



Scott R. Jones
Sheriff

August 29, 2013

Honorable Laurie Earl, Presiding Judge
Sacramento Superior Court
720 Ninth Street, Department 47
Sacramento, CA 95814

Re: Sacramento County Grand Jury Report: Investigation: Deputy-Involved Shootings

Dear Judge Earl:

Pursuant to Penal Code sections 933 and 933.05, the following specific responses are respectfully submitted to you regarding the 2012-2013 Grand Jury's Findings and Recommendations on Deputy-Involved Shootings (pp21-30).

Finding 2. The Grand Jury finds the Sheriff's Department and the OIG do not conduct an analysis of deputy-involved shooting incidents to identify the behavior, policy, or tactical issues that are present. The Grand Jury further finds the Sheriff's Department does not routinely review shooting cases to identify "lessons learned" that can be incorporated in training.

Response to Finding 2: Partial Concurrence

During this Grand Jury investigation the review of incidents by the Sheriff's Use of Force Tactical Review Board was not occurring. However, there were numerous strata of review that was occurring.

The Sheriff, Undersheriff, and/or other members of executive staff respond to every OIS incident to acquire preliminary information about the shooting and scene. Thereafter, generally within 48 hours, Sheriff's Executive Staff receives a presentation by the Homicide Bureau and Professional Standards following their preliminary investigation into the OIS. Once both the criminal and administrative investigations are completed, a final presentation is given to Executive Staff. In addition to examining the officers' actions for each specific incident, the information from these presentations were evaluated by Executive Staff regarding behavior, policy, and tactical issues present that may require changes to policy or training within the Department.

Both the Department's Range Master and administrative investigative staff respond to all officer-involved shooting incidents to participate in the scene walk-through for training and investigative purposes. The information compiled is used to design firearm qualifications and training courses, note trends or commonalities, or identify training or policy deficiencies.

Recommendation 2. The Grand Jury recommends the Sheriff consider restoring the use-of-force review process in the Department with a specific focus on the identification of behavior, policy, and tactical issues, and "lessons learned." The Grand Jury further recommends the review panel include both tactical and training staff.

Response to Recommendation 2: Concur

In February of 2013, the Sheriff's Department was reorganized, which included the creation of the Professional Standards Division (PSD). This move for the first time placed both the Internal Affairs Bureau and the Training and Education Bureau under the same command, increasing their level of communication and coordination.

The PSD Commander has also restored the Sheriff's Use of Force Tactical Review Board and has revised its policy, adopting recommendations of the Office of the Inspector General (OIG) and adding tactical and training staff to the board. The Tactical Review Board's function is non-disciplinary, focusing on the efficacy of tactics and procedures, controlling policy, training, and equipment, as well as the assessment of any noteworthy trends or patterns.

Finding 3. The Grand Jury finds that there is insufficient communication between the Office of the Inspector General and the administration of the Sheriff's Department concerning the "lessons learned" from the shooting cases.

Response to Finding 3: Concur

The Sheriff's Department has notified the OIG immediately following every officer-involved shooting incident, allowing for response and participation in scene walk-throughs at the discretion of the OIG. The OIG is updated frequently during and at the completion of all officer-involved shooting investigations. Communicating "lessons learned" from officer-involved shooting incidents had not been previously identified as a goal of the OIG, but the OIG has unfettered access to the investigation and information contained therein at all times.

Recommendation 3. The Grand Jury recommends that the Inspector General adopt a more proactive review of deputy-involved shooting incidents, beyond simply reviewing the findings of the Department's internal investigation. Rather, the Inspector General should review each incident with the goal of communicating "lessons learned" to the Department.

Response to Recommendation 3: Concur

The Sheriff's Department will continue to notify the OIG following every officer-involved shooting incident, allowing for response and participation in scene walk-throughs at the discretion of the OIG. The OIG will continue to be updated frequently during and at the completion of all officer-involved shooting investigations. If it is determined that the goal of the OIG's review should include communicating "lesson learned", the Sheriff's Department welcomes that additional input.

Finding 4. The Grand Jury finds the policies and orders of the SSD concerning use-of-force and deadly force are relatively generic and not comprehensive.

Response to Finding 4: Concur

While developing a Department-wide Use of Force update training course in 2012, the Sheriff's Department recognized these policies required review and revision.

Recommendation 4. The Grand Jury recommends the Sheriff initiate a review of the orders and policies concerning the use-of-force and deadly force, and revise those orders as appropriate and legally competent to specifically address topics that are not addressed in the current policies (e.g., shooting at a moving vehicle). The Grand Jury further recommends the Sheriff consider the inclusion of use-of-force policy in tactical and firearms training courses developed and presented in the Department.

Response to Recommendation 4: Concur

The Sheriff's Department's Use of Force and Use of Firearms General Orders were both revised in December 2012. Modifications were made to accurately reflect industry standards, identified best practices, and current case law. Sample policies from other California agencies, the Police Executive Research Forum (PERF), Americans for Effective Law Enforcement (AELE), and Lixipol LLC were used to develop the revisions.

The topic of shooting at or from a moving vehicle was addressed in the prior Use of Firearms policy, which prohibited it "unless there is reasonable assurance that such firing will not endanger innocent persons". The revised version has been expanded in this area to emphasize the fact that this is inherently dangerous and often times ineffective. It also provides direction, where possible, to avoid assuming a position in the path of a vehicle and to consider moving out of the path to mitigate the threat.

The Use of Force and Use of Firearms policies will be incorporated in tactical and firearms training courses developed and presented in the Department.

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Please note, that for the purposes of these responses, there is currently no Inspector General for the County, so his/her involvement or role is based on historic practices and/or future intent. Should you have additional questions, or require further information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in blue ink that reads "Scott Jones". The signature is written in a cursive style with a large initial "S" and a long, sweeping underline.

SCOTT JONES, SHERIFF

cc: Dave Irish, CPA, Director of Finance
Sacramento County Grand Jury