



Office of Inspector General

Annual Report  
2017

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Inspector General

## Contents

|                                                                       |           |
|-----------------------------------------------------------------------|-----------|
| Executive Summary .....                                               | 3         |
| Background .....                                                      | 3         |
| Process Review.....                                                   | 4         |
| Complaint/Commendation Intake Process .....                           | 4         |
| Tracking of Community Complaints .....                                | 5         |
| Complaint Quality Control .....                                       | 5         |
| Recommendation – Complaint Quality Control .....                      | 6         |
| Complaint Disposition Notification.....                               | 6         |
| Recommendation – Complaint Disposition Notification .....             | 6         |
| Complaints Received by the OIG.....                                   | 6         |
| Method Received .....                                                 | 7         |
| Complaint Assignment.....                                             | 7         |
| Complaint Type .....                                                  | 8         |
| Sheriff’s Department Complaint Summary.....                           | 9         |
| Complaints Received by SSD .....                                      | 9         |
| Total SSD Complaints by Type .....                                    | 9         |
| SSD Complaint Disposition .....                                       | 10        |
| Recommendation – Complaint Disposition .....                          | 11        |
| Use of Force .....                                                    | 12        |
| Early Intervention System.....                                        | 12        |
| Deaths in Custody.....                                                | 12        |
| Johnathon Carroll – January 6, 2017 -- Main Jail.....                 | 12        |
| Tom Korrell – March 8, 2017 -- Main Jail.....                         | 13        |
| Silas Boston – April 24, 2017 – UC Davis Medical Center .....         | 14        |
| Ryan Ellis – May 4, 2017 – Watt Avenue near Bolivar Avenue .....      | 14        |
| JC Feagins – July 6, 2017 -- Main Jail .....                          | 14        |
| Daniel Grijalva – December 22, 2017 – Main Jail .....                 | 15        |
| Officer Involved Shootings.....                                       | 15        |
| <i>2016 Officer Involved Shooting Reviews Completed in 2017 .....</i> | <i>16</i> |

|                                                        |    |
|--------------------------------------------------------|----|
| Sergey Makarenko – June 18, 2016 .....                 | 16 |
| Chad Irwin – August 18, 2016 .....                     | 16 |
| Jesse Attaway – September 23, 2016 .....               | 17 |
| Brittney Nicholls – October 22, 2016.....              | 18 |
| Logan Augustine – November 24, 2016.....               | 18 |
| <i>2017 Officer Involved Shootings</i> .....           | 19 |
| Michael Marcum – January 13, 2017.....                 | 19 |
| Armani Lee – February 10, 2017 .....                   | 19 |
| Mikel McIntyre – May 8, 2017 .....                     | 19 |
| Jimmy Vang – June 8, 2017 .....                        | 20 |
| Kenard Thomas – June 14, 2017.....                     | 21 |
| Nolan Cornett – July 19, 2017 .....                    | 21 |
| Thomas Littlecloud – August 30, 2017.....              | 22 |
| Nick Viera – September 13, 2017 .....                  | 22 |
| Donnell Chong – October 2, 2017 .....                  | 23 |
| Wallace Jory – November 2, 2017 .....                  | 23 |
| Steven Davis – December 19, 2017 .....                 | 23 |
| Recommendations - Officer Involved Shootings.....      | 23 |
| Appendices.....                                        | 28 |
| A. Summary of Recommendations 2016.....                | 28 |
| B. Summary of Recommendations 2017.....                | 33 |
| <br>Table of Figures                                   |    |
| Figure 1 Definitions of Recommendation and Status..... | 3  |
| Figure 2 Method Complaints/Commendations Received..... | 7  |
| Figure 3 Complaint Assignment.....                     | 8  |
| Figure 4 OIG Complaints to SSD .....                   | 8  |
| Figure 5 Total SSD Complaints.....                     | 9  |
| Figure 6 SSD Complaint Type .....                      | 10 |
| Figure 7 SSD Complaint Disposition.....                | 11 |

## 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 is critical to the success of the Sheriff’s Department. A community member can make a complaint about a Sheriff’s employee, or services provided by the department, to either the Office of Inspector General or the Sheriff’s Department. The following options are available.

- A web-based form that allows the complainant to submit directly to the OIG or SSD. 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 or SSD.

In 2017 OIG received 116 complaints and two commendations during the year with most of the complaints submitted on-line. This compares to 131 complaints and four commendations received in 2016. In 2017, 47 complaints involved the Sheriff’s Department, 25 complaints involved other agencies, and 44 were handled by the OIG. There were 11 officer involved shootings up from six in 2016, and six in-custody deaths compared to two in 2016.

The on-going review and assessment work described above resulted in three recommendations in 2017 and a carryover of 23 recommendations from 2016. Each recommendation is identified in the report with an accompanying status. Of the 26 total recommendations 16 were completed or partially completed and 10 are in-progress.

*Figure 1 Definitions of Recommendation and Status*

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

## Background

The Sacramento County Sheriff’s Department is among 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/evidence management. 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 Intervention 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 OIG continues to review the complaint process for both the Office of Inspector General and the Sheriff's Department.

### 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 has improved and the Department is better able to easily record, track, and report information. However, the frequent rotation of staff continues to create familiarity issues with the system and results in unnecessary workarounds that reduce efficiency, effectiveness, and potential accuracy of the data. The OIG and Department continue to work to improve consistency in the complaint process.

### Complaint Quality Control

The Department's complaint investigative process is like that of other large agencies. Complaints that are received by either the OIG or the Department are reviewed to determine the severity of the allegation. Allegations that if sustained could result in serious discipline such as termination, demotion, or suspension are investigated by Internal Affairs staff and reviewed by executive staff who determine a finding. Allegations that if sustained may result in informal discipline are assigned to the Division in which the employee works. In most cases a first line supervisor conducts the investigation and determines a finding that is routed up the Division chain of command and sent to Internal Affairs. If during the Divisional investigation the allegations are determined to be more serious than originally reported the investigation can be sent back to Internal Affairs to complete.

It was discovered during audits of complaints received by the OIG that the thoroughness of Division investigations varied. While some investigations were complete and required no additional work, others required follow-up. Additionally, the dispositions were not always consistent with the facts provided. In many instances the Department classified complaints as unfounded when the facts supported a finding of exonerated. This type of error was caused by a lack of understanding of the difference between unfounded and exonerated findings. In these instances, Sheriff's staff appropriately found that the involved employee acted within policy. However, the finding was listed as unfounded when the correct complaint disposition should be exonerated.

Although infrequent, there were occasions when the investigator determined that the employee acted within policy when the employee was clearly outside policy. For example, a third party alleged that he witnessed the inappropriate use of force in the jail. The investigation was sent to the jail and investigated by a sergeant who determined that the complaint was unfounded. The OIG reviewed the investigation and determined that the use of force was inappropriate, and the finding should be sustained. Sheriff's executive staff was notified, and a review of the original

complaint and investigation was conducted. The Department’s review concurred with the OIG finding that the force used by a jail deputy was inappropriate, and the complaint sustained.

In response the following recommendations were offered to improve the quality of investigations and establish appropriate investigative oversight.

#### Recommendation – Complaint Quality Control

17.1 The supervisor investigating the complaint should not offer a recommendation of finding within the investigative report. Division Commanders should be responsible for reviewing the investigation and making a recommendation of findings to Sheriff’s Executive staff. The chain of review should be clearly noted in the report.

|                          |                                                                                               |
|--------------------------|-----------------------------------------------------------------------------------------------|
| Status of Recommendation | Completed  |
|--------------------------|-----------------------------------------------------------------------------------------------|

*The Sheriff’s Department has reviewed and revised, where necessary, policies and procedures to ensure command staff is the recommending authority for informal complaint dispositions.*

#### Complaint Disposition Notification

When an informal investigation is completed at the Division level a letter notifying the complainant of the finding is prepared by the Division. A review of the letters has found inconsistencies in the detail of information as well as the tone. To improve consistency the following is recommended.

#### Recommendation – Complaint Disposition Notification

17.2 All letters of finding to complainants should be written and sent by the Professional Standards Bureau to ensure consistency in level of detail and in tone.

|                          |                                                                                                 |
|--------------------------|-------------------------------------------------------------------------------------------------|
| Status of Recommendation | Completed  |
|--------------------------|-------------------------------------------------------------------------------------------------|

*The Sheriff’s Department has developed a standardized process and protocol to ensure consistency in disposition letters to complainants. The Assistant Commander of Professional Standards is responsible for the review and approval of disposition correspondence with complainants.*

#### 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 Shooting is identified as OIS, in custody death is ICD and investigations requested by the Board of Supervisors, Sheriff, or initiated by the OIG are categorized as “OIG Investigation.”

## Method Received

The Office of Inspector General received 116 complaints and two commendations during the year. This compares to 131 complaints and four commendations in 2016. Seventy-three (62%) of the complaints/commendation were submitted on-line using the OIG web form. Individuals wishing to remain anonymous accounted for 17 complaints with four of the 17 involving outside agencies.

### Method Complaints/Commendations Received

N=118

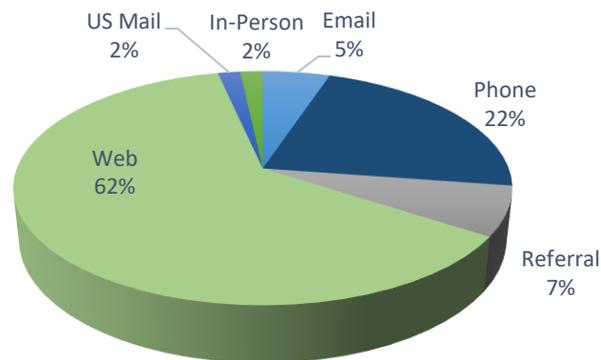


Figure 2 Method Complaints/Commendations Received

## Complaint Assignment

Of the total complaints received, 47 were sent to the Sheriff's Department for investigation or information with 38 of the complaints resulting in personnel investigations. While the purpose of the OIG is limited to oversight of the Sheriff's Department, 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 2017, there were 25 complaints that were forwarded to other agencies or county departments. 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.

### Complaint Assignment 2017

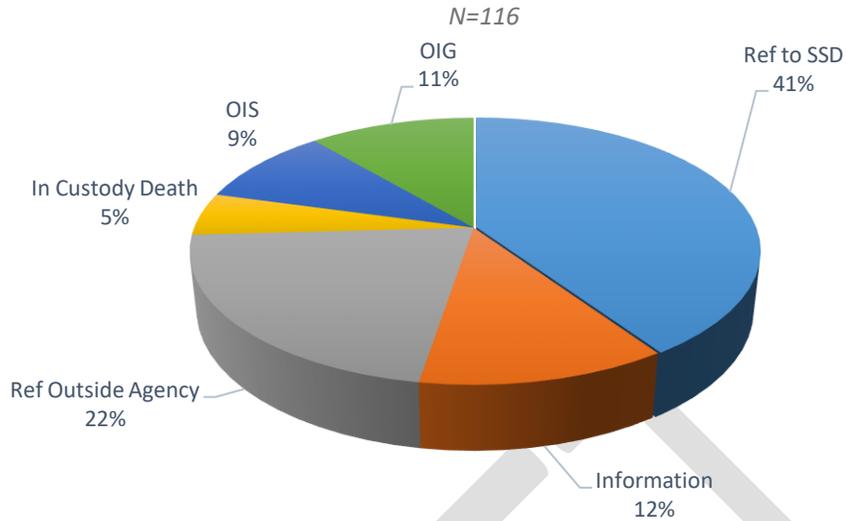


Figure 3 Complaint Assignment

### 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 over half of all complaints forwarded to the Sheriff’s Department for investigation.

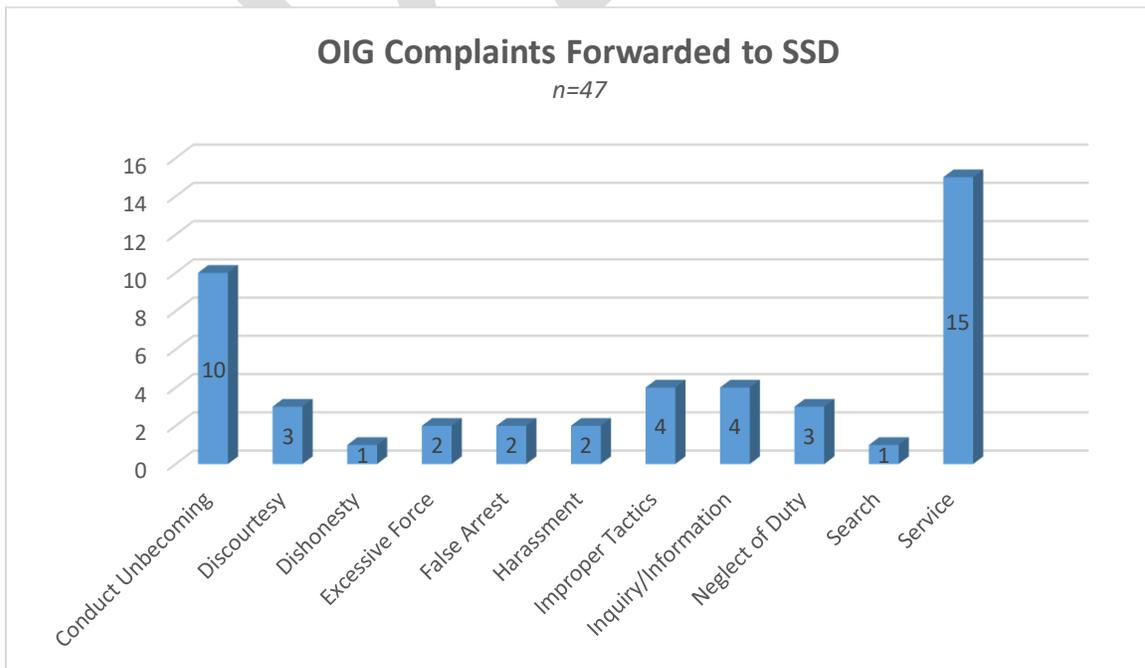


Figure 4 OIG Complaints to SSD

## 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 333 complaints against employees within the Department. The Department initiated 49 complaints and the remaining 284 were citizen complaints reported directly to the Department or through the Office of Inspector General.

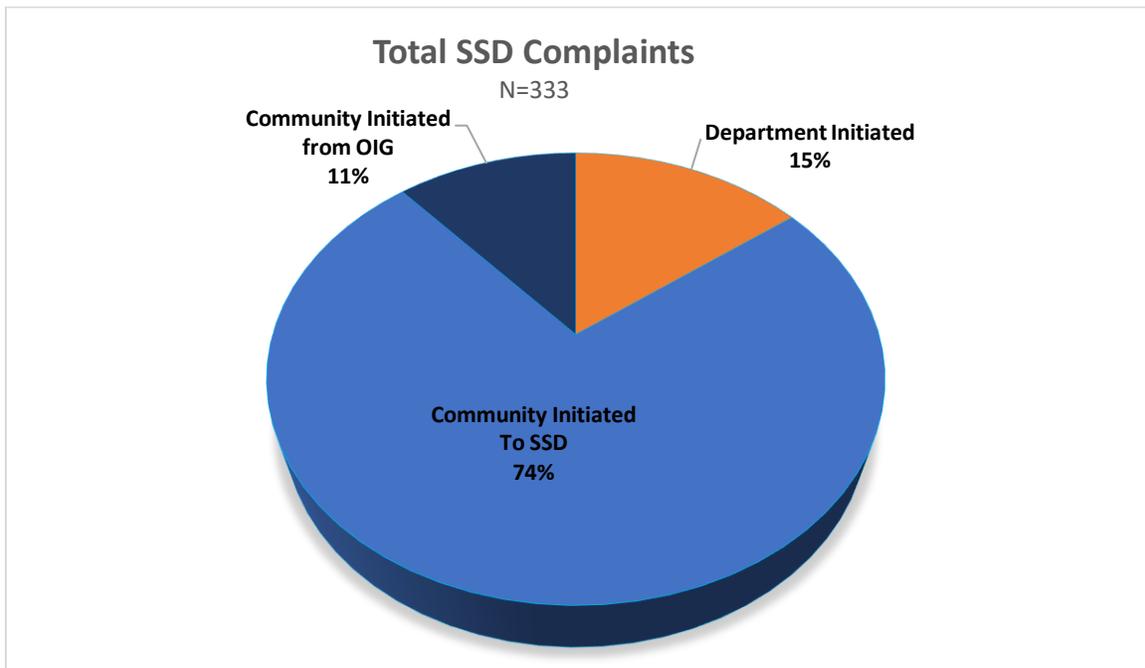


Figure 5 Total SSD Complaints

### Total SSD Complaints by Type

The 333 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 account for 46% of community-initiated complaints.

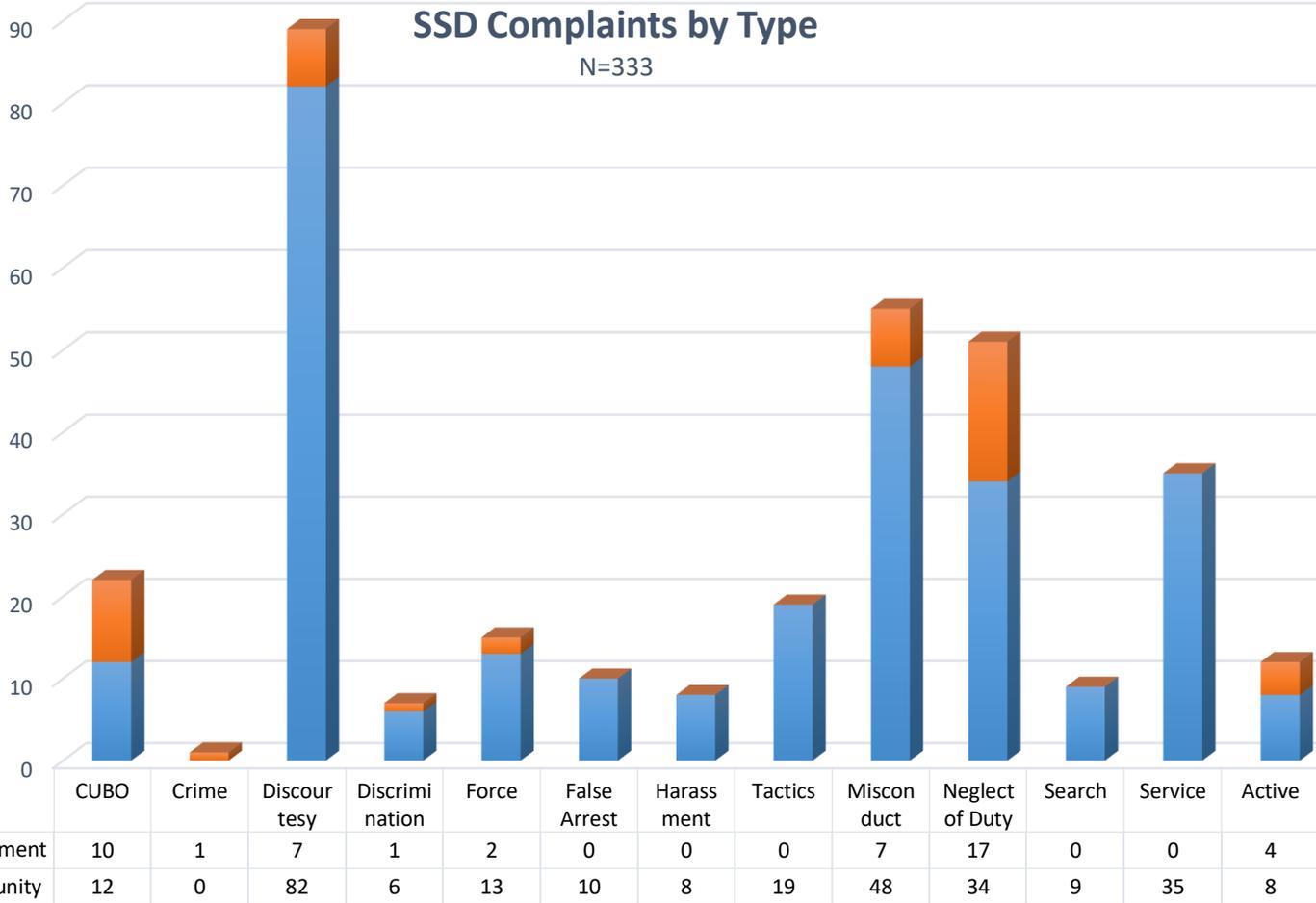


Figure 6 SSD Complaint Type

### 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 2017. Dispositions are classified into four primary categories with a miscellaneous category for investigations that are not completed because the complainant failed to cooperate, or the employee resigned, 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.

An unfounded finding accounted for 63% 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. A review by the Sheriff's Department is warranted to determine possible causes and remedies.

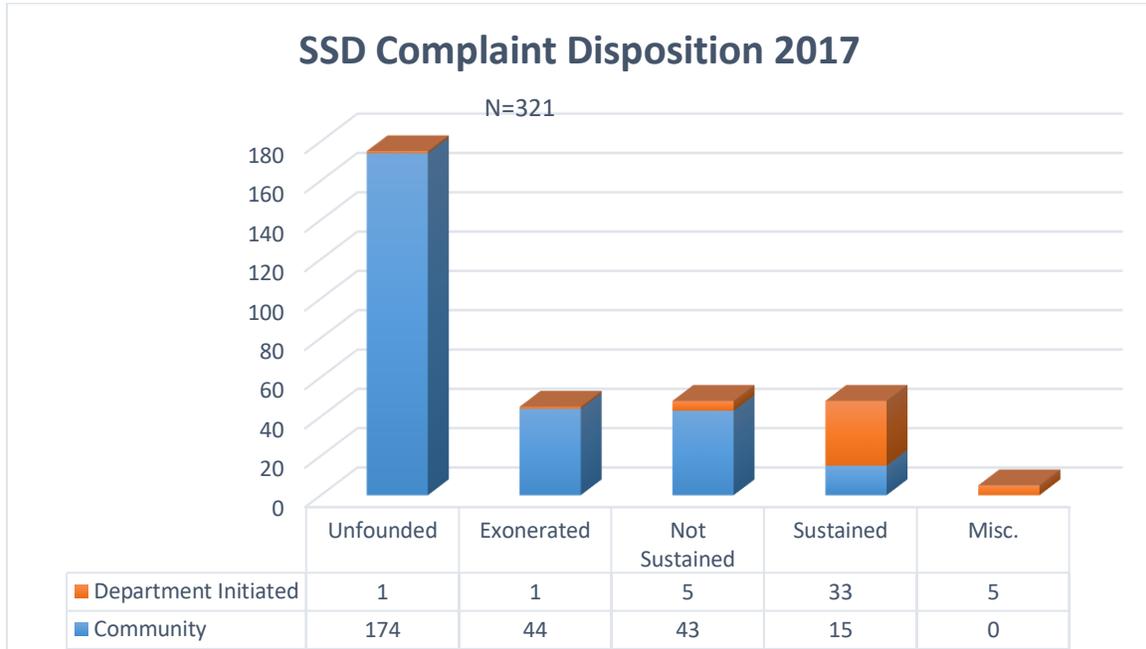


Figure 7 SSD Complaint Disposition

### 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 | Completed | <input checked="" type="radio"/> |
|--------------------------|-----------|----------------------------------|

*The OIG worked with Professional Standards Division staff to audit and reconcile 2017 complaints generated through the OIG. It was discovered during the audit that most of case dispositions were similar and in instances when dispositions were not similar the finding determination by Sheriff's staff was based on a lack of familiarity with the disposition definitions and the findings were adjusted. The Sheriff's Department has placed responsibility for the review of complaint dispositions with the Assistant Commander of Professional Standards to ensure consistency.*

17.3 The Department should require all complaint dispositions be approved by the Assistant Commander of the Professional Standards Division prior to entry into the IA data base.

|                          |           |                                  |
|--------------------------|-----------|----------------------------------|
| Status of Recommendation | Completed | <input checked="" type="radio"/> |
|--------------------------|-----------|----------------------------------|

*The Sheriff's Department has implemented this recommendation.*

## 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 has selected a software system that will allow the Department to track and report all uses of force. The tracking system is scheduled for implementation later this year.

## 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.

The software necessary to implement an EIS has been selected and is scheduled for implementation later this year.

## Deaths in Custody

There were six in custody deaths during 2017. This compares to two in 2016. The OIG reviewed all documents including Department reports, Coroner's report, and Crime Lab results of each death.

### Johnathon Carroll – January 6, 2017 -- Main Jail

On January 6, 2017 at 4:18 a.m. Carroll was discovered in his cell unresponsive by deputies at the Main Jail conducting a routine cell check. Medical assistance was immediately requested, chest compressions were started, and a defibrillator was used in an attempt to resuscitate Carroll. Jail medical staff assisted in the effort along with Sacramento City Fire Department. At 4:46 a.m. Carroll was pronounced deceased.

A review of available reports and logs revealed that Carroll had been in custody for over a year on sex assault charges. He was housed alone and did not have problems with other inmates. During a routine cell check at 3:21 a.m. Carroll appeared to be fine. It was during the next hourly cell check that a deputy noticed that Carroll appeared blue. Deputies entered the cell, removed string fashioned from torn clothing from around his neck and began first aid.

A review of the cell check log documented that the cell was checked hourly with no unusual activity noted. Inmates stated that Carroll seem upset the day before following a phone call and that he said that he would be gone tomorrow. This was perceived as meaning that he was being sentenced and would be going to prison.

The Coroner's Office determined the cause of death was suicide by way of ligature asphyxiation.

#### Tom Korrell – March 8, 2017 -- Main Jail

On March 8, 2017 at 1:20 a.m. deputies were alerted by an arrestee in in a booking intake cell that another inmate had hung himself. Medical assistance was immediately requested, chest compressions were started, and a defibrillator was used in an attempt to resuscitate Korrell. Jail medical staff assisted in the effort along with Sacramento City Fire Department. At 1:42 a.m. Korrell was pronounced deceased.

A review of available reports and logs revealed that Korrell had been arrested March 7, 2017 at 10:50 p.m. by Sacramento Police and placed on a parole hold. He was booked into the Main Jail at 11:58 p.m. At the time of the incident he was housed with two other arrestees in male booking cell #4. There was nothing to indicate that he had problems with other inmates or that anything was unusual until deputies were summoned by an arrestee.

Upon entering the holding cell deputies discovered Korrell hanging from a ligature made of his shirt tied to a metal partition used to separate the toilet from public viewing. Deputies removed the string from around his neck and began first aid.

A review of the cell check log noted that the cell was last checked at midnight and 1:00 a.m. However, the video recordings of the area showed deputies checking the cell at 12:29 a.m. and then when entering to render aid at 1:20 a.m. The Sheriff's Department discovered the discrepancy during the Department's internal review of the death and an Internal Investigation followed. Two deputies were disciplined for failing to accurately log the time that the cell was checked.

The Coroner's Office determined the cause of death was suicide by way of ligature asphyxiation.

The Toxicology report determined the following drugs in Monroe's system:

|                 |           |
|-----------------|-----------|
| Alcohol         | .03%      |
| Methamphetamine | 207 ng/mL |
| Nordiazepam     | 515 ng/mL |

Normal concentrations in recreational use of methamphetamine are 0.01 to 2.5 mg/L (median 0.6 mg/L = 600 ng/ml). Concentrations above this range will likely be associated with severe, possibly life threatening, toxicity.<sup>1</sup>

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<sup>1</sup> National Highway Traffic Safety Administration. *Drugs and Human Performance Fact sheets*.  
<https://one.nhtsa.gov/people/injury/research/job185drugs/methamphetamine.htm>

### Silas Boston – April 24, 2017 – UC Davis Medical Center

On April 24, 2017 Boston passed away while under palliative care at the University California Davis Medical Center. Boston was in custody following his arrest on December 1, 2016 by US Marshalls for the 1978 murder of a British couple in Belize. Boston had failing health with numerous medical conditions, multiple failing organs, and a do not resuscitate (DNR) order. He passed away at the hospital while under care of the UC Davis Medical Center.

### Ryan Ellis – May 4, 2017 – Watt Avenue near Bolivar Avenue

On May 4, 2017, at 7:44 p.m., deputies responded to a domestic disturbance in North Highlands. Upon arrival deputies detained and later arrested Ellis as a parolee-at-large. While being transported to jail Ellis, who was handcuffed but not seat belted, was able to kickout the rear window of the Sheriff's patrol vehicle while the patrol vehicle was driving on Watt Avenue near Elkhorn Boulevard. The deputy continued driving the patrol vehicle for about a half-mile when Ellis, still handcuffed, jumped out of the vehicle and landed on the road.

Sacramento Metropolitan Fire Department responded and transported Ellis to Mercy San Juan Hospital in critical condition. Ellis died May 5, 2017 from his injuries.

The department investigated the in-custody death and determined that the Deputy failed to follow Department policies by not seat belting Ellis prior to transporting, not inspecting the in-car camera system to ensure the system was operational, and neglect. The Department issued a written reprimand for the violations.

The Coroner's Office determined the cause of death was craniocerebral<sup>2</sup> blunt force trauma.

The Toxicology report determined the following in Ellis' system:

|                 |           |
|-----------------|-----------|
| Alcohol         | .00%      |
| Methamphetamine | 272 ng/ml |
| Amphetamine     | 27 ng/ml  |

### JC Feagins – July 6, 2017 -- Main Jail

On July 6, 2017 at 4:50 a.m. deputies were alerted by Feagins cellmate that Feagins would not wake up for breakfast. The cell mate reported that when the cell door opened for chow he left to go get food and as he did he heard Feagins cough. When he returned Feagins would not wake up and the cellmate pushed the emergency button which summoned deputies. Deputies arrived and were not able to get a response from Feagins. Feagins had a slight pulse and medical staff was requested. Medical staff was also unable to get a response from Feagins and his pulse was lost. Medical aid, including chest compressions and an AED, was given. The Fire Department arrived at 5:05 a.m. and at 5:22 a.m. Feagins was pronounced deceased.

A review of available reports and logs revealed that Feagins had been booked into the Sacramento County Main Jail July 5, 2017 by Sacramento Police for spousal abuse. During the booking process Feagins cleared medial intake at 1:25 a.m. His records indicated that at 8:38 p.m. the same day he declined medical follow-up by staff. At 3:39 a.m. on July 6<sup>th</sup> staff

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<sup>2</sup> Relating to the skull and brain. <https://medical-dictionary.thefreedictionary.com/craniocerebral>

contacted Feagins through an intercom in his cell and asked if wanted a sick call check and he said no.

The Coroner’s Office determined the cause of death was hypertensive heart disease.

The Toxicology report determined the following in Feagins’ system:

|             |           |
|-------------|-----------|
| Alcohol     | .00%      |
| Delta-9-THC | 1.5 ng/mL |

### Daniel Grijalva – December 22, 2017 – Main Jail

On December 22, 2017 at 5:15 a.m. Grijlva was discovered unresponsive in his cell at the Main Jail by deputies conducting a routine cell check. Medical assistance was immediately requested, chest compressions were started, and an AED was used in an attempt to resuscitate Grijlva. Jail medical staff assisted in the effort along with Sacramento City Fire Department. At 6:08 a.m. Grijalva was pronounced deceased.

A review of available reports and logs revealed that Carroll had been booked into the Sacramento County Mail Jail on December 21, 2017 for being drunk in public. He was also being held on a parole violation and placed in a housing unit. During a routine cell check on December 22, 2017 at 3:25 a.m. a deputy noticed Grijalva laying on the floor, but he looked ok. An hour later during the 4:15 a.m. cell check the deputy again observed Grijalva on the floor but also observed a bruise on Grijalva’s face. When asked about the bruise Grijalva told the deputy that he had the bruise prior to his arrest and that he was ok. The deputy directed Grijalva to sleep on the bunk and Grijalva complied. During the 5:25 a.m. cell check Grijalva was unresponsive and medical aid was requested.

The Coroner’s Office report was not available at the time of this report.

### Officer Involved Shootings

In 2017 the Sheriff’s Department had nine officer involved shootings that occurred within the unincorporated portions of the county and Rancho Cordova, resulting in five deaths including the tragic loss of Deputy French. These incidents were investigated by the Sheriff’s Department Homicide Unit. Two non-fatal shootings occurred outside of the Sheriff’s jurisdiction and were not investigated by Sheriff’s Department. The first occurred in the City of Sacramento and involved an on-duty deputy assigned to a regional task force. This incident was investigated and the Sacramento Police Department Homicide Unit. The second shooting involved an off-duty deputy who was in the City of Antioch when the shooting occurred. Sheriff’s employees involved in the use of deadly force, while off-duty, are required to report the incident to the on-duty communications center sergeant. The Professional Standards Division is responsible for collecting and reviewing reports involving the use of deadly force by Sheriff’s employees that occur outside of the county jurisdiction. The OIG also reviews these incidents.

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 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 wait for the District Attorney's published review prior to completing an officer involved shooting review.

### *2016 Officer Involved Shooting Reviews Completed in 2017*

*Sergey Makarenko – June 18, 2016*

On June 18, 2016, at 11:00 p.m. a Sacramento County Sheriff's Deputy attempted to stop a gray colored 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 of 3720 Horton Lane with two patrol vehicles behind his vehicle. As a patrol sergeant opened his driver's door Makarenko backed his vehicle toward the open door. A deputy fearing that Makarenko would back into the driver's door and injure 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 resulted in nine recommendations.

*Chad Irwin – August 18, 2016*

On August 18, 2016 at 8:31 p.m. the Sacramento County Sheriff's Department 911 center received an incomplete 911 call from a phone number listed to 6126 Brahms Court. A dispatcher called the number back, but no one answered the phone. Shortly after arriving at 8:41 p.m. Deputies Spurgeon and Conger contacted Allison Irwin and she explained that she and her husband, Chad Irwin, had been arguing and he was taking medication for pain, drinking, and he had left the home in his car. While deputies were at the residence they learned that Chad was returning to the home and that he was likely going to be upset that deputies had been called and 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. As the deputies spoke with Irwin, Deputy Conger

observed a knife in Irwin's right hand. Conger told Irwin to drop the knife as he drew his gun. In response to the deputies repeated commands to drop the knife Irwin started pacing back and forth and responded with comments such as "I'm ready to go let's do this." "No, I'm not having that." "This is how this is going to go." "I know what happens. I'm going to charge you and you're going to shoot me." When asked by Deputy Spurgeon what he meant Spurgeon reports that Irwin said, "you know you're going to shoot me." Spurgeon said that in response he told Irwin he did not want to shoot him.

Spurgeon reported 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 shot Irwin multiple times. Irwin was struck seven times and pronounced deceased at the scene.

The review of documents, evidence, video, audio, and policies surrounding the death of Chad Irwin resulted in 11 recommendations.

#### [Jesse Attaway – September 23, 2016](#)

On September 23, 2016 at approximately 4:55 a.m., the Sheriff's Department began receiving multiple 911 calls from residents on and around the 5200 block of Tuscan Circle. One victim reported an unknown man in his home drinking milk and asking for car keys. Three minutes later another victim reported that a man was breaking in and trying to pull a woman out of the house through a sliding glass door. The suspect fled that home and was seen jumping over fences in the neighborhood.

Numerous deputies responded to the scene including Deputies Cater and Mai who were working together in the same marked patrol SUV. While checking the area the deputies observed the suspect, later identified as Jesse Attaway, walking on Piedra Way near Mohawk Way.

During the 39 second encounter with Deputies, Attaway made several movements as if he was armed. As deputies first approach Attaway, he very quickly clutched an object near his chest away from the deputies' view. Then as deputies verbally command Attaway to come to them, he pointed a dark object at deputies. The deputies saw that Attaway had an object in his hands and order him to put his hands up.

Attaway responded to the deputies' commands by raising his arms into a shooting position and while yelling "AHHHH!", makes a brief charge toward the deputies.<sup>3</sup> He then appears to take aim at the deputies. The deputies fearing that the object that Attaway is pointing at them is a handgun, fire their handguns at Attaway. Attaway continues to raise the object and point it at deputies despite being struck by the deputies' bullets. Even after falling to the ground Attaway gets to his knees and points the object at the deputies.

While Attaway was not armed, his actions clearly demonstrate a reasonable belief that he was armed with a handgun and intended to shoot the deputies.

The review of documents, evidence, video, audio, and policies surrounding the death of Attaway resulted in seven recommendations.

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<sup>3</sup> The distance from Attaway to the patrol vehicle is approximately 50 feet.

### [Brittney Nicholls – October 22, 2016](#)

On October 22, 2016 at 3:19 a.m. Deputy Taylor was on routine patrol when he saw a male running on Long Canyon Drive at Winding Oak Drive. The male was immediately followed by a Mercedes driven by Brittney Nicholls and a female passenger. Deputy Taylor stopped both the male and Nicholls and learned that they knew each other. The male sat in the back seat of the Mercedes during the contact. During his investigation, Deputy Taylor determined that Nicholls did not have her driver's license and directed her to exit the car. After a delay Nicholls briefly stood but suddenly got back into the car. Deputy Taylor reached into the car and attempted to control Nicholls; however, she was able to shift the car in gear and started to drive off.

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 striking the car at least three times. Nicholls with her two passengers continued to flee but she was later arrested. None of the occupants reported injuries.

The available evidence supports that, at the time Deputy Taylor fired his weapon, there was not a reasonable basis to believe that Nicholls, or the occupants of the vehicle, posed a threat of serious bodily injury or death to Deputy Taylor or others, nor a reasonable belief that a delay in apprehension would pose an immediate threat of death or serious bodily injury. The use of deadly force against Nicholls was not reasonable or necessary and placed Nicholls and the two passengers at risk of serious injury or death. The review led to eight recommendations.

### [Logan Augustine – November 24, 2016](#)

On November 24, 2016, shortly after 1:00 p.m., Logan Augustine was with his father driving from their home to Carmichael, California to celebrate Thanksgiving with family. During the drive Augustine had expressed concerns about his clothes, seemed anxious, and acted strangely according to his father. To satisfy Logan, his father stopped at a Target store in Sacramento to buy clothes, but the store was closed. They also stopped at a grocery store in Carmichael to allow Logan to purchase holiday cards. The store was also closed, so they drove away. The inability to purchase clothes or cards made Logan upset.

While stopped at the traffic signal at Marconi Avenue and Walnut Avenue, Augustine told his dad that he felt claustrophobic and needed to get out of the truck. After Logan got out his father told him to meet across the street at the 7-11 store. While in the 7-11 parking lot Augustine's father said Augustine came up to the truck and asked him for a cigarette. His father said no, that Augustine had smoked weed and drank beer earlier and that was enough.<sup>4</sup>

Logan Augustine then entered the store and made several calls to 911 and expressed his anger about many issues. Deputies responded to the store and when they entered Logan ran toward the back and as deputies approached Logan began cutting his throat with a knife. Hoping to stop Augustine from harming himself Deputy Campoy fired one less lethal impact round from his 40mm launcher, striking Augustine on the right thigh and causing him to bend over. Augustine,

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<sup>4</sup> Logan Augustine was 17 years old at the time of the OIS, his 18<sup>th</sup> birthday was the following day. In celebration his father allowed him to drink 2-3 beers. The father was aware that Augustine had smoked marijuana but did not mention methamphetamine use as identified in the toxicology report.

who had been moving back and forth along the back aisle, immediately moved the opposite direction toward Sergeant Schaefer who was 6-10 feet away from Augustine near the north aisle. Fearing that Augustine would come at him and stab him, Sergeant Schaefer fired one round from his handgun, striking Augustine in the right side of his back. Deputies provided medical aid and Sacramento Metropolitan Fire Department responded and pronounced Augustine deceased.

The review of documents, evidence, video, audio, and policies surrounding the death of Logan Augustine resulted in five recommendations.

### *2017 Officer Involved Shootings*

#### *Michael Marcum – January 13, 2017*

On January 13, 2017 at 2:30 p.m. deputies from the Sheriff's Department Special Enforcement Division and Major Crimes Bureau went to a storage unit at 2655 Sunrise Boulevard with the intent to locate and arrest Michael Marcum. Marcum was wanted for several felonies and violation of his post release community supervision. As deputies approached, Marcum raised a handgun at them and Deputy Burnette fired. Marcum, armed with a handgun and assault rifle, fled into the storage facility where he was taken into custody. Marcum was wounded and transported to the hospital. On January 17, 2017 Marcum was booked into the Sacramento County Jail on multiple charges including assault on a peace officer with a rifle, felon in possession of a firearm, and burglary.

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

#### *Armani Lee – February 10, 2017*

On February 10, 2017 at 2:00 p.m. members of a multi-agency task force and Sacramento Police Gang Unit attempted to contact Armani Lee on Del Paso Boulevard near Marysville Boulevard. Lee fled on foot and armed with a handgun began shooting at officers. Deputy Walther and three Sacramento Police officers returned fire and wounded Lee who was transported to the hospital for treatment. On February 18, 2017 Lee was booked into the Sacramento County Jail on multiple charges including attempted murder, felon in possession of a firearm, and parole violation.

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

#### *Mikel McIntyre – May 8, 2017*

On May 8, 2017 at 6:48 p.m. Deputies responded to an assault in progress call in the parking lot outside the Ross Store in Rancho Cordova. Deputy Wright arrived and saw the suspect, Mikel McIntyre, walking away from the store toward Olsen Drive. Deputy Wright followed and attempted to restrain McIntyre in a parking lot between the Chevron Station and Red Roof Inn. A brief struggle started, and McIntyre used a football size rock to strike Deputy Wright in the head

causing injury. Deputy Wright, dazed and fearing that McIntyre would continue to assault him, fired two rounds at McIntyre as McIntyre fled toward Highway 50.

Responding to assist in the search for McIntyre, Deputy Becker and his canine partner were on-foot along the north shoulder of westbound Highway adjacent to the westside of the Zinfandel Drive overpass. McIntyre, who had made his way up an embankment under the Zinfandel Drive overpass of westbound Highway 50 was moving west on the elevated embankment as a deputy on foot followed him on the elevated embankment and patrol cars paralleled him on the freeway below. When McIntyre reached the end of the elevated embankment he threw a softball size rock at Deputy Becker, who was below him, striking the canine and Deputy Becker's leg. As McIntyre threw the rock he ran west down the embankment, past Deputy Becker, and continued along the north shoulder of Highway 50. Deputy Becker fired eight rounds at McIntyre as he ran past him and along the highway.

Deputy Rodriguez had also responded to assist in the search for McIntyre and stopped his patrol car along the center divider of the eastbound lanes of Highway 50 prior to the Zinfandel Drive overpass. When he saw McIntyre on the elevated embankment under the Zinfandel Driver overpass, Deputy Rodriguez climbed over the center concrete barrier onto westbound Highway 50. As Deputy Becker fired at McIntyre, Deputy Rodriguez began crossing the six lanes of westbound Highway 50 and while continuing to cross the lanes of traffic fired 19 rounds from his handgun as McIntyre fled away from deputies west on the shoulder of Highway 50.

McIntyre ran across the Zinfandel Drive onramp to westbound Highway 50 where he slowed and was taken into custody along the sound wall. First aid was administered at the scene and McIntyre was transported to the UC Davis Medical Center where he died.

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

#### [Jimmy Vang – June 8, 2017](#)

On June 8, 2017, at 2:55 a.m. Deputy Calmes was working in a marked patrol vehicle driving eastbound on Fruitridge Road approaching Stockton Boulevard when he observed a white Lincoln LS with expired registration. After the vehicle turned southbound onto Stockton Boulevard Deputy Calmes activated his overhead lights with the intent of stopping the Lincoln LS. Deputies Seitz and Door working together, overheard Calmes on the Sheriff's radio and where a short distance behind Calmes as the Lincoln LS slowed and pulled to the right curb.

As soon as the Lincoln LS came to a stop, the right front door opened, and a male immediately exited the car, raised a handgun in his left hand and fired multiple times at Deputy Calmes, striking his patrol vehicle. After firing six rounds the suspect jumped back into the Lincoln LS. Deputy Calmes, who was seated in his vehicle, drew his handgun and fired two rounds through the patrol vehicle windshield at the suspect vehicle as it fled south on Stockton Boulevard.

Deputy Calmes with Deputies Seitz and Door behind him began chasing the Lincoln LS on Stockton Boulevard. Between Jansen Drive and Gordon Way the male shooter leapt out of the Lincoln LS and ran west between buildings. The deputies choose to continue chasing the vehicle

as it turned west onto Gordon Drive leading deputies on a high-speed pursuit through residential neighborhoods, main thoroughfares, and highways. Deputy Calmes, who was the lead vehicle in the pursuit, was forced to withdraw when his car developed a mechanical problem.

Deputies Seitz and Door, along with other deputies, continued chasing the vehicle through streets and ultimately onto northbound Highway 99, then westbound Highway 50, continuing north on Interstate 5 with speeds exceeding 120 MPH. The vehicle was eventually stopped by spike strips on Interstate 5 in Yolo County. The driver, Raelyn Bergsten-Amour, was later arrested several miles from the stopped vehicle. The male suspect in the shooting, Jimmy Vang, was arrested in Sacramento at approximately 11:40 p.m.

When Deputy Calmes stopped the Lincoln LS for a minor vehicle code violation he had no idea that the driver and passenger were wanted for a murder in Placer County. Nor could he imagine that, Vang, would immediately exit the car and begin shooting at him. Deputy Calmes responded by unholstering his weapon while seated in the car and returning fire by shooting through the windshield. The time from the first round fired by Vang to the last round fired by Calmes was less than 4 seconds.

At the time of this report both Jimmy Vang and Raelyn Bergsten-Amour were in-custody and awaiting court proceedings in Placer County for murder and in Sacramento County related to the attempted murder of the deputies and the pursuit. There were two recommendations offered for consideration.

#### [Kenard Thomas – June 14, 2017](#)

On June 14, 2017 at 7:20 p.m. the Sheriff's Department received a call regarding a violation of a domestic violence restraining order. The caller reported that Kenard Thomas, the subject of the order, was near her residence and that he was last seen entering a vacant home at 5208 53<sup>rd</sup> Avenue. Deputies entered the vacant home and discovered Thomas hiding in a bedroom closet. Fearing that Thomas may be armed Deputy Russell fired one round striking Thomas in the right shoulder. Thomas was transported to Kaiser South for treatment and later released and booked into the Sacramento County Jail.

Thomas plead no-contest to domestic violence and resisting arrest and was sentenced to 180 days in jail and probation. The review of documents, evidence, video, audio, and policies surrounding this shooting is still on-going and pending the District Attorney's review.

#### [Nolan Cornett – July 19, 2017](#)

On July 19, 2017 at 3:55 p.m. a 911 call was transferred from the California Highway Patrol to Sheriff's Communications. The caller told the dispatcher that her son had mental health issues and was threatening to kill her. A male voice was heard in the background threatening the mother. The mother stated that her son had a gun and she locked herself in the garage.

Deputy Wanner and Sacramento County Park Ranger Maginzer arrived and as they approach Cornett fired a shot from a handgun. Deputy Wanner and Ranger Maginzer return fire striking Cornett. Sacramento Metro Fire responded for medical aid and pronounced Cornett deceased.

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

#### [Thomas Littlecloud – August 30, 2017](#)

On August 30, 2017 members of the Sacramento County Auto Theft Suppression Task Force along with Sheriff's Detectives and Patrol Deputies went to the Ramada Inn, 2600 Auburn Boulevard room 234, to conduct a probation search and follow-up regarding a stolen vehicle. After knocking on the door and receiving no answer the investigators unlocked the door with a pass key. The door was latched from the inside and there was resistance from behind the door. When investigators attempted to force entry, Thomas Littlecloud began firing a rifle through the door and sheetrock walls striking two California Highway Patrol Investigators. Officers returned fire through the door as they moved toward safety.

Littlecloud, with an AK47 assault rifle and backpack fled onto an exterior facing balcony and was confronted by Deputy Green who was on the ground below. Littlecloud and Deputy Green exchanged gunfire as Littlecloud climbed down from the balcony and fled eastbound through the parking lot toward his vehicle. While fleeing Littlecloud exchanged gunfire with Deputy French striking French in the upper torso. Despite being mortally wounded Deputy French continued to fire at Littlecloud. Deputies Heller, Montalvo, and Crouch also fired at Littlecloud. Deputy French was rushed to Mercy San Juan Hospital where he died.

Littlecloud was able to flee in his vehicle south on Fulton Avenue leading deputies on a chase that ended near Watt Avenue and El Camino Avenue. While turning east onto El Camino Avenue, Littlecloud raised his rifle at Deputy Miller who fired multiple rounds at Littlecloud. Littlecloud then lost control of his vehicle and collided with a telephone pole.

Littlecloud was taken into-custody and transported to Mercy San Juan Hospital with multiple gunshot wounds. He died two days later.

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

#### [Nick Viera – September 13, 2017](#)

On September 13, 2017 at 9:56 p.m., Antioch police officers responded to a call from a female victim reporting a road rage incident that ended in a shooting. An off-duty Sacramento County Deputy and a female companion were in a vehicle being chased by another vehicle driven by Nick Viera.<sup>5</sup>

When both vehicles stopped, Viera exited his vehicle armed with a tire jack and approached the deputy who fired his handgun, striking Viera once in the arm. Viera fled the scene and was later located and transported to a hospital with a gunshot wound. Viera survived and was arrested and booked into the Contra Costa County jail for assault with a deadly weapon.

While this shooting occurred outside the County of Sacramento, the use of deadly force by a Sheriff's employee, whether on-duty or off-duty, is reviewed by the Sheriff's Department and the

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<sup>5</sup> Viera and the female have a child together.

OIG. The review of documents, evidence, video, audio, and policies surrounding this shooting is still on-going.

#### [Donnell Chong – October 2, 2017](#)

On October 2, 2017 at 10:27 p.m. Patrol Deputy Deguzman located an occupied stolen vehicle and followed the vehicle to the end of Chriswood Court. Deputy Deguzman got out of his vehicle to confront the driver, Donnell Chong. As Deputy Deguzman exited, Chong drove the stolen vehicle at Deputy Deguzman striking the open patrol vehicle door and injuring Deputy Deguzman. Deputy Deguzman fired at the fleeing vehicle but neither the driver or passenger was injured. Chong was arrested for assault with a deadly weapon, auto theft, and evading arrest.

The review of documents, evidence, video, audio, and policies surrounding this shooting is still on-going.

#### [Wallace Jory – November 2, 2017](#)

On November 2, 2017 at 9:50 a.m. the Sheriff's Department received a 911 call reporting that Wallace Jory was armed with a box cutter and seemed despondent and suicidal. When deputies arrived, Jory went into the garage and grabbed a pitchfork. Jory then advanced quickly toward Deputy Avila as the deputies' order Jory to drop the pitchfork. Jory refused, and Deputy Avila fired one round striking Jory. Medical aid was rendered, and Jory was pronounced dead at the scene.

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

#### [Steven Davis – December 19, 2017](#)

On December 19, 2017 at 4:36 p.m. Deputy Evans was dispatched to the Carl's Jr. at 9631 Micron Avenue. The caller reported an intoxicated male in a white Ford delivery truck. When Deputy Evans arrived, he contacted the driver, Steven Davis, who refused to exit the vehicle. After a brief confrontation at the driver's window Davis drove off with Deputy Evans still at the driver's window. Deputy Evans fired three rounds at Davis striking him once.

Davis stopped a short distance away and when deputies were able to approach Davis he was unresponsive. Deputies immediately began life saving measures and were able to revive and stabilize Davis until he could be transported to the UC Davis Medical Center. Davis survived and was booked into the Sacramento County Jail.

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 2017 as well as recommendations made in 2016 but not implemented prior the completion of this report. 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.

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| Status of Recommendation | Completed |  |
|--------------------------|-----------|-------------------------------------------------------------------------------------|

*The Sheriff's Department issued a reminder to all field personnel of the General Order requirements. Additionally, the Department has replaced 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.

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| Status of Recommendation | Complete |  |
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*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.

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| Status of Recommendation | Completed |  |
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*The Department has implemented a random audit of in-car camera video to ensure officers comply with General Order 10/10. The audits are completed by patrol supervisors, watch commanders, as well as members from executive staff. The OIG is working with the Department to review the audits.*

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

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| Status of Recommendation | In Progress |  |
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*The Sheriff's Department has concluded its field testing of a variety of body worn camera systems and awaiting the approval of the Sheriff. A draft General Order has been completed and submitted for executive review.*

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.

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| Status of Recommendation | In Progress |  |
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*The Department has selected BlueTeam software to track all uses of force allowing for the review of use of force deployments, effectiveness, and options. The Department plans to use the data collected with BlueTeam to inform and improve training.*

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,<sup>6</sup> 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<sup>7</sup> as well as longer distance applications of chemical agents such as pepper balls.

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| Status of Recommendation | In Progress |  |
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*The Department is currently transitioning to less lethal shotguns which will be mandatory for all field personnel to carry once fully trained. General Order 2/15 (Less Lethal Force Weapons) has been revised and training is on-going.*

- 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.

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| Status of Recommendation | Completed |  |
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*The General Order addressing safety equipment was revised in February 2018.*

- 16.16 The Sheriff's Department should review training techniques to ensure frequent use of Tactical Decision Games<sup>8</sup> that challenge participants to successfully resolve problems through quick effective decision making.

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| Status of Recommendation | In Progress |  |
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*The Department continues to revise and incorporate decision-making scenarios into department training. The training also includes de-escalation techniques. Also, under review is merging arrest control and firearms training into one unit for improved coordination.*

- 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?

|                          |             |                                                                                       |
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| Status of Recommendation | In Progress |  |
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*Decision making will be included during use of force decision making simulation training. Current and future training will include briefing and debriefing to determine the appropriateness and legality of use of force applications.*

<sup>6</sup> <https://nij.gov/journals/267/pages/use-of-force.aspx>

<sup>7</sup> Less lethal impact munitions are designed to have a low probability of serious injury or death to people.

<sup>8</sup> Tactical Decision Games developed for the military have been used successfully in a variety of professions including law enforcement, fire service, and medicine.

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."

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| Status of Recommendation | Completed |  |
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*The Department revised the order as recommended*

16.18.2 General Order 2/11 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.

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| Status of Recommendation | Completed |  |
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*The Department revised the order 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 be reviewed and reissued or revised on a cycle no longer than three years.

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| Status of Recommendation | In Progress |  |
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*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.

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| Status of Recommendation | In Progress |  |
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*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.

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| Status of Recommendation | In Progress |  |
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*OIG will work with the Department to identify training and review opportunities for increased emphasis of officer and community safety during pursuits. The presentation of relevant information, data and real-world incidents (gathered by ICC footage and BlueTeam data) will add to current instruction related to pursuit safety.*

- 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.

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| Status of Recommendation | Completed |  |
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*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.

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| Status of Recommendation | Completed |  |
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*The Department has added this recommendation to the advanced vehicle stop class for 2017-2018.*

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

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| Status of Recommendation | Completed |  |
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*The Department has added this recommendation to the advanced vehicle stop class for 2017-2018.*

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

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| Status of Recommendation | Completed |  |
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*The Department has included this information into all firearms classes.*

## Appendices

### A. Summary of Recommendations 2016

- 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.

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| Status of Recommendation | In Progress |  |
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*Sheriff's Department personnel continue to meet 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.*

*Additional training will occur when the Department completes the purchase and installation of BlueTeam software from IAPro.*

- 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.

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| Status of Recommendation | In Progress |  |
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*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 continued training for all current and future staff is required. Specific training will include early alerts and what to do with the information when it is received.*

- 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.

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| Status of Recommendation | Partially Completed |  |
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*The Department collaborated with allied agencies in determining the best early intervention software to purchase. The Department does not plan to form a regional users group.*

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

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| Status of Recommendation | Completed |  |
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*The OIG worked with Professional Standards Division staff to audit and reconcile 2017 complaints generated through the OIG. It was discovered during the audit that most of case dispositions were similar and in instances when dispositions were not similar the finding determination by Sheriff's staff was based on a lack of familiarity with the disposition definitions and the findings were adjusted. The Sheriff's Department has*

*placed responsibility for the review of complaint dispositions with the Assistant Commander of Professional Standards to ensure consistency.*

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

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| Status of Recommendation | Completed |  |
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*Sheriff's Department policies describe not accepting custody of arrestees who are suspected of ingesting life-threatening contraband.*

- 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.

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| Status of Recommendation | Complete |  |
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*The Sheriff's Department issued a reminder to all field personnel of the General Order requirements. Additionally, the Department has replaced 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.

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| Status of Recommendation | Complete |  |
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*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.

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| Status of Recommendation | Completed |  |
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*The Department has implemented a random audit of in-car camera video to ensure officers comply with General Order 10/10. The audits are completed by patrol supervisors, watch commanders, as well as members from executive staff. The OIG is working with the Department to review the audits.*

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

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| Status of Recommendation | In Progress |  |
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*The Sheriff's Department has concluded its field testing of a variety of body worn camera systems and awaiting the approval of the Sheriff. A draft General Order has been completed and submitted for executive review.*

- 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.

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*The Department has selected BlueTeam software to track all uses of force allowing for the review of use of force deployments, effectiveness, and options. The Department plans to use the data collected with BlueTeam to inform and improve training.*

- 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,<sup>9</sup> 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<sup>10</sup> as well as longer distance applications of chemical agents such as pepper balls.

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*The Department is currently transitioning to less lethal shotguns which will be mandatory for all field personnel to carry once fully trained. General Order 2/15 (Less Lethal Force Weapons) has been revised and training is on-going.*

- 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.

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| Status of Recommendation | Complete |  |
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*The general order addressing safety equipment was revised in February 2018.*

- 16.16 The Sheriff's Department should review training techniques to ensure frequent use of Tactical Decision Games<sup>11</sup> that challenge participants to successfully resolve problems through quick effective decision making.

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| Status of Recommendation | In Progress |  |
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*The Department continues to revise and incorporate decision-making scenarios into department training. The training also includes de-escalation techniques. Also, under review is merging arrest control and firearms training into one unit for improved coordination.*

<sup>9</sup> <https://nij.gov/journals/267/pages/use-of-force.aspx>

<sup>10</sup> Less lethal impact munitions are designed to have a low probability of serious injury or death to people.

<sup>11</sup> 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?

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| Status of Recommendation | In Progress |  |
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*Decision making will be included during use of force decision making simulation training. Current and future training will include briefing and debriefing to determine the appropriateness and legality of use of force applications.*

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.”

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| Status of Recommendation | Completed |  |
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*The Department revised the order as recommended.*

16.18.2 General Oder 2/11 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.

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| Status of Recommendation | Complete |  |
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*The Department revised the order 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.

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*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 policies and training.

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| Status of Recommendation | In Progress |  |
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*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.

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*The OIG will work with the Department to identify training and review opportunities for increased emphasis of officer and community safety during pursuits. The presentation of relevant information, data and real-world incidents (gathered by ICC footage and BlueTeam data) will add to current instruction related to pursuit safety.*

- 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.

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| Status of Recommendation | Completed |  |
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*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.

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| Status of Recommendation | Complete |  |
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*The Department has added this recommendation to the advanced vehicle stop class for 2017-2018.*

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

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| Status of Recommendation | Complete |  |
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*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.

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| Status of Recommendation | Complete |  |
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*The Department has included this information into all firearms classes.*

B. Summary of Recommendations 2017

- 17.1 The supervisor investigating the complaint should not offer a recommendation of finding within the investigative report. Division Commanders should be responsible for reviewing the investigation and making a recommendation of findings to Sheriff's Executive staff. The chain of review should be clearly noted in the report.

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*The Sheriff's Department is reviewing and revising, where necessary, policies and procedures to ensure command staff is the recommending authority for informal complaint dispositions.*

- 17.2 All letters of finding to complainants should be written and sent by the Professional Standards Bureau to ensure consistency in level of detail and in tone.

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*The Sheriff's Department has developed a standardized process and protocol to ensure consistency in disposition letters to complainants. The Assistant Commander of Professional Standards is responsible for the review and approval of disposition correspondence with complainants.*

- 17.3 The Department should require all complaint dispositions be approved by the Assistant Commander of Professional Standards Division prior to entry into the IA data base.

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| Status of Recommendation | Completed |  |
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*The Sheriff's Department has implemented this recommendation.*