is now in place in terms of policy and data collection; the application & reporting part of the equation however, still needs work. Oversight of *Project Horizon* has been shifted to SSD management. There remains a need to solidify expectations at the Division level relative to what the Commanders are to do with the quarterly claims and complaints reports they are now routinely receiving.

Uniformity and consistency in terms of reporting are essential if *Project Horizon* is to put down permanent roots. In order to make that happen, standardized procedures need to be strengthened so that the Divisions become accustomed to and accountable for managing the data provided to an effective end.

The *Project Horizon* steering group in place for over three years but largely dormant at this juncture can be reconstituted to work in concert with the Sheriff's Professional Standards Division Commander in formulating preemptive strategies based on an ongoing assessment of relevant claims and complaint data.

Action Item: Develop policy pertaining to Division-level review of complaints and claims in order to define reporting requirements relative to causative factors and preemptive strategies.

Action Item: Reconstitute the Project Horizon steering group to assess ongoing claims and complaints data under the oversight of the Sheriff's Professional Standards Division Commander.

Sheriff Adopts Use of Force Protocol

What nearly every cop on the beat and every law enforcement administrator wants when it comes to use-of-force is to get it right. A single incident or series of events that spotlights and calls into question use-of-force by officers can have far-reaching consequences. Circling the wagons is a losing proposition for law enforcement.

It is imperative that both officers and administrators alike have working knowledge of the rules and ramifications governing use-of-force in the public square. A calm and confident resolve fortified by knowledge and an understanding of the dynamics when public discord and public safety collide, can become a powerful tool in law enforcement's arsenal.

During 2012, the Sheriff's Department initiated in-service training for both field and custodial staff on both law and procedures pertaining to the use of force. Under the guidance of the Department's Special Enforcement Detail commander, a seasoned and highly respected veteran within the industry and the Department, this training focuses on safety, exhaustion of intermediate remedies, knowledge of the law, reporting and supervision as the cornerstones of the lawful and appropriate use of force. Officers and supervisors at the Sheriff's Rio Cosumnes Correctional Center have completed this training, as have a number of operations sites—supervisors at the Sheriff's Main Jail have also attended the training and a cost-effective means of providing line-level staff with the same curriculum is in the works.

Action item: Prioritize training of officers at the Sheriff's Main Jail as soon as feasible, preferably within the first quarter of 2013.

Historical Perspective

Law enforcement has historically drawn upon a two-prong inquiry to assess the propriety of force used by officers: *Was the force used within policy?, and, was it legally justified?* This standard of review has worked fairly well; to a point. There are a number of emerging influences however that call into question whether this standard, standing alone, serves either the public interest or the best interest of law enforcement.

Growing civil unrest, shrinking social services, protracted recessionary conditions, "realignment" of corrections responsibilities from the state to local authorities, the evolving availability and sophistication of weaponry, the high-tech ease of access to information, and violence as a default mode in today's culture are all part of a collective

reality. Predictably, this "perfect storm" will thrust officers into the fray with increasing frequency—from a public interest standpoint, the need for use-of-force review procedures that are both pragmatic and predictable is clear.

The viability of field procedures, the role of leadership, and the adequacy of both policy and training related to the use of force are matters of concern shared by the community and officers alike. Critically examining the circumstances leading to an event, how the event itself unfolded, and what happened after the event—not in lieu of the traditional two-prong inquiry but in addition to it—serves both fiduciary as well as practical ends.

Uptick in Officer-involved Shootings

An uptick in officer-involved shootings during 2012 created a heightened sense of public concern over use of lethal force by Sacramento County deputies. The need for standardized review protocol that contemplates both causative factors as well as preemptive measures became increasingly apparent—the question became how to get there from here?

In September 2012, the OIG at the behest of Sheriff Jones drafted review protocol *specific to use of force incidents*—the intent was to clarify expectations regarding the review process, and more importantly, to focus on the future safety and well-being of all concerned. The below-described protocol was ultimately agreed upon.

Importantly, this protocol is separate and apart from the Department’s internal affairs process, which entails administrative investigations focusing on an *after-the-fact* evaluation of compliance with internal policy. Conversely, the newly adopted protocol contemplates a much broader prospective centering on preemptive and mitigating strategies.

Newly Adopted Protocol

Use-of-force that results in or is reasonably calculated to bring about death or serious bodily injury falls within the purview of this protocol. The OIG in concert with the Sheriff’s Professional Standards Division (PSD) will complete an independent assessment of each such incident, drawing upon a **three-prong inquiry** on a case-by-case basis as warranted by the gravity and circumstances of each case.

The PSD Commander will notify the OIG of all incidents that fall within the purview of this protocol as they occur in order to facilitate timely response by the OIG. To complete the attendant review process, PSD will coordinate the requisite level of inquiry with the Division Commanders of the Sheriff’s Central Investigations Division, Training Division, and the Division in which the incident occurred. The Central Investigations Commander will initiate a briefing with the Inspector General that addresses the factual and evidentiary backdrop surrounding the incident. This briefing will occur as soon as feasible after the Sheriff’s Executive Staff is briefed.

Three-prong inquiry:

Events / conditions precedent

- Individual employment context re training, assignments and performance.
- Division or unit history re use of force claims & complaints.

-
- Coincidental enforcement actions, crime data & dissemination of information.
 - Other collateral influences that may have been in play.

Events / conditions concurrent

- Specifics re the call for service or observation triggering self-initiated activity.
- Predicate actions of the accused, complainant, or witnesses and nexus to officer's actions.
- Specifics re actions of the involved employee(s).
- Nature and extent of exigency compelling immediate action.
- Interagency or intra-agency logistical / equipment or communication issues.
- Specifics re tactical deployment & supervisory oversight.
- Collateral impacts re public / staff safety and welfare.

Post Assessment

- Efficacy of tactics and procedures.
- Efficacy of controlling policy & compliance with same.
- Efficacy of training.
- Efficacy of equipment.
- Noteworthy trends and /or patterns.

The focus of this no-holds-barred, non-disciplinary internal review is to critically audit each **area of inquiry** with an eye toward preemptive measures and lessons learned on a case-by-case basis. With this in mind, *the PSD Commander will complete a confidential report to the Sheriff containing relevant findings and recommendations.* This report will be reviewed by the OIG prior to submission and will be copied to the County Counsel.

Audit reports may contain protected information relative to internal critique of systems and procedures in connection with claims or potential claims, and as such, are confidential documents not subject to public dissemination absent express authorization from the Office of the Sheriff. Conversely, there is every good reason for the community to be aware of how use-of-force incidents are scrutinized and to have confidence that the protocol outlined herein is rigorously followed.

All use of force complaints and Internal Affairs investigations pertaining to same will be reviewed by the OIG. The Professional Standards Division (PSD) Commander will be responsible for ensuring that OIG is briefed with respect to each such case. In reviewing all use of force investigations, the PSD Commander will assess and document under separate cover any preemptive steps or measures in mitigation to be *prospectively* evaluated by the Sheriff and Executive Staff.

PSD in concert with the OIG will prepare a quarterly recap of use-of-force complaints and claims as well as a parallel year-end summary. The Sheriff's Training Division will provide to PSD, quarterly recaps as well as a year-end summary of in-service training pertaining to use of force department-wide. The purpose of these reports is to critically evaluate department-wide, trends, measures in mitigation and the efficacy of same.

Action item: To-date, the Sheriff's Training Division has not completed its year-end summary of in-service training pertaining to use of force. This report should be prioritized and issued forthwith.

The Rule of Law

From day-one officers learn that they may use reasonable force to effect an arrest, to prevent an escape, to overcome resistance, or in defense of themselves or others—it's the law. Beyond this, case decisions provide some "bright lines" in terms of how this authority is to be applied.

The leading case that governs use-of-force by law enforcement officers is *Graham v. Connor*, 490 U.S. 386 (1989). The "bright lines" from this landmark decision that should be a part of law enforcement's collective reservoir of knowledge are:

❖ The use of force by law enforcement while making a seizure—to include force used in self-defense or defense of another—is evaluated under the Fourth Amendment. Such conduct, therefore, is analyzed for *reasonableness* since the Fourth Amendment prohibits "unreasonable searches and seizures.

❖ The test of what is reasonable is a common sense evaluation of what an *objectively reasonable officer* might have done in the same circumstance. The "*reasonableness*" of a particular use of force must be judged from the perspective of the officer on the scene, rather than with the 20/20 vision of hindsight.

❖ Not every push or shove, even if it may later seem unnecessary in the peace of a judge's chambers, violates the Fourth Amendment. The *calculus of reasonableness* must embody allowance for the fact that police officers often are forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation.

❖ Use of force by police has two distinct justifications. The first is in response to a suspect posing an immediate threat to the safety of the officers or others, and the second is to prevent the escape of a subject. Factors involved include: "(1) the severity of the crime at issue, (2) whether the suspect poses an immediate threat to the safety of the officers or others, and (3) whether he is actively resisting arrest or attempting to evade arrest by flight." *Chew v. Gates*, 27 F.3d 1432, 1440 (9th Cir. 1994), *citing Graham*, 490 U.S. at 396.

California Penal Code section 835a provides that any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, prevent escape or to overcome resistance. This authority further provides that a peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts by reason of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

California law permits the use of deadly force if the officer *actually and reasonably* believes there to be imminent danger of death or great bodily injury to themselves or another. An officer who uses deadly force must actually believe that the force is necessary. The appearance of danger is all that is necessary; actual danger is not; *People v. Toledo* (1948) 85 Cal.App.2d 577; *People v. Jackson* (1965) 233 Cal.App.2d 639.

Policy

Written policy, or an informal agency custom or practice deemed to be tantamount to policy, is the bridge to municipal liability for a constitutional violation arising from an officer's excessive use-of-force. The Court in *Monell v. New York City Dept. of Social Services*, 436 U.S. 658 (1978) reasoned that a failure to train can only properly be thought of as an actionable policy where that failure reflects a "deliberate" or "conscious" choice by the municipality—the Court found that liability arising from "deliberate indifference" by the agency is consistent with this principal.

This means that law enforcement agencies must train officers in order to reasonably ensure that they have the requisite knowledge, skills, and abilities to operate within both the law and the policy of their respective agency when it comes to use-of-force. As part of the in-service training on use of force initiated by SSD during 2012, the following essential categories are covered:

- ❖ Where to find their agency policy on use-of-force;
- ❖ Whether their agency has adopted a "use-of-force continuum";
- ❖ The limitations on use-of-force set forth in policy; i.e. whether use of chemical agents is limited to purely *defensive* measures;
- ❖ What procedures apply to specific instances in terms of permissible use-of-force.

SSD policy on use of force set forth in General Order 2/11 REV 3/98 parallels case law and California statutory law with respect to articulating conditions and standards prescribing the lawful use of force by peace officers. Importantly, this internal directive expressly preempts required adherence to any use of force escalation scale—in other words, officers are not bound to follow a "least-serious to most-serious" use of force continuum; rather, each case must be evaluated on the circumstances present.

Any use of force which results in a visible or reported injury, or involves the use of firearms, impact weapons, chemical weapons, carotid control holds, or vehicles must be documented. The complete use of force report, whether an incident, pursuit, casualty, or crime report, shall include:

- ❖ Reason for response or enforcement activity;
- ❖ Witness/suspect behavior upon arrival of officers;
- ❖ Suspect actions and statements prior to arrest/use of force;
- ❖ Differences in physical odds; i.e., height/weight, alcohol/drug intoxication, demonstrated fighting skill;
- ❖ Type and amount of resistance offered;
- ❖ Type of force used to overcome resistance;

-
- ❖ Medical treatment requested and by whom provided;
 - ❖ Time of supervisory notification and to whom;
 - ❖ Third party witness statements;
 - ❖ Evidence collected, including description of injuries.

Supervisory notification shall be made as soon as practical following the application of force which, at the time, appears likely to have caused physical injury. Medical assistance for any injured persons shall be obtained as soon as possible. Finally SSD policy provides that Management and/or supervisory personnel shall plan and facilitate debriefings of any use of force incidents which result in serious bodily injury or death to citizens, officers, or suspects. These debriefings shall occur as soon as possible after the incident, but no later than 30 days afterward.

Review of Officer-involved Shootings

The OIG receives comprehensive, individual briefings pertaining to all SSD officer-involved shootings. These briefings are presented by the Department's Homicide Bureau and command staff once their investigation of the incident is completed, typically within a few weeks of the occurrence. All of the forensics, reports, photos, and recorded communications gathered during the course of the investigation are presented during this briefing. Aside from this, the OIG is also briefed by the Sheriff's Professional Standards Division investigator at the time of the event, and again, once their separate case file is compiled.

It is noteworthy that all of the officer-involved shootings during the reporting period occurred *prior to* implementation of the above-described, newly-adopted review protocol. Thus, the OIG focused on each of the below-listed events only with respect to whether the officer's actions were lawful and consistent with Departmental policy—no contrary findings were warranted under the totality of circumstances present in each case.

January 8, 2012 1:30 a.m.

A California Highway Patrol Sergeant attempted to stop a vehicle for erratic driving in the area of Howe Avenue and Delma Way. The driver, a 51-years old male probationer with a history of weapons violations, failed to yield resulting in a vehicle pursuit. Deputies from the Sacramento Sheriff's Department assisted in the pursuit during which the **Pursuit Immobilization Technique** was executed by CHP, which temporarily disabled the suspect's vehicle. At the same time, the CHP Sergeant's patrol car veered off the road and struck a tree—he sustained minor injuries and was transported to an area hospital.

Deputies surrounded the suspect to take him into custody, but as they approached the temporarily disabled vehicle, the driver accelerated towards the deputies. Fearing for their lives, four deputies fired at the suspect as they jumped out of the path of the oncoming vehicle. The suspect continued to drive several blocks before his car finally stalled. Deputies again attempted to take the suspect into custody but he refused to

comply. A Taser was deployed and the suspect was eventually subdued—he sustained non-lethal gunshot wounds and was transported to an area hospital.

Because this shooting occurred within the City of Sacramento, members from the Sacramento Police Department's Homicide Division led the investigation. Consistent with established practice, the Sheriff's Internal Affairs Unit compiled an independent case file for internal review and disposition and facilitated a briefing on the incident with the Office of Inspector General. The deputies involved in this incident have from 10 to 12 years of experience with the Sheriff's Department.

January 15, 2012, shortly after 11:00 a.m.

A Sheriff's deputy with 14-years of service assigned to the North Field Services Division while on patrol in the Arden Arcade area stopped two suspicious subjects in the 2700 block of Fulton Avenue. While speaking with one of the subjects, a large 24-years old male parolee with a history of weapons violations, the individual attempted to punch the deputy in the face and then ran—the other subject, a male juvenile, remained at the location.

The deputy turned to avoid being struck but nonetheless felt a blow to his chest—he then chased the fleeing subject and caught him after a few seconds. The suspect began to strike the deputy in the head and face before they both fell down an embankment, tumbling approximately twenty feet into in a creek. The fall resulted in the deputy being pinned and partially submerged underneath the suspect, who continued punching the deputy.

To no avail, the deputy ordered the suspect numerous times to stop fighting, and tried unsuccessfully pushing push the much larger suspect off of him. Due to his position of disadvantage and the continued violent assault the deputy drew his service weapon and shot the suspect; once in the leg and once in his stomach.

Additional officers arrived at the location and found the deputy suffering from facial injuries. Despite being struck by gunfire, the suspect struggled with responding officers before he was finally taken into custody. Paramedics transported the suspect to an area hospital for treatment of his non-life threatening injuries and medical release prior to booking on charges that included assault on a peace officer. The deputy was also taken to a hospital where he was treated for facial injuries and released. The male juvenile who was with the suspect was detained for questioning by deputies. He was cooperative during the aftermath and no charges are expected to be filed against him.

Crime scene investigators processing the scene recovered a firearm from the area of the creek where this incident took place. The Sheriff's Homicide Bureau and the Professional Standards Division will conduct investigations, which is standard practice for any officer-involved shooting that occurs in the Sheriff's jurisdiction.

January 17, 2012, shortly before 10:00 p.m.

A 9-1-1 call was made to the Sheriff's communications center from a private residence in the 6200 block of San Martin Street in North Highlands. A male caller stated that his

24-years old son, an individual with prior mental health conflicts but no history of probation, parole or weapons violations, was acting violently with other family members and throwing items around inside the house. After a significant delay in response due to other priority calls for service, the first responding deputy made contact with the adult son inside the house.

When confronted the caller's son became verbally combative and ultimately tackled the deputy to the bed, landing on top of him, and striking the deputy several times in the head and face with closed fists. The deputy attempted to get the suspect off of him, but was unable to do so. As reported, the suspect began grabbing at equipment on the deputy's gun-belt while continuing to punch the deputy.

Fearing for his life, and having been injured by the suspect's continued assault, the deputy drew his service weapon and fired three shots at the suspect, striking him in the upper body. The deputy immediately requested emergency medical personnel, who responded to the location along with other officers. The suspect was transported to a local hospital where he died as a result of his injuries. The deputy, a 9-year veteran of the Department, was also transported to a hospital to receive treatment for injuries sustained to his head and face. Several family members of the suspect were inside the home at the time, but none were injured.

Investigations into this incident will be conducted by the Sheriff's Homicide Bureau and the Professional Standards Division, which is standard practice for any officer-involved shooting by department personnel that occurs in the Sheriff's jurisdiction.

January 27, 2012 shortly after 2:00 a.m.

Sheriff's deputies responded to assist the Galt Police Department with a burglary alarm at a coffee shop in the 10400 block of Twin Cities Road. Deputies arrived at the location within minutes of the call and observed a vehicle with its engine running backed into a parking stall directly outside the business—they also saw that the glass door of the business had been shattered, and observed one male subject inside the business and another subject running from the business.

Deputies entered the business on foot through the broken front door and observed a male suspect run from behind the counter toward the back of the business. Deputies directed the suspect to stop, but instead, he diverted and fled toward the front door where one of the deputies was positioned. One of the deputies who was further inside the business than the other observed a yellow-handled sledge hammer in the suspect's hand as he ran in the direction of the front door and the waiting deputy.

The suspect was ordered to stop and show officers his hands—when he nonetheless continued his flight toward the front door, the deputy who had given the admonition, an 11-year veteran of the Department, believing that the suspect posed an imminent threat to the officer positioned near the front entryway, shot the suspect once in the upper body and once below the waist. Despite being wounded by gunfire, the 27-years old suspect ran out of the business but was taken into custody in the parking lot. Emergency medical personnel responded to the scene, and transported the wounded suspect to an area hospital where he underwent emergency surgery.

At approximately 3:15 a.m., that suspect who had fled the scene was apprehended as he hid underneath a motor home in front of a residence on a nearby street. That suspect, a 22-years old male, sustained a K9 bite and was transported to a hospital for treatment of his injuries. He was booked into custody on burglary charges after being medically cleared for incarceration. The suspect who was shot, a 27-years old parolee at large with a history of weapons violations, will be booked when medically released. Investigations of this incident will be conducted by the Sheriff's Homicide Bureau and Professional Standards Division.

January 31, 2012, 3:30 p.m.

Sheriff's deputies went to the Meridian Apartments in the 7400 block of Stockton Boulevard to serve a felony arrest warrant for an individual they suspected was at this location. Deputies knocked and were permitted entry into an apartment occupied by several individuals.

As the deputies were seeking to identify the individuals present, an adult male suspect armed with a shotgun pointed in the direction of the deputies emerged from a rear bedroom. One of the deputies, a 14-year veteran of the Department, ordered the suspect to drop his weapon—he failed to do so and kept the shotgun pointed in the direction of the officers. Fearing imminent danger to his life and to the lives of others, the deputy fired one round from his duty weapon at the suspect. As deputies were backing out of the apartment, the suspect fired two shotgun rounds at them—unharmed, the deputies quickly established perimeter containment outside of the apartment building.

Deputies ordered the occupants inside the apartment to come out—five individuals, not including the suspect, exited the apartment and told deputies that the suspect remained inside the apartment, along with a teenage female who was believed to be his daughter or stepdaughter. Members of the Sheriff's Special Enforcement Detail (SED) and the Critical Incident Negotiations Team (CINT) responded to the scene. Teams of officers were deployed to evacuate neighboring apartments.

An eight-hour standoff ensued during which CINT members established and maintained intermittent phone contact with the suspect and the teenage female inside the apartment; the teenager told deputies that she had stayed inside the apartment, and continued to remain there, of her own accord. In spite of their best efforts, which included delivery of food to the suspect and teenage female, peaceful resolution was not reached.

Shortly before 11:00 p.m., with the assistance of an engine truck from the Sacramento Metro Fire Department, a water-cannon was deployed to displace the windows of the apartment in question. As this was occurring and again shortly thereafter, the suspect fired his shotgun out of the apartment in the direction of the officers—no deputies were struck by the gunfire

At approximately 11:25 p.m. the suspect fired a third shotgun round from the apartment in the direction of the officers. In an effort to get the suspect and the female subject to exit the apartment, SED deployed tear gas into the apartment

through the open window bays. A minute later, the front door of the apartment opened, and the female came out—she was uninjured and was detained and taken safely away from the apartment.

As the female subject was being detained, the 29-years old suspect who was on probation with a felony warrant for his arrest, positioned his shotgun at the entrance to the apartment and paced in and out of the doorway. Deputies directed the suspect to drop his shotgun from the balcony to minimize the risk—he hesitated but then complied and was immediately taken into custody. The uninjured suspect was booked into the Sacramento County Main Jail on charges of assault with a deadly weapon (firearm) and for his active warrant. Investigations into this incident will be conducted by the Sheriff's Homicide Bureau and the Professional Standards Division.

February 6, 2012 3:00 a.m.

Deputies working a two-person patrol unit in Central Division monitored Sacramento Police Department radio traffic of a stolen vehicle call at the AM/PM at the corner of Fruitridge Road and Stockton Boulevard. The deputies drove past the scene and saw two SPD units recovering the stolen vehicle abandoned at a gas pump. Believing the suspect had walked away from the vehicle when he saw the SPD units, deputies initiated a search of the area just north of the AM/PM.

They observed a person walking in the middle of a K-mart parking lot faintly illuminated by the street lights from Stockton Blvd. Deputies stopped this individual and when he hesitated in answering whether he was armed, initiated a pat-down search for weapons. The individual simultaneously fled on foot chased by one of the deputies through the parking lot. The pursuing deputy ordered the fleeing suspect, a 47-years old male with a history of resisting arrest but otherwise no criminal background, to stop, and deployed his taser when he failed to do so—the taser prongs were unable to penetrate the suspect's heavy coat.

As he was fleeing, the suspect reportedly reached in his coat pocket and tossed what was believed by the deputy to be a baggie of dope—it was likely a cellular telephone later recovered in the parking lot. As he ran, the fleeing suspect reportedly tried to unzip his jacket—because they were in full sprint, he was however unable to do so. The deputy grabbed the hood of the suspect's coat as they exited the parking lot—it tore away from the jacket causing the deputy to drop his taser device as the suspect continued to flee onto Lawrence Drive.

The deputy once again caught the suspect, grabbed, and this time held onto, the suspect by his coat—in the process the two of them came face-to-face. Before the deputy could take the suspect to the ground, the suspect reportedly reached inside his coat with his right hand; believing that he was facing an imminent deadly encounter, the deputy let go of the suspect and fatally shot him.

The Sacramento Fire Department responded and transported the suspect to the hospital—he did not survive his injuries. The Sacramento Sheriff's Department is conducting an administrative investigation. The deputy involved in the shooting has

been with the Sacramento Sheriff's Department for 10-years. The Sacramento Police Department's Homicide and Crime Scene Investigations Units are conducting the shooting investigation.

April 12, 2012 5:30 p.m.

Sheriff's narcotics investigators were executing a search warrant at a residence in the 9100 block of Kendrick Way in Orangevale. During the course of their investigation they contacted a resident in the driveway of the residence. This subject, a 33-years male with a history of weapons violations who was at the time on neither probation nor parole, fled from the home, but was caught and detained by deputies after a short foot chase and returned to the residence.

While inside the residence the now handcuffed male suspect was given the option of opening a bio-metric safe requiring his fingerprint, (in order to establish his ownership and control of the safe and its contents), versus forced entry and damage to the safe—he opted to open the safe and was admonished to merely open the safe and move away. Instead, the suspect reportedly retrieved a handgun from inside a safe pointing it in the direction of the investigators, who upon seeing an imminent threat fired upon the suspect as they fled the residence and called for assistance, not knowing whether they had incapacitated the suspect.

Occupants of nearby homes were evacuated as additional officers, including members of the Sheriff's Special Enforcement Detail (SED) and Critical Incident Negotiations Team (CINT) responded to the scene. One of the investigators, shot in the hand during the confrontation, was treated at the scene by medical personnel for a non-life threatening injury. It was later determined that his wound was from "friendly-fire" in as much as the suspect did not discharge his weapon during the confrontation.

At approximately 7:30 p.m., a robot deployed inside the residence found the suspect unresponsive—a tactical medic and team of officers then made entry and determined that the suspect had expired from gunshot injuries.

Investigations into this incident will be conducted by the Sheriff's Homicide Bureau and Professional Standards Division. The deputies involved are assigned to the Sheriff's IMPACT Division and have twelve, seventeen and nineteen years of service with the department respectively.

April 20, 2012,

Sheriff's deputies responded to the Ardenaire Apartments in the 1900 block of Ethan Way in north Sacramento in an attempt to locate a suspect who had exchanged gunfire with officers from the West Sacramento Police Department during a series of carjackings earlier that morning—deputies had been assisting the WSPD throughout the day with their investigation and information was developed suggesting a possible link between the suspect and this location.

A team of deputies from the Special Enforcement Detail (SED) was sent to the apartment complex to attempt to locate the suspect, a 38-years old male probationer with a criminal history of robbery. Upon arrival at the apartment complex, deputies

observed a male who matched the description of the suspect, who upon seeing the deputies, immediately ran into an upper level apartment. With ample reason to believe that the suspect may be armed, the deputies established perimeter containment around the apartment in question, evacuated adjoining apartments, and requested backup.

Within a few minutes, the suspect broke a hole in an exterior wall from inside the apartment and peered out at deputies—he was admonished to surrender but instead began stacking furniture onto the apartment balcony, making several trips from inside the apartment do so. As deputies continually attempted to get the suspect to surrender, they could see smoke and flames beginning to come from the apartment. Sacramento Metro Fire Department personnel were requested, and as the flames quickly spread, the suspect remained defiant. Within moments, smoke was billowing from the apartment, which was quickly becoming engulfed in flames.

Because the actions of the suspect imperiled emergency response and impeded fire suppression and evacuation, lethal force was deployed to neutralize the impediment he presented—the suspect, crouched within his make-shift barricade on the balcony, was shot and incapacitated by a Sheriff's deputies. Fire personnel were then able to extinguish the blaze—no injuries to emergency response personnel or residents were reported.

Preliminary indications are that the now deceased suspect was involved in an earlier crime spree in West Sacramento and Yolo County that included carjackings and the exchange of gunfire with West Sacramento police officers.

Investigations into this incident will be conducted by the Sheriff's Homicide Bureau and Professional Standards Division. The deputies involved are all members of the Special Enforcement Detail (SED) and have thirteen, thirteen, nineteen and twenty-three years of service, respectively.

May 19, 2012 shortly before 6:00 a.m.

Sheriff's deputies received a call of a robbery that had just occurred at a gas station located at Watt Avenue and Antelope Road. The description of the suspect matched that of an earlier robbery at a convenience store in the 3600 block of Elkhorn Boulevard in North Highlands. Information in both calls was that the suspect had simulated a weapon and had taken cash and fled on a motorcycle—while en route to the call, patrol deputies observed a motorcycle and rider matching this description; they followed the motorcyclist southbound on Walerga Road from Antelope Road.

The motorcyclist led deputies on a brief pursuit that ended when the rider suddenly braked while rounding a corner in the 7300 block of Hutchins Way in North Highlands. The pursuing patrol vehicle inadvertently struck the motorcyclist from behind, causing him to fall to the ground. The motorcyclist then began to run from deputies and dropped a cash register drawer as he fled.

Deputies chased the suspect, a 21-years old probationer with no documented history of weapons violations, and ordered him to stop—instead, the suspect turned and looked toward the pursuing deputies and reached toward his front waistband area. In the face

of what he perceived to be an imminent threat to himself and his partner, one of the deputies, a nine-year veteran assigned to the North Patrol Division, fired his duty weapon at the suspect, striking him in the upper body. The suspect fell to the ground and deputies immediately requested emergency medical personnel and administered CPR awaiting the arrival of paramedics. The suspect was pronounced dead at the scene.

At the time of this shooting, the Sheriff's communications center received yet a third call of a robbery that had occurred minutes earlier in the 7900 block of Walerga Road in Antelope. The description of the suspect in that incident matched that of the earlier two robberies and was consistent with the suspect that the deputies had just apprehended. This incident will be investigated by members of the Sheriff's Homicide Bureau and the Professional Standards Division.

May 28, 2012 shortly after 2:00 p.m.

Sheriff's deputies were dispatched to a residence in the 6800 block of Weddigen Way in North Highlands, regarding a dispute between neighbors. The complainant stated that during a verbal argument, a family member had been assaulted by a man who lived next door.

After contacting the complainant the deputies went next door to speak with the other individual allegedly involved in the altercation. As the deputies were standing outside the front door of that residence, the garage door of the home suddenly opened. A man wielding a pitchfork emerged from the garage and began to advance aggressively toward one of the deputies. In response to this, the deputy attempted to back away from the subject while shouting commands at him, telling him to stop and drop the pitchfork.

The suspect, a 40-years old male with prior mental health conflicts but no history of probation, parole or weapons violations refused numerous commands to stop as the deputy retreated backward. While backing away from the subject in an attempt to create a safe distance between them, the deputy lost her footing and fell to the ground whereupon the subject continued to advance toward her with raised pitchfork in-hand. Fearing for his partner's life, the other deputy, a 16-year veteran of the department, fired his duty weapon several times, striking the suspect in the upper body whereupon he fell to the ground. In spite of life-saving measures rendered by deputies the 40-years old suspect was pronounced dead by paramedics who arrived at the scene—he had no history of probation or parole.

This incident is being investigated by the Sheriff's Homicide Bureau and Professional Standards Division.

August 2, 2012 5:00 p.m.

A standoff in a Fair Oaks neighborhood ended after a man who brandished a gun at deputies was fatally shot during a standoff that lasted several hours. The 47 year-old male suspect who had a felony warrant for his arrest but otherwise no history of probation, parole or weapons violations, had eluded deputies earlier in the day as they sought to serve the arrest warrant.

This incident unfolded around 12:00 p.m., when members of the Sheriff's Major Crimes Bureau arrived at a residence in the 4800 block of Vir Mar Street. The resident of the home was wanted for a warrant related to making terrorist threats. Upon arriving at the home, deputies developed information that the suspect was inside. Despite announcing their presence and directing the suspect to come to the door, he remained inside the home and refused to come out.

The deputies entered the residence in an effort to serve the arrest warrant. They proceeded through the home, identifying themselves as Sheriff's deputies and calling for the suspect to make his whereabouts known. One of the deputies observed the suspect in a bedroom holding a handgun and pointing it in their direction. At that point the deputies backed out of the residence and called for back-up.

Members of the Special Enforcement Detail (SED) and the Critical Incident Negotiations Team (CINT) responded, along with additional patrol deputies. A perimeter was established outside of the residence, with several nearby residents being evacuated and others directed to shelter in place. Over the next few hours, Sheriff's personnel established telephone contact with the suspect. During conversations with him, the suspect stated that he would not submit to arrest, and made threats to kill any deputies who attempted to enter the residence. Numerous efforts were made to convince the suspect to surrender peacefully, yet he remained steadfast in his intent to remain inside the home and repeatedly reaffirmed his desire to kill Sheriff's deputies.

At approximately 4:00 p.m., the suspect exited a door from the garage and brandished a long-barreled firearm toward deputies outside the residence. Faced with an imminent threat to their safety, one of the deputies, a 16-year veteran assigned to Field Services, fired a single shot at the suspect, who then retreated out of sight back into the home. It was not immediately known whether the suspect had been struck by the gunshot. Deputies continued attempts to get the suspect to surrender, via loudspeaker announcements and phone calls inside the residence, but were unable to establish further contact.

Ultimately, a robot was deployed into the residence in an attempt to locate the suspect and ascertain his condition. The robot established visual contact with the suspect as he lay in one of the bedrooms, seemingly unresponsive. A team of deputies then entered the home along with a tactical medic. The suspect was determined to have sustained a gunshot wound to his upper body, and was pronounced dead. In the immediate area where the suspect was located were several firearms and numerous rounds of ammunition. This incident is being investigated by members of the Sheriff's Homicide Bureau and Professional Standards Division.

August 14, 2012 5:00 p.m.

The Folsom Police Department received a report of a robbery that had just occurred at the Wells Fargo bank, 1113 E. Bidwell St. in Folsom. Subsequent radio traffic indicated that the suspect was possibly armed. During a search of the area, officers encountered the suspect a few blocks away walking in a residential neighborhood with a large backpack. When they tried to contact the suspect, he dropped his backpack and ran.

A foot pursuit of the suspect crossed through backyards and across the rooftop of a nearby business. Units from the Sacramento Police Department and Sacramento County Sheriff Department monitoring radio traffic of the robbery and pursuit joined to assist with apprehending the suspect. The Sheriff's sergeant, a veteran SWAT commander with 24-years of experience, was wearing business attire but donned a protective vest emboldened with "Sheriff", making himself readily recognizable as a law enforcement officer.

The 32-years old male suspect, a parolee with no prior history of weapons violations, eventually fled through the front door of a home in the 1300 block of school Street. The screams of the mother and her four young children from inside the residence attracted the attention of a veteran Folsom police officer and the Sheriff's sergeant. As the officers ran to the front door of the house, the suspect exited, saw the officers, and reentered the residence toward the screaming family.

The suspect was trying to enter the bedroom where the mother and children had fled when the two officers engaged him in the hallway. When the suspect was unable to open the locked bedroom door, he turned as though to try another hallway door and was at that point shot once by the Sheriff's sergeant. Emergency medical personnel responded to the scene but the suspect succumbed to his injuries. None of the family members were injured.

Folsom Police Department investigators took the lead on a thorough investigation of this incident. Consistent with established practice, the Sheriff's Internal Affairs Unit compiled an independent case file for internal review and facilitated a briefing on the incident with the Office of Inspector General.

In-Custody Deaths

Upon notification of an in-custody death the OIG will respond to the scene. Homicide investigators will respond to all in-custody deaths except those that occur in a jail setting when criminal victimization at the hands of another is obviously not a factor; i.e., single-cell suicide or death by natural causes.

Assuming a response by homicide investigators, the Central Investigations Division Commander will initiate a post-incident briefing with the Inspector General that addresses the factual and evidentiary backdrop surrounding the incident. This briefing will occur as soon as feasible after the Sheriff and Executive Staff have been briefed, and will include copies of preliminary documentation describing the event completed by Division personnel assigned to the facility at which the in-custody death occurred.

Inmate deaths are thoroughly investigated and reported in accordance with the California Code of Regulations, Title 15, Article 4, Section 1046 and California Government Code section 12525. The *Management Summary Report* produced by this investigation is contained in what is commonly referred to as a "Death Review Binder". This information is reviewed by the command and executive staff at the concerned

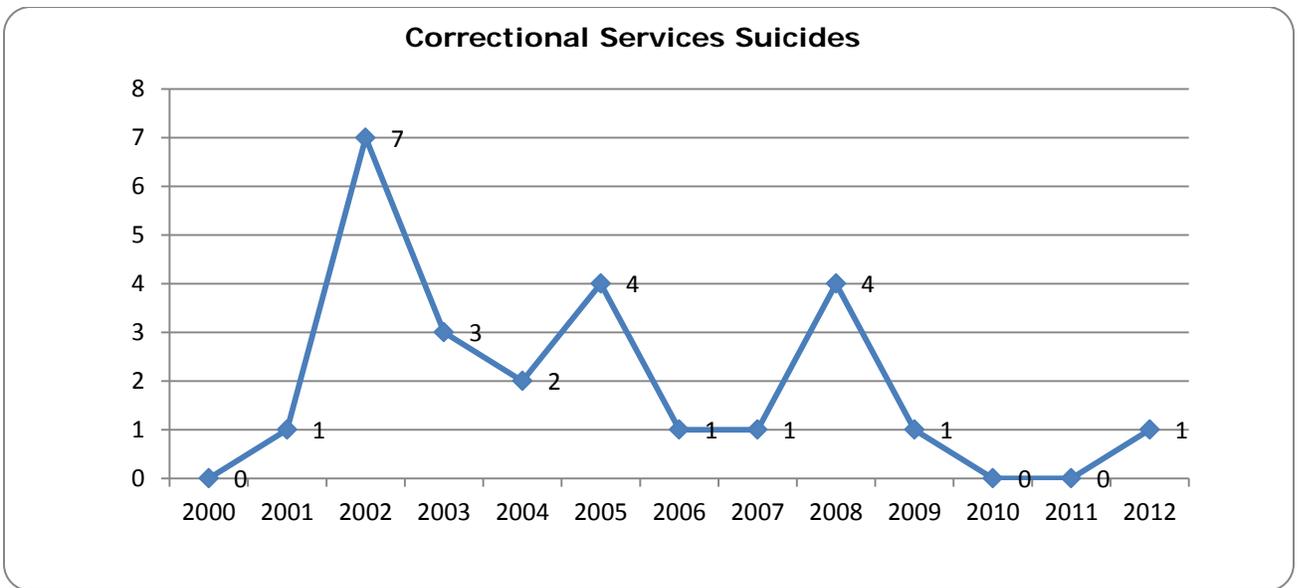
facility and within the service area before review by the Undersheriff and Sheriff.

Once this review process is complete, the Chief of Correctional Services will advise the PSD Commander and will facilitate delivery of the Death Review Binder to PSD for review by the Office of the Inspector General. Frequently this review will occur before administrative reports from outside agencies are available. As a result, the OIG may request an additional review of the *Management Summary Report* once those documents are available. The OIG in concert with the PSD Commander will complete a confidential report to the Sheriff for each in-custody death containing a review that critically examines relevant events and circumstances precedent to, concurrent with and subsequent to the event.

Ongoing Suicide prevention training and tier fencing in the Main Jail seem to be having a positive impact. Additionally, direct intervention by custody staff to prevent death or serious injury occurs with some regularity.

One in-custody death other than those resulting from natural causes occurred during the reporting period. The decedent had been booked into the Main Jail on December 6, 2012 by the Los Rios Police Department for felony evasion, hit and run, assault with a deadly weapon and reckless driving as a result of a vehicle during which he rammed multiple police cars. At booking, the inmate banged his head against wall and was thus placed in a safety cell pending jail psychology services intervention, from which he was cleared for housing in the general population.

On December 9, 2012 the inmate in question was transported to Sutter General Hospital for emergency medical treatment related to minor cardiac distress, after which he was returned to the Main Jail medical unit two days later. In the early-morning hours of December 12th, the floor deputy in performing cell checks found the decedent hanging with a piece of cloth wrapped around his neck; he immediately removed the ligature and initiated emergency medical response. Resuscitation measures were not successful and the fire department pronounced the inmate dead at the scene.



The Sacramento County Coroner’s Office responded to the scene to conduct its investigation and transport the decedent. A casualty report of the incident was completed by jail staff. This report, along with all other documentation and investigative findings pertaining to this in-custody death, will be assembled within a “Death Review Binder” for review by administrative and executive staff.

AB 109 Realignment

The impact of *“Public Safety Realignment”* under California Assembly Bills 109 & 117 is a story yet to be fully told. More inmates without the educational and vocational skills necessary to transition into the workforce are being redirected to local authorities for purposes of both incarceration and supervision upon release from custody.

There is a compelling need to creatively weave together and expand educational and vocational partnerships at the local level to achieve a viable reentry program for ex-offenders—thus far this need has not been met; a special report on realignment in the *2011 OIG Annual Report* illustrates one such model.

Of the millions of dollars allocated thus far to the Sacramento County Community Corrections Partnership, (CCP), relatively few dollars have been earmarked for rehabilitative purposes. Not formulating a collaborative vision to expand and solidify the forward-thinking efforts underway at select levels within the larger “system”, in order to address the obvious need for viable reentry services, defies reason—there are simply too many well-positioned resources available locally to warrant continuing down this path.

For example, the Twin Rivers Adult School, (TRAS), has a long-standing, award-winning vocational rehabilitation training program with proven success. Concurrently, the

Sacramento County Office of Education (SCOE) has under its auspices any number of social training programs that are ready-made to merge with the TRAS vocational education program to form a dynamic endeavor that cannot help but produce results.

The Sheriff's Rio Consumnes Correction Center (RCCC) under the auspices of its "Reentry Council" acting in concert with the Elk Grove Unified School District has established a variety of remedial inmate education courses. The RCCC facility commander is also forging ahead with vocational training—space limitations and the need for a viable network to facilitate a continuum of training and social services support which will lead to a job upon release are impediments to this laudable program.

In July of 2013, the other shoe will drop. Sacramento County Superior Court will essentially become the Parole Board of Sacramento County. The Re-Entry Court will have the power and authority to essentially give offenders a choice between continued incarceration or vocational training and thereby a livable wage job.

Working together, leaders can jointly move to close the loop on rehabilitation of Sacramento County ex-offenders and at the same time strengthen efforts already underway at the Sheriff's correctional center. SCOE, through its Sacramento Community Based Coalition (SCBC) offers counseling, family and individual services and help with the stress of everyday life and reintegration into society, while TRAS offers solid blue collar vocational training, resume preparation, job counseling and placement.

Following this model, a straight path to rehabilitation becomes possible, helping provide both substantial tax savings and safer communities. Of note, is that the Governor's 2013-14 preliminary budget proposals envision shutting down adult education at the K-12 level and moving it to the Community Colleges, thus raising the question for purposes of Sacramento County whether SCOE can assume this responsibility, inasmuch as California's Community Colleges are not equipped to train ex-offenders on a broad scale.

There is also talk of an adult charter school, which, using a Joint Powers Authority (JPA) for continuity and supervision, could address this specific client base while also providing educational and training services for Sacramento's many young adults who have dropped out of school and need help to prevent them from ending up behind bars. It appears that funding may be available for all or part of this project through existing sources. SCOE could act as the chartering body for this school.

Simply stated, the availability of local resources which can be brought to bear in a collaborative fashion to address the concern from ex-offenders returning to communities throughout the Sacramento region begs the question, if not now, when, will collaborative measures to achieve this end-in-mind begin? Perhaps the most viable approach to creating a model that will actually work is to fashion a Memorandum of Understanding (MOU) between and among the key players—unless and until commitments are defined, agreed-upon and intertwined, change will be incremental and slow in coming.

Pursuant to a consensus model, details can be spelled out relative to specific operational responsibilities, oversight and administration under a broader umbrella linking its core elements and the essential steps to connecting the dots.

The Five Steps to Release/Success *"Getting Out and Staying Out"*

Step One

Sheriff's officials assess inmates with a defined balance left on their sentences. The assessment looks for interest in a particular vocational skillset; the assessment reveals the inmates family situation, drug and alcohol issues and appropriateness for early release and participation in the "inside-outside" program.

Step Two

SCOE evaluates the inmate and assigns him/her to the inside segment of a vocation training class. The inside segment is conducted by distance learning. Lessons are mailed to the inmate weekly and the inmates work is provided to the SCOE representative for grading.

Step Three

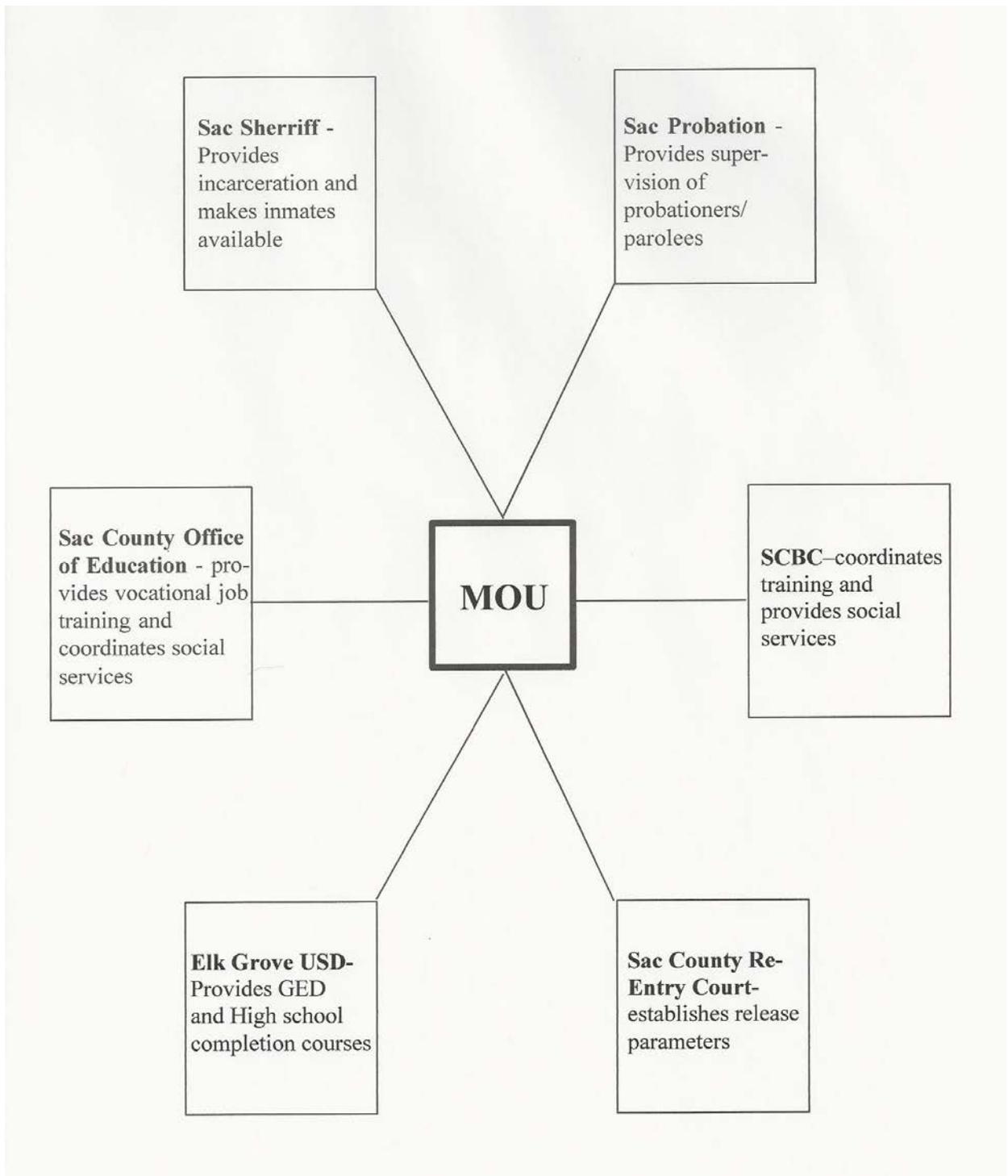
If the inmate shows good progress, he/she is referred to the District Attorney and the Re-Entry Court for evaluation. If the evaluation is satisfactory, the inmate is released with an ankle monitor to continue with the "outside" segment of vocational training. The vocational training provider (SCOE) provides weekly updates to the DA/Re-Entry Court. Probation is also advised of the inmate's status.

Step Four

Probation monitors the inmate while on "outside" vocational release. SCBC provides referral support for any social service issues.

Step Five

The inmate finishes vocational training and is employed on a local job and continues on the ankle monitor until the DA/Re-Entry Court are satisfied that he/she will have a reduced likelihood to recidivate.

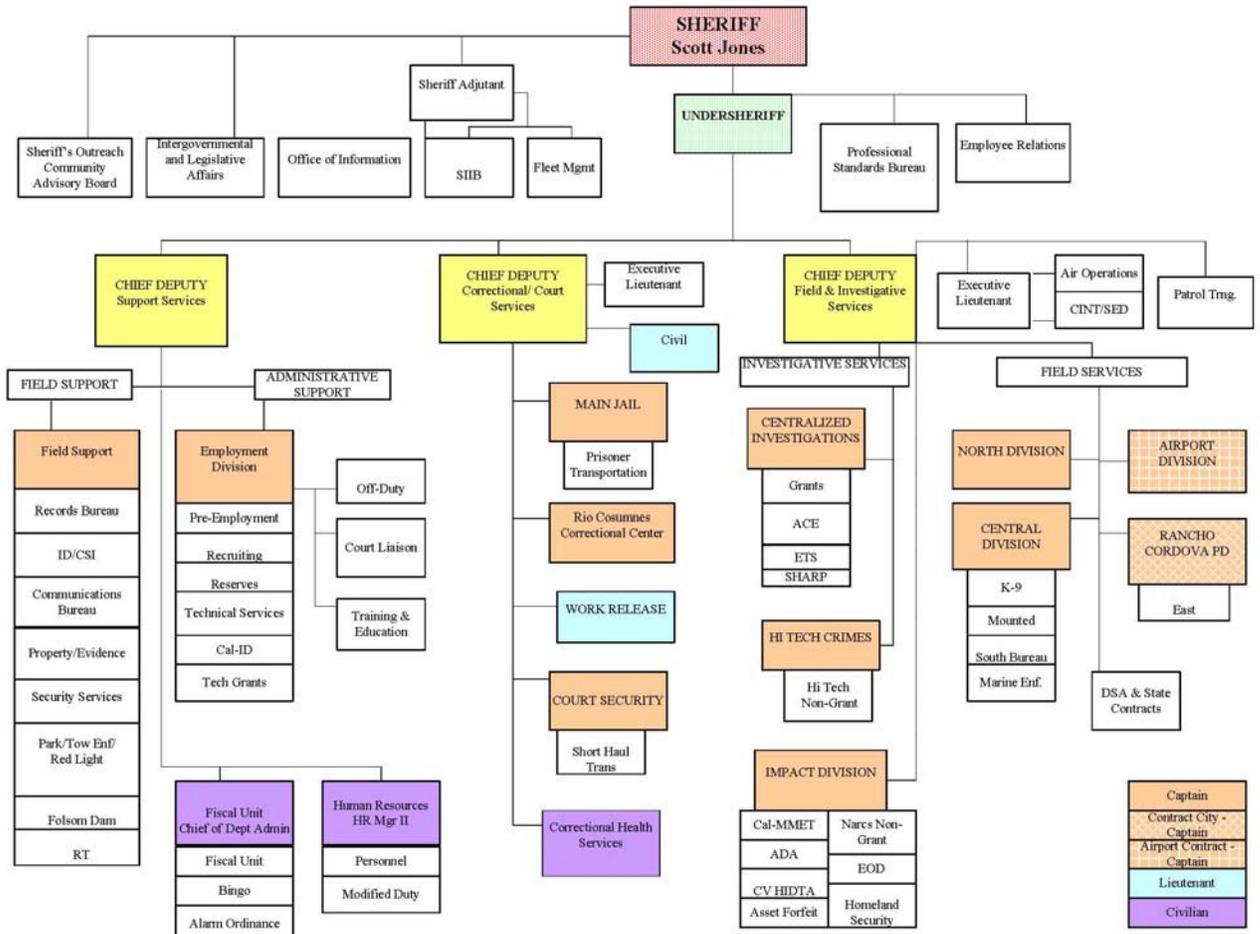


Summary

The real idea here is to rehabilitate as many low-level offenders as possible as quickly as possible, thereby reducing the expenditure of public funds, reducing crime, making taxpayers out of tax-takers and avoiding jail overcrowding. An MOU between and among the stakeholders listed describing their obligations and how they will specifically work together is merely a means to an end—indeed, these entities are ideally positioned to influence the next steps in this critical endeavor.

2012 Annual Report-Appendix A

Sacramento Sheriff's Department Table of Organization



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Note: There are three Chief Deputy positions, one for each "Service Area". Each Division is under the direction of a Sheriff's Captain or equivalent professional staff.

SSD Table of Organization: Functional Responsibilities

Office of the Sheriff

Sheriff's Outreach Community Advisory Board (SOCAB):

Citizen group appointed by the Sheriff, Board of Supervisors, and local municipalities, who advise the Sheriff on matters of community interest; published agenda, open to the public.

Intergovernmental and Legislative Affairs:

Tracks and analyzes legislative matters and political action at the state and local level that may impact the Sheriff's ability to deliver essential services

Office of Information:

Facilitates media interaction and release of public information for and on behalf of the Sacramento Sheriff's Department.

Office of the Undersheriff

Professional Standards Bureau:

Administers misconduct investigations through the Internal Affairs Unit, compiles related data and statistical reports, and provides functional oversight of the Department's risk mitigation endeavor, Project Horizon.

Employee Relations:

Principal liaison through which employment and workplace issues are addressed in the interest of ensuring a positive working environment.

Support Services

Field Support Division:

Provides communications, identification, and crime scene investigation services as well as maintains Department records.

Employment Division:

Provides pre-employment and recruiting services for the Department. Includes Technical Services, which is responsible for supporting the Department's information technology systems.

Fiscal Unit:

Prepares SSD annual budget and manages revenue and reimbursement to the Department. Manages facilities, purchasing, bingo compliance and alarm ordinance.

Human Resources Division:

Ensures continuity of personnel in the numbers needed and with the qualifications required to staff the various job classifications within the organization.

Correctional & Court Services

Main Jail Division:

Primary custodial facility for inmates pending final adjudication.

Rio Cosumnes Correctional Center:

Primary custodial facility for post-adjudication inmates.

Work Release Division:

Provides management of qualified offenders to work in supervised programs to benefit the community, redress jail population pressures, and reduce expense to taxpayers.

Correctional Health Services:

Primary health service provider for inmates within the Sacramento County correctional system.

Court Security Division:

Security and law enforcement services throughout the Sacramento County courts.

Civil Division:

Administers civil process in the manner prescribed by statute.

Field & Investigative Services

Centralized Investigation Division:

Provides centralized investigations for the crimes of homicide, burglary, sexual and elder abuse, child abuse, sexual assault, auto theft, and real estate fraud; oversight of major crimes and narcotics units.

Hi-Tech Crimes Division:

Provides centralized investigative resources targeting internet crimes against children and identity theft, and oversight of the Sacramento Valley Hi-Tech Task Force.

Impact Division:

Specialized investigative units focusing on reducing and investigating high level drug trafficking and drug endangered children. Also consists of the explosives ordinance bureau, asset forfeiture unit and homeland security.

Airport Division:

Patrol and security services at and in the vicinity of the Sacramento International Airport.

North Patrol Division-East & West Areas:

Patrol station serving Rio Linda, North Highlands, Elverta, Fair Oaks, Antelope, North Carmichael, Gold River, Foothill Farms, and Orangevale.

Central Patrol Division / South Bureau:

Patrol station serving Fruitridge Vista, Florin, The Parkways, south end of Oak Park, Rancho Murieta, Wilton, Herald, Sherman Island, Walnut Grove, Hood-Franklin, Courtland, Thorton, and the out-skirts of the cities of Galt and Isleton. Specialized services such as marine, K-9, and mounted units.

Rancho Cordova Police Department:

Patrol station serving the contract City of Rancho Cordova and the Rosemont, Larchmont, Churchill Downs, Vintage Park, and Mather areas.



**County of Sacramento
Board of Supervisors**

Phil Serna, District 1

Jimmie Yee, District 2

Susan Peters, District 3

Roberta MacGlashan, District 4

Don Nottoli, District 5

**County Executive
Brad Hudson**

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