SACRAMENTO COUNTY

Office of Inspector General

Annual Report 2016

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Inspector General

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Executive Summary

The Office of Inspector General (OIG) is an independent monitor who provides oversight of investigations of citizen complaints against the Sacramento County Sheriff's Department (SSD) to ensure they are objective, fair, and complete. The OIG informs and advises the Board of Supervisors, the Sheriff, and the County Executive relative to findings and recommendations

The accessibility of the public to report misconduct was reviewed and included the methods with which a community member can make a complaint about a sheriff's employee, or services provided by the department. The review included the complaint process for both the Office of Inspector General and the Sheriff's Department.

The review revealed that the complaint process was difficult for the public to access and in response the OIG began offering the following options for the public to make a complaint or commend a member of the Sheriff's Department.

- A web based form that allows the complainant to submit directly to the OIG. The form may also be emailed, mailed, faxed, or hand delivered.
- A fillable PDF document that can be completed electronically or printed and completed. The complaint can be sent electronically, mailed, faxed, or delivered in-person.
- Telephone and in-person complaints are also received by the OIG.

The Office of Inspector General completed a review of the Sheriff's Department complaint intake and tracking systems. Working with the Department and software provider a more streamlined and accurate tracking process was adopted early in 2016. In addition to a complaint process review the OIG received 131 complaints and four commendations during the year with most of the complaints submitted on-line. Sixty-eight complaints involved SSD employees and the remainder were complaints referred to other agencies or issues that were handled within the Office. The OIG reviewed four notable events, six officer involved shootings from 2016, one officer involved shooting from 2015, and two in-custody deaths.

The work described above resulted in 27 recommendations. Each recommendation is identified in the report with an accompanying status. Five of the recommendations are complete, twenty-one are in-progress, and one is new.

Figure 1 Definitions of Recommendation and Status

Status		Definition
	Complete	The recommendation has been sufficiently completed.
	Partially Complete	The Sheriff's Department has accepted portions of recommendation and has taken steps to implement those segments.
	In Progress	The Sheriff's Department has reviewed the recommendation and is taking steps toward full implementation.
	No Progress	The Sheriff's Department has not fully evaluated the recommendation.
	Declined	The Sheriff's Department has reviewed the recommendation and declined to implement.

Background

The Sacramento County Sheriff's Department is one of the ten largest Sheriff's Offices in the United States and provides a wide range of law enforcement services to a diverse constituency of approximately 1.4 million people. The jurisdiction encompasses nearly 1,000 square miles, with environments ranging from dense urban communities to sprawling ranchland. The Sheriff, an elected official, is responsible for over 2,000 personnel. Front line law enforcement services including emergency 911 dispatch, patrol, investigations, forensic follow up, and property are provided directly to over half a million residents. Inmate medical care is provided in-house by professionals assigned to the Correctional Health Services Division. The Sheriff provides bailiff and security services to the Superior Court, and serves legal process throughout the county. The department supplies staffing to regional homeland security task forces, and provides the security forces stationed at critical infrastructure such as the Sacramento International Airport and the Folsom Dam. Other regional services include marine patrol of 700 miles of navigable waterways, and law enforcement air support.

The Office of Inspector General has broad oversight powers that include the evaluation of the overall quality of law enforcement, custodial, and security services; the authority to encourage systemic change; and provides "monitor style" oversight of the Sacramento County Sheriff's Department. Duties include:

- Track and monitor specific high profile or serious complaint cases
- Review completed investigations
- Make independent determinations regarding investigations
- Advise of any investigation which appears incomplete or otherwise deficient
- Serve as community and complainant liaison and information conduit
- Accept citizen complaints to be forwarded for investigation
- Attend meetings of the Sheriff's Outreach Community Advisory Board
- Provide complainants with updates about the progress and outcome of the investigation
- Meet with the community in various forums
- Listen to and address public concerns about law enforcement
- Prepare and present an annual report to the Board of Supervisors, which includes statistical information, analysis of trends, identification of pervasive and emerging problems, and recommendations for improvements to law enforcement services and the citizen complaint and investigation process
- Upon invitation by the Sheriff, act to mediate or facilitate resolution of disputes between the Sheriff's Department and community members
- To advise the Sheriff on the establishment of an Early Interventions System (EIS) which can identify patterns of employee behavior or actions that may lead to misconduct or pose safety concerns
- Monitor or independently investigate any other matter as requested by the Sheriff or as directed by the Board of Supervisors
- Independently interview or re-interview complainants and citizen witnesses in exceptional cases

Process Review

Complaint/Commendation Intake Process

The accessibility of the public to report misconduct was reviewed and included the methods with which a community member can make a complaint about a sheriff's employee, or services provided by the department. The review included the complaint process for both the Office of Inspector General and the Sheriff's Department.

The review revealed that the complaint process was difficult for the public to access. A community member wishing to make a complaint was required to go to Sheriff's Headquarters or request a form by mail. An on-line search revealed that the only discoverable link was on the County's OIG site that required the community member to download and print a poorly scanned PDF of the Sheriff's complaint form. The complainant was then required to complete and submit the form to the Sheriff's Department either in-person or by US Mail. The use of a hard copy form by the Sheriff's Department as the primary means to report a complaint may have unintentionally dissuaded people from making a complaint.

Included in the complaint form was a significant amount of personal information about the complainant, most of which is not necessary to initiate an investigation of misconduct.

Working with Department of Technology staff, and in collaboration with the Sheriff's Department, the OIG began offering the following options for the public to make a complaint or commend a member of the Sheriff's Department.

- A web based form that allows the complainant to submit directly to the OIG. The form may also be emailed, mailed, faxed, or hand delivered.
- A fillable PDF document that can be completed electronically or printed and completed. The complaint can be sent electronically, mailed, faxed, or delivered in-person.
- Telephone and in-person complaints are also received by the OIG.

The ability of the community to submit a complaint has been enhanced with both the OIG as well as the Sheriff's Department.

Recommendations - Complaint/Commendation Intake

The following recommendations were offered to the Sheriff's Department to improve accessibility of the community to commend or make a complaint. Sheriff's staff have been extremely collaborative in this process.

16.1 Review printed material and website to reinforce the openness of the complaint process including a listing of all locations where a complaint is accepted and the ability of a citizen to make a complaint.

Status of Recommendation	Complete

The Sheriff's Department has added an Internal Affairs page on the Sacramento County Sheriff's Department website, providing an address, telephone and fax number, and hours of operation. The department created an email address

InternalAffairs@sacsheriff.com which goes directly to Professional Standards Division (PSD) staff and is accessible by the Lieutenant and Captain of PSD.

16.2 Develop a web based submittal form for both commendations and complaints that allows a community member to remain anonymous.

Status of Recommendation	Complete

The Sheriff's Department complaint form has been revised to allow the user to check a box if they wish to remain anonymous. Additionally, the department added a link for a Citizen Commendation and/or Complaint form with the ability to submit the document electronically. This form, which was previously difficult to locate, is now accessible in three separate locations: on the home page under on-line reporting, on the Internal Affairs home page, and under department forms.

16.3 Review, edit, and supplement the current hard copy complaint form with a fillable field document for both complaints and commendations. Allow the form to be submitted via email, US Mail, faxed, or hand delivered. The form should include only the fields necessary to investigate the complaint.

Status of Recommendation	Complete

The department's revised complaint/commendations form has fillable fields and can be submitted directly to Internal Affairs by email, fax, sent by US Mail, or hand-delivered. Additionally, the complaint/commendation form was updated to require only necessary information to initiate an investigation or commend an employee

Tracking of Community Complaints

The Office of Inspector General completed a data collection system that is used to record, track, and report basic complaint information received by the OIG. The system will be used in combination with reports generated by the Sheriff's Departments complaint case management system.

The Sheriff's Department's familiarity and use of their case management software was limited which hampered the ability of staff to easily record, track, and report information. While the case management software can provide accurate reporting of complaints, investigators and staff assigned to PSD had not received comprehensive training on the capabilities of the system. The rotation of staff over the years has created a lack of familiarity with the system and resulted in unnecessary workarounds that reduce efficiency, effectiveness, and potential accuracy of the data. The following recommendations were provided to the Sheriff's Department.

Recommendations – Tracking of Complaints

16.4 The Department should work with the software vendor to develop a comprehensive plan that will better utilize how information is categorized, tracked, and reported. The plan should include a strategy for improving efficiency as well as satisfying statutory reporting requirements.

Status of Recommendation	In Progress 

Sheriff's Department personnel met with the software vendor (IAPro) to learn how to better utilize how information is categorized, tracked, and reported. This training was instrumental and assisted the department in obtaining specific data. The department has transitioned to one numbering system to track all complaints, thus allowing for accurate legislative reporting requirements.

16.5 Personnel assigned to the Professional Standards Division (PSD) should receive additional training specific to the software. This should include ways to identify trends that may be of concern to the community and Department. The training should include standardized curriculum for all new investigators and staff.

Status of Recommendation	In Progress 

Sheriff's staff have attended training and new employees assigned to PSD will attend future trainings. With the rotation of staff and the adoption of an Early Intervention System will require continued training for all current and future staff.

16.6 The Department should work with regional law enforcement agencies to create a software users' group to facilitate the sharing of best practices. A users' group would benefit all agencies in the sharing of best practices and serve as a resource to help maintain proficiency.

Status of Recommendation	In Progress 

Two lieutenants have been assigned to lead an internal users' group and conduct a study into the benefits of purchasing an Early Intervention System (EIS). The study is still underway and they have reached out to several agencies to discuss the capabilities of the software.

Complaints Received by the OIG

The following represent the method complaints were received by the Office of Inspector General and the actions taken, such as referred to another agency for non-Sheriff's Department personnel, sent to the Sheriff's Professional Standards Division for investigation, or investigated by the OIG.

The actions taken once a complaint is received are varied. At times the complaint can be directly addressed by the OIG, in which case the complaint is classified as "information." Officer Involved Shootings are identified as "OIS" and investigations requested by the Board of Supervisors or Sheriff are categorized as "OIG Investigation."

Method Received

The Office of Inspector General received 131 complaints and 4 commendations during the year. Eighty-six (64%) of the complaints/commendation were submitted on-line using the OIG web form. Individuals wishing to remain anonymous accounted for 14 complaints with 7 of the 14 involving outside agencies.

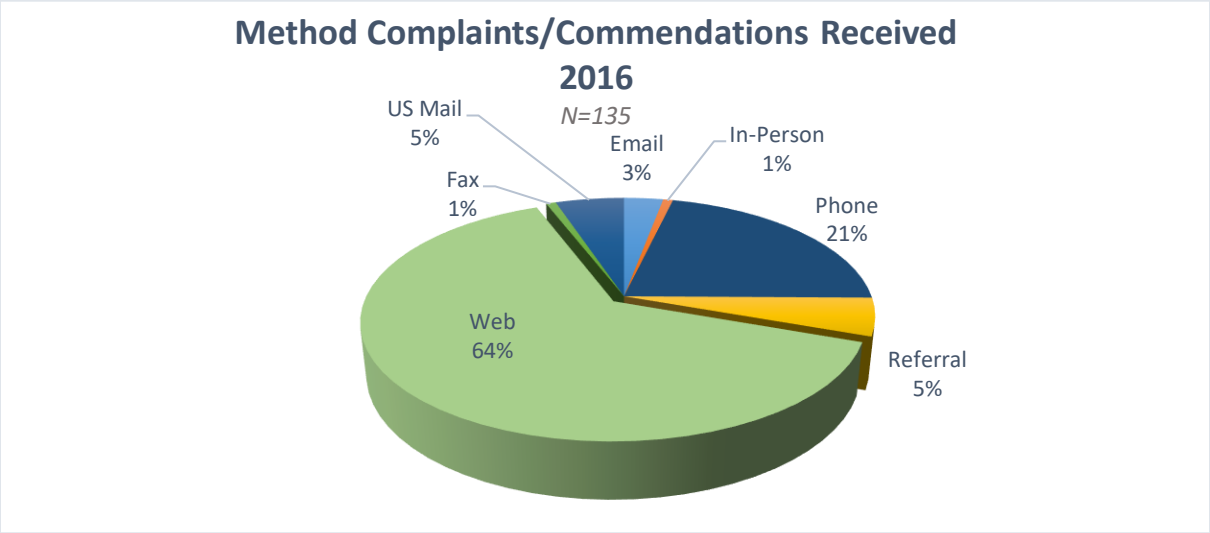

Figure 2 Method Complaints/Commendations Received

Complaint Assignment

Of the total complaints received, 68 were sent to the Sheriff's Department for investigation or information. While the purpose of the OIG is limited to oversight of SSD, occasionally complaints are received that involve other agencies. Outside agency complaints are then forwarded to the involved agency and the reporting person is notified. During 2016, there were 39 complaints that were forwarded to other agencies or county department. Complaints involving county departments included personnel complaints, service assistance, or complaints about private sector entities that a county department has inspection/enforcement responsibility. All complaints involving the County were forwarded to the appropriate department manager. Two commendations were forwarded to the Sheriff's Department and two commendations were sent to other agencies.

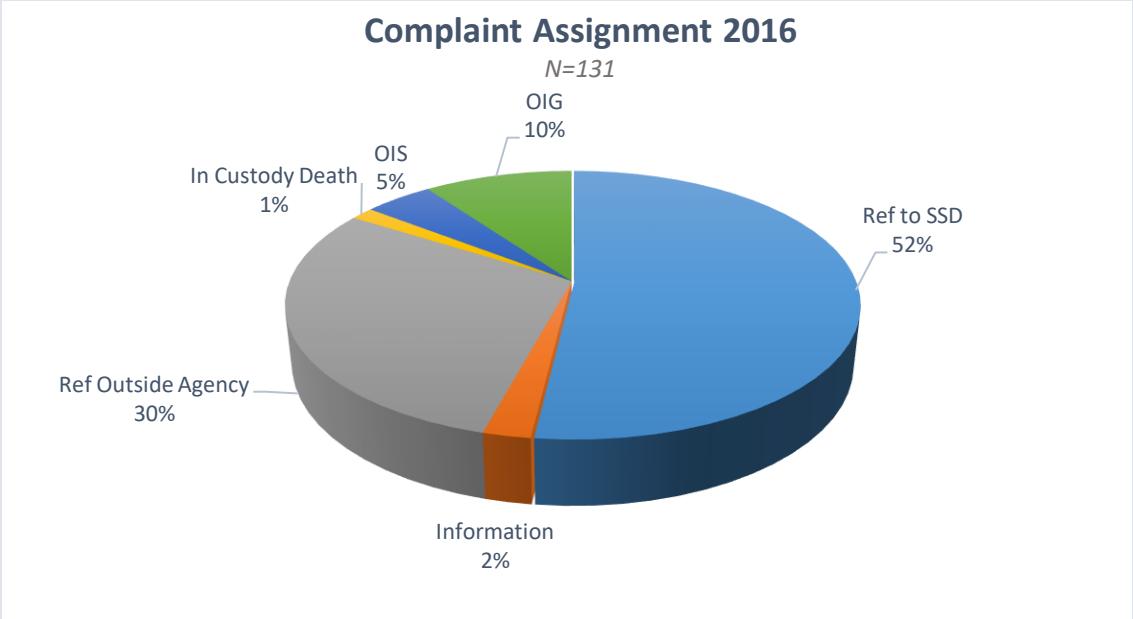

Figure 3 Complaint Assignment

Complaint Type

As complaints are received by the Office of Inspector General they are assigned a complaint type based on the initial information provided. Complaints classified as service related and conduct unbecoming account for nearly half of all complaints forwarded to the Sheriff's Department for investigation.

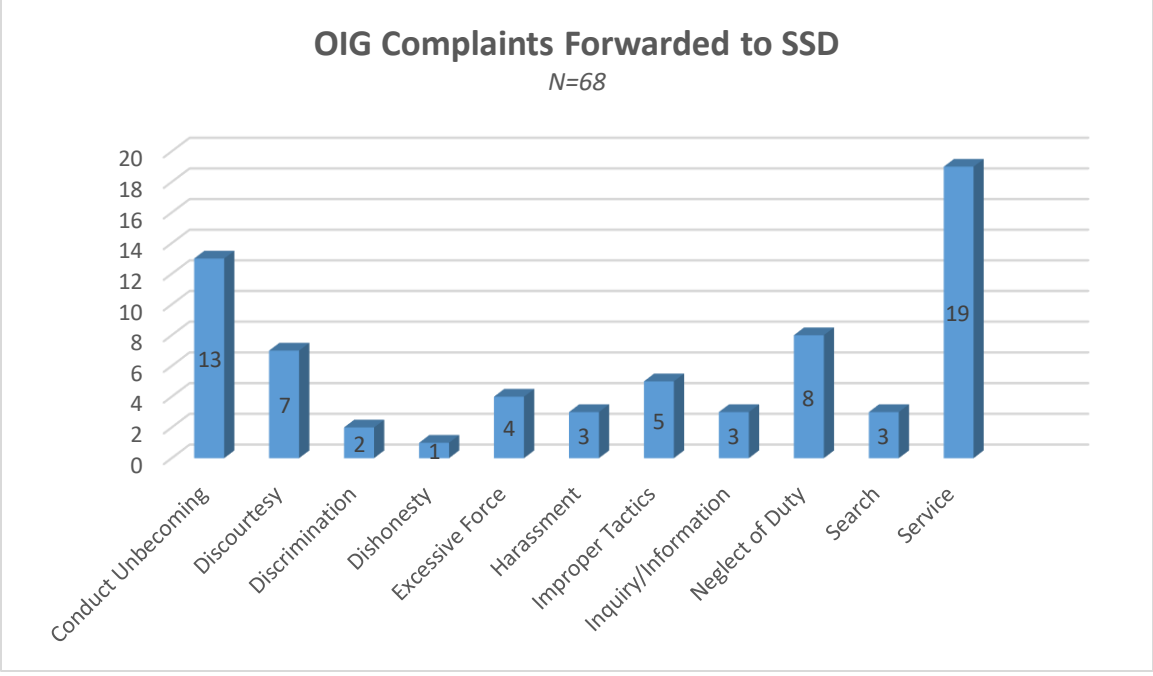

Figure 4 OIG Complaints to SSD

Sheriff's Department Complaint Summary

The following is information retrieved from the Sheriff's Department complaint tracking system. The data includes complaints received by the Sheriff's Department from the community, complaints that are received by the OIG and forwarded to the Sheriff's Department, and complaints initiated by the Department.

Complaints Received by SSD

The Sheriff's Department investigated 312 complaints against employees within the Department. The Department initiated 54 complaints and the remaining 258 were citizen complaints reported directly to the Department or through the Inspector General's Office.

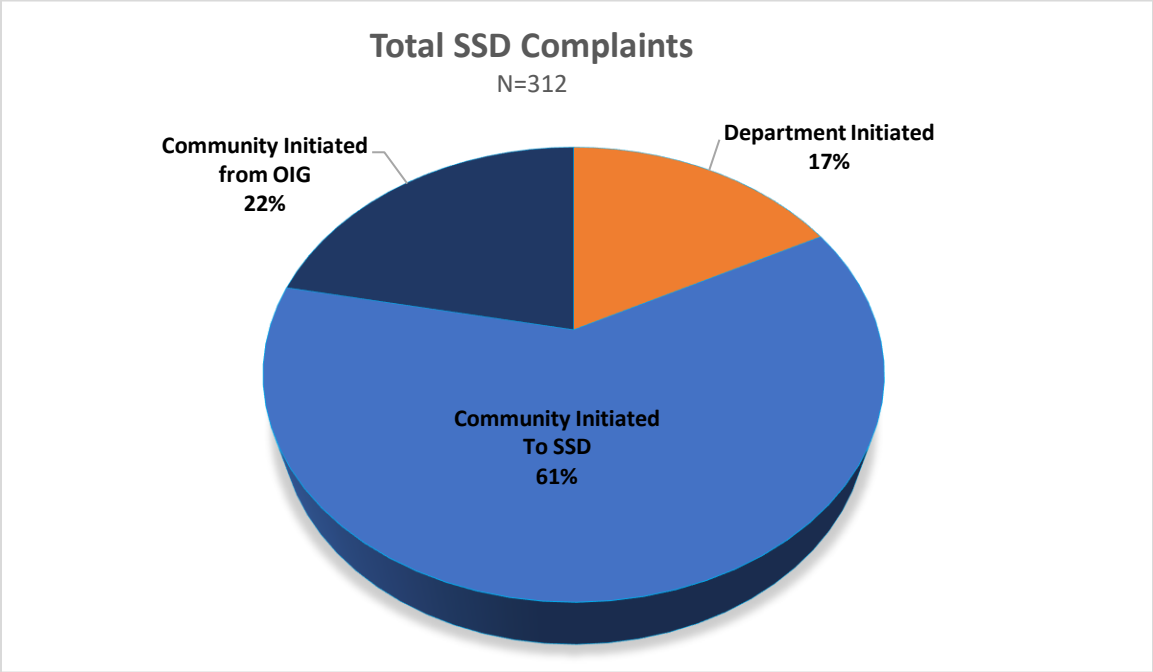

Figure 5 Total SSD Complaints

Total SSD Complaints by Type

The 312 complaints investigated by the Sheriff's Department were broken down into 12 categories. In incidents with more than one allegation type the most serious category was used. The most predominate community complaints involved employee discourtesy and misconduct, which combined account for 53% of community-initiated complaints.

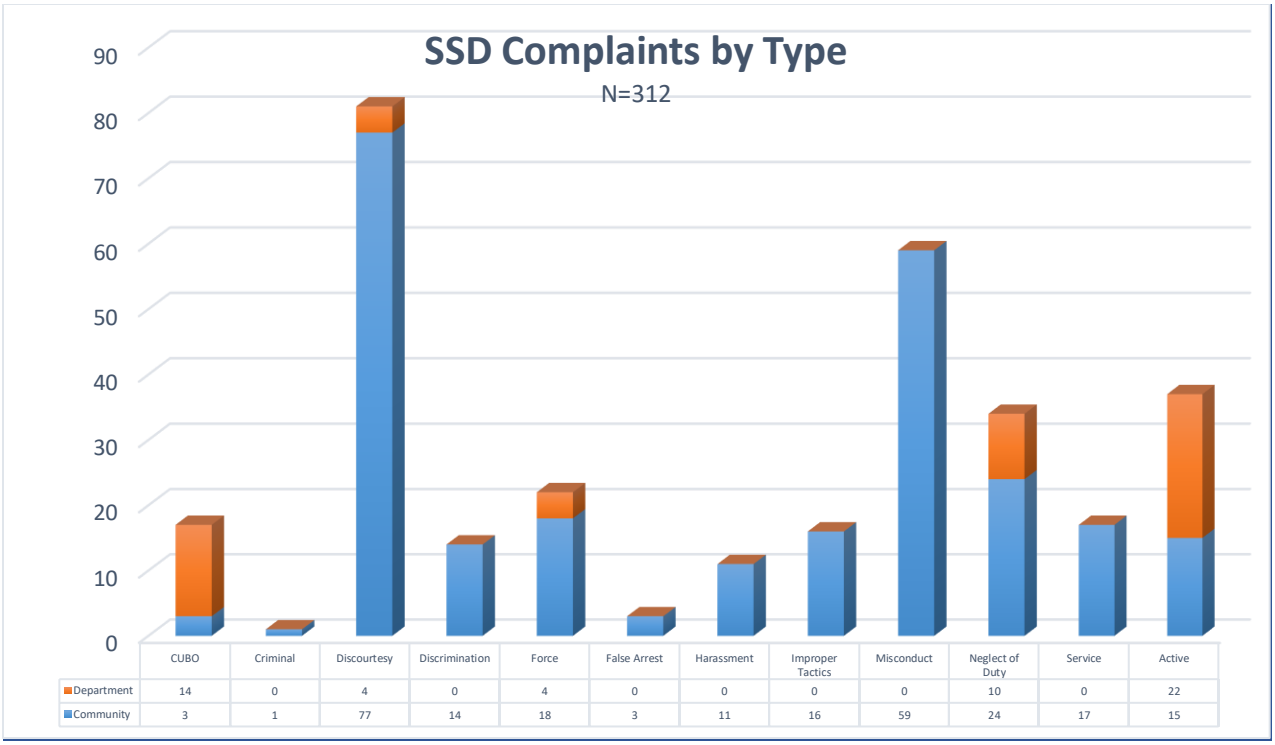

Figure 6 SSD Complaints by Type

SSD Complaint Disposition

Complaint dispositions were categorized into five findings. The number of cases with a disposition are less than the number of complaints received for the year. This is the result of active cases that are either complicated and need more time to complete or because the complaint was received near the end of the calendar year and not completed in 2016. Dispositions are generally classified into four primary categories with a miscellaneous category for investigations that are not completed because the complainant fails to cooperate or the employee resigns and the investigation is closed. The categories are:

- Exonerated -- The incident occurred, but the employee's conduct was lawful and proper.
- Unfounded -- The allegation was false or the incident did not occur.
- Not sustained -- The evidence was insufficient to prove or disprove the allegation.
- Sustained -- There is evidence sufficient to support the allegation.
- Misc. -- When circumstances prevent the investigation from progressing to a success.

Unfounded community allegations account for 62% of all community initiated complaints. The unusually high percentage of unfounded allegations is cause for review. The high proportion may be the result of assigning an unfounded disposition to allegations that are minor in nature and handled at the supervisor level or a misunderstanding of the unfounded classification. However, a review by the Sheriff's Department is warranted to determine possible causes and remedies.

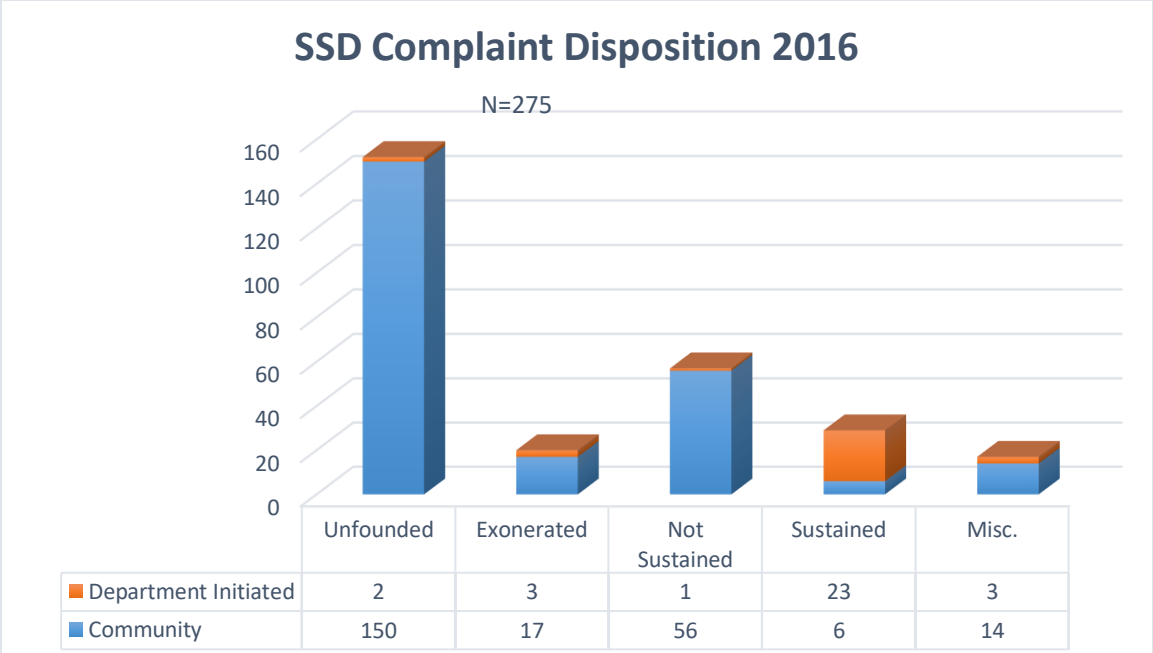

Figure 7 SSD Complaint Disposition

Recommendation – Complaint Disposition

16.7 The Department should audit complaint dispositions for consistency in application as well as contemporary standards in law enforcement.

Status of Recommendation	New

Use of Force

The Sheriff's Department currently does not utilize a comprehensive reliable use of force tracking system. While officer involved shootings, Taser, and the use of 40mm less lethal weapons are tracked, the use of other less lethal force is not documented in a standardized system that allows for the necessary analysis. The department is working to update their existing system but does not have a start-up date. The OIG is working with the Department to implement a mandatory reporting system that captures all relevant information.

Early Intervention System

The Office of Inspector General is working with the Sheriff's Department to implement an Early Intervention System (EIS). The goal is to implement a system that is comprehensive in scope and designed to identify employees who are at risk of an adverse incident. The key is identifying incidents and behaviors that when viewed in isolation may or may not create concern, but when viewed holistically may be cause for review and possible intervention. Review triggers from various incidents are established based on frequency within a period. For example, two motor vehicle collisions within 180 days, three uses of force within 90 days, three citizen complaints within 180 days, or three inmate grievances within 180 days are all examples of appropriate review triggers. A review may also be triggered by several different incidents combined; for

example, five of any of these incidents occurring within 180 days. The benefit of an EIS is that it focuses on identifying underlying causes at the earliest opportunity therefore allowing for a customized intervention.

Notable Incidents

There were four noteworthy complaints and subsequent reviews conducted by the OIG. All four were highlighted in an OIG quarterly report.

Family Relations Courthouse

A child and his grandmother (who is raising him) were in Family Court to determine the best placement for the child. It was the determination of the Court that the child should be placed in a group home. To reduce the emotional impact on the family, the grandmother and child left the courtroom through separate exits. Unfortunately, there was an unintended meeting of the two at the exit of the courthouse. The child became very agitated and aggressive toward the grandmother and bystanders. Deputies were summoned and when they arrived the 9-year-old remained agitated and was swearing at his grandmother, bystanders, and deputies. At one point the child picked up a 3 to 4-foot-long tree branch and started to swing at his grandmother. Deputies took the stick away from the 9-year-old and handcuffed him to avoid any additional confrontations. He then sat and later knelt on the sidewalk refusing to stand up.

After a delay, the group home representatives arrived with a vehicle to transport the child. During the delay, he continued swearing at deputies and bystanders and after being unhandcuffed threatened to hit workers with his shoe. Eventually the child was calm enough to go with the group home staff.

The grandmother was very complimentary of the deputies and their calm demeanor in handling the situation. She related that her grandson struggles with anger issues and his anger and subsequent outburst occurred when he saw her at the exit. She stated that the only way to avoid this in the future is to ensure this type of accidental encounter does not happen.

In response to this incident Sheriff's Department staff is working with court staff to ensure the separation of involved parties continues until all parties leave the property. Additionally, the lack of a holding area designed to accommodate juveniles contributed to the continued outburst, threats, and swearing. Sheriff's staff is working with court personnel to identify holding areas that can accommodate juveniles.

Bruce Fritzsche Complaint

Mr. Fritzsche's complaints are related to three events that occurred during the Summer of 2015: the serving of divorce papers, the serving of a domestic violence temporary restraining order (DVTRO), and the revocation and lack of a thorough review of his concealed carry weapons permit (CCW). The complaints include a deputy placing documents in his mail box; serving civil papers at his place of employment; excessive force when a deputy un-holstered his weapon

during the service of civil papers; and denial of his CCW appeal when he did not formally appeal the revocation or present evidence for an appeal.

The Sheriff's Department was first made aware of these complaints in July 2015 and started responding to Mr. Fritzsche in August 2015. Additional concerns were later expressed by Mr. Fritzsche and investigated by the Sheriff's Department. Based upon Mr. Fritzsche's complaints the Sheriff's Department concluded that there was a need for policy revisions in the serving of civil documents. They also determined that the deputy who un-holstered his weapon during the service of the DVTRO did not violate policy.

Mr. Fritzsche was not satisfied with the findings and filed a complaint with the OIG on January 11, 2016. The complaints were reviewed and it was determined that the Sheriff's Department revision of policy was an appropriate response to the complaint related to the service of civil documents. The Sheriff's Department determined that the deputy was within policy when he un-holstered his weapon. The Sheriff's Department followed their protocols in responding to a request for additional information regarding the CCW revocation.

Douglas Roberts Complaint

In 2016 Ryan Douglas Roberts lost a bid for a new trial related to his conviction for the 2012 murder of 13-year-old Jessica Funk-Haslam. Following the denial for a new trial, Ryan's father Douglas made a complaint with this office accusing Sheriff's investigators of perjury.

Robert's complaint was reviewed and it was determined that the issues he raised are similar in nature to arguments heard in motions before the Court, and evidence and arguments to the jury. Both the Court and the jury found the involved witnesses credible and similar allegations to be lacking in merit.

Tayon Shelby Death Review

At the request of the Supervisor Kennedy and the Sheriff's Department a review was conducted of the investigation into the death of Tayon Shelby. The assessment included reviewing the casualty report, scene photographs, hospital photographs, Sheriff's Department video, Coroner's Report, District Attorney Crime Lab reports, District Attorney's review, and concerns of Tayon Shelby's mother Adonne Shelby.

On April 19, 2016, shortly after 6:15 PM, Elk Grove Police Department received a cellular 911 call regarding a person who was shot in the head. It was determined the incident occurred in the County on Sunrise Greens Drive at which time Elk Grove PD notified the Sheriff's Department and Fire Department of the shooting.

Upon arrival deputies discovered Tayon Shelby seated in the driver's seat of a 1991 Lexus, parked on the 7800 block of Sunrise Greens Drive. Shelby had a gunshot wound to the right side of his head and he was partially slumped over the center console of the car. Deputies are seen on the in-car video removing Tayon from the vehicle and administering first-aid until the Fire Department arrived and transported Tayon to Kaiser South. Tayon Shelby was taken to surgery and later pronounced deceased.

An initial witness, who called 911, told deputies that Tayon was shot by a passing vehicle in an apparent drive-by shooting. That witness later told deputies he lied. In his second statement, he told deputies that Tayon was seated in the driver's seat of the Lexus playing with a gun when the gun accidentally discharge. Tayon had pointed the gun toward his head and asked the others in the car if he should do it. The witness told deputies that he removed the gun from the car and had it hidden so that Tayon would not get in trouble for possessing a handgun. The later statement is consistent with statements of three others who were also in the car. Another witness who left prior to the shooting had also seen Tayon with the handgun.

The Sheriff's Department dispatched a team of detectives and crime scene investigators (CSI) to the scene and hospital. Photographs were taken, possible gunshot residue samples collected, the area was canvassed for witnesses, and the gun recovered where the witnesses said it would be. At the hospital, photographs were taken and possible gunshot residue collected from Tayon Shelby.

Following the initial response, detectives returned to the scene on five separate occasions to contact witnesses. Included in this follow-up was a claim that a witness reported seeing a Burgundy colored vehicle either dump Tayon on the ground or place him into the driver's seat where deputies discovered him. No witness could be found that saw this occur.

Based upon the review there is a preponderance of information that Tayon Shelby's death is a tragic accident. Witness's reported Tayon was in possession of a handgun before the shooting and that he had been playing with the gun. Witness statements and physical evidence indicate the shooting occurred in the Lexus.

The District Attorney's Office has reviewed the case and determined, "The overwhelming weight of the evidence demonstrates that Tayon Shelby accidently discharged the firearm."

Ms. Shelby reported that earlier in the day her son had $400 in cash, expensive jewelry including necklaces and a ring, and that those items were not returned to her. In reviewing collected evidence, scene photographs, hospital photographs, and discussions with Sheriff's Department investigators, there is no evidence that these items were present when Sheriff Deputies arrived at the scene.

There were several issues raised by Adonne Shelby that have led to changes in procedures at the Sheriff's Department and Coroner's Office. A preliminary cause of Tayon Shelby's death was listed as suicide. Suicide involves intent and the Coroner's Office has determined that the death was accidental and not a suicide. There was also a clerical error discovered by Ms. Shelby in the initial autopsy report. That error was quickly corrected.

Ms. Shelby was not satisfied with the responsiveness of the Sheriff's Department to her questions, requests, and concerns. In response, the Sheriff's Department and the OIG will work to identify incidents when this Office may function as a liaison to the family.

Recommendation – Notable Incidents

16.8 It was recommended that the department review training in the service of civil papers by patrol deputies with attention to the emotional response of those being served, an emphasis on remaining neutral, and reinforcing the differences between civil and criminal processes.

Status of Recommendation	Complete

The Department has conducted a review and provides on-going training to employees, provides educational resources through the Department's internal website, and makes available to deputies the same material provided to the public regarding the civil process.

Deaths in Custody

There were two deaths in custody during 2016. The OIG reviewed all documents including the Coroner's report, Crime Lab reports, and District Attorney's review of each death.

Main Jail In-Custody Death – Edward Currie

On February 20, 2016 Sacramento Police Department arrested Edward Currie and brought him to the Main Jail for booking. While being medically evaluated Currie began shaking and convulsing. Nursing staff immediately requested additional medical assistance and started CPR. Currie was transported to Sutter Medical Center and pronounced deceased.

Because the death occurred prior to the Sheriff's Department assuming custody of Currie, the primary investigating agency was Sacramento Police Department. The Coroner's Office determined the cause of death was cocaine intoxication due to ingestion. During the autopsy a tied plastic baggie with multiple holes was discovered in Curries stomach. The District Attorney's Crime lab confirmed the presence of cocaine as well as THC. The District Attorney's Office reviewed the incident and determined there was no evidence of criminal misconduct by SSD personnel.

Main Jail In-Custody Death – Barry Monroe

On July 24, 2016 at 5:47 PM Monroe was discovered unresponsive by deputies conducting a routine cell check. Medical assistance was immediately requested, chest compressions were started, and a defibrillator was used in an attempt to resuscitate Monroe. Jail medical staff assisted in the effort along with Sacramento City Fire Department. After ten minutes Monroe was pronounced deceased at 5:57 PM.

A review of available reports and logs revealed that Monroe was arrested by the Sacramento Police Department and booked into the Sacramento County Main Jail on July 22, 2016 at 8:50 PM. Prior to booking Monroe attempted to swallow objects that were recovered and later determined to contain heroin. Sacramento Police officers reported that they believed they had stopped Monroe from swallowing any objects and were unaware that Monroe had ingested drugs.

On July 23, 2016 at 3:14 AM Monroe was housed in his cell. At 3:30 PM another inmate was placed in the same cell with Monroe. The cellmate was moved the next day at 1:57 PM to accommodate housing population needs. The second inmate did not report any unusual behavior by Monroe other that he missed a meal and was snoring. A review of the cell check log documented that the cell was checked hourly with no unusual activity noted.

The Coroner's Office determined the cause of death was an accident resulting from a drug overdose. The Toxicology report determined the following drugs in Monroe's system:

Amphetamine	174 ng/mL
Methamphetamine	1046 ng/mL
Morphine	527 ng/mL
Codeine	27 ng/mL
Delta-9-THC	5.9 ng/mL
11-hydroxy-THC	2.0 ng/mL
11-nor-9-carboxy-THC	39 ng/mL

The District Attorney's Office reviewed the incident and concluded there was no evidence of criminal misconduct by SSD personnel.

Recommendations - In-Custody Deaths

16.9 The Sheriff's Department should review policies and procedures related to the monitoring of in-custody inmates who may have swallowed contraband.

Status of Recommendation	In Progress

The OIG is working with the Department to clarify the recommendation.

Officer Involved Shootings

There were six officer involved shootings in 2016 with five resulting in death. Additionally, at the request of Sheriff Jones one shooting from 2015 was reviewed. The purpose of the Inspector General's investigation is to review issues of tactics, departmental policies, equipment, and training with the intent to identify lessons learned and develop recommendations. It is important to note that the reviews are conducted with the benefit of hindsight and the knowledge of all concurrent events. The ability to review reports, photographs, video and audio multiple times and at slow speeds allows for the critical review of the incident that is not available to deputies and witnesses.

The Office of Inspector General, with cooperation from the Sacramento County Sheriff's Department, Sacramento County District Attorney's Crime Lab, and Sacramento County Coroner's Office, gathers, reviews, and analyzes documentation from many sources to develop an understanding into each shooting. Policies, procedures, and training related to the activities leading up to and including the shooting are reviewed and compared to accepted best practices in policing.

A separate independent review of officer involved shootings is conducted by the Sacramento County District Attorney's Office. The focus of the District Attorney are legal issues associated with filing of criminal actions. The District Attorney's staff has the ability and resources to subpoena, secure search warrants, and interview deputies. As such it is the practice of the OIG to review the District Attorney's investigation prior to completing an officer involved shooting review.

Adrian Ludd – October 22, 2015

The Inspector General's independent examination into the shooting death of Adriene Ludd was conducted at the request of Sheriff Scott Jones. The Sheriff's request was soon followed by a third-party community complaint alleging misconduct by Sheriff's Deputies in the death of Adriene Ludd.

On October 22, 2015, just before noon a Sacramento County Sheriff's Deputy attempted to stop a Chevy Impala driven by Adriene Ludd. Ludd failed to stop and led deputies on a high-speed pursuit through residential neighborhoods. Ludd eventually slowed his vehicle in what appeared to be an intent to flee on foot. He did not flee but turned his car perpendicular to the road and pursuing officers. He quickly exited the car and using the car as a barricade, pointed a loaded Tec-22 semi-automatic pistol with a large capacity magazine at pursuing deputies. Deputies and several witnesses feared that Ludd was attempting to shoot the deputies. In response deputies fired a series of rounds at Ludd that ultimately resulted in his death.

Based on physical evidence it appears the gun malfunctioned and attempts by Ludd to clear the weapon resulted in an additional malfunction. Ludd also possessed a .25 caliber pistol in his pants pocket and a Tec-9 semi-automatic pistol with large capacity magazines in his vehicle.

The review of documents, evidence, video, audio, and policies surrounding the death of Adriene Ludd developed into lessons learned and 13 recommendations.

Justin Prescott - February 2, 2016

On February 2, 2016, Justin Prescott spent over an hour inside the Walmart store on Folsom Boulevard in Rancho Cordova. During that time, he was observed by Walmart employees cutting off tags and hiding merchandise on his person. In response Walmart Asset Protection Associates reported Prescott's actions to the Sacramento County Sheriff's Department. When Prescott exited the store without paying at 6:48 p.m., he was stopped by Walmart Asset Protection Associates who attempted to bring him back inside the store. Prescott responded by holding a knife to his throat and threatened to harm himself.

Prescott fled but was confronted a short time later by two sergeants who attempted to arrest him for the theft. Despite two Taser deployments and pepper spray, Prescott continued his attempt to escape by holding a knife to his throat, stabbing himself in the chest, and threatened to kill himself. As the resistance moved to an area with extremely low light, Sergeant Gallaher, who was close to Prescott, could no longer see his hands or the knife. Observing that Prescott was irrational and likely under the influence, and fearing that Prescott could either stab him or escape and harm the public, Sergeant Gallagher fired two rounds from his handgun striking Prescott. Prescott was transported to UC Davis Medical Center and pronounced deceased at 7:47 p.m.

The review of documents, evidence, video, audio, and policies surrounding the death of Justin Prescott developed into lessons learned and 12 recommendations.

Sergey Makarenko – June 18, 2016

On June 18, 2016, at 11:00 PM Reserve Deputy Libonati attempted to stop a speeding grey Honda driven by Sergey Makarenko. Makarenko failed to stop and led deputies on a high-speed pursuit through residential neighborhoods. Makarenko eventually stopped in the driveway on Horton Lane with two patrol vehicles behind him. As a patrol sergeant opened his driver's door Makarenko backed his vehicle toward the open door. Deputy Cater, fearing that Makarenko would back into the driver's door and injury the sergeant, fired nine rounds striking Makarenko seven times. Makarenko was pronounced deceased at the scene.

The review of documents, evidence, video, audio, and policies surrounding the death of Sergey Makarenko developed into lessons learned and recommendations. The report will be completed and available on-line after a review of the District Attorney's independent investigation.

Chad Irwin – August 18, 2016

On August 18, 2016 at 8:31 PM the Sacramento County Sheriff's Communications Center received a 911 call from a phone number listed to a home on Brahms Court. A dispatcher called the number back but no one answered the phone. Shortly after arriving at 8:41 PM Deputies Spurgeon and Conger contacted Allison Irwin and she explained that she and her husband, Chad Irwin, had been arguing and he left. She also told deputies the he was taking medication for pain and had been drinking. While deputies were at the residence they learned that Chad was returning and that he would likely be upset the deputies were at the home.

While waiting for Chad Irwin to return deputies called his cell phone hoping to contact him and check his welfare. The call went to voicemail. Minutes after making the call Chad Irwin drove his white Chevy Tahoe into the cul-de-sac. Irwin exited the Tahoe and Deputy Conger observed a knife in Irwin's right hand. In response to the deputies repeated commands to drop the knife Irwin started pacing back and forth and responded with comments such as, "I know what happens. I'm going to charge you and you're going to shoot me."

Spurgeon reports that Irwin suddenly took three quick steps toward him as he flipped the knife. Spurgeon thought that Irwin would get to them and cut them so he fired 11 rounds. Irwin was struck seven times and pronounced deceased at the scene.

The review of documents, evidence, audio, and policies surrounding the death of Chad Irwin developed into lessons learned and recommendations. The report will be completed and available on-line after a review of the District Attorney's independent investigation.

Jesse Attaway – September 23, 2016

On September 23, 2016 starting at 4:54 AM Sheriff's Department Communications Center began receiving a series of 911 calls from several homes on Tucson Circle regarding a subject breaking into homes. One caller reported the subject inside and another reported a male struggling with a female resident as she tried to stop him entering the home. When deputies arrived, the suspect

later identified as Jesse Attaway, was seen jumping fences as he fled toward the area of Hazel Avenue and Madison Avenue.

At 5:15 AM Deputies Cater and Mai located Attaway at Piedra Way and Mohawk Way. Attaway refused to follow the deputy's commands and pointed a dark object at the deputies. Fearing Attaway was armed with a gun Deputy Cater fired 11 rounds and Deputy Mai fired six times. Attaway was struck several times and was pronounced deceased at the scene. In-car camera video captured the shooting.

The review of documents, evidence, video, audio, and policies surrounding this shooting is still on-going and pending the District Attorney's review.

Brittney Nicholls – October 22, 2016

On October 22, 2016 at 3:19 AM Deputy Taylor was on routine patrol when he saw a male running on Long Canyon Drive at Winding Oak Drive. The male was followed by a vehicle driven by Brittney Nicholls. There was a female passenger in the front seat. Deputy Taylor stopped both the male and Nicholls and learned that they knew each other. During the encounter the male sat in the back seat. During his investigation, Taylor determined that Nicholls did not have her driver's license and directed her to exit the car. Nicholls who was seated in the car with her feet on the ground suddenly turned back into the car as Deputy Taylor tried to pull her out. Nicholls responded by placing the car in drive and accelerating at a high speed.

As the car accelerated Deputy Taylor was pulled forward a few feet before he could move away from the car. As the car fled the scene Deputy Taylor fired five rounds. Nicholls with her two passengers continued to flee. She was later arrested. None of the occupants reported injuries.

The review of documents, evidence, video, audio, and policies surrounding this shooting is still on-going and pending the District Attorney's review.

Logan Augustine – November 24, 2016

On November 24, 2016 at 1:50 PM the Sheriff's Department received a call from Logan Augustine stating that he was angry at the recent election and that responding officers "had better be big." He also told the call taker that he had a knife. Augustine was at a 7-Eleven store on Marconi Avenue.

Sergeant Schaefers arrived at 2:00 PM and observed a male inside the store on a cell phone but he was not sure if the person inside the store was the caller. While outside the store Sgt Schaefers was approached by Augustine's father who was driving Logan to a family Thanksgiving event when Logan got out of the car unexpectedly near the store.

Shortly after speaking with the father, Sergeant Schaefers and Deputy Campoy entered the store to contact Logan Augustine. Deputy Campoy had armed himself with a less lethal 40mm less lethal weapon. After entering the store Deputy Campoy notified responding units that Augustine claimed to have a gun. Armed with a knife Augustine moved to the rear sales area where Deputy Campoy fired one 40mm less lethal round and Sergeant Schaefers fired one round from his handgun. During the confrontation with deputies Augustine used a knife to slit his own throat.

The review of documents, evidence, video, audio, and policies surrounding this shooting is still on-going and pending the District Attorney's review.

Recommendations - Officer Involved Shootings

The following is a list of recommendations made to the Sheriff's Department based on the officer involved shooting reviews conducted in 2016. The status indicates progress made toward implementation of the recommendation.

16.10 The Sheriff's Department should revise General Order 10/10 to:

16.10.1 Require officers to wear and activate body worn microphones during all traffic stops, all vehicle pursuits, crimes in progress, and any situation or event that the officer through training and experience believes should be recorded.

Status of Recommendation	In Progress

The Sheriff's Department issued a reminder to all field personnel of the General Order requirements. Additionally, the Department has ordered replacement body worn microphones and associated hardware.

16.10.2 Establish a review of all critical incidents to ensure officers comply with the requirements of General Order 10/10.

Status of Recommendation	Complete

The Department has included an emphasis on General Order 10/10 during the critical incident review process.

16.11 Establish a random audit of in-car camera video to ensure officers are complying with the provisions of General Order 10/10.

Status of Recommendation	In Progress

The Department in in the process of implementing a random audit of in-car camera video to ensure officers comply with General Order 10/10.

16.12 Continue the evaluation of body worn cameras with the goal of full field and corrections implementation.

Status of Recommendation	In Progress

The Department has completed field testing and is reviewing the results.

16.13 The Sheriff's Department should review research related to use of force as well as department data to determine frequency and effectiveness of less lethal weapons. If appropriate the results of the review should be used to modify training and less lethal devices available to personnel.

Status of Recommendation	In Progress

The Department is reviewing use of force tracking system options that will better inform the executive staff regarding use of force deployments, effectiveness, and options.

16.14 The Sheriff's Department should broadly deploy less lethal devices that provide a greater distance between officers and suspects. While Tasers and pepper spray are effective in reducing injuries to suspects and officers in resistive situations,[1] their use when a suspect is armed with a weapon often results in officers getting too close to the suspect. This may increase the threat to the officers, community, and suspect. Potential options should include impact munitions[2] as well as longer distance applications of chemical agents such as pepper balls.

Status of Recommendation	In Progress 

The Department is currently reviewing the deployment of less lethal options which may include the deployment of less lethal shotguns.

16.15 The Sheriff's Department should reinforce through training, policy, and inspection the need to be equipped with the necessary safety equipment. Flashlights during darkness are a critical piece of safety equipment as observed in the Prescott incident.

Status of Recommendation	In Progress 

The Department is drafting a policy that identifies mandatory safety equipment including flashlights for all officers who may have the occasion to work in low-light conditions.

16.16 The Sheriff's Department should review training techniques to ensure frequent use of Tactical Decision Games[3] that challenge participants to successfully resolve problems through quick effective decision making.

Status of Recommendation	In Progress 

The OIG will work with the Department on potential enhancements to current scenario based training both at the academy and during in-service training. The Department anticipates expanded training during the next year to include force options simulations followed by debriefs to reinforce good decision making.

[1] https://nij.gov/journals/267/pages/use-of-force.aspx
[2] Less lethal impact munitions are designed to have a low probability of serious injury or death to people.
[3] Tactical Decision Games developed for the military have been used successfully in a variety of professions including law enforcement, fire service, and medicine.

16.17 The Sheriff's Department should review training to ensure the following decisions are included in training sessions involving the use of force:

What crime was committed?
Who is the threat toward?
Who is the threat from?
Is the threat actual or potential?
What level of resistance is exhibited?
Is the subject suicidal or homicidal?

Status of Recommendation	In Progress 

Decision making will be included during use of force simulation training.

16.18 The Sheriff's Department should consider revising General Order 2/11 and applicable section in General Order 2/05.

16.18.1 The term "reasonable" is used throughout the order. A concise definition in a single location would provide clarity and understanding. An example from the International Association of Chiefs of Police (IACP) model policies states; "In determining the necessity for and appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including but not limited to the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community."

Status of Recommendation	In Progress 

The Department is reviewing the language as recommended.

16.18.2 Section II A 2 c should require the officer to have probable cause that a violent felony was committed **and** that if not immediately apprehended reasonable cause to believe the suspect may cause death or great bodily injury. The current policy allows either circumstance which is not consistent with contemporary practices.

Status of Recommendation	In Progress 

The Department is reviewing the language as recommended.

16.19 Most of the polices reviewed have not been revised in over three years. The Department should establish a policy review cycle that requires all policies to reviewed and reissued or revised on a cycle no longer than three years.

Status of Recommendation	In Progress 

The Department is the process of identifying a review schedule.

16.20 The Department should ensure a comprehensive review of all pursuits to evaluate compliance with polices and training.

Status of Recommendation	In Progress 

The Department anticipates adding a pursuit tracking tool to proposed use of force tracking solutions.

16.21 The Department should reinforce through training the dangers pursuits present to deputies and the public.

Status of Recommendation	In Progress 

The OIG will work with the Department to identify training and review opportunities for increased emphasis of officer and community safety during pursuits.

16.22 The Department should emphasize in training the importance of quickly exiting vehicles during high risk stops. The Department should also reinforce the need to stay behind cover while assessing a suspect's intent.

Status of Recommendation	In Progress 

The Department has added this recommendation to the advanced vehicle stop class proposed for 2017-2018.

16.23 The Department should reinforce in training the need to keep a safe separation between the deputy's vehicle and the suspects' vehicle.

Status of Recommendation	In Progress 

The Department has added this recommendation to the advanced vehicle stop class proposed for 2017-2018.

16.24 The Department should expand active shooter training to include vehicle stop scenarios.

Status of Recommendation	In Progress 

The Department has added this recommendation to the advanced vehicle stop class proposed for 2017-2018.

16.25 The Department should inform deputies of the ballistic characteristics of department approved weapons.

Status of Recommendation	In Progress 

The Department will incorporate this information into all firearms classes.

Appendices

A. Summary of Recommendations

16.1 Review printed material and website to reinforce the openness of the complaint process including a listing of all locations where a complaint is accepted and the ability of a citizen to make a complaint.

Status of Recommendation	Complete

The Sheriff's Department has added an Internal Affairs "page" on the Sacramento County Sheriff's Department website, providing an address, telephone and fax number, and hours of operation. The department created an email address InternalAffairs@sacsheriff.com which goes directly to Professional Standards Division (PSD) staff and is accessible by the Lieutenant and Captain of PSD.

16.2 Develop a web based submittal form for both commendations and complaints that allows a community member to remain anonymous.

Status of Recommendation	Complete

The Sheriff's Department complaint form has been revised to allow the user to check a box if they wish to remain anonymous. Additionally, the department added a link for a Citizen Commendation and/or Complaint form with the ability to submit the document electronically. This form, which was previously difficult to locate, is now accessible in three separate locations: on the home page under on-line reporting, on the Internal Affairs home page, and under department forms.

16.3 Review, edit, and supplement the current hard copy complaint form with a fillable field document for both complaints and commendations. Allow the form to be submitted via email, US Mail, faxed, or hand delivered. The form should include only the fields necessary to investigate the complaint.

Status of Recommendation	Complete

The department's revised complaint/commendations form has fillable fields and can be submitted directly to Internal Affairs by email, fax, sent by US Mail, or hand-delivered. Additionally, the complaint/commendation form was updated to require only necessary information to initiate an investigation or commend an employee

16.4 The Department should work with the software vendor to develop a comprehensive plan that will better utilize how information is categorized, tracked, and reported. The plan should include a strategy for improving efficiency as well as satisfying statutory reporting requirements.

Status of Recommendation	In Progress

Sheriff's Department personnel met with the software vendor (IAPro) to learn how to better utilize how information is categorized, tracked, and reported. This training was instrumental and assisted the department in obtaining specific data. The department has transitioned to one numbering system to track all complaints, thus allowing for accurate legislative reporting requirements.

16.5 Personnel assigned to the Professional Standards Division (PSD) should receive additional training specific to the software. This should include ways to identify trends that may be of concern to the community and Department. The training should include standardized curriculum for all new investigators and staff.

Status of Recommendation	In Progress

Sheriff's staff have attended training and new employees assigned to PSD will attend future trainings. With the rotation of staff and the adoption of an Early Intervention System will require continued training for all current and future staff.

16.6 The Department should work with regional law enforcement agencies to create a software users' group to facilitate the sharing of best practices. A users' group would benefit all agencies in the sharing of best practices and serve as a resource to help maintain proficiency.

Status of Recommendation	In Progress

Two lieutenants have been assigned to lead an internal users' group and conduct a study into the benefits of purchasing an Early Intervention System. The study is still underway and they have reached out to several agencies to discuss the capabilities of the software.

16.7 The Department should audit complaint dispositions for consistency in application as well as contemporary standards in law enforcement.

Status of Recommendation	New

16.8 It was recommended that the department review training in the service of civil papers by patrol deputies with attention to the emotional response of those being served, an emphasis on remaining neutral, and reinforcing the differences between civil and criminal processes.

Status of Recommendation	Complete

The Department has conducted a review and provides on-going training to employees, provides educational resources the Department's internal website, and makes available to deputies the same material provided to the public regarding the civil process.

16.9 The Sheriff's Department should review policies and procedures related to the monitoring of in-custody inmates who may have swallowed contraband.

Status of Recommendation	In Progress

The OIG is working with the Department to clarify the recommendation.

16.10 The Sheriff's Department should revise General Order 10/10 to:

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