City of
SACRAMENTO
Police Department

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November 15, 2021
Compl2020-196
Compl2020-309

Officer Alexa Palubicki
5770 Freeport Blvd., Suite100
Sacramento, CA 95822

Final Letter Received
Date 11/18/21
Employee [signature]
Supervisor Wendy L. Brown

Dear Officer Palubicki:

This letter is to inform you that you are hereby terminated from your position of Police Officer and from City service effective November 18, 2021. This action is based on the following facts:

CASE #1; Compl2020-196; Police Incident 20-207440

On July 16, 2020, the Sacramento Police Department (SPD) Internal Affairs Division (IAD) was provided a memorandum authored by Lieutenant Sameer Sood (Badge #4006) involving an arrest that you and Officer [redacted] (Badge #[redacted]) made of [redacted] on July 11, 2020, at 225 Jibboom Street (Shell Gas Station). During IAD's investigation into that arrest, the following facts were established:

1. During a review of yours and Officer [redacted]'s Body Worn Camera (BWC) footage relating to police incident 20-207440, an arrest of [redacted] on July 11, 2020, at 0033 hours, the following facts were noted:
    - You were teamed up with Officer [redacted] in a marked police vehicle and were positioned as the passenger. At 0032 hours, your police vehicle pulled into the Shell Gas Station at 225 Jibboom Street and you appeared to be working on the vehicle's Mobile Data Computer (MDC).
    - Officer [redacted] stopped the police vehicle and put it in park prior to you exiting the vehicle. You exited the police vehicle and contacted [redacted], who was walking through the parking lot and said, "Can't park like that."
    - You requested [redacted]'s identification and advised him that he was illegally parked. After obtaining [redacted]'s name, you advised him to stay with your partner, Officer [redacted].
    - You advised [redacted], that his driver's license was not valid, and that the system [California Law Enforcement Telecommunications System (CLETS)] indicated that his driver's license was suspended or revoked.

- You requested consent from Mr. [redacted] to search his car, a gray Nissan Altima. Mr. [redacted] declined to provide you with consent.
- Officer [redacted] explained to Mr. [redacted] that she could see marijuana in the Nissan Altima inside a cup underneath a Sprite can. Mr. [redacted] explained that it was ashes from marijuana.
- Officer [redacted] requested Mr [redacted] provide her with the keys for the Nissan Altima and explained that she was going to take it and book it for safe keeping. You and Officer [redacted] privately discussed new case law, *People Vs. Johnson*, and advised Mr. [redacted] that you and Officer [redacted] were going to search the Nissan Altima.
- During the search of the Nissan Altima, Officer [redacted] opened the car door, and immediately searched a backpack in the vehicle and quickly advised you to handcuff Mr. [redacted] Officer [redacted] did not examine the marijuana that she observed through the window of the closed vehicle for more than two and one-half minutes after opening the door.
- You and Officer [redacted] looked at the evidence found in the vehicle. Officer [redacted] stated "um, that's the burnt weed I saw in the passenger cup so I'm going to book that for evidence" (Officer [redacted] picked up a see-through plastic cup with some type of substance and a blue article at the bottom of the cup, with a green aluminum Sprite can on top).
- Sergeant Sangkoo Park (Badge #3053) arrived on scene and you told him the following: "He pulled out like just like this like we ran we went behind him coming north bound, he immediately pulled in here, stopped, and I was like we need to, we need to contact him, started walking away, and then he basically started walking away from his car, I stopped him and was like "you are illegally parked," identified him, then cited case law, and I searched it, cuffed him, and we're good."
- While Mr. [redacted] was seated in the backseat of the police vehicle, you asked him why he parked the way he did. You conducted a horizonal nystagmus test of Mr. [redacted] while he was seated in the backseat of the police vehicle and asked if he had smoked [marijuana] while driving. Mr. [redacted] replied "No." You also asked Mr. [redacted] if he had had anything [alcoholic] to drink and he replied "No."
- You typed the probable cause declaration on the MDC in your police vehicle, which was recorded on your BWC, and later transcribed by criminal investigators Detective Chad Coughran (Badge #3136) and Sergeant Hans Merten (Badge #3137). The probable cause form written in the vehicle had notable differences compared to the final version.

2. Memo Review: Lieutenant Sood completed a memo addressed to IAD that included facts and circumstances surrounding his investigation and details of a conversation that he had with Officer Brandon Lundgren (Badge #970):
   - On July 11, 2020, while you were at the Sacramento County Jail, you called Officer Lundgren who was partnered with Officer [redacted] (Badge# [redacted]. You had a phone conversation with both Officers Lundgren and [redacted] regarding a vehicle stop you and Officer [redacted] had just made in which a firearm and illegal drugs had been located inside the vehicle.
   - Per Officer Lundgren, during your telephone call with him you stated, "We saw a car that was registered to a female, but a male was driving, which we felt was odd. So, we followed the car, but we couldn't get PC [probable cause]. When it turned into the gas-

station, it parked on the white stripes so we're like 'we have illegal parking.' We got out and detained him for illegal parking and then searched the car because we saw marijuana inside. That's when we found the gun."

- Upon hearing the facts, Officer Lundgren explained to you that the search was illegal and detaining the driver for the parking violation was illegal as a person is not subject to detention for a parking violation alone.
- During the phone call Officer Lundgren's partner, Officer [redacted] could overhear the conversation and suggested to you, "Was he swerving? If so, maybe he's possible DUI cause there's weed in the car." Officer Lundgren advised you that he felt Officer [redacted] suggestion was inappropriate, and that Officer [redacted] was suggesting you fabricate a possible driving under the influence (DUI) investigation to justify the detention and subsequent search.
- Officer Lundgren stated that an unnamed officer who was stationed at Central Command called him and said that both you and Officer [redacted] were "freaking out" because you did not know how to write the report related to the incident.
- In the crime report, Officer [redacted] wrote that you observed that the suspect vehicle did not use its turning signal when it turned into the gas station.
- Lieutenant Sood watched both yours and Officer [redacted] s BWC footage for police incident 20-207440 and noticed that neither you nor Officer [redacted] mentioned the driver not activating the turn signal as probable cause before effecting the traffic stop.
- While reviewing the probable cause declaration, Lieutenant Sood also noticed that there was no mention of the suspect not using a turn signal, instead Lieutenant Sood found that you wrote that it was an "enforcement stop" based on suspicion of DUI and illegal parking.
- Lieutenant Sood noted concern due to the inconsistency between the initial Sacramento County Jail arrest report and the SPD crime report for police incident 20-207440.

3. During a review of the probable cause declaration that you authored and the crime report observations that Officer [redacted] completed, IAD noted the following:
   - It was determined that you completed the probable cause declaration with no help or input from Officer [redacted] and Officer [redacted] completed the crime report observations with your review and input.
   - In the probable cause declaration, you made no mention of a turn signal violation but did mention that the reason for the detention was suspicion of DUI and illegal parking.
   - In the crime report, Officer [redacted] wrote, "Officer Palubicki observed the vehicle make the turn without utilizing a turn signal in violation of 22107 VC and 22108 VC."
   - The crime report included no mention of suspicion of DUI or a DUI investigation.
   - In the crime report, Officer [redacted] explained that the initial contact was consensual and became a detention after officers discovered [redacted] could not produce a physical driver's license.
4. On July 17, 2020, IAD Sergeant Ryan Bullard (Badge #4007) responded to 225 Jibboom Street (Shell Gas Station) and obtained surveillance footage that captured the gray Nissan Altima with California license plate number [redacted] driven by [redacted]. Sergeant Bullard noted the following:

- Mr. [redacted]'s vehicle drove northbound on Jibboom Street and turned right, eastbound into the southern parking lot of the Shell station with its front right turn signal activated and then immediately parked facing southbound in the southern portion of the parking lot.
- A marked SPD police vehicle that you and Officer [redacted] were driving drove northbound behind Mr. [redacted]'s vehicle and continued north on Jibboom Street and turned right, eastbound into the northern portion of the Shell station parking lot.

5. On July 17, 2020, IAD Sergeants Donald Schumacher (Badge #3038) and Bullard made contact with [redacted], the father of arrestee [redacted], at his residence at [redacted] The purpose of the contact was to locate and check the lighting system, including turn signals, on the vehicle that Mr. [redacted] was driving during the incident.
   - [redacted] willingly accessed the Nissan Altima with a key he had in his possession and demonstrated to Sergeants Schumacher and Bullard that all exterior lighting systems on the vehicle functioned, including the rear turn signals. Mr. [redacted] advised that there were no issues with the lighting systems when he drove the vehicle from 225 Jibboom Street to his residence on the night his son was arrested.
6. On July 17, 2020, at 2015 hours, with IAD personnel present, you were placed on Administrative Leave by Lieutenant Brent Kaneyuki (Badge #4108) at Central Command (300 Richards Boulevard).
7. While reviewing video from the Sacramento County Jail during the time you were booking Mr. [redacted], the following was noted:
   - You arrived and logged into a booking room computer.
   - You made a phone call and remained on the call for nearly ten (10) minutes.
   - When Officer [redacted] and Mr. [redacted]. entered the booking room, you walked to a small side room where a breathalyzer machine was stationed while still on the phone. You remained on the phone and stayed in the small room for several more minutes. It was later determined that that this was the call you placed to Officers Lundgren and [redacted]
   - You re-entered the main booking room and were met by Officers Levin Hughes (Badge # 281) and Tanner Lochridge (Badge #428). While you stood by the computer and talked on the phone, Officers Hughes and Lochridge stood near you.
   - After you hung up the phone, you spoke with Officers Hughes and Lochridge and started to type your probable cause declaration on the computer. You collected the paperwork that you had printed and provided it to the jail booking staff.
8. During a review of the probable cause declaration that you authored prior to entering the jail, and the final version following the phone call with Officer [redacted] Detective Coughran from the Criminal team noted the following differences:
   - In the probable cause declaration that you authored on the MDC in your police vehicle, you wrote, "On 07-11-2020 at approximately 0033 hours, Officer [redacted] and I, Officer Palubicki observed a grey NIssan (CA# [redacted]) illegally park at 225 Jiboom Street (Shell Gas station). We conducted an enforcement stop on the vehicle and the driver (later identified as [redacted]) had locked the car and walked away."
   - In the final version of the probable cause declaration that you authored upon arrival at the Main Jail and after speaking with Officer [redacted] you wrote: "On 07-11-2020 at

approximately 0033 hours, Officer [redacted] and I, Officer Palubicki observed a grey NIssan (CA# [redacted]) illegally park at 225 Jiboom Street (Shell Gas station). We conducted an enforcement stop on the vehicle for suspicion of DUI and illegally parking and the driver later identified as [redacted] You also added "While speaking with [redacted] I observed the odor of marijuana unknown if it was coming from the vehicle or his person."

9. The following was noted during a review of the evidence that ostensibly provided probable cause to search Mr. [redacted]'s car:
    - Per the crime report written by Officer [redacted], she described the substance located inside of the Dixie cup, which provided her with probable cause to search the vehicle, as a "joint."
    - You and Officer [redacted] booked the "joint" located in the plastic Dixie cup as marijuana. This substance, item number SA1087937- 8, is upon what Officer [redacted] used to base her authority to search the vehicle.
    - In the evidence booking report, you label evidence #SA1087937- 8 as 1.51 grams of marijuana.
    - Internal Affairs retrieved Item # SA1087937- 8 from the Police Property Division and conducted a visual and chemical test of the substance. The substance, brown in color, appeared and smelled like cigar tobacco. This substance could not have been confused with marijuana. IAD conducted a NARTEC Marijuana Detection test from a small sample of the substance and found no positive results for marijuana.
    - During a criminal investigation, Detective Coughran and Sergeant Merten later conducted the same tests and received the same results.
    - During your statement to Detective Coughran and Sergeant Merten, you stated that the Dixie cup that the "joint" was in smelled like tobacco, however, the substance located inside was booked as marijuana.
10. During a review of your timecard for your shift of July 11, 2020, to July 12, 2020, the following was discovered.
    - You falsely claimed two (2) hours of overtime to your shift and added the remarks "2 hours report writing for call #20-207440" to the time reporting comments screen for that date.
    - Video surveillance and electronic card key activations indicate you left your shift two (2) hours earlier than scheduled that day. You exited the south doors of the Central Station at 0036 hours, then exited the Central Station parking lot in your vehicle at 0400 hours.
    - You texted Acting Sergeant Lochridge, "Can I burn CTO tonight and get off when [redacted] does?"
    - You texted Officer [redacted] "I'm using a few hours tonight and getting off at 12 or 1."
    - You sent the final version of the crime report (20-207440) at 0026 hours.
11. On July 24, 2020, Officer Brandon Lundgren participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:
    - On July 11, 2020, while working with Officer [redacted] he received a phone call from you at 0137. The phone conversation took place over a speaker, and you advised that you had some questions regarding a gun arrest that you had just made. (Page 8, lines 328-331).

- You advised that you and Officer [redacted] were looking for a reason to stop the vehicle but could not find probable cause and finally detained the driver because he parked over the white lines of a private property parking lot, which you believed was sufficient probable cause. (Page 8, lines 343-347)
- You told him and Officer [redacted] that you detained the Mr. [redacted]. for illegally parking on private property. (Page 8-9, lines 352-353)
- You stated that you obtained Mr. [redacted] identification and when you ran his driver's license it returned suspended. (Page 9, lines 355-358)
- You advised that Officer [redacted] observed a small amount of burnt marijuana in the ashtray in the cup holder which provided you authority to search. (Page 9, lines 365-366)
- You advised that during the search of the vehicle, a full auto Glock handgun was found in a backpack located in the car and that Mr. [redacted] was arrested for possessing it. (Page 9, lines 378-380)
- Officer [redacted] advised "Okay. Once you leave jail, call me. I'll go plug my phone in, and we'll come up with some creative ways to get you your PC, like was he swerving in his lane a little bit prior to your stop, and then when you contacted him, was there a strong smell of marijuana that came off his person and then you saw the marijuana in the car leading you to believe that he had just smoked." (Page 9, lines 382-386)
- He felt it inappropriate that Officer [redacted] was trying articulate probable cause that did not exist at the time of the stop. (Page 14, lines 592-596)
- That during the phone call with Officer [redacted] you never mentioned concerns about driving patterns or DUI, and that you did not have probable cause to stop the vehicle on the roadway. (Page 14, lines 595-600)

12. On July 30, 2020, Officer Conner Lawrence (Badge #267) participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:

    - On July 11, 2020, or July 12, 2020, Officer Lundgren approached him for advice and whether he should notify management about the July 11, 2020, phone call you had with Officer [redacted] regarding the stop that you and Officer [redacted] made. (Page 6, lines 234-236)
    - Officer Lundgren gave him details regarding the stop, specifically that the stop was on private property for illegally parking, which cannot be enforced. During the stop, an illegal search commenced based on the combination of the DUI and driving on a suspended license which resulted in the discovery of a fully automatic Glock handgun. (Page 6, lines 236-241)
    - From that conversation, he felt that the stop you and Officer [redacted] made was an illegal detention and an illegal search. (Page 7, lines 269-270)
    - He believed what Officer Lundgren told him. (Page 7, lines 284-286)

13. On July 31, 2020, Sergeant Clinton Trefethen (Badge #3012) participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:

- On July 11, 2020, around 1700 hours, he received a phone call from Officer [redacted] who requested that he come to the report writing room at 300 Richards Boulevard, because you and Officer [redacted] had questions regarding a gun arrest you both had made. He responded to the report writing room and spoke with you and Officer [redacted] (Page 21, lines 894-900)
- You and Officer [redacted] explained that you both had made a gun arrest and had questions about writing the report. He stated that you and Officer [redacted] had a disagreement with each other over each of your perspectives and how to write the report. (Page 23, lines 966-969)
- That one of you thought the vehicle contact was initially a consent contact, and the other thought that there was either reasonable suspicion or probable cause to contact. He could not remember which of you had a particular perspective. (Page 6, lines 974-979)
- During your conversation with him, you stated, "We also saw that he didn't use his turn signal." (Page 31, lines 1343-1344)

14. On July 31, 2020, Officer Max Bruce (Badge #711) participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:
    - On July 11, 2020, he walked into the report writing room at 300 Richards Boulevard and noticed that you and Officer [redacted] were "bumping heads" and discussing the stop from the night before. (Page 21, lines 878-885)
    - You mentioned that you had reason to talk to Mr. [redacted] because he parked crookedly in a stall. There was some conversation about parking crookedly in a stall on private property does not give you probable cause. (Page 21, lines 889-892)
    - Officer [redacted] advised that the contact with Mr. [redacted] was consensual. (Page 21, line 913)
    - You mentioned possibly doing Field Sobriety Tests (FST), but Officer [redacted] had already started to search the car. (Page 22, lines 924-926)
    - Officer [redacted] said that she did not feel comfortable with you writing observations and wanted to write observations herself. (Page 22, lines 928-929)
    - That [redacted] [redacted] wanted to write her own observations. Alexa [Palubicki] wanted to write her observations, and actually I remember Tre [Sergeant Trefethen] telling them, "No. One of you writes observations," and, "that's typically how it goes or that's how it is." (Page 6, lines 1106-1109)
    - Neither you nor Officer [redacted] ever mentioned anything about a turn signal while in the report writing room. (Pages 25-25, lines 1049-1051)
15. On August 1, 2020, Officer Nathaniel Reason (Badge #507) participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:
    - On July 16, 2020, Officer Lundgren called Officer Reason to ask for advice and relayed the following: (Page 14, line 606)
        i. Officer Lundgren had been riding with Officer [redacted] and Officer [redacted] cellular phone had died. Officer Lundgren answered a call from you while you were at the Sacramento County Jail. You were talking with both Officers Lundgren and

[redacted] about a gun arrest that you and Officer [redacted] had just made and wanted to address some concerns regarding how you were going to write the probable cause declaration. (Page 15, lines 623-627)

ii. You advised that the probable cause for the stop was a car pulling over a white line in a parking lot and then you said you detained the driver. (Page 15, lines 627-629)

iii. Officer [redacted] said something along the lines of, "Well, call me when you're done there, and we'll figure it out." (Page 15, lines 637-638)

iv. Officer [redacted] may have asked if you had smelled any marijuana or if there was anything else to go on. (Page 15, lines 638-640)

v. Officer Lundgren's concern was that you had a bad stop, bad search, and a bad arrest, even though there was a gun. (Page 15, lines 640-643)

16. On August 8, 2020, Officer Lorenzo Vidales (Badge #983) participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:

- On July 11, 2020, he walked into the report writing room at 300 Richards Boulevard. You and Officer [redacted] were sitting at separate computers. One of you was reviewing BWC footage while the other was reviewing in car camera (ICC) footage. (Page 30, lines 1303-1304)
- You told him that the probable cause for the stop was an abrupt turn and because Mr. [redacted] double parked. (Page 24, lines 1050-1051)
- He heard Officer [redacted] disagree with you and advise that it was a consensual contact, noticing that there was tension between the two of you. (Pages 24-25, lines 1054-1056)
- Officer [redacted] said she saw some ashes in the car, smelled burnt marijuana, and saw a black bag on the car seat. (Page 25, lines 1063-1064)
- There was no conversation between you and Officer [redacted] regarding a turn signal when he was present, but he did hear you and Officer [redacted] talk about DUI. (Page 29, lines 1230-1235)
- You made no mention to him about a turn signal or the subject possibly being DUI (Page 30, lines 1274-1280)

17. On August 8, 2020, Officer Tanner Lochridge participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:

- On July 11, 2020, while you were both at the Sacramento County Jail, he heard you say, "I'm afraid I'm going to IA." He stated, "So, they get off the phone, and I remember her making some remark like, like, 'I'm afraid I'm going to go to IA,' and it didn't strike me at the time that that was an actual concern, like because we make jokes about that kind of stuff, you know." (Page 19, lines 817-820)
- You told him that the basis for the search was the odor of marijuana, Officer [redacted] told him that she saw marijuana ash and smelled burnt marijuana inside the car. (Page 19-20, lines 833-835)

- You said that you were going to do a DUI evaluation on the driver but ended up not doing the evaluation, at which point Officer [redacted] was already searching the car. (Page 20, lines 836-838)
- You made no mention to him of the violation that the vehicle did not use a turn signal while at jail. (Page 26, lines 1103-1106)
- That he was concerned that you did not have probable cause to get into the car and that you had not initially said that you used the turn signal as the probable cause for the stop because that was not mentioned at jail, however, it was mentioned in the report. (Page 35, lines 1501-1507)
- During his next shift, Officers Bruce and Vidales explained to him that you and Officer [redacted] were in some sort of confrontation in the report writing room. (Page 28, lines 1206-1209)
- That he was concerned that you and Officer [redacted] might be trying to add in additional information about gangs and the way gang members act and conceal weapons in order to make the arrest seem more legitimate. (Page 35, lines 1504-1507)

18. On August 8, 2020, Officer Levin Hughes participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:
    - That on July 11, 2020, you had a concerned demeanor when he interacted with you at the Sacramento County Jail. He observed that you, "Couldn't hold still. Like it seemed like she was bobbing back and forth. She kept touching the computer. She kept touching her phone. She kept touching the computer. She kept looking away. It didn't seem like she was comfortable where she was at." (Page 14, lines 590-593)
    - That you appeared to be flustered, "Kind of bouncing at the screen to her phone, looking around, stepping back and forth, almost like she had an exorbitant amount of energy." (Page 18, lines 752-760)
    - That he heard you state, "I don't want to go to IA over this." (Page 15, line 623)
    - There was no mention of the vehicle not using its turn signal that he could remember. (Page 20, lines 844-848)
19. On August 14, 2020, Officer Trevor Schwertfeger (Badge #765) participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:
    - That on July 11, 2020, Officer Lundgren told him that on the previous night's shift he had been partnered with Officer [redacted] Officer Lundgren said he received a phone call from you because you wanted to speak with Officer [redacted] whose phone battery had died, about the traffic stop, locating the gun, and the arrest. Officer Lundgren told him that Officer [redacted] was upset because you recently had a conversation with Officer [redacted] about community caretaking regarding towing vehicles, and you not following the principles you discussed. (Page 12, lines 517-526)
    - Officer Lundgren said you told him and Officer [redacted] that you and Officer [redacted] detained or stopped the person because they had parked illegally at a gas station. (Page 15, lines 621-623)

- "[After speaking with Officer Lundgren] I think I was concerned whether they had possibly illegally detained someone and why they had subsequently illegally got into this person's car which led them to finding the firearm." (Page 16, lines 661-664)

20. On August 18, 2020, Officer Evan Wright (Badge #968) participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:
    - On July 15, 2020, Officer Lundgren told him that he had been partnered with Officer [redacted] on a previous shift and had received a phone call from you because Officer [redacted] phone was in the station charging. The call took place over a speaker. You were at the jail and had questions about the arrest. During the phone call you provided details about the arrest which Officer Lundgren relayed to him as follows: (Page 14, lines 600-602)
        i. You and Officer [redacted] were following a car looking for a reason to stop it. You could not find probable cause for the stop. The car pulled into a gas station and parked "funky" so you stopped it for illegal parking. (Page 14, lines 605-610)
        ii. You and Officer [redacted] saw burnt marijuana in the car and a plastic baggie with a knot tied to it in the cup holder somewhere near the front seat, and that you did a marijuana search for open container and found the firearm in the car. (Page 14, lines 611-614)
    - Officer Lundgren's concern was that it was an illegal detention and illegal search. (Page 15, lines 639-645)
    - Officer Lundgren was concerned about you and Officer [redacted] conspiring to lie in the report. (Pages 15-16, lines 651-659)
    - Officer Lundgren never mentioned a turn signal violation. (Page 16, lines 665-668)
    - He missed a call from you on July 11, 2020, at about 0300 hours. (Pages 24-26, lines 1039-1101)

21. On August 18, 2020, Officer David Mower (Badge #1028) participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:
    - On July 12, 2020, while at his house, you spoke about the stop you had just made and that there was a disagreement regarding the probable cause. (Page 10, lines 405-407)
    - You asked him if any spots on his patrol team were going to open up during the mid-year sign-ups because you and Officer [redacted] weren't getting along, and that you and Officer [redacted] disagreed on the probable cause for the stop. (Page 9, lines 367-373)
    - You did not mention anything about a turn signal, a DUI, or a DUI evaluation. (Page 10-11, lines 434-445)

22. On August 20, 2020, Officer Samuel King (Badge #1013) participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:
    - While assisting you and Officer [redacted] on the stop, he heard one of you say, "We have to investigate whether or not this is marijuana ash or cigarette ash or if there's weed in the car." (Page 20, lines 868-869)
    - At no point before the car was opened did he see or smell marijuana. (Page 25, lines 1055-1061)

- He recalls that the Nissan Altima's windows were rolled up at the time of the stop. (Page 29, lines 1234-1236)
- Officer [redacted] said something about there being ash in the center console or in the cup holder. (Page 25, line 1082)
- There was no mention of turn signal, DUI, or FSTs that he could recall. (Pages 33-34, lines 1441-1447)

23. On August 25, 2020, Officer Derek Calabrese (Badge #1005) participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:
    - Officer Lundgren explained to him that you were trying to figure out how to write the probable cause declaration and it seemed as if you and Officer [redacted] were trying to change the probable cause after the fact. (Page 13, lines 562-565)
24. On August 26, 2020, Sergeant Sangkoo Park participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and stated the following:
    - That he was the patrol supervisor responsible for the area where your stop took place. He advised that he responded to the Shell gas station because there was a gun involved, and he wanted to get the details to put on his daily log. That even though he does not directly supervise the Entertainment Team, as a supervisor, he offers assistance when necessary.
    - That during his conversation with Officer [redacted] which took place at the Shell gas station after Mr. Davis Jr. was in custody:
        i. Officer [redacted] mentioned that burnt marijuana was found in the car. (Page 16, lines 693-696)
        ii. Officer [redacted] did not mention the probable cause for the stop. (Page 19-20, lines 826-845)
        iii. Officer [redacted] did not mention anything about this being consensual contact. (Page 20, lines 847-850)
        iv. Officer [redacted] did not mention the probable cause for the search, and there was no mention of a turn signal violation or a DUI. (Page 20, lines 872-880)
    - That during his conversation with you which took place at the Shell gas station after Mr. [redacted] was in custody:
        i. That you stated the suspect vehicle quickly pulled into the parking lot, parked illegally and the suspect started walking away. You detained him and they searched the car based on case law. (Page 25, line 1072-1074)
        ii. You advised that the probable cause for the stop was illegal parking. (Page 26, lines 1103-1109)
        iii. You did not say the stop was consensual. (Page 26, lines 1115-1117)
        iv. You did not say anything about a turn signal violation, DUI [alcohol], DUI marijuana, or performing FST's on the subject. (Page 26, lines 1135-1143)
25. On November 19, 2020, Sergeant Kristi Morse (Badge #3079) participated in an interview with Criminal Investigator Sergeant Merten and stated the following:

- On July 16, 2020, you contacted her and asked her how the internal affairs process was started and if the captain who sent the issue to the Internal Affairs Division was the same captain who made the decision. (Page 3, lines 95-105)
- When she asked if you were referring to an incident that happened off-duty or something like a bad search on a call, you replied, "bad search." (Page 3, lines 106-109)

26. On November 24, 2020, Criminal Investigators reviewed documents on a thumb drive that was taken from the home of Officer [redacted] during the service of a search warrant. Detectives located the following:
    - Word documents that included six (6) version histories of the police report document created by you and last edited by Officer [redacted]
    - Version 1 (1813 hours, created by you): It appears that this was written by you, written in first person. It reads, "We observed the vehicle make an eastbound turn into the Shell Gas station (225 Jibboom Street) without using his turn signal in violation of 22108 cvc."
    - Version 2 (1930 hours, edited by Officer [redacted]): It appears that this was written by Officer [redacted] using the draft that you started. The turn signal violation is no longer in this version.
    - Version 3 (1931 hours): It is the same as Version 2.
    - Version 4 (2155 hours, while you and Officer [redacted] were at the bike office): The turn signal is back in the observations. It reads "The driver of the vehicle appeared to be continuing on Jibbom St, but upon noticing my patrol vehicle, immediately made an abrupt eastbound turn into the Shell Gas station (225 Jibbom St). Officer Palubicki observed the vehicle make the turn without utilizing a turn signal in violation of 22107 VC and 22108 VC."
    - Version 5 (2351 hours): This version had incomplete observations.
    - Version 6 (2352 hours): It is similar to final version of the observations contained in the police report.
27. On January 14, 2021, Officer Brandon Lundgren participated in an interview with Criminal Investigators Sergeant Merten and Detective Coughran and stated the following:
    - While on the phone call with Officer Lundgren and Officer [redacted] you never said anything about the vehicle driving really fast on Jibboom St or it not using a turn signal or blinker. (Page 21, lines 922-934)
    - You advised that you could not find any probable cause to make the stop on the roadway and did not mention the driver of the vehicle committing and vehicle code violations prior to pulling into the gas station. (Page 5, lines 186-190)
    - You mentioned doing a nystagmus test and at max deviation there was eye fluttering. Officer Lundgren told you, "With marijuana you won't see eye fluttering at max deviation. You'll see non-convergence, but not nystagmus." (Page 9, lines 398-401)
    - You did not make it sound like you believed the subject was under the influence. (Page 31, lines 1374-1376)
    - You said you stopped the vehicle for illegal parking. (Page 4, lines 152-154)
    - You never mentioned *People v. Johnson* or any other case law. No case law was ever mentioned during the phone call. (Page 25, 1090-1093)

- Officer [redacted] never talked about other officers going to Internal Affairs. The words Internal Affairs or "IA" was not mentioned during the call. (Page 32, lines 1433-1436)
- You never talked about finding promethazine on the stop. (Page 20, lines 870-877)
- At the end of the conversation, Officer [redacted] said, "Hey, it sounds like you're at jail. Let me go plug my phone back in. When you leave jail, call me and we'll come up with a creative way to get your probable cause for the stop." (Page 10, lines 437-441)
- Officer Lundgren believed that Officer [redacted] alluded to you to fabricate probable cause for the stop. (Page 34, lines 1493-1496)

28. On February 1, 2021, Officer Jose Masis (Badge #1016) participated in a phone interview with Criminal Investigator Sergeant Merten regarding a phone call you made to him on July 11, 2020, and stated the following:
    - On July 11, 2020, around 2330-2340 hours, you spoke with him for about twenty (20) minutes on the phone and told him about how you and Officer [redacted] were arguing over a stop and got into a "big 415" in the report writing room. [a "415" refers to a police code designating/indicating a disturbance.] (Page 3)
29. Citations located in your locker at the Central Station (300 Richards Boulevard):
    - On October 20, 2020, detectives executed a search warrant of your work locker at the Sacramento Police Department Central Station.
    - During the search, detectives located seven (7) completed citations that were inside your locker.
    - It appeared that these completed citations were never turned in.
    - Sergeant Merten further investigated to see if there were additional citations issued by you that were never turned in, between 2017 and 2020.
        i. Sergeant Merten found that there were twenty-five (25) additional citations that you issued, that were not found in Sacramento Police Department Records nor received by the Carol Miller Justice Center.
30. On March 17, 2021, you participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division. Prior to the interview you reviewed your transcripts from a criminal investigation in which Sergeant Merten interviewed you on December 30, 2020. You agreed the December 30, 2020, interview transcripts were true and accurate and admitted/stated the following:
    - You stated that the vehicle you observed on July 11, 2020, was going faster than the posted speed, faster than forty-five (45) miles per hour. (Page 6, lines 236-238)
    - You admitted that the speed of the vehicle would be a violation of the law for which you could have stopped the vehicle. (Page 6, lines 242-246)
    - You stated that you observed the vehicle make a turning movement with your eyes on the car. (Page 12, lines 485-489)
    - You stated that you did not observe a turn signal when the car turned and never saw Mr. [redacted] make the full turn into the gas station because you were focusing on the MDC at that point. (Page 9, lines 384-387)

- You admitted that you did not mention a turn signal violation in your probable cause declaration due to the fact that you did not stop Mr. [redacted] for that violation. (Page 12, lines 519-524)
- You admitted that the first time that you mentioned anything about this turn signal to Officer [redacted] was at 0438 hours in the morning, when you texted her and said, "So, I was thinking about this. Andre didn't use his turn signal when he entered the gas station." (Page 13, lines 526-531)
- You admitted that you never mentioned this fact about the turn signal while you were in the car and when the violation was actually occurring, nor throughout the entire duration of the stop. (Page 13, lines 537-540)
- You admitted that you did not speak with Officer King nor Sergeant Park about the turn signal violation while they were on-scene of the stop. (Page 14, lines 657-571)
- You admitted that you told Sergeant Park that you observed a parking violation. (Page 14, lines 573-576)
- You admitted that you never talked about the turn signal on your way to jail. (Page 14, lines 578-580)
- You admitted that you did not recall speaking with Officers Hughes and Lochridge about the turn signal while at jail. (Page 14, lines 582-5878)
- You admitted that you did not recall speaking about the turn signal on your way to Property to book evidence. (Page 14, lines 593-597)
- You admitted that you had numerous opportunities to mention this turn signal violation, which was adequate probable cause for a traffic stop, but you did not. You agreed that a turn signal violation is adequate probable cause to stop a vehicle. (Page 14-15, lines 606-616)
- When asked if you told Officer [redacted] about the turn signal, you stated: "I believe I did. I believe I — well, I didn't tell him about the turn signal, but said — or he said something along the lines of — what did he say? He said that "Well, why was his driving behavior weird?" And then I told him, "Well, he turned abruptly, and he was speeding," or something like that. And then he was like, "Okay." He was asking me clarifying questions. And then I told him, "Well, he didn't use his signal and he parked crookedly." I think that's what I said verbatim." (Page 17, lines 723-729)
- When asked if Officer Lundgren would be lying by saying that the "turn signal" never came up during the phone conversation, you stated, "No, but he could have just not heard something because — so, my thing is, how does one find out about a turn signal if it didn't occur." (Page 19, lines 824-827)
- You stated that during the phone conversation with Officers Lundgren and [redacted] "I don't know if I said turn signal or Vehicle Code violation, but I remember talking about the turn signal." (Page 20, lines 836-837)
- You acknowledged viewing the Shell Station surveillance video on December 30, 2020, and watching Mr. [redacted]'s car pull into the Shell Station, and you agreed that the car had clearly used its turn signal. (Page 20, lines 872-877)

- You acknowledge that after watching the Shell Station surveillance video on December 30, 2020, when referring to the turn signal, you stated "Yeah, I can see it clearly in the video. I don't remember seeing it. I'm not trying to be deceptive, I just — when I looked at the car, I did not see the turn signal." (Page 20, lines 872-877) and (Page 22, lines 925-929)
- You admitted that you did not speak with Officer [redacted] about the possibility of this driver being DUI before you stopped the car or before you made contact with him. (Page 29, lines 1240-1243)
- You admitted that if you had suspicion of DUI, it would be probable cause to stop the car. (Page 31, lines 1319-1322)
- You admitted that the probable cause declaration, you do not really explain anything that explains the suspicion of DUI and should have been a lot more detailed. (Page 31, lines 1324-1335)
- You admitted to being careless and did not take the probable cause declaration as seriously as you should have. (Page 31, line 1332)
- You admitted that you did not believe you discussed the possibility of DUI with Officer King or Sergeant Park while they were on scene. (Page 32, lines 1387-1394)
- While speaking with Sergeant Park, you admitted to saying to the subject, "You're illegally parked." (Page 32, lines 1405-1413)
- You stated that you did not remember if you talked about a turn signal violation or DUI with Officers Hughes or Lochridge while at jail. (Page 34, lines 1461-1470)
- You admitted that you had numerous opportunities to talk about the possibility of DUI with people, but you did not because it was not relevant to why you actually arrested or the probable cause for why you searched the car. (Page 34, lines 1487-1492)
- You stated that you believed you talked about DUI during the conversation you had with Officers [redacted] and Lundgren. (Page 35, lines 1498-1506)
- You admitted to doing a horizontal gaze nystagmus test but did not document it because you and Officer [redacted] discussed it and it was not pertinent to the case. (Page 25, lines 1531-1537)
- You acknowledged that documenting the suspicion of DUI in your report is important information, yet you did not. (Page 36, lines 1539-1545)
- You admitted that you were the only person that believed you were contacting Mr. [redacted] for suspicion of DUI. (Page 38, lines 1635-1638)
- You stated that if you had been in control of the police vehicle, you would have made a traffic stop on the vehicle for suspicion of DUI. (Page 39, lines 1683-1696)
- You admitted that you did not make an enforcement stop on the vehicle and there is no mention in the report of the car being stopped for suspicion of DUI. (Page 40, lines 1721-1737)
- You stated that you called Officer Masis because you were frustrated with Officer [redacted] (Page 45, lines 1940-1962)

- You stated that you spoke with Officer Mower about the stop and talked about moving away from the E-team because you were tired of partnering with Officer [redacted] because there had been guys that were "talking shit" about Officer [redacted] and you felt like your name was getting associated with that. (Page 48, lines 2065-2072)
- You admitted that the substance which you and Officer [redacted] believed to be marijuana, located in the cup, was the premise for why a search was conducted. (Page 50, lines 2166-2168)
- You admitted that without the substance, which you and Officer [redacted] believed to be marijuana or a "blunt" in plain view, you would not have had probable cause to search that vehicle. (Page 51, lines 2201-2204)
- You admitted that if this substance was not in plain view, you probably would have not searched the car. (Page 51, lines 2212-2215)
- You admitted to viewing the substance located in the cup and when showed a photograph (exhibit #1) in the interview, you agreed that it appeared to be consistent with what you would wrap a cigar up with. You admitted that you did not see anything in that photograph that you would describe as marijuana. (Page 52, lines 2270-2277)
- You admitted that the substance (exhibit #1) appeared brown and had a bark-like texture. (Page 54, line 2337)
- When shown a photograph of (exhibit #2) marijuana located inside of the backpack, you admitted that it appeared to be marijuana. (Page 53, lines 2296-2300)
- You admitted that both you and Officer [redacted] were responsible for booking the evidence. (Page 54, lines 2345-2347)
- You stated that at some point during booking the evidence that you smelled tobacco. (Page 57, lines 2473-2495)
- You acknowledged a quote from your December 30, 2020, interview with Sergeant Merten and Detective Coughran as being accurate when you stated, "I do remember smelling tobacco, so it was possible that it could have been that." (Page 57, lines 2490-2495)
- You stated that you had never heard that you can test marijuana at booking, only at the crime lab. (Page 59, lines 2560-2561)
- Referring to the turn signal violation, you stated that Officer [redacted] told you that she did not observe it and that you could write your own observations. (Page 64, lines 2769-2774)
- You stated that Officer [redacted] did not tell you that she did not believe you about the turn signal violation. (Page 64, lines 2776-2781)
- You stated that you went home after your shift and looked at the daily because you had just made a gun arrest, did a good job, and to feel validated. (Page 65, lines 2807-2814)
- You stated that you reviewed your BWC after your shift, but Officer [redacted] did not review it with you. (Page 66, lines 2865-2871)
- Regarding Sacramento Police Department General Order 340.01, Report Quality Control, you admitted that you violated this General Order due to the inconsistencies in the probable cause declaration and the report. You stated that you failed to include DUI to your observations in Officer [redacted] s report. (Page 68, lines 2938-2951)

- Regarding Sacramento Police Department General Order 527.05, Preliminary Investigations, you admitted that you violated section C. 1., A report shall be accurate and completed during the work shift. (Page 68-69, lines 2966-2979)
- Regarding Sacramento Police Department General Order 525.04, Use of Digital Camera for Investigative Purposes, you admitted that you violated this general order by using your personal camera to take photos of evidence. (Page 69, lines 2994-3001)
- Regarding Sacramento Police Department General Order 525.03, In-Car Camera, you admitted that you violated this general order because you did not check it prior to your shift. (Page 72, lines 3112-3121)
- Regarding Sacramento Police Department General Order 210.04, General and Professional Conduct, you stated that you believed you obeyed the general order because you believed the inconsistency to be true in the moment and later found out it was not true. You admitted that false information regarding the turn signal was included in the report of your observations, but you believed it to be true. (Page 73, lines 3157-3171)

CASE #2; Compl2020-309; Police Incident 18-222407

In July of 2020, the Sacramento Police Department conducted an audit pertaining to reports written by you, Officer Alexa Palubicki (Badge #1021), regarding subject(s) that had been arrested between 2017 and 2020. Lieutenant Eric Forbeck (Badge #4065) completed an audit and contacted the Internal Affairs Division (IAD) with his findings.

One of the suspected calls occurred on July 17, 2018, when you were dispatched to a call for service (18-22239) regarding a subject having a mental breakdown. While searching for the subject, you came across a vehicle collision (18-22345). In your report of this incident, you wrote that one of the people involved in the accident fled from his vehicle that you pursued him on foot. (18-222407)

1. During a review of the Body Worn Camera (BWC) footage from call 18-222407, IAD noted the following:
   - You responded to a call for service in which a subject was having a mental breakdown (Sacramento Police incident 18-222329). While searching the area for the subject, you came upon a vehicle collision that had recently occurred. (Sacramento Police incident 18-222345)
   - Upon arrival, you shout "Hey, can you hang out right there? Hey, sir, sir, can you hang out here? I'll be right back. Hang out right here." at a subject later identified via your In-Car Camera (ICC) to be the original complainant of the mental health call for which you were originally summoned. This person was not involved in the vehicle collision.
   - You activated your police vehicle's overhead emergency lights and maneuvered your police vehicle and stopped it just north of Mack Road on the east curb line, facing northbound.

- You exited your patrol vehicle and quickly walked southbound, away from where one of the parties involved in the vehicle collision, [redacted] was standing. You did not specifically address Mr. [redacted] verbally or physically move in his direction at this time.
- While you started a preliminary investigation speaking with another party of the vehicle collision, [redacted] Mr. [redacted] walked towards you and Mr. [redacted] on his own without visible or audible direction from you.
- A moment later, Mr. [redacted] can be seen jogging across westbound lanes of Mack Road toward the blue Chrysler on scene. You did not ask or tell Mr. [redacted] to stop. You continued to put out radio traffic related to license plates of involved vehicles. You also continue to have discussion with Mr. [redacted] at that time.
- Approximately thirty-seven (37) seconds later, you jog across Mack Road, running right past Mr. [redacted] who is at the trunk of his vehicle, and stop on the other side of the intersection. While on the other side of the intersection, you contacted the injured party in the vehicle collision.
- You calmly asked for additional units to assist for traffic control and nothing else.
- You contacted Mr. [redacted] at the blue Chrysler and stated "Hey, wait Sir, don't leave, I need you here." Mr. [redacted] responded, "I'm not, I'm just getting stuff out of the car." You then responded to Mr. [redacted] "OK, for sure."
- You made multiple statements to both police and fire personnel on scene that Mr. [redacted] attempted to flee the scene.
- Police personnel detained Mr. [redacted] based on your statement that he attempted to flee the scene.
- You spoke with Mr. [redacted] in the backseat of a police vehicle. You asked, "Why did you try to run, when I told you to stay, why did you run away from me?" Mr. [redacted] responded, "I didn't run away, I was on the phone trying to call my auntie (unintelligible)."
- You spoke briefly with a witness, identified as [redacted] Ms. [redacted] advised you, "I witnessed everything" and you responded "Oh, you witnessed, OK, perfect."
- You advised Ms. [redacted] that you would call her at a later time.
- You spoke with the district Sergeant over the phone and advised that Mr. [redacted] had fled from you. During the phone call you stated, "So, he was giving us the name game and I think that's why he took off on me initially when I saw him."
- You wrote the General Offense Crime Report under 18-222407 and the Traffic Collision Report under 18-222345.

2. During a review of the probable cause declaration that you authored, IAD noted the following:
   - You wrote "I observed a MBA (later identified as [redacted] flee from one of the vehicles N/B Brookfield Drive. I activated my lights and pursued him." This is inconsistent with what was captured on your BWC. ["MBA" is a police radio designator meaning "male, black, adult."]
3. During a review of the General Offense crime report that you authored, IAD noted the following:
   - You wrote "Upon arrival, I observed a MBA (later verbally identified as [redacted] flee from the driver's seat of a blue vehicle that was faced E/B Mack Road in the #1 lane. Both

air bags were deployed in the vehicle. [redacted] fled N/B Brookfield Drive. I activated my emergency light and pursued him. I got out of my vehicle and pursued him on foot approx 50 feet. I advised suspect [redacted] to stop and to sit on the sidewalk so I could speak to him about the vehicle accident. He cooperated and walked back with me to the scene of the collision." This is inconsistent with what was captured on your BWC.

4. During a review of the Traffic Collision report (18-222345) that you authored, IAD noted the following:
    - There is no witness listed on page 3 of 6, the CHP 555 [Department of California Highway Patrol, Form CHP 555: Traffic Collision Report]. This is inconsistent with what was captured on your BWC.
    - There is no witness statement on page 5 of 6, the CHP 556 [Department of California Highway Patrol, Form CHP 556: Traffic Collision Report Narrative/Supplemental]. This is inconsistent with what was captured on your BWC.
    - The cause was listed as "Due to the lack of independent witnesses and uncooperative passenger in V-1, I was unable to determine which party was at fault. No enforcement action was taken." on page 5 of 6, the CHP 556. This is inconsistent with what was captured on your BWC.
5. On September 18, 2020, [redacted] was interviewed by criminal investigators and stated the following:
    - That she did not recall observing you chase anyone on scene.
    - That she gave you her name and contact information while on scene.
    - That she attempted to give you her statement, however you advised her that you would call her shortly after.
    - That you spoke with her over the phone approximately 3-4 days after the collision and there was a scheduling conflict. You advised her that you would attempt to contact her again.
    - That you spoke with her again approximately 5-7 days after the collision. You advised her that her statement was no longer needed.
    - That she had a detailed statement to give regarding the collision.
6. On September 19, 2021, [redacted] was interviewed by criminal investigators and stated the following:
    - That he recalled the vehicle collision.
    - That he recalled a female police officer on scene of the collision.
    - He did not recall anyone run from the scene of the collision, nor did he remember the female officer chase anyone on foot or in a vehicle.
7. On December 12, 2021, [redacted] was interviewed by criminal investigators and stated the following:
    - That he had not fled the scene of the vehicle collision, nor was he chased by law enforcement.

8. On January 13, 2021, you participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and admitted the following:
    - You were never actually in pursuit of Mr. [redacted] (Page 37, 1588-1592 and page 38, 1640-1644)
    - It appeared there were obvious discrepancies in your police reports compared to your BWC footage of the incident. (Page 50, 2145-2150)
    - It appeared that you fabricated your pursuit. (Page 51, 2206-2208)
    - That retrospectively you believed your reports were not complete and accurate. (Page 55, 2383-2391)
    - That you felt that the reports and documents you authored in this case did not meet the highest professional standards that reflected a thorough investigation. (Page 56, 2447-2451)
    - That you believed you violated Sacramento Police Department General Order 340.01, Report Quality Control and Review. (Page 57, 2453-2463)
    - That you did not write an accurate report, in reference to Sacramento Police Department Office of Operations Order 527.05, Preliminary Investigations. (Page 57, 2490-2503)
    - That the discrepancies between your BWC, ICC, and the Police Report, brought discredit to the Police Department and the City of Sacramento. (Page 58-59, 2535-2556 and Page 62, 2685-2688)
9. On February 25, 2021, you participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and admitted the following:
    - That you failed to perform your duties by not getting a statement from [redacted] (Page 10, 427-430)
    - That you knew that Ms. [redacted] had a witness statement to provide. (Page 13, 556-558)
    - That you wrote an inaccurate statement in your Collision Report regarding locating no independent witnesses on scene. (Page 13-14, 564-580)
    - That you felt that you violated Sacramento Police Department Office of Operations Order 527.05, Preliminary Investigations, because you did not conduct a thorough investigation to include Ms. [redacted] witness statement. (Pages 16-17, 693-706)
    - That you believed you violated General Order 340.01, Report Quality Control and Review, because you did not conduct a thorough investigation to include Ms. [redacted] witness statement. (Page 17, 722-739)

CASE #3; Compl2020-309; Police Incident 19-283320

In July of 2020, the Sacramento Police Department conducted an audit pertaining to reports written by you, Officer Alexa Palubicki (Badge #1021), regarding subject(s) that had been arrested between 2017 and 2020. Lieutenant Stephen Moore (Badge #4079) completed an audit, contacted the Internal Affairs Division (IAD) and provided the following facts regarding this incident.

On August 31, 2019, you and Officer Andrew Schaner (#980) responded to a domestic violence call. (19-283320) During the course of that call, the following occurred:

1. During a review of the Body Worn Camera (BWC) footage from call 19-283320, IAD noted the following:
    - You and Officer Andrew Schaner (Badge #980) responded to the call location and conducted an investigation into possible domestic violence.
    - You and Officer Schaner contacted a male subject as he was leaving the apartment complex on foot, identified as [redacted]
    - Simultaneously, you contacted a female subject, [redacted], who followed you outside of the apartment complex and you obtained her preliminary statement. Ms. [redacted] advised you that she and Mr. [redacted] were in a relationship, and he had become physical with her.
    - While you and Officer Schaner attempted to take Mr. [redacted] into custody, a struggle ensued.
    - During the struggle, your Body Worn Camera (BWC) turned off, however, Officer Schaner's BWC stayed on for a period of time and captured audio of the event.
    - Officer Schaner's BWC captured Mr. [redacted] stating the following during the struggle:
        i. "Oh, get your knee out of my face, get your fucking knee out my (unintelligible)…I can't breathe, I can't breathe, oh I can't breathe, oh I can't breathe."
        ii. "(unintelligible)…bitch, get your knee off my head bitch… (unintelligible)…knee of my head bro…(unintelligible)…"
    - Officer Schaner's BWC deactivated and reactivated again. During approximately a fourteen (14) second audio clip, the following is heard:
        i. "White bitch, ah you Chinese bitch, get your fucking knee off me bitch. Alright bitch, you going to die on the force bitch. Somebody going to shoot you on a traffic stop bitch."
    - Your BWC reactivated during the struggle. You were kneeling down, near Mr. [redacted]s head and upper back as Officer Schaner was kneeling down near Mr. [redacted]s legs.
    - Your BWC captured an interaction with a subject who approached the scene, later identified as [redacted]
    - During your interaction with Mr. [redacted] the following was observed and heard:
        i. Mr. [redacted] stated, "Can you get your knee off his…(unintelligible)."
        ii. You stated, "Yea, he was trying to fight me ok, so get back please."
        iii. Mr. [redacted] stated, "(unintelligible)…knee off his back."
    - During the struggle, both you and Officer Schaner were heard telling people to get back.
    - Additional officers and deputies arrived to assist taking Mr. [redacted] into custody.
    - Mr. [redacted] was walked to the backdoor of a Sacramento County Sheriff's Office Deputy's patrol vehicle.
    - Both you and Officer Schaner attempted to put Mr. [redacted] in the backseat of the patrol vehicle. Mr. [redacted]s feet were flailing around, and he attempted to put his feet in the

doorway so that the car door could not be closed. There was no mention of anyone being kicked during this portion of the video.

- You re-contacted Ms. [redacted] and took her statement again. This time Ms. [redacted] advised you that she had been physical with Mr. [redacted].
- While briefing Sergeant Montoya on the call, you stated that you had put your knee on Mr. [redacted]s neck. You then immediately recanted and stated that you had your knee on Mr. [redacted]s upper back.
    i. You stated on your BWC "So we ended up getting on the ground, we tried to push him over here. He doesn't want to go with the program, so we get him down to the ground, and we try and cuff him, he's like kicking his legs, elbowed me like right here, but wasn't ...(unintelligible). And I think it was just because he was trying to get his arm away, you know how...(unintelligible)...and I'm so small. And so, we get him on the ground and that's when he like, I'm going to kill you bitch, and that's when he starts like leaning towards me and trying to like...(22:27) So I just had my knee on his like neck so he can't like bite me or anything, um, actually it was like his upper back, it wasn't his neck because I wanted to make sure he could breath."
- You told Sergeant Montoya that you saw Mr. [redacted] kick your partner, Officer Schaner, while trying to get Mr. [redacted] into the backseat of the patrol vehicle.
- Sergeant Montoya advised you to charge Mr. [redacted] with 148 PC rather than 69 PC because no force was used.
- You did not advise Sergeant Montoya that you were injured.
- You spoke with Officer Reason and Officer Kevin Spring (Badge #1006) and told them that you had put your knee on Mr. [redacted]s neck and that you had used force.
    i. You stated, "He never like, the way he did it to me, he was just threatening just yelling at me, so I fucking pushed him, and I kick...I...yeah, I fucking used my force."
- Officer Reason stated, "and what happened when he was on the..."
    i. You stated, "He was on the floor, he was just, I put my, I put my knee on his neck and he didn't like that, and then so, I was like are you going to cooperate, he was like fuck you, I'm going to kill you, I was like ok then, (unintelligible)."
- You spoke to Officer Schaner as to whether he had been kicked by Mr. [redacted]. Officer Schaner advised that he believed he had not been kicked by Mr. [redacted].
- While on the scene, you advised Officer Schaner that you would articulate that you observed him get kicked by Mr. [redacted].
    i. You stated, "If you feel comfortable with it, I saw him kick you, I don't know if you felt it. So, I'm going to articulate that and the threats he made toward me cause he specifically made them toward me."

2. Upon auditing this call, Lieutenant Moore described:
    - While updating Sergeant John Montoya (Badge #3020) of what occurred on call for service 19-283320, you state that you knelt on the suspect's neck but then quickly corrected yourself and stated it was the suspect's back that you knelt on.

- You spoke with several other officers and stated that the suspect was yelling at you, so you pushed him down and used force.
- You advised officers that you put your knee on the suspect's neck and he did not like that.
- In your statement, you wrote that you put your shin on the suspect's back.

3. While reviewing the BWC footage of Officer Reason who took a statement from witness [redacted] the following was relayed by Mr. [redacted] in summary:
    - "I was driving by and I saw officers detaining a guy. It seemed like it was getting crazy. So, I stopped and got out and said, 'hey hey hey you got him.' I saw one officer had her knee on his neck and I told her to get her knee off of his neck. She pulled out her taser and told me to get back, so I got back. I really thought something was going to happen. I thought someone was going to get killed so I was trying to stop the situation."
4. During a review and comparison of the probable cause declaration for [redacted] and the Police Report 19-283320 that you authored for this incident, IAD noted the following differences:
    - You wrote in the probable cause declaration that Mr. [redacted] used his legs to kick Officer Schaner in the chest.
        i. You wrote, "I assisted him into the vehicle, and he used his legs to kick my partner in the chest."
    - Neither you nor Officer Schaner noted in the Police Report that Officer Schaner had been kicked by Mr. [redacted].
    - You wrote in the Police Report that you received numerous injuries from Mr. [redacted].
    - You did not write that you received any injuries on the probable cause declaration.
5. On November 5, 2020, Sergeant Sara Butler (Badge #3081) interviewed [redacted] Ms. [redacted] stated the following:
    - Ms. [redacted] called the police on August 31, 2019, because she and [redacted] had been in an argument.
    - While you and Officer Schaner were detaining Mr. [redacted] on the ground, you had your knee on Mr. [redacted]'s neck.
    - Ms. [redacted] advised in summary, "I was standing less than 10 feet from him. I could hear him telling the officers that he could not breathe. The officers were literally on his neck. The Asian lady officer was on his neck. I saw her knee on top of his neck. [redacted] was face down on the ground and her knee was in his neck."
6. On November 5, 2020, Detective Coughran interviewed [redacted] In review of the criminal police report, Mr. [redacted] stated the following:
    - He resisted Officer Schaner and your efforts to arrest him after he had been taken to the ground.
    - In summary: They literally had knees in my neck and stuff. The female officer started by putting her knee on my upper back and then she had her knee on my neck for about 5 minutes. I told her to get off my neck and she said, "Don't resist, I'm restraining you." And that's when I really started wiggling when her knee was on my neck. I could breathe but it was really uncomfortable because I have cervical straightening of the spine. I was face down with my hands behind my back, but I was trying to be my hands back out. I would

say I was actively resisting after she put her knee on my neck. I was asking her to please get her knee off my neck.

7. On January 13, 2021, Officer Schaner participated in an interview with Criminal Investigator's Sergeant Merten and Detective Coughran and relayed the following:

    - Officer Schaner advised multiple times that he had not been assaulted nor kicked in the chest by [redacted].

8. On January 28, 2021, you participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and admitted the following:

    - You could have had your knee on Mr. [redacted]'s neck. (Page 10, lines 434-437)
    - When asked if there was any way at any point that you may have had your knee on Mr. [redacted]'s neck, you advised, "I mean, it's possible. Like I said, he kind of was bucking me off. So, each time he would buck me off, just momentum would take me back down. And so, it's possible. But if I did, I took my knee off of — if it would've slid onto his neck or his head or his face, I would've taken it off because I tried to reposition. Like I said, I really didn't have control of the individual. I kind of had to put my whole body on him to just keep him facedown because he was attempting to turn towards me because, obviously, I was lighter than my partner." (Page 10, lines 424-432)
    - When asked, "So, what you're saying is there's a possibility that you could have had your knee on his neck?" you responded, "Yeah, it's possible. Anything's possible." (Page 10, lines 434-437)
    - When asked by Sergeant Villegas, "So, at this point there's a possibility that your knee could've slipped towards his neck area. And that's during the timeframe that he was saying, "I can't breathe. I can't breathe?" You responded, "It's possible." (Page 25, lines 1085-1089)
    - You admitted that what you told officers about the application of your knee on Mr. [redacted] was different than what you told Sergeant Montoya, specifically about you using your knee on Mr. [redacted]'s neck. (Page 34, lines 1484-1486)
    - When asked, "So, would you agree that either Sergeant Montoya or the officers you're debriefing with here after you told Sergeant Montoya, one of these briefs you're giving untrue information or incorrect information? So, which one would it be, these set of officers that you're giving incorrect information to or Sergeant Montoya?" You responded "I mean, what I gave Sergeant Montoya was correct. I gave him more details. It was more of a formal debrief. Here, when I'm speaking to these officers, it's an informal...it's on body camera, so I guess it's not informal. But to me, in my mind, it's informal and I'm just talking with some coworkers, asking for some advice. Now, did I misspeak? Absolutely. Was it untrue? I didn't mean it to be untrue. If it was, it was unintentional. I didn't mean to lie to them. There was no reason for me to lie to them. I was just, like I said, talking to them, and I may have misspoke and said something incorrect." (Page 35, lines 1490-1502)
    - You admitted that you were not trained to put your knee in someone's neck during a custody phase, here at the Sacramento Police Department. (Page 62, lines 6807-2811)
    - While referring to Mr. [redacted] being placed in the back of the patrol car, you stated that you believed that Officer Schaner would state he was kicked in the chest if there was actual contact with him. (Page 54, lines 2353-2359)

CASE #4; Compl2020-309; Police Incident 18-115025

In July of 2020, the Sacramento Police Department conducted an audit pertaining to reports written by you, Officer Alexa Palubicki (Badge #1021), regarding subject(s) that had been arrested between 2017 and 2020. Lieutenant Vance Chandler (Badge #4008) completed an audit and identified inconsistencies between what was found on your Body Worn Camera (BWC) and what was written in your report regarding case #18-115025. Lieutenant Chandler noted subject [redacted] provided you with a statement even though in the observations you authored, you stated, "I read S-[redacted] his Miranda rights and he decided to remain quiet." Internal Affairs Division (IAD) completed an internal investigation containing the following facts:

1. On April 19, 2018, at approximately 0823 hours you were working as identifier 1B31 when you were dispatched to 28th and J Streets regarding a disturbance involving a weapon. The following are the facts from reviewing your body worn camera and the report you authored:
    - You responded and were the first officer on-scene.
    - A citizen directed you to two subjects walking southbound on 29th Street.
    - You observed the two subjects actively fighting on the corner of 29th and J Streets. You held the two male subjects at gun point until additional officers arrived on-scene and detained both subjects in handcuffs.
    - You detained Mr. [redacted] in the backseat of your police vehicle.
    - You read Mr. [redacted] his Miranda rights and obtained a full statement.
    - You advised Officer Jennifer Flure (Badge #942) that you took a "Mirandized Statement."
    - In the crime report observations that you authored, you wrote, "I read S-[redacted] his Miranda rights and he decided to remain quiet."
    - The was no suspect statement for Mr. [redacted] entered in report.
2. On January 20, 2021, you participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and admitted to the following:
    - You did take a Mirandized statement from Mr. [redacted] (Page 8, lines 340-346)
    - That Mr. [redacted] was in custody when you read him his Miranda rights. (Page 11, line 474-4770)
    - The observations you wrote, "I read S. [redacted] his Miranda rights and he decided to remain quiet," were incorrect because you did not review your BWC and did not take notes while obtaining his statement. (Page 13, lines 545-550)
    - Your report was inaccurate and a mistake but that the omission of Mr. [redacted] s statement was not intentional. (Page 16, line 665)
    - Mr. [redacted] s statement would be important due to him being arrested for such allegations as assault and threats. (Page 12, lines 487-488)
    - You have an obligation to be truthful in your reports because they are important documents and were obligated under the law as a police officer. (Page 19, lines 803-816)
    - You violated Sacramento Police Department General Order 340.01, Report Quality Control because:

i. The police report that you wrote in this incident was not complete or accurate, as it did not detail all facts of your investigation. (Page 21, lines 880-887)

ii. The documents you authored in this case did not meet the highest professional standards that reflect a thorough investigation. (Page 21, lines 894-897)

iii. You failed to include a Mirandized statement. (Page 21, line 907)

- You violated Sacramento Police Department General Order 527.05, Preliminary Investigations because:
  i. You failed to include the Mirandized statement taken from Mr. [redacted] (Page 22, lines 927-954)
- You violated Sacramento Police Department General Order 210.04, General and Professional Conduct because:
  i. Mr. [redacted] had a right to have his statement documented in a crime report in which he is accused of a crime, the statement in which he gave you. (Page 24, lines 1029-1037)
  ii. The report you completed was inaccurate. (Page 25, lines 1058-1077)

CASE #5; Compl2020-309; Police Incident 18-233018

In July of 2020, the Sacramento Police Department conducted an audit pertaining to reports written by you, Officer Alexa Palubicki (Badge #1021), regarding subject(s) that had been arrested between 2017 and 2020. Lieutenant Forbeck completed an audit regarding General Offense Report 18-233018. Internal Affairs Division (IAD) completed a thorough investigation of call 18-233018.

1. Lieutenant Forbeck advised IAD of the following inconsistencies:
   - On July 26, 2018, you were working swing shift patrol assigned as 1C55.
   - At 1635 hours, you conducted a traffic stop at Detroit Boulevard and Burlington Way for expired registration.
   - You contacted the driver, [redacted] and front passenger, [redacted].
   - You confirmed via records check that Ms. [redacted] was on informal searchable probation with three outstanding misdemeanor warrants.
   - During your investigation, you arrested Ms. [redacted] for California Health and Safety Code 11364 (possession of drug paraphernalia), California Penal Code 1203.2 (probation), and the outstanding warrants.
   - You authored an arrest report regarding this event (General Offense Report 18-233018).
   - In the arrest report you authored, you wrote, "While speaking with [redacted], I observed the front passenger attempt to open the door. I advised the passenger (later verbally identified as [redacted]) to stay inside the vehicle."
2. During a review of the crime report that you authored regarding this incident, the following facts were discovered:
   - You wrote:

i. "I contacted the driver (positively identified via Valid California driver's license as [redacted] of the vehicle and requested her drivers license."

ii. "Additionally while speaking to [redacted] I observed the front passenger attempt to open the door."

iii. "I advised the passenger (later verbally identified as [redacted] to stay in the vehicle."

iv. "I requested her identification as well due to the fact she was acting suspicious."

v. "[redacted] did not want to stay inside of the vehicle and when I asked why she was talking very rapidly she advised she may have one warrant."

vi. "I advised [redacted] and [redacted] to stay inside the vehicle."

vii. "I conducted a probation search of S-[redacted] and located two clear glass narcotics pipes without the bulbous end inside her bra. Both pipes had burn marks on one end. [redacted] spontaneously stated she used them to smoke crack."

3. During a review of your Body Worn Camera (BWC), the following facts were discovered:

- Ms. [redacted] asked you if she can get out of the vehicle and you say, "Yeah go for it."
- Ms. [redacted] opened her door and got out of the front passenger door. You did not advise Ms. [redacted] to stay in the vehicle.
- You never performed a probation search of Ms. [redacted] or of the vehicle while on-scene.
- Ms. [redacted] advised you that she "might have a warrant" and you replied, "I don't care about misdemeanors or whatever."
- You handcuffed Ms. [redacted] and had her sit in the back of your police vehicle.
- You did not search Ms. [redacted] s vehicle nor Ms. [redacted] s belongings/bags.
- During transport to jail, Ms. [redacted] advised you that she had a narcotics pipe on her person, and you advised her you would remove it from her at the jail.

4. On January 20, 2021, you participated in a fact-finding interview with the Sacramento Police Department's Internal Affairs Division and admitted the following:

- The report you authored is not in chronological order nor organized as well as it should have been. (Page 16, Lines 673-674)
- The report did not reflect what was on your BWC. (Page 9, lines 358-367)
- The report you authored was inaccurate. (Pages 23-24, lines 1005-1011)
- You did not ask Ms. [redacted] why she was talking very rapidly like you stated in your report. (Pages 11-12, Lines 476-485).
- After watching a portion of BWC footage and the interaction with Ms. [redacted]
  i. You admitted that you did not advise anyone to stay in the vehicle. (Page 8, lines 311-314)
  ii. You admitted that after Ms. [redacted] requested to stand up, you said, "Yeah, go for it."

iii. You admitted that your statement located on your BWC of "Yeah, go for it," contradicts what you wrote in your report: "I advised passenger (later identified as [redacted] to stay in the vehicle." (Page 8, lines 337-340)

- You were not accurate when you wrote in your report, "I asked why she was talking very rapidly. She advised she may have a warrant." (Page 11, lines 464-468)
- You never conducted a probation search while you were at the stop location. (Page 13, lines 555-558)
- You did not take a statement from Ms. [redacted] (Pages 21-22, lines 912-921)
- You violated Sacramento Police Department General Order 340.01, Report Quality Control: C,1, a, (1) / C, 1, a, (2) / C, 1, a, (3). (Page 25-27, lines 1077-1140)
- You violated Sacramento Police Department General Order 527.5, Preliminary Investigations: B / C, 1. (Page 27, lines 1142-1177)
- You violated Sacramento Police Department General Order 210.04, General and Professional Conduct: A, 2, k. (Pages 27-29, lines 1179-1242)
- When asked, "Do you agree that the report is false? Portions of the report are not accurate?" You replied, "I would say portions of it are not, yes." (Page 29, lines 1235-1237)

CASE #6; Compl2020-309; Police Incident 19-213344

In July of 2020, the Sacramento Police Department conducted an audit pertaining to reports written by you, Officer Alexa Palubicki (Badge #1021), regarding subject(s) that had been arrested between 2017 and 2020. During an audit conducted by Lieutenant Zachary Bales (Badge #4009), he identified dishonesty on your part while speaking with a supervisor. Lieutenant Bales noted that on call 19-213344, you advised a supervisor that you had already conducted a warrant status confirmation, when you had not done so. The dishonesty was noted and investigated thoroughly by the Internal Affairs Division (IAD).

1. During a review of the associated report and of your body-worn camera, the following was discovered:
   - On July 5, 2019, you were working swing shift patrol assigned as 1C59.
   - At 2140 hours, you were dispatched to a domestic violence call at 4500 Mack Road. Officer Spring (Badge #1006), assigned as identifier 1C57, was dispatched to assist.
   - During the course of your investigation, you contacted the victim, identified as [redacted] and identified her ex-boyfriend, [redacted] as a domestic violence suspect.
   - You conducted a records check of Mr. [redacted] locating a Juvenile Probation Felony no bail warrant hit for [redacted].
   - Officer Spring asked you why Mr. [redacted]s warrant hit on Computer-Aided Dispatch, but was not showing up on WebKPF, since it is a Sacramento County warrant. [WebKPF is an electronic database maintaining subject warrant information.]

- At 2205 hours, Mr. [redacted] was contacted on scene and arrested for California Penal Codes 273.5(A) (domestic violence), 273A (child endangerment), and 594(2)(A) (vandalism).
- You have an additional conversation with Officer Spring regarding Mr. [redacted]s warrant. Officer Spring stated, "I think his warrant is cleared it's just not out of the system." You stated, "Oh, okay."
- At 2213 hours, you contacted Sergeant Deanna Viscuso (Badge #3060) via phone. During conversation with Sergeant Viscuso, you stated, "So the gentleman I guess had a no-bail warrant, but he just went and then took care of it like a few days ago. So I guess he doesn't have that anymore which is weird because it is still showing in our system but – Yeah we called and confirmed and they said for some reason and it's not out because it still even pops up on KPF on the wanted persons but they said something…someone didn't do something right."
- At 2216 hours, you have a conversation with Officer Spring regarding Mr. [redacted]s statement. During the conversation, you stated to Officer Spring "So you called – you called county to confirm that his warrant was –." Officer Spring responded, "Uh I haven't – I can real quick." You then replied, "Yeah do you mind because so I can tell Sarge because she asked me and I was like, "Oh we can."
- At 2225 hours, Officer Spring said to you, "Alright the warrant's been cleared. I haven't told him that he's going to jail, and he just told me that (unintelligible) so I don't want to break his heart." You replied to Officer Spring, "Okay, I'll be a bitch and tell him that he's going to jail."
- You advised Sergeant Viscuso that you had already called and confirmed the warrants for Mr. [redacted]when you had not done so.
- You did not call and confirm the warrants for Mr. [redacted]prior to your phone conversation with Sergeant Viscuso. You did not have a conversation with anyone and you were untruthful when you told Sergeant Viscuso that you "called and confirmed and, they said for some reason and it's not out because it still even pops up on KPF on the wanted persons, but they said something…someone didn't do something right."
- The first time you knew that Mr. [redacted]s warrants had been confirmed was twelve (12) minutes after you advised Sergeant Viscuso that they had been confirmed.

2. On January 26, 2021, you participated in a fact-finding interview with the Sacramento Police Department Internal Affairs Division and admitted to the following:
   - To contacting Sergeant Viscuso at 2213 hours and advising that you had already confirmed Mr. [redacted]s warrant status. You stated, "Yeah, we called and confirmed, and they said for some reason it's not out because it still even pops up on KPF, on the Wanted Persons, but they said something, someone didn't do something right." (Page 9, lines 363-370)
   - That at 2220 hours, seven (7) minutes after you told Sergeant Viscuso that Mr. [redacted]s warrants had been confirmed, Officer Spring advised that he could call to confirm them. (Page 9, lines 382-386)
   - That at 2225 hours, the 5:21 mark of Officer Spring's Body Worn Camera footage, Officer Spring tells you that the warrant had been cleared, which is the first time that anyone actually knew that this warrant has been cleared. (Pages 9-10, lines 388-395)

- That the information you provided Sergeant Viscuso in regard to checking on the warrant was inaccurate and agreed it was an untruthful statement. (Page 11, lines 455-464)

In **CASE #1**, your actions in this matter constitute cause for disciplinary action pursuant to the City of Sacramento Rules and Regulations of the Civil Service Board, specifically Rule 12.2 (d) inexcusable neglect of duty; (f) dishonesty; (p) willful disobedience of a lawful rule, order or direction; and (w) caused impairment, disruption and discredit to your employment and the public service.

In **CASE #2,** your actions in this matter constitute cause for disciplinary action pursuant to the City of Sacramento Rules and Regulations of the Civil Service Board, specifically Rule 12.2 (d) inexcusable neglect of duty; (f) dishonesty; and (w) caused impairment, disruption and discredit to your employment and the public service.

In **CASE #3**, your actions in this matter constitute cause for disciplinary action pursuant to the City of Sacramento Rules and Regulations of the Civil Service Board, specifically Rule 12.2 (d) inexcusable neglect of duty; (f) dishonesty; and (w) caused impairment, disruption and discredit to your employment and the public service.

In **CASE #4**, your actions in this matter constitute cause for disciplinary action pursuant to the City of Sacramento Rules and Regulations of the Civil Service Board, specifically Rule 12.2 (d) inexcusable neglect of duty; (f) dishonesty; and (w) caused impairment, disruption and discredit to your employment and the public service.

In **CASE #5**, your actions in this matter constitute cause for disciplinary action pursuant to the City of Sacramento Rules and Regulations of the Civil Service Board, specifically Rule 12.2 (d) inexcusable neglect of duty; (f) dishonesty; and (w) caused impairment, disruption and discredit to your employment and the public service.

In **CASE #6**, your actions in this matter constitute cause for disciplinary action pursuant to the City of Sacramento Rules and Regulations of the Civil Service Board, specifically Rule 12.2 (f) dishonesty; and (w) caused impairment, disruption and discredit to your employment and the public service.

In **CASES #1, 2, 3, 4, 5, and 6**, your actions in this matter are in violation of the Sacramento Police Department General Orders **210.04, 340.01, and 527.05** which state, in relevant part:

GENERAL ORDERS

210.04

GENERAL AND PROFESSIONAL CONDUCT

07-12-17

PURPOSE

The purpose of this order is to establish criteria for the general and professional conduct of Department employees.

PREAMBLE

Working in partnership with the community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City shall be the mission of the Department.

POLICY

It shall be the policy of the Sacramento Police Department to ensure exemplary conduct of Department employees, both on and off duty, and in keeping with the standards of the City Charter, Civil Service Rules and Regulations, and established labor agreements.

PROCEDURE

A. PROFESSIONAL CONDUCT (ALL EMPLOYEES)

1. Employees on or off duty shall
   a. Be governed by ordinary and reasonable rules of good conduct and behavior.
   b. Not commit any act whether negligent, intentional, criminal, or otherwise that could bring discredit upon the Department or the City.
   c. Abide by all laws to include, but not limited to the Penal Code, the Health and Safety Code, and the Welfare and Institutions Code. In addition, employees shall ensure that their personal vehicles are compliant with the California Vehicle Code.
2. Employees shall
   k. Not file false, inaccurate or improper information orally or in writing, either personally or through another employee, for criminal prosecution, personal gain, or for unearned recognition, including sick or injury reports, falsification of public records, or for any other purpose.

GENERAL ORDERS

340.01

REPORT QUALITY CONTROL / REVIEW

05-03-17

PURPOSE

The purpose of this order is to establish a Report Quality Control/Review System for police reports prepared by Department employees.

POLICY

It shall be the policy of the Sacramento Police Department that police reports meet the highest professional standards and reflect as thorough an investigation as circumstances allow.

PROCEDURE

A. DEFINITIONS

For purposes of this Order, police reports shall be defined as

1. General Offense Reports and supplements.
2. Incident Reports and supplements.
3. Traffic Collision Reports and supplements.
4. Missing Person Reports and supplements.
5. Motor Vehicle Reports and supplements.
6. Arrest Reports.

B. GENERAL

The intent of the Report Quality Control/Review System shall be to

1. Commend employees for outstanding reports.
2. Require supervisors to return deficient reports to employees for correction.

C. RESPONSIBILITIES

1. Officers
   a. Employees assigned reporting responsibilities shall
      (1) Conduct a thorough investigation into all incidents or events and determine whether a report is necessary.
      (2) Prepare a complete and accurate police report detailing the facts of their investigation.
      (3) Ensure the thoroughness of the investigation and the accuracy of the police report.

SACRAMENTO POLICE DEPARTMENT

OFFICE OF OPERATIONS

527.05

PRELIMINARY INVESTIGATIONS

05-13-93

PURPOSE

To establish guidelines for the amount of time to be spent on preliminary investigations.

POLICY

That officers assigned to the Office of Operations continue preliminary investigations to the point where delay in the investigation, would not materially jeopardize the investigation.

PROCEDURE

A. The scope of preliminary investigations can constitute an entire investigation or be limited by:

1. investigative policy.
2. officers' work load assignments.

B. Officers shall conduct a thorough investigation to include:

1. establishing the violation of law.
2. thorough identification and interviews of all victims, witnesses, and responsible parties.
3. collection and preservation of any evidence.
4. taking appropriate enforcement action.

C. A report shall be:

1. accurate and completed during the work shift.
2. submitted for supervisory review and approval. (Where a report is associated with an arrest it shall be submitted to a supervisor before going home.)

In **CASE #1**, your actions in this matter are in violation of the Sacramento Police Department General Orders **525.03** and **525.04** which state, in relevant part:

GENERAL ORDERS

525.03

IN-CAR CAMERA

03-03-15

PURPOSE

The purpose of this order is to establish procedures to ensure that digital in-car camera systems are used to

accurately and independently document the actions of citizens and employees.

POLICY

It shall be the policy of the Sacramento Police Department to use digital in-car cameras in a manner

that will assist in criminal prosecutions or civil litigation by providing a recording of the incident that may supplement an officer's report and help document professional police conduct.

PROCEDURE

B. USE OF THE EQUIPMENT

1. All employees shall utilize the in-car camera (ICC) system in accordance with Department training and this order whenever operating a vehicle equipped with an ICC.
3. At the start of a shift, employees operating an ICC equipped vehicle shall check the system to ensure that it is operating properly. This shall include
   d. Activating the system and recording a five- (5) second test. The employee will then confirm on playback that the system recorded.

C. USING THE SYSTEM

4. The ICC system will save 30 seconds of video recorded before the system was activated by any of the triggers. The ICC system will record an additional 30 seconds of video after the system is stopped.
5. The ICC system (audio and video recording) shall be activated as soon as practical whenever an officer in an ICC equipped vehicle makes any field contact for enforcement or investigative purposes (e.g., suspicious vehicle, suspicious subject, traffic stop, bike stop, subject stop), whether self-initiated or in response to a dispatched call. When the system has been activated in response to any of the above, the incident/contact shall be recorded until the incident/contact has reasonably concluded.
6. [redacted]

GENERAL ORDERS

525.04

USE OF DIGITAL CAMERA FOR INVESTIGATIVE PURPOSES

06-14-16

PURPOSE

The purpose of this order is to establish guidelines for all Department personnel tasked with capturing evidentiary photographs with a digital camera.

POLICY

It shall be the policy of the Sacramento Police Department that all evidentiary photographs taken with a digital camera be maintained as original images and considered photographic evidence.

PROCEDURE

D. PROCESS

2. Employees shall not use personally owned cameras or equipment (including cellular phone cameras) to capture audiovisual media during the performance of their duties. If a situation exists in which the use of personal or non-Departmental equipment is deemed necessary, employees shall notify their supervisor as soon as is reasonably possible.

In **CASE #3**, your actions in this matter are in violation of the Sacramento Police Department General Order **580.02** which states, in relevant part:

GENERAL ORDERS

580.02

USE OF FORCE

05-02-18

PURPOSE

The purpose of this order is to outline procedures for the use and application of force, the medical follow-up that may be necessary when the use of force results in injury, and the reporting and investigation of incidents involving the use of force.

POLICY

It shall be the policy of the Sacramento Police Department that officers value and preserve the sanctity of human life at all times. Officers shall use only that amount of force necessary under the circumstances presented that the officer reasonably believes is required. Officers are expected to use de-escalation techniques when reasonably possible and without increasing the risk of harm to officers or others in an effort to reduce or eliminate the use of force. When using force, officers shall continuously reassess the perceived threat to select the reasonable use of force response.

When making use of force decisions, officers should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances, including, but not limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers.

PROCEDURE

A. DEFINITIONS

1. INJURY – Any visible bodily injury or complaint of bodily injury (non-visible injury). The injury must be reasonably related to the use of force applied. Injury, as defined in this order, does not include the temporary pain associated with the proper application of control holds and/or restraints.

B. GENERAL

1. Force shall be used in compliance with Penal Code Section 835a, which states "Any peace officer who has reasonable cause to believe that the person to be arrested has committed

a public offense may use reasonable force to affect the arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his efforts because of the resistance or threatened resistance of the person being arrested; nor shall such officer be deemed an aggressor or lose his right to self-defense by the use of reasonable force to affect the arrest or to prevent escape or to overcome resistance."

2. Officers may use deadly force if, under the circumstances, the officer reasonably believes that the suspect poses a threat of death or serious bodily injury, either to the officer or to others.

3. Officers shall not use force upon a subject's head or neck area in an effort to prevent individuals from swallowing or attempting to swallow evidence.

4. When using force, officers should use techniques and equipment that are approved by the Department. Under extraordinary conditions that involve the risk of serious bodily injury or death, and in situations where it may be impractical or impossible to comply with the provisions of this order, officers may resort to using any reasonable means of force to prevent injury or death to themselves or any other person.

5. When reasonable under the totality of the circumstances and where it may be accomplished without increasing the risk of harm to officers or others, officers should attempt to de-escalate situations. De-escalation techniques include, but are not limited to, gathering information about the incident; assessing risks; gathering resources (personnel and equipment); using time, distance, cover; using crisis intervention techniques; and communicating and coordinating a response.

A copy of this letter will be placed in your personnel file. Pursuant to Rule 12.7 of the Rules and Regulations of the Civil Service Board, you have the right to appeal this disciplinary action to the Civil Service Board within fifteen (15) calendar days from the date you receive this letter. You may submit your request for appeal, in writing, to the Secretary of the Civil Service Board, 915 I Street, Historic City Hall, First Floor, Sacramento, California 95814.

Sincerely,

Daniel Hahn
Chief of Police

APPROVED:

Howard Chan (Nov 17, 2021 09:40 PST)

Howard Chan
City Manager

APPROVED:

Shelley Banks-Robinson
Director Human Resources

APPROVED:

Aaron A. Donato (Nov 16, 2021 17:36 PST)

Aaron Donato
Labor Relations Manager

APPROVED:

Christen Snyder
Labor Relations Officer

cc: Human Resources, Labor Relations

City of SACRAMENTO Police Department

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Chief of Police

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Incident Numbers: Compl2020-196 and Compl2020-309

Please note that the records provided in this release do not include records or portions of records that are exempt from disclosure pursuant to applicable law. Without limiting other arguments against disclosure that may exist, the following records or portions of records are specifically prohibited or exempted from disclosure:

Records or information that constitutes the personal data or information of an officer or their family members (Cal. Pen. Code §§ 832.7(b)(5) and (b)(6)(A));

Records or information from separate or prior investigations not independently subject to disclosure (Cal. Pen. Code § 832.7(b)(4));

Records or information, the disclosure of which would compromise the anonymity of whistleblowers, complainants, victims or witnesses (Cal. Pen. Code § 832.7(b)(6)(B));

Records or information, the disclosure of which would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person (Cal. Pen. Code § 832.7(b)(6)(D)); and

Records or information, the disclosure of which is exempted or prohibited pursuant to federal or state law (Cal. Gov. Code § 6254(k); see also Cal. Const. art. 1 Sec. 1; and Cal. Welfare Code § 827; see also Wescott v. County of Yuba; T.N.G. v. Superior Court)

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