



January 23, 2017

TO: JERRY DYER
Chief of Police

THROUGH: DEPUTY CHIEF ROBERT NEVAREZ
Administrative Services

LIEUTENANT DAVID RAMOS
Personnel Bureau Commander

FROM: SERGEANT JENNIFER HORSFORD
Audit and Inspections Unit

SUBJECT: BIAS-BASED PROFILING REVIEW

On January 19, 2016, the Audit and Inspections Unit conducted a review of all inquiries and complaints involving biased-based profiling allegations made against Department members in 2016. The annual review of all 2016 biased-based policing allegations was based on information obtained from Internal Affairs records.

The intent of this review is to identify enforcement trends that may be of concern to the Department and the community. Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Bias-based profiling, however, is prohibited. Biased-based profiling is defined as selective enforcement of laws based solely on the common trait of a group, including, but not limited to; race, ethnic background, gender, sexual orientation, religion, economic status, age, or culture.

The Fresno Police Department does not condone the use of bias-based profiling, as it may lead to constitutional rights violations against the citizens we serve.

Methodology

The Audit and Inspections Unit examined all documented bias-based inquiries and complaints received by the Department in 2016. Our IA PRO program was used to complete the audit.

Three bias-based complaints were handled by the Department in 2016. All of three complaints were handled with Internal Affairs investigations.

In June 2013, Policy & Procedure 1020 was amended to read;

“Any complaint related to Biased Based Policing will be handled by Internal Affairs through the formal investigation process. This will require the division commander of the accused member to approve the disposition of the investigation. The only exception would be if the original complainant rescinds their complaint completely.”

Synopsis of Complaints

On January 15, 2016, Fresno Police officers responded to a report of shots fired. Upon arriving, they located two shooting victims. The only suspect description provided by a witness was a white, newer model, Dodge Charger. A Fresno Police Officer observed a vehicle matching the description leaving from the area of the shooting. The vehicle was occupied by four subjects. A felony traffic stop was conducted and the vehicle was searched. The occupants were released pursuant to PC 849(b). One occupant claimed he was targeted because of his race, the high risk traffic stop was unnecessary, he was treated discourteously, and the wrong racial designator was used on the Certificate of Release form. The complaint was forwarded to Internal Affairs for investigation. It was determined that the traffic stop was based on the vehicle description provided by the witness and the close proximity of the vehicle to the shooting. The high risk stop was determined to be consistent with Department training and practice for vehicles possibly involved in a shooting. The race designator used by the officer was consistent with the Department approved race designators. The investigator reviewed body camera footage and did not find any evidence of discourteous treat of the complainant. After the investigation was complete, Internal Affairs concluded the allegation of bias based profiling to be unfounded.

On May 11, 2016, a Fresno Police officer conducted a traffic stop of a driver and issued him a citation for being in violation of Vehicle Code 22350, speeding. On August 15, 2016 the driver alleged the officer racially profiled him while completing the traffic stop and issuing the citation. The complaint was forwarded to Internal Affairs, who initiated the investigation. The investigator reviewed the body camera footage of the traffic stop and did not find any evidence of racial/biased profiling. It was determined that the driver was contacted within the law and the officer was not using racial/bias based police tactics.

On May 23, 2016, a Fresno Police officer conducted a traffic stop of a driver and issued him a citation for being in violation of Vehicle Code 4000(a), expired registration. The officer towed the vehicle for being expired over six months. The driver alleged the officer was racist for towing the vehicle. The complaint was forwarded to Internal Affairs, who initiated the investigation. The investigator reviewed the body camera footage of the traffic stop and did not find any evidence of racial/biased profiling. It was determined that the driver was contacted within the law and the officer was not using racial/bias based police tactics.

Analysis

Of the three incidents that were identified by Internal Affairs as involving possible bias-based profiling, the following was determined:

Based on the details of the reported complaints and the limited number of complaints, no pattern of bias-based profiling is apparent.

In 2016, Fresno Police officers handled 389,232 events and calls for service. Of those, approximately .0007 % resulted in a bias-based complaint.

Areas of Concern

None

Recommendations

The policies and procedures of the Fresno Police Department prohibiting bias-based profiling remain sufficient. The Audit and Inspections Unit will continue to monitor complaints of bias-based policing and submit an annual report