

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Robert Sapien, Jr.

**SUBJECT: FIRE DEPARTMENT
INVESTIGATION INITIATED ON
OCTOBER 7, 2022**

DATE: March 10, 2023

Approved



Date

3/10/2023

INFORMATION

BACKGROUND

On the evening of October 6, 2022, the Fire Chief became aware of a video posted on a social media channel that appeared to reflect a San José Fire Department (Department) emergency response vehicle positioned in front of a business establishment located at 328 S. Bascom Avenue and engaged in activities possibly constituting violations of City and Department policies and procedures, and/or rules and regulations, and/or other breach(es).

On October 7, 2022, the Fire Chief directed initiation of an investigation to determine facts and circumstances related to the posted video. The ensuing investigation was coordinated with the City Manager's Office of Employee Relations and proceeded under conditions required by the Firefighters Procedural Bill of Rights Act¹. Advancement of investigation steps remained a Department priority until its completion in February 2023.

Based on investigation findings, it was determined that the actions related to the video that was discovered on October 6, 2022 was taken on October 5, 2022, and constituted violation of specific policies and procedures and rules and regulations. Based on this determination and consistent with City and Department procedures, the Fire Chief forwarded a recommendation for disciplinary action to the City Manager. Employees subject to investigation in this matter have been notified of the investigation's conclusion and of the outcomes, respectively, and the City is taking appropriate action based on the findings. It is important to note that employees' personnel information is confidential, and the City is unable to elaborate further.

¹ https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=4.&title=1.&part=&chapter=9.6.&article=

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CONCLUSION

The actions portrayed in the video were received with disappointment and concern, as they appeared seriously misaligned with the Department's mission and values and were highly detrimental to the confidence and trust of our community and our workforce. The Department regrets that this event occurred and extends a sincere apology to all who bore the burden of this event including our community, employees and their families and friends, and City leadership. In addition to addressing involved personnel directly, the Department is acting to reinforce standards of conduct across the organization beginning with all senior officers and progressively to each employee.



ROBERT SAPIEN, JR.
Fire Chief, Fire Department

For questions, please contact Robert Sapien, Jr., Fire Chief, at robert.sapien@sanjoseca.gov or (408) 794-6952.

