

DEPARTMENT OF
POLICE

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March 8, 1999

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: 1998 ANNUAL REPORT REGARDING INTERNAL AFFAIRS CASES

LOCATION AND COUNCIL DISTRICT: Citywide.

RECOMMENDATION:

This report is for Council information only.

CONTACT PERSON(S): Arturo Venegas, Jr., Chief of Police, 264-5121
Captain John Parker, Internal Affairs, 264-5481

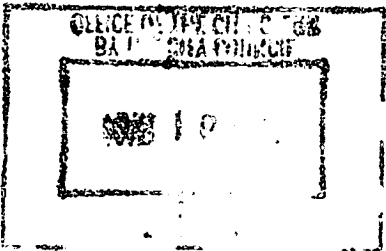
FOR THE COUNCIL MEETING OF: March 16, 1999 (afternoon)

SUMMARY:

This report is in response to the Blue Ribbon Committee's recommendation to the Police Department to disseminate the results of its investigations regarding Internal Affairs cases. This aggregate data categorizes complaint cases by classification and associated complaint resolution. The discipline imposed for sustained cases is also included in this report.

Additionally, this report includes data on the frequency and cost of disciplinary administrative leave cases. This is in response to a request made by Councilmember Robbie Waters during the afternoon City Council meeting of January 19, 1999.

COMMITTEE/COMMISSION ACTION: None.



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BACKGROUND:

During calendar year 1998, Internal Affairs investigated a total of 79 cases. Twenty-seven (27) of these cases were initiated by citizens, while fifty-two (52) were initiated internally within the Police Department. Please note that this constitutes approximately 70% of the 1998 workload for Internal Affairs, where some of the cases closed last year were generated in prior years. Below is a chart depicting the types of cases investigated with associated dispositions or findings:

1998 INTERNAL AFFAIRS CASES

COMPLAINT CLASSIFICATION	SUSTAINED	RE-CLASSED	PENDING	NOT SUSTAINED	EXONERATED	TOTAL
CONDUCT UNBECOMING	10	1	10	0	2	23
DISCOURTESY	1	1	5	2	1	10
DISCRIMINATION	0	0	0	0	0	0
DISHONESTY	1	0	4	0	0	5
EXCESSIVE FORCE	1	0	2	0	1	4
FALSE ARREST	0	0	2	0	0	2
FIREARM DISCHARGE	2	0	0	0	0	2
HARASSMENT	1	1	0	0	0	2
IMPROPER SEARCH & SEIZURE	0	0	1	0	0	1
IMPROPER TACTICS	2	1	1	1	1	6
INSUBORDINATION	4	0	2	0	0	6
INTOXICATION	0	0	0	0	0	0
MISSING PROPERTY	0	0	0	0	0	0
NEGLECT OF DUTY	7	0	4	0	0	11
SERVICE	0	0	1	1	0	2
TRAFFIC	2	1	2	0	0	5
WAGE GARNISHMENT	0	0	0	0	0	0
TOTAL	31	5	34	4	5	79

Please note that the five (5) Reclassed cases were those in which the complainant contacted the Police Department and requested that the complaint be withdrawn or handled at a lower, more informal level. Of

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the thirty-four (34) pending cases, ten (10) were citizen-generated and twenty-four (24) were Department-initiated.

The Internal Affairs staff completed 45 of the 79 cases generated in 1998. The average time it took staff to complete these cases was 3.3 months. During the last legislative session, state law was enacted on January 1, 1999, requiring all Internal Affairs cases to be completed within a 12-month timeframe. Even though staff is currently meeting this new requirement, the upgraded management position from Lieutenant to Captain and two sergeants added to the Internal Affairs staffing complement coupled with an automated tracking system will ensure that the Police Department does not violate this section of the Peace Officers' Bill of Rights. Rather, such cases are expected to be completed at a faster rate, thus providing more favorable public relations.

Discipline is imposed at the conclusion of formal investigations of misconduct. An employee receives discipline based on the entire complaint and not based on each separate allegation. For example, an officer may have had three allegations sustained, but only one discipline (i.e., letter of reprimand, documented oral counseling, suspension, etc.). As an early intervention tool for corrective or preventative measures, an employee may receive training and/or counseling, even though the allegation in a complaint is not sustained, which has occurred in numerous cases.

Below is a table representing the source for discipline imposed in the thirty-one (31) sustained formal complaints of misconduct:

SOURCE FOR DISCIPLINE IMPOSED ON SUSTAINED CASES IN 1998

DISCIPLINE IMPOSED	# OF CITIZEN COMPLAINTS	# OF SPD COMPLAINTS	TOTAL
Documented Counseling	3	6	9
Written Reprimand	2	9	11
Suspension Without Pay	1	2	3
Demotion	0	3	3
Termination	0	1	1
Retired/No Rehire	3	1	4
TOTAL	9	22	31

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During the afternoon City Council meeting of January 19, 1999, Councilmember Robbie Waters requested that the Police Department provide data on the frequency and cost of disciplinary administrative leave.

For background purposes, employees are placed on disciplinary administrative leave for a variety of reasons, such as the following:

- the nature of the allegations is extremely serious;
- the facts gathered in an Internal Affairs investigation support termination from employment;
- if the employee is left in his/her current assignment, it would be disruptive to the workplace or conflict with a criminal or administrative investigation related to the alleged misconduct.

Employees placed on disciplinary administrative leave remain in a paid status at the current salary. Such action by the City is not considered an adverse action.

Below is a chart illustrating the status of a total of seven disciplinary administrative leave cases during 1998:

1998 DISCIPLINARY ADMINISTRATIVE LEAVE CASES

CASE	COMPLAINT CLASSIFICATION	TOTAL TIME	FINAL DISPOSITION/ RECOMMENDED FINDING
1	Conduct/Neglect	5.5 months	Demoted
2	Conduct/Dishonesty	3.5 months	Terminated
3	Conduct/Dishonesty	5.5 months	Terminated
4	Insubordination	8 months (as of 2/1/99)	Termination
5	Dishonesty/Improper Search	3.5 months (as of 2/1/99)	Pending
6	Neglect of Duty	1.5 months (as of 2/1/99)	Termination
7	Dishonesty (Perjury)	1 month	Reinstated

The total estimated cost for the associated disciplinary administrative leave cases for 1998 is approximately \$110,000.

In addition, four of the seven cases were generated and completed within 1998, and averaged 3.9 months to complete action with final resolution.

The chart below shows a total of two pending disciplinary administrative leave cases generated in 1999:

1999 DISCIPLINARY ADMINISTRATIVE LEAVE CASES

CASE	COMPLAINT CLASSIFICATION	FROM DATE	TO DATE	TOTAL TIME
1	Conduct/Dishonesty	01/06/99	present	1 month (as of 2/1/99)
2	Conduct/Dishonesty	01/18/99	present	0.5 month (as of 2/1/99)

As of February 1, 1999, the total estimated costs for these two cases amount to \$6,200.

FINANCIAL CONSIDERATIONS:

This report is for informational purposes only. It should be noted, however, that the total amount of \$116,200 indicated for 1998 and 1999 Disciplinary Administrative Leave Cases is only for lost employee time. This budgetary figure does not include attorney's fees for litigation, workers' compensation, medical fees, and other City staff time associated with such cases.

ENVIRONMENTAL CONSIDERATIONS:

The subject of this report does not constitute a "project" and is therefore exempt from the California Environmental Quality Act according to CEQA Guidelines, Section 15061(b)(1) and 15378(b)(3).

POLICY CONSIDERATIONS:

This is the first report informing the City Council and the public on the results of the Police Department's Internal Affairs cases generated from citizens' complaints and administrative leave. Police Department staff has met with the City Attorney, City Manager and Director of Labor Relations to insure that as much information is disseminated as recommended by the Blue Ribbon Committee, but within the appropriate guidelines, such that the Peace Officers' Bill of Rights are not compromised.

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MBE/WBE EFFORTS:

Not applicable.

Respectfully submitted,



ARTURO VENEGAS, JR.
CHIEF OF POLICE

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR
CITY MANAGER

AV/JP:rmm

Ref: 3-19