



POLICE DEPARTMENT

MEMORANDUM

DATE: February 18, 2019

TO: HONORABLE MAYOR LEE BRAND
COUNCIL PRESIDENT STEVE BRANDAU
COUNCIL MEMBERS

THROUGH: WILMA QUAN, City Manager
City Manager's Office

FROM: JERRY P. DYER, Chief of Police
Office of the Chief

BY: LYDIA CARRASCO, Deputy Police Chief
Administrative Division

SUBJECT: REPORTABLE RESPONSE TO RESISTANCE REPORT (2018)

OVERVIEW:

On April 1, 2003, the Department began entering Use of Force (UOF) information into the *Reportable Response to Resistance* database. This data is compiled into a report on a quarterly basis. At the end of each calendar year, quarterly data is tabulated and a year-end report produced. The information gathered in this report helps the Department to measure how force is used by our officers and indicates if changes to policy, procedures or training should be considered. Each quarterly and year-end report is made available to the public and is posted on the City of Fresno internet website.

The *Reportable Response to Resistance* database contains data on any incident whereby:

1. Members (including K9's) use force and a person is injured; or
2. Members strike a person with a body part (i.e., fist, foot, elbow, etc.) or
3. Any object (i.e., flashlight, clipboard, etc.); or
4. Members use (not merely display) a Department issued weapon (i.e., baton, chemical agents, Taser, less-lethal shotgun, firearm, etc.) against another.

The Fresno Police Department responded to 450,817 calls for service in 2018 (excluding events handled telephonically). Of those calls, 252 resulted in reportable use of force. This equates to the application of reportable force less than one-tenth of one percent (0.056) of all calls for service Fresno police officers responded to in 2018 and a slight decrease (.015) in reportable UOF in 2018 as compared to 2017.

In 2018, most use of force confrontations occurred on Wednesday and Sundays, and between the hours of 6 p.m. and 12 a.m. Male suspects between the ages of 24 and 29 most often engaged officers in use of force situations. The majority of reportable force incidents resulted

from calls for service involving assault and suspicious activity related incidents. Approximately 29.6% of all persons who required reportable force were under the influence of alcohol, drugs, or a combination of both.

In 2018, there was a decrease of officers assaulted. In total, 339 officers were assaulted, equating to a 15.7% decrease compared to 2017, during which 402 officers were assaulted. The 339 officers assaulted in 2018 also represent a 6.6% decrease in the 10 year average of 362.8 Fresno police officers assaulted.

In 2018, officers used reportable force options as follows:

Non-Striking Body Force	40.8%
Body Strike	22.0%
Taser	20.6%
K-9	6.4%
Pepper Spray	3.2%
Firearm	2.5%
Projected Impact Weapon	2.1%
Baton	1.4%
Carotid Restraint	1.1%

In comparing 2017 to 2018, the use of Taser showed a decrease of 2.5%. The use of the projected impact weapon increased by 0.6%. The use of the baton increased by 0.5%. K9 applications decreased by 1.5% while the use of pepper spray increased by 2%. There were no object strikes in 2018 compared to 1 in 2017. There were 7 officer involved shootings in 2018, compared to 5 in 2017.

In 2018, there was a 14.6% decrease in the number of use of force incidents as compared to 2017 and an increase of 7.2% in calls for service. The below table illustrates Calls for Service (CFS) compared to use of force applications over the last ten years. As compared to 2008, the Department has seen a 44.8% decrease in reportable force incidents.

YEAR	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
UOF	457	476	450	467	408	380	330	276	240	295	252
CFS	419,598	419,090	395,586	388,632	403,880	396,555	399,999	418,806	389,232	418,340	450,817

The Department has continued to provide officers with training to develop their ability to interact with persons with mental disabilities, de-escalate confrontations, and intervene in crisis situations. Officers have been provided updates on case law for the use of reportable force.

In 2015, the Department implemented the use of body worn video cameras for patrol officers. During 2018, efforts continued to increase the number of officers equipped with a body worn camera. As of the end of 2018, 452 officers have been issued a body worn camera. The use of the cameras has made officers more conscientious in the manner in which they interact with the public, more patient and creative in resolving conflict. Members of the public may be less confrontational knowing they are being video recorded.

Collectively, the Department's emphasis on use of force scenario based training, the Early Alert System, implementation of body worn video cameras and the nationwide focus on law enforcement has potentially led to the decrease in use of force incidents.

In 2018, there were multiple incidents that involved circumstances under which deadly force was justifiable, however officers demonstrated great restraint by finding alternative methods to de-escalate the situation. Examples of such incidents include:

Disturbance Call:

Gang task force detectives were working in plain clothes and unmarked cars when they observed a verbal confrontation between several males. They saw one male walking in the crosswalk in front of them, yelling back at two other males near a gas station. The two males then began to chase after the other male who was now running away. The detectives could see the two males were carrying backpacks, with one of the males reaching into his. They could hear the males shouting Bulldog gang slogans. The detectives knew this type of confrontation has led to numerous violent physical confrontations, many of which resulted in homicides. They pulled alongside the two males and activated their police sirens and ordered the males to stop running. One of the males complied but the male who had been reaching into his backpack continued running. After a short foot pursuit, one detective was able to get the male to stop running, however he did not submit fully. The male was still holding his backpack and keeping it to his right side. The lone detective was confronting the male and ordering him to place his hands in the air but the male refused. Instead, the male was now turning his body and backpack away from the detective who could now see what he thought was a firearm tucked into the male's waistband. The detective ordered the male to lay flat but he refused. At this point, the detective was still alone and faced with a resistant suspect who was possibly armed and in possession of a backpack after having been involved in a gang confrontation. The detective gave several more commands but the male still refused so the detective kicked the male one time which caused the male to finally lay flat and give up the back pack. The male was then arrested without any further resistance. A search of the back pack yielded a fully loaded and modified rifle with an extended magazine. The male was also found to have a fixed blade knife on his person.

Suspicious Person Call:

Officers were dispatched to a parking garage in regard to a female swinging a stick at people. When the officers arrived, they found the female on the seventh floor of the garage, sitting on the ledge with her feet hanging over. When the officers began to approach the female she threatened she would jump if they did not back away. The officers began a dialogue with the female that lasted 30 minutes. They were trying to get the female off the ledge while also arranging for additional assistance. The female finally complied and got off the ledge but armed herself with a 52" stick and began to walk towards an elevator. The officers could not let the female enter the elevator for fear that she would come in contact with another citizen so they moved in front of the elevator while other officers prevented her from going back to the ledge. The female then raised the stick and swung it at officers. They were able to avoid the stick and one officer deployed his electronic control device (Taser), which caused the female to drop the stick and allowed officers to safely handcuff her. The officers later learned that the female was on parole for a previous conviction of felony assault on a police officer.

Suspicious Activity:

Officers were dispatched to a private residence in regard to a strange male bathing in the homeowners backyard pool. When the first officer arrived, he could see the male was now trying to pry open a window with a hammer. The backup officer arrived a short time later and they went outside to contact

the male. They discovered that the male had already pried off the window screen and was working on the window. The officers ordered the male to stop and to place the hammer on the ground but he refused. Both officers had the male at gunpoint but he continued to refuse their directions, telling them that he would not go back to prison. One of the officers transitioned to his Taser and gave several more commands for the male to drop the hammer but he continued to refuse to do so. The male eventually raised the hammer over his head and started to come at the officers when one of the officers deployed his Taser at the male. The Taser had a limited effect on the male but he stopped advancing on the officers. He fell to the ground but was able to quickly get up and ran away from the officers, still in possession of the hammer. The officers gave chase and continued to order the male to drop the hammer and stop, but he refused. Fearing the male would come in contact with other citizens, the officer deployed his Taser again to stop the male. The male was able to remove the Taser darts and continued to run away. A short while later, the male finally dropped the hammer and was arrested without any further resistance.

Weapons Disturbance:

Officers were on patrol when they were flagged down about a male who had just broken out a car window. The officers learned that a resident was moving his car when an unknown male smashed out his rear window, and hit the driver door window as he was driving. The officers checked the area and located the male who was armed with two metal poles. The officers contacted the male who cursed the officers and told them to shoot him when he was ordered to drop the poles. The male assumed a fighting stance and took a step towards the officers. The officers continued to order the male to drop the poles but the male refused. One officer deployed his Taser on the male which caused the male to drop the poles, allowing the officers to safely handcuff the male.

Physical Disturbance Call:

Officers were dispatched to an apartment for an adult male physically attacking several of his adult female family members. The male had beaten two adult family members and sexually assaulted one. When officers arrived, they heard a loud disturbance in one of the bedrooms and could see the male through a hole kicked in the door. They could also see the male had his arm around the throat of an adult female, and was choking her. The officers ordered him to release the female but he refused so one officer deployed his electronic control device (Taser) through the hole in the door on the male, but it did not have an effect. The officers entered the room and continued to demand the male release the female but he still refused. The officers used the Taser again but it had no effect. By this time, the female was beginning to turn blue so the officers began to physically strike the male in an attempt to make him release the female but were still unable to force him to let her go. After another Taser deployment, the officers were finally able to get the male to release the female and were able to safely secure the male.

FRESNO POLICE DEPARTMENT REPORTABLE RESPONSE RESISTANCE PROJECT



Year 2018

Jerry P. Dyer
Chief of Police

Final Report

Use of Reportable Response Resistance (Force) Data Collection

Despite Fresno police officers routine use of verbal commands, and attempts to negotiate peaceful solutions when involved in adversarial situations, there are times when physical force is necessary to make an arrest, prevent an escape, overcome resistance, or defend against injury to officers or citizens. Officers use force as a last resort, with the vast majority of confrontations resolved with very little, if any, force applied. On rare occasions, deadly force must be used; however, the public is often unaware of the vast majority of potentially deadly confrontations that are peacefully resolved without resorting to deadly force.

Closely monitoring our officers assures management oversight and helps to build public trust. In order to accomplish this, we require a review of each reportable use of force by field supervisors. Data is collected by the supervisors, forwarded through the department chain of command and reviewed at each level of supervision, to include Deputy Chiefs of Police.

After staff review is complete, the Professional Standards Unit reviews police reports and other force data for comparative analysis and composite reporting. This information is used to determine effectiveness and necessity of the force used, reliability of equipment, training needs, policy modifications, etc.

The Department defines reportable force as any force when:

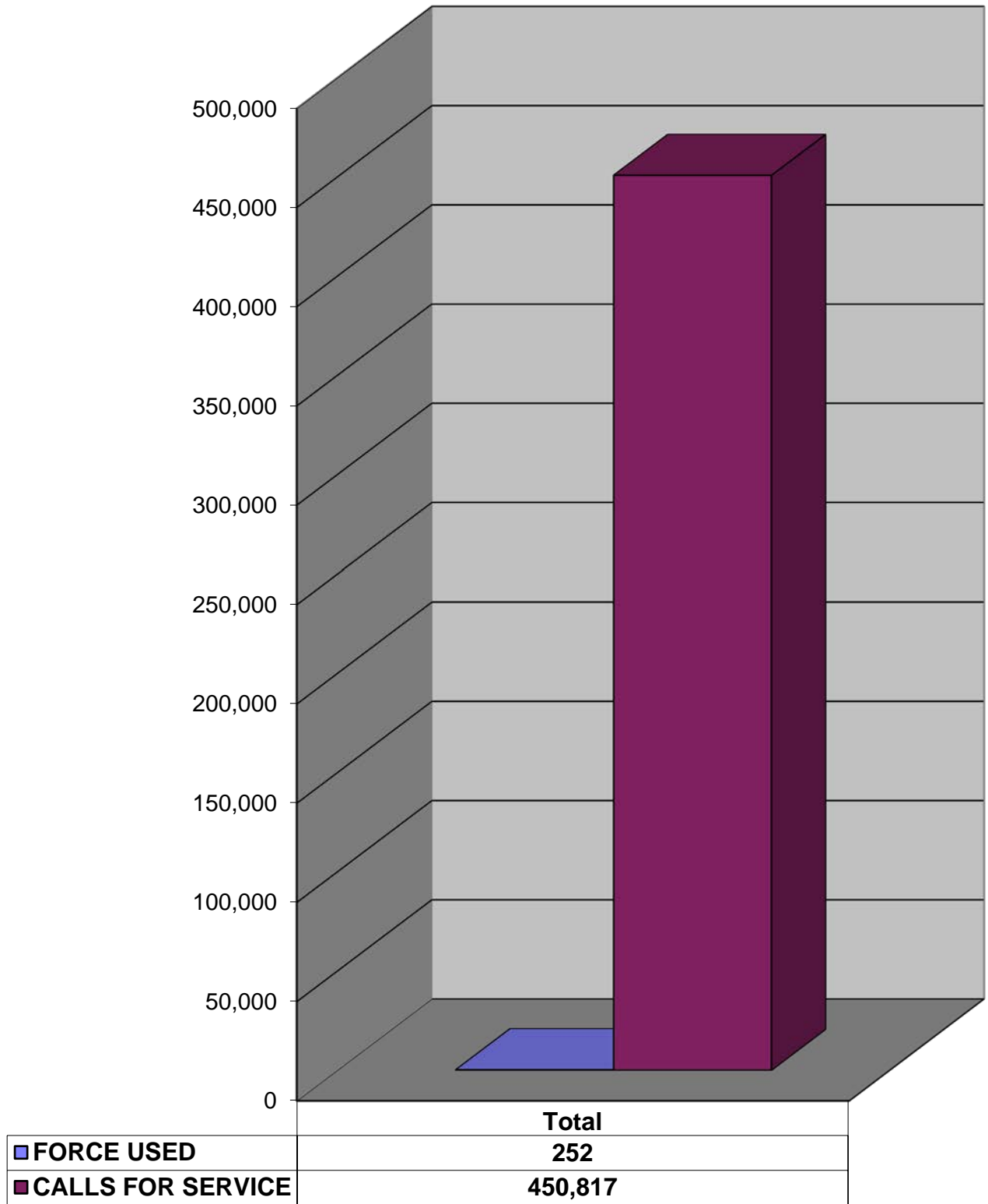
1. Officers (including canines) use force and a person is injured, has expressed a complaint of pain or has been rendered unconscious; or,
2. Officers strike a person with a body part (e.g., fist, foot, elbow, etc.) or any object (e.g., flashlight, clipboard, etc.); or,
3. Officers use (not merely display) a Department issued weapon (e.g., baton, chemical agents, Taser, less lethal, shotgun, firearm, etc.) against another.

Fresno police officers applied force in 252 incidents while responding to 450,817 calls for service (CFS). This equates to officers applying force in 0.056% of all calls for service for this reporting period.

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Calls For Service (CFS) vs. Reportable Response Resistance (Force) Incidents



CFS does not include events handled telephonically.
0.056% of all CFS resulted in the application of reportable force.

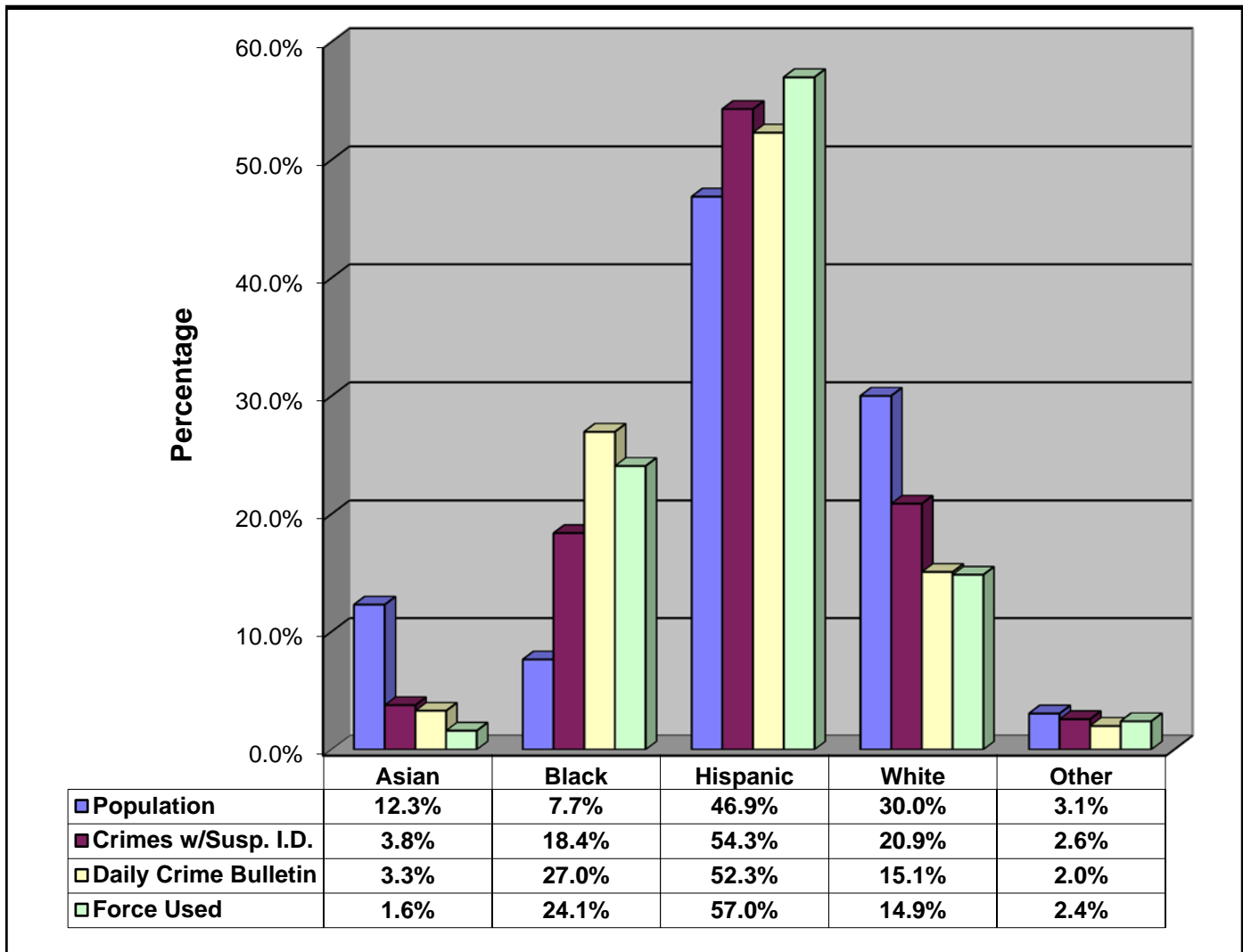
Suspect Demographics

	Asian	Black	Hispanic	White	Other
City of Fresno Pop. (494,665)*	60,939	37,885	232,055	148,598	15,188
Percentage	12.3%	7.7%	46.9%	30.0%	3.1%
Crimes with Suspect's Race/Age Identified (46,310)	1,748	8,521	25,162	9,680	1,199
Percentage	3.8%	18.4%	54.3%	20.9%	2.6%
Daily Crime Bulletin Listings (1090)**	36	295	572	165	22
Percentage	3.3%	27.0%	52.3%	15.1%	2.0%
Force Applications (249)***	4	60	142	37	6
Percentage	1.6%	24.1%	57.0%	14.9%	2.4%

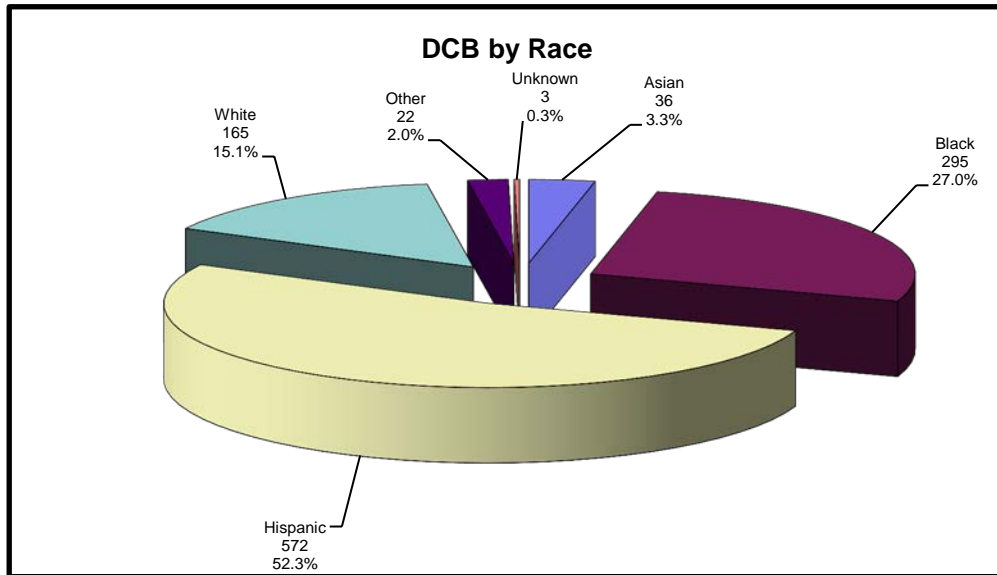
* 2010 Census

** 3 persons or 0.3% were listed as 'unknown' (see page 3 for definition of Daily Crime Bulletin - DCB)

*** Of the 252 reportable force cases, 3 had no age or race data available



**DAILY CRIME BULLETIN (WANTED PERSONS) BY RACE
LISTINGS – 1093**

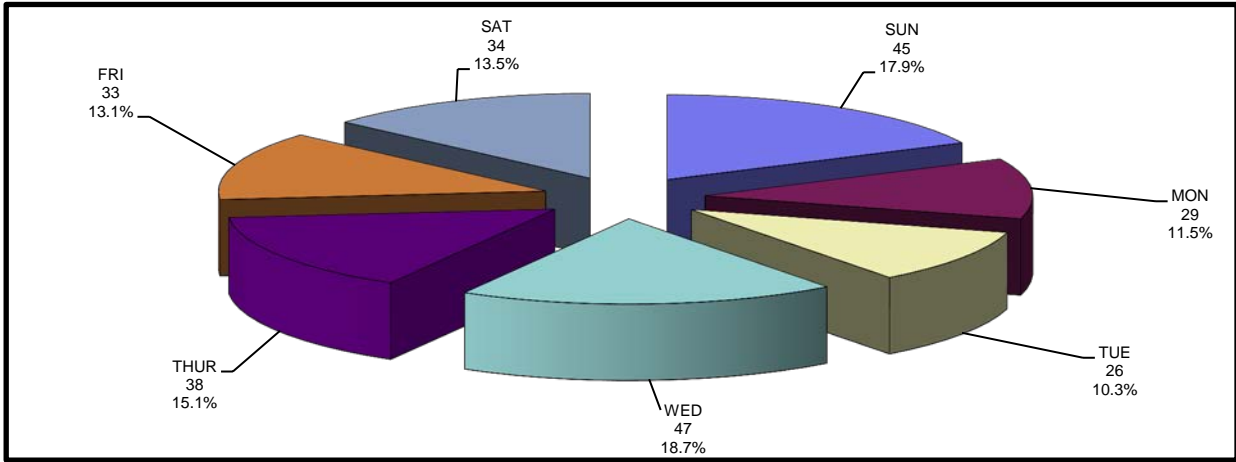


Order by Race:	Hispanic	-	52.3%
	Black	-	27.0%
	White	-	15.1%
	Asian	-	3.3%
	Other	-	2.0%
	Unknown	-	0.3%

The Daily Crime Bulletin (DCB) is a restricted, law enforcement use only document, issued department wide to all sworn personnel and twelve other local/state agencies to assist in locating/arresting suspects and wanted persons. The DCB is issued seven days a week and typically contains the following information:

- 1) Felonies with known, at-large, suspects
- 2) Wanted parolees
- 3) Officer safety information (vehicle occupants in possession of firearms, possible armed subjects, etc.)

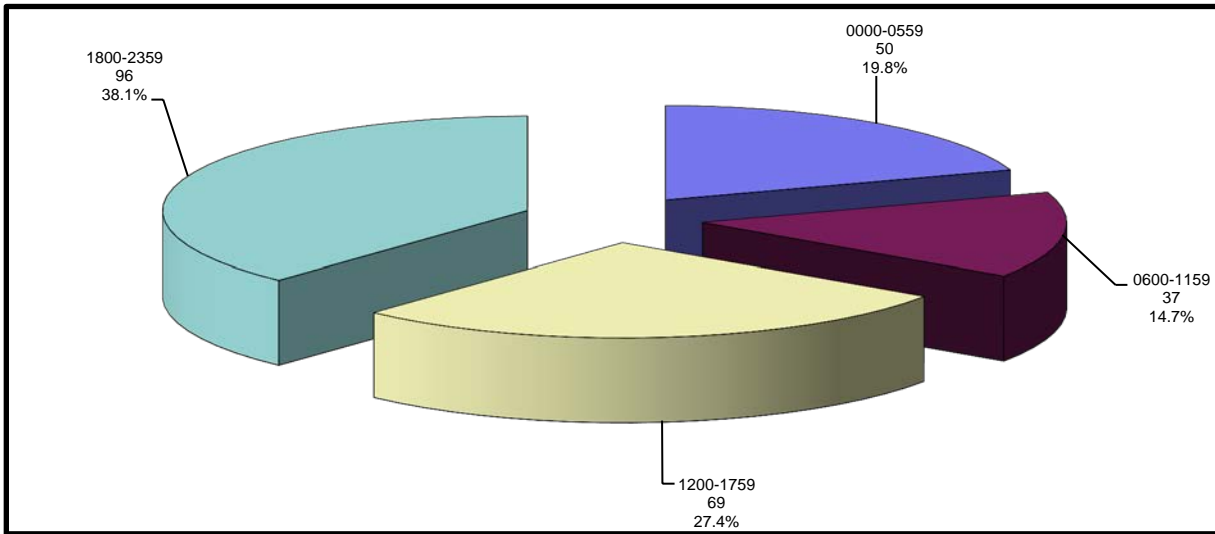
FORCE INCIDENTS BY DAY OF WEEK, CITY-WIDE



Order by Day of the Week:

Wednesday	-	18.7%
Sunday	-	17.9%
Thursday	-	15.1%
Saturday	-	13.5%
Friday	-	13.1%
Monday	-	11.5%
Tuesday	-	10.3%

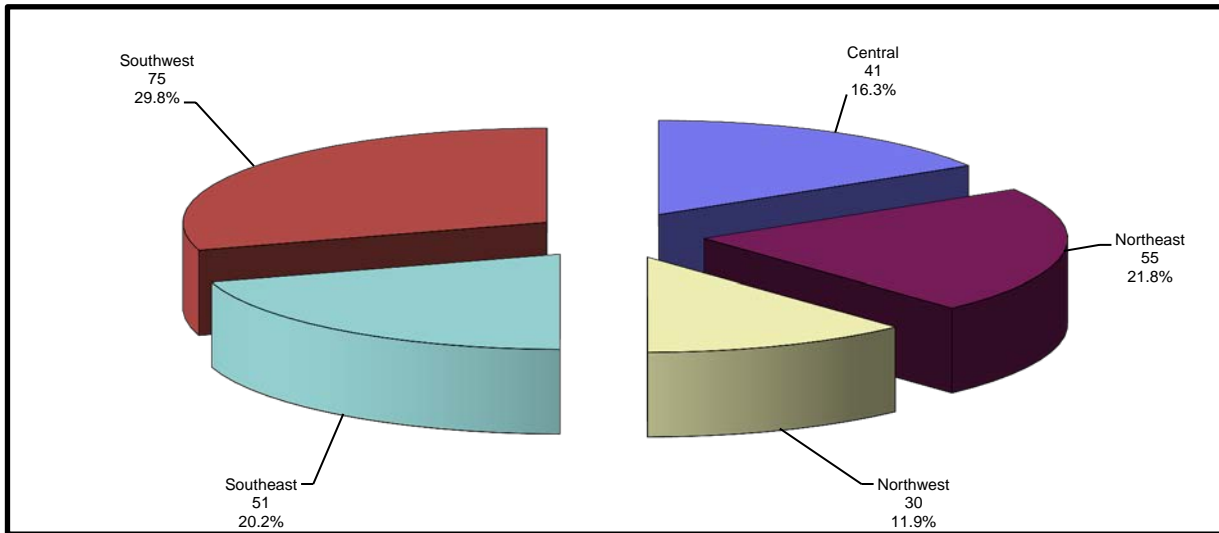
FORCE INCIDENTS BY HOUR OF DAY, CITY-WIDE



Order by Hours of the Day:

1800 to 2359 hrs	-	38.1%
1200 to 1759 hrs	-	27.4%
0000 to 0559 hrs	-	19.8%
0600 to 1159 hrs	-	14.7%

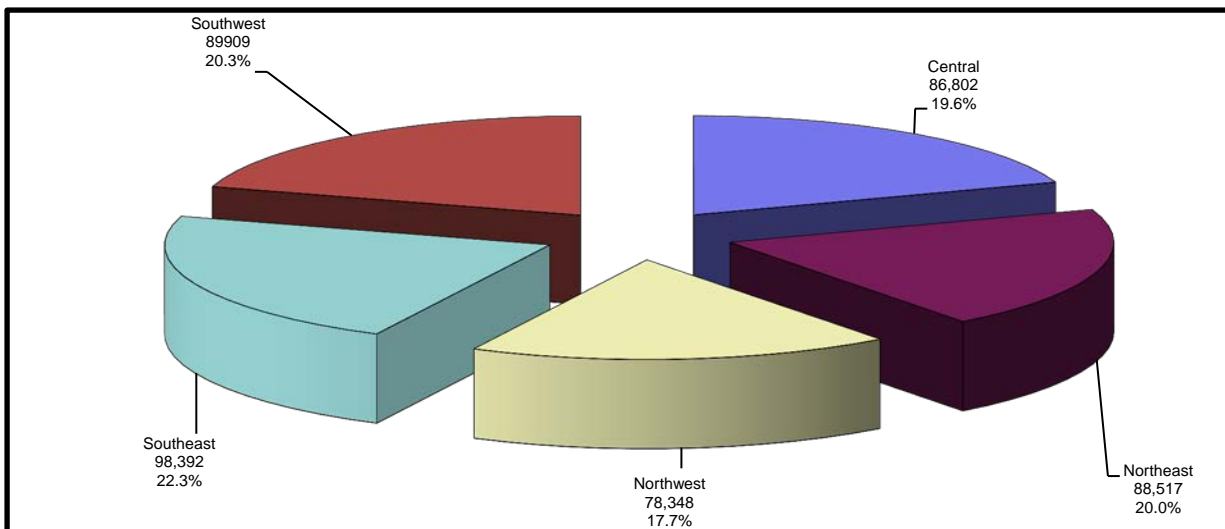
FORCE INCIDENTS BY POLICING DISTRICT*



Of the 252 force incidents, 0 were not assigned to a specific district.

Order by District:	Southwest	-	29.8%
	Northeast	-	21.8%
	Southeast	-	20.2%
	Central	-	16.3%
	Northwest	-	11.9%

ALL CALLS FOR SERVICE (CFS) BY POLICING DISTRICT*



Of the 450,817 CFS, 8,849 were not assigned to a specific district.

Order by District:	Southeast	-	22.3%
	Southwest	-	20.3%
	Northeast	-	20.0%
	Central	-	19.6%
	Northwest	-	17.7%

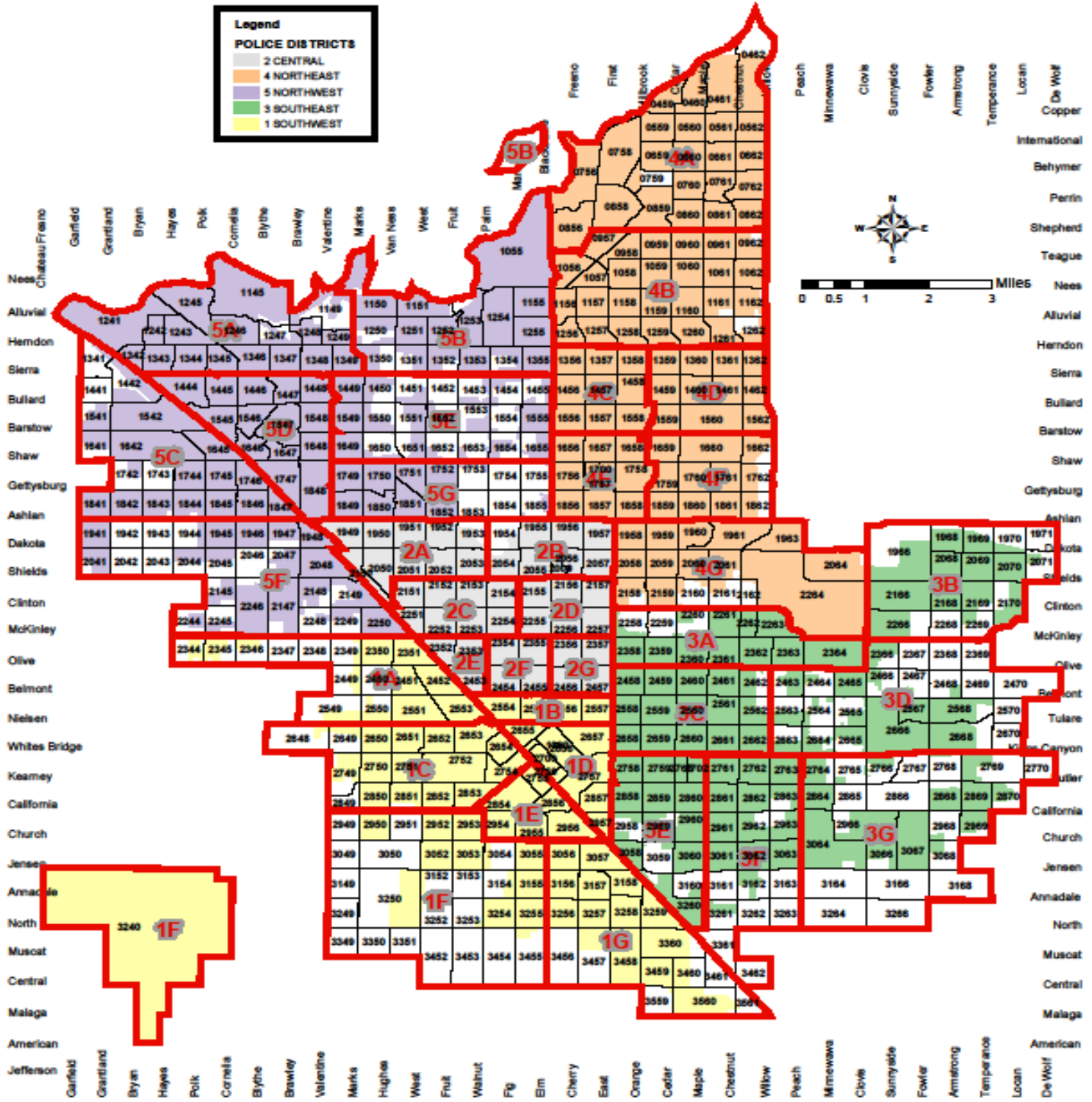
* See page 6 for policing district boundaries.

Fresno Police Department

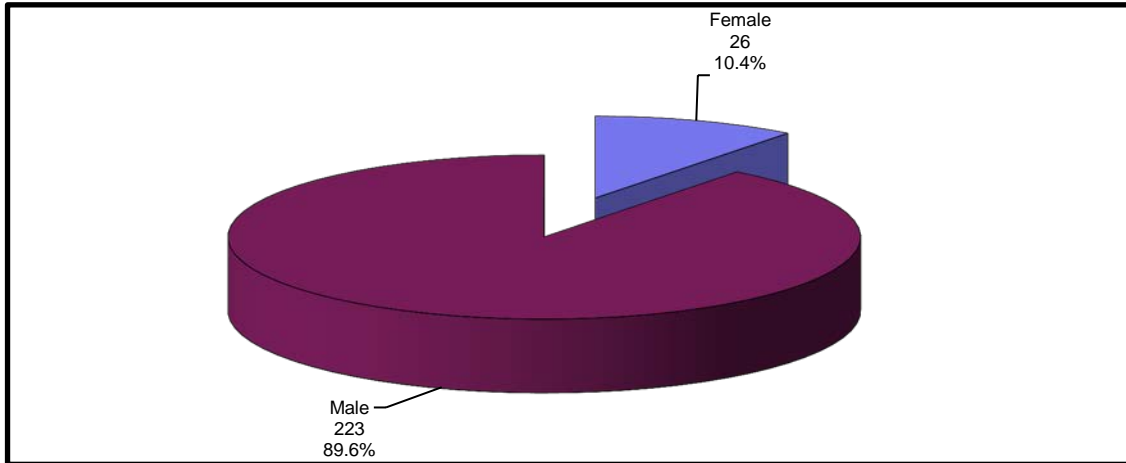
Legend

POLICE DISTRICTS

- 2 CENTRAL
- 4 NORTHEAST
- 5 NORTHWEST
- 3 SOUTHEAST
- 1 SOUTHWEST



FORCE INCIDENTS BY GENDER OF SUSPECTS



Of the 252 force incidents, 3 had no gender data available.

REPORTED CRIMES BY AGE AND RACE OF SUSPECTS

Age Group	Asian	Black	Hispanic	White	Other	TOTAL
12-17	76	529	1,393	207	35	2,240
18-23	191	1,376	3,889	880	214	6,550
24-29	363	1,971	5,576	1,667	310	9,887
30-35	393	1,391	4,696	1,698	209	8,387
36-41	265	1,106	3,625	1,414	143	6,553
42-47	234	657	2,523	1,143	94	4,651
48-53	101	611	1,673	1,173	94	3,652
54-59	61	484	1,064	954	48	2,611
60-65	33	314	475	379	24	1,225
66 and Over	31	82	248	165	28	554
Total	1,748	8,521	25,162	9,680	1,199	46,310

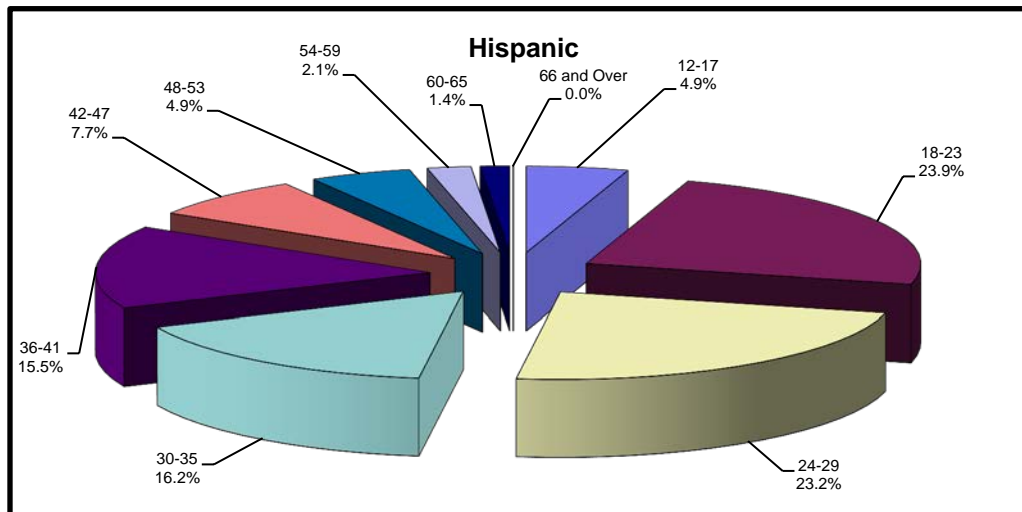
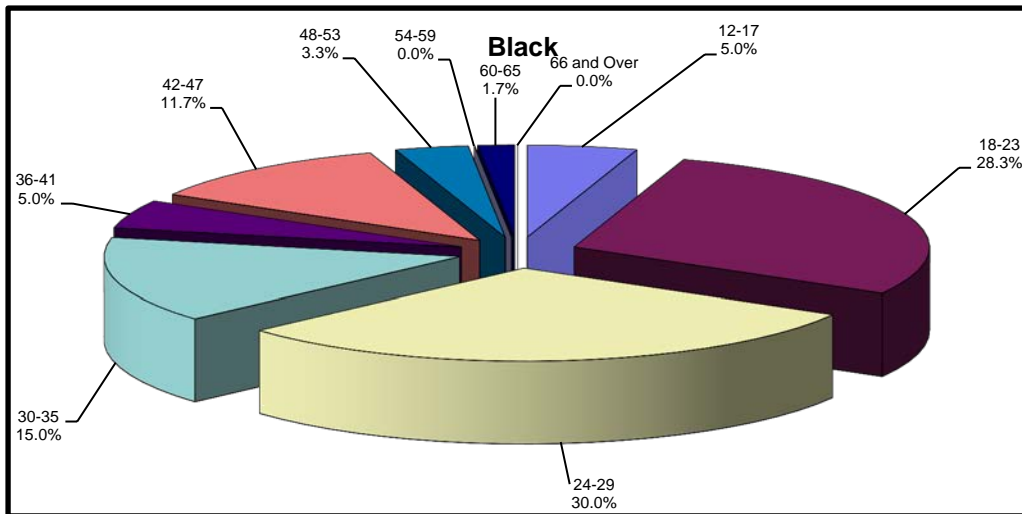
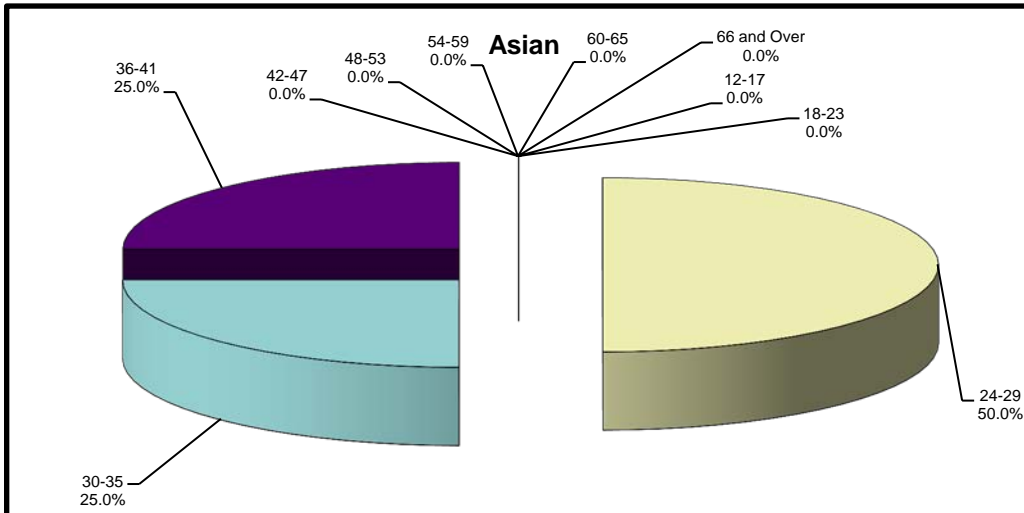
Of the 46,646 reported crime suspects, 46,310 had both age and race data.

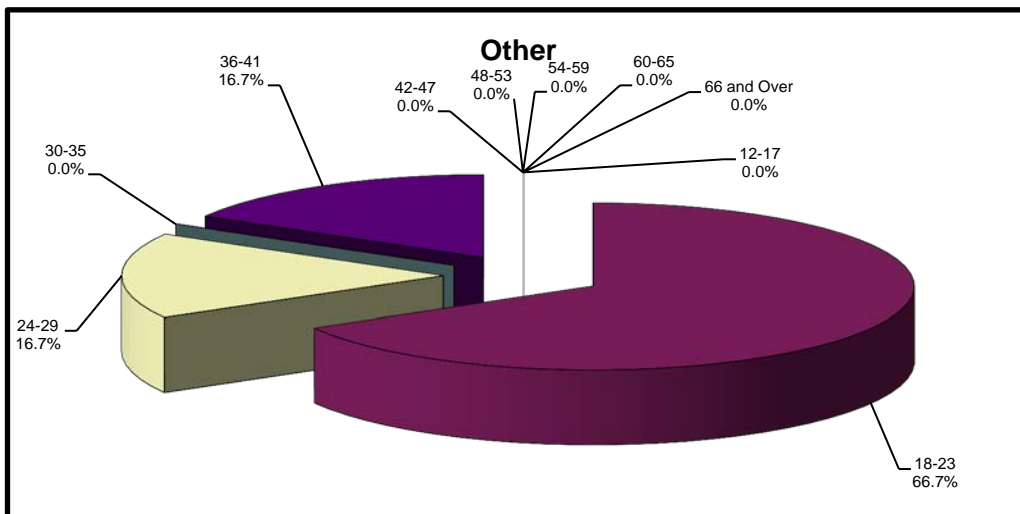
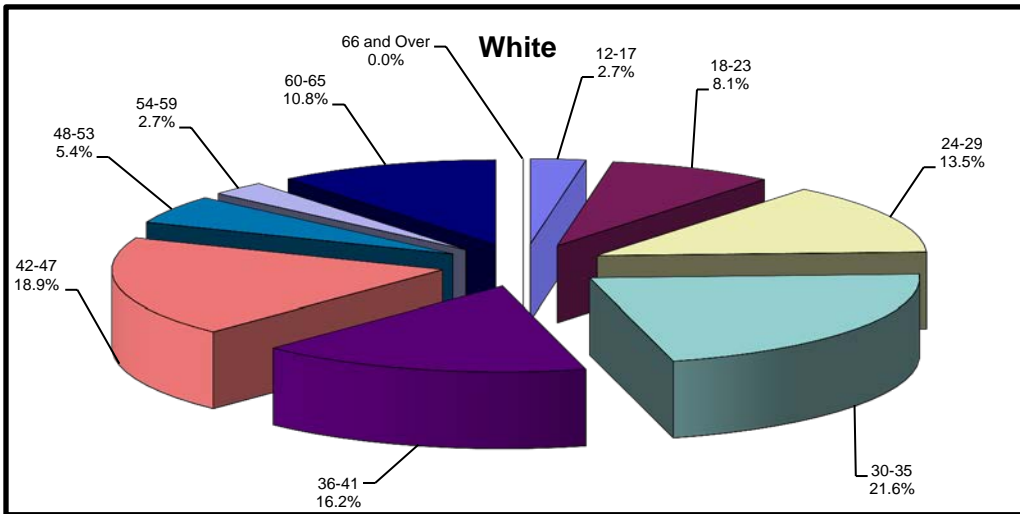
REPORTABLE FORCE INCIDENTS BY AGE AND RACE OF SUSPECTS

Age Group	Asian	Black	Hispanic	White	Other	TOTAL
12-17		3	7	1		11
18-23		17	34	3	4	58
24-29	2	18	33	5	1	59
30-35	1	9	23	8		41
36-41	1	3	22	6	1	33
42-47		7	11	7		25
48-53		2	7	2		11
54-59			3	1		4
60-65		1	2	4		7
66 and Over						0
Total	4	60	142	37	6	249

Of the 252 force incidents, 249 had both age and race data.

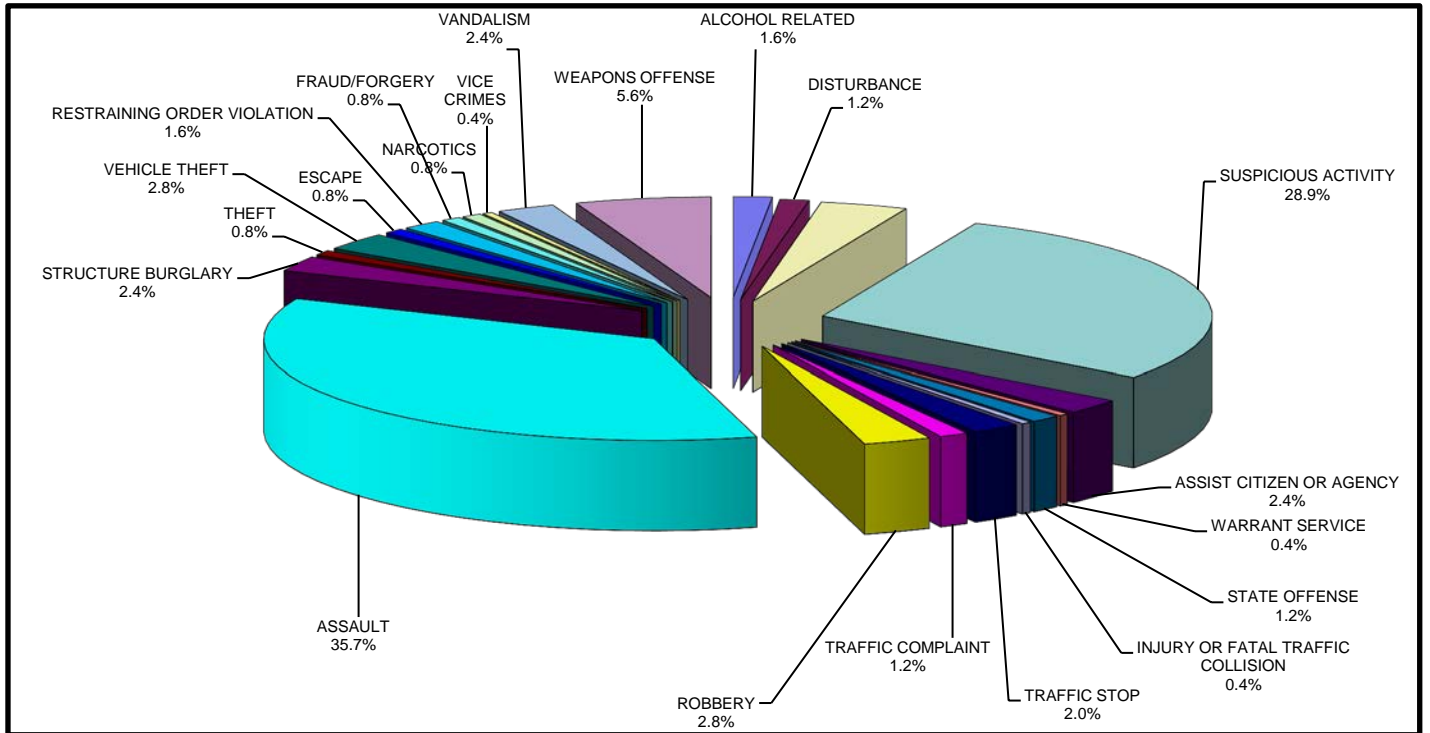
REPORTABLE FORCE INCIDENTS BY AGE AND RACE OF SUSPECTS





"Other" refers to persons whose race is not defined as Asian, Black, Hispanic or White, i.e. persons from the Pacific Islands or American Indian.

TYPE OF CFS RESULTING IN REPORTABLE FORCE INCIDENTS

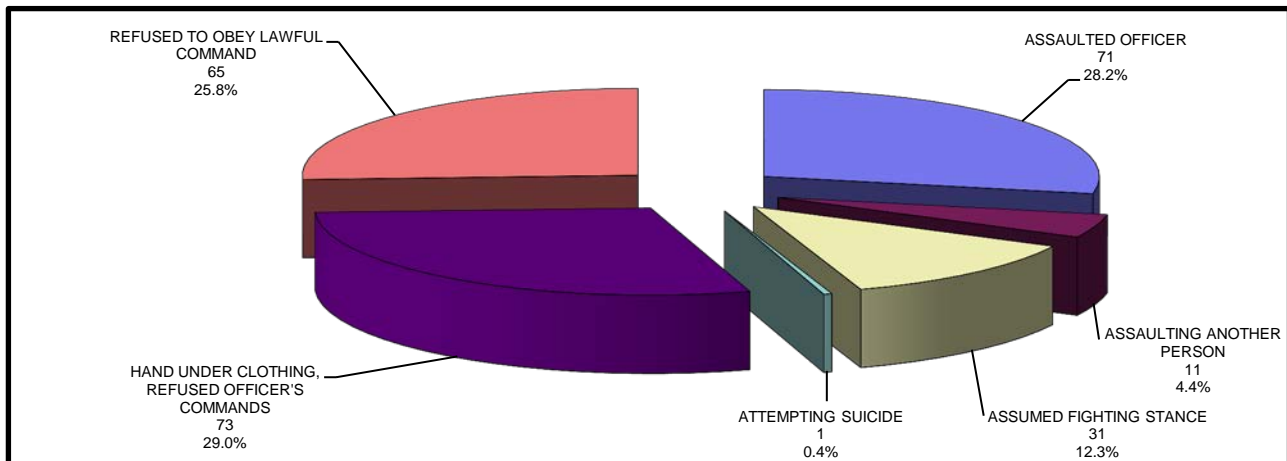


Order by Force Incident Clearance Code:

Force Incident Type	Force Incidents:	CFS Total:
ASSAULT	89	5715
SUSPICIOUS ACTIVITY	72	94285
WEAPONS OFFENSE	14	4770
HEALTH/SUICIDE	9	24596
ROBBERY	7	1281
VEHICLE THEFT	7	6819
ASSIST CITIZEN OR AGENCY	6	14786
STRUCTURE BURGLARY	6	17357
VANDALISM	6	3357
TRAFFIC STOP	5	80259
ALCOHOL RELATED	4	2245
RESTRAINING ORDER VIOLATION	4	2404
DISTURBANCE	3	53528
STATE OFFENSE	3	9
TRAFFIC COMPLAINT	3	13399
THEFT	2	10154
ESCAPE	2	1
FRAUD/FORGERY	2	840
NARCOTICS	2	2231
WARRANT SERVICE	1	14425
INJURY OR FATAL TRAFFIC COLLISION	1	2187
VICE CRIMES	1	400
TOTAL	249 *	

* 3 force incidents had wrong or no clearance codes.

SUSPECT'S ACTIONS NECESSITATING THE USE OF FORCE



Order by Action:

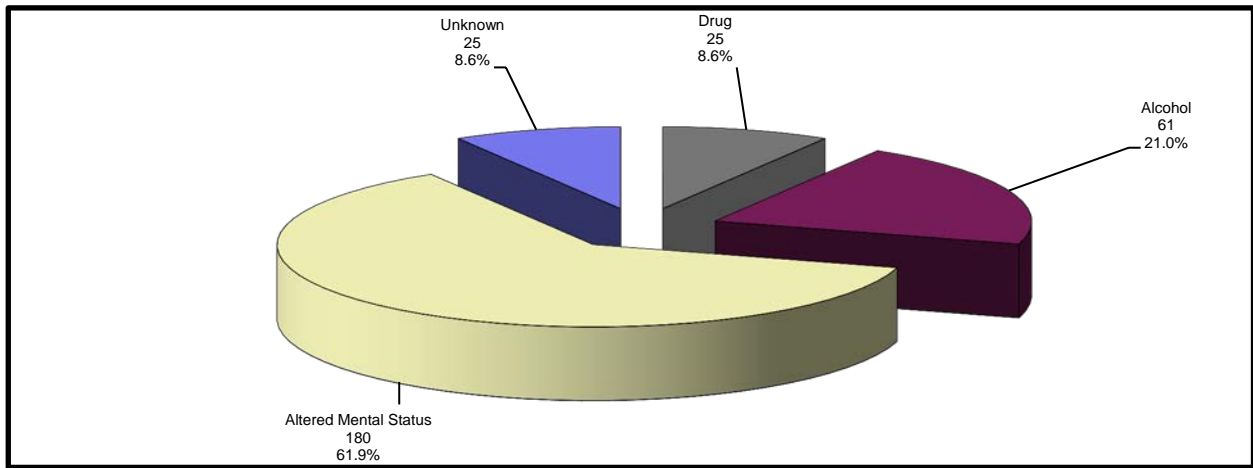
HAND UNDER CLOTHING, REFUSED OFFICER'S COMMANDS	-	29.0%
ASSAULTED OFFICER	-	28.2%
REFUSED TO OBEY LAWFUL COMMAND	-	25.8%
ASSUMED FIGHTING STANCE	-	12.3%
ASSAULTING ANOTHER PERSON	-	4.4%
ATTEMPTING SUICIDE	-	0.4%

REPORTABLE FORCE INCIDENTS BY TYPE OF CFS AND SUSPECT'S ACTION

TYPE OF CFS	ASSAULTED OFFICER	ASSAULTING ANOTHER PERSON	ASSUMED FIGHTING STANCE	ATTEMPTING SUICIDE	HAND UNDER CLOTHING, REFUSED OFFICER'S COMMANDS	REFUSED TO OBEY LAWFUL COMMAND
ALCOHOL RELATED	2	0	0	0	2	0
DISTURBANCE	0	2	0	0	0	1
HEALTH/SUICIDE	3	0	1	0	3	2
SUSPICIOUS ACTIVITY	8	1	9	0	28	26
ASSIST CITIZEN OR AGENCY	2	0	1	0	2	1
WARRANT SERVICE	1	0	0	0	0	0
STATE OFFENSE	0	1	0	0	1	1
INJURY OR FATAL TRAFFIC COLLISIO	0	0	0	0	0	1
TRAFFIC STOP	0	0	1	0	2	2
TRAFFIC COMPLAINT	0	0	1	0	2	0
ROBBERY	1	0	2	0	1	3
ASSAULT	44	6	9	0	18	12
STRUCTURE BURGLARY	0	0	1	1	1	3
THEFT	0	0	1	0	1	0
VEHICLE THEFT	2	0	0	0	1	4
ESCAPE	0	0	0	0	1	1
RESTRAINING ORDER VIOLATION	1	0	0	0	1	2
FRAUD/FORGERY	0	0	0	0	2	0
NARCOTICS	1	0	0	0	1	0
VICE CRIMES	0	0	0	0	1	0
VANDALISM	1	0	1	0	1	3
WEAPONS OFFENSE	4	0	3	0	4	3
Total	70	10	30	1	73	65

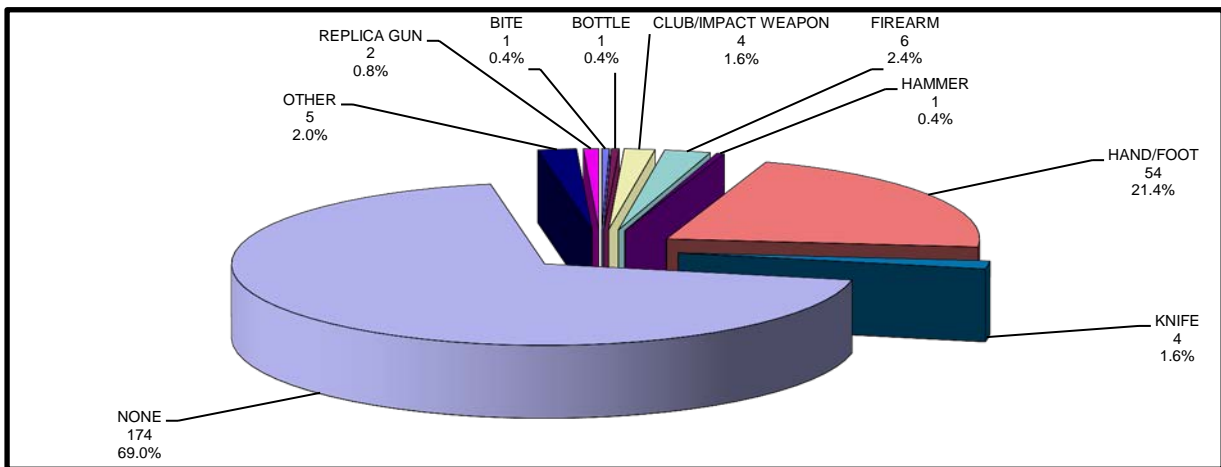
* 3 force incidents had wrong or no clearance codes.

SUSPECT'S CONDITION AT TIME REPORTABLE FORCE APLIED



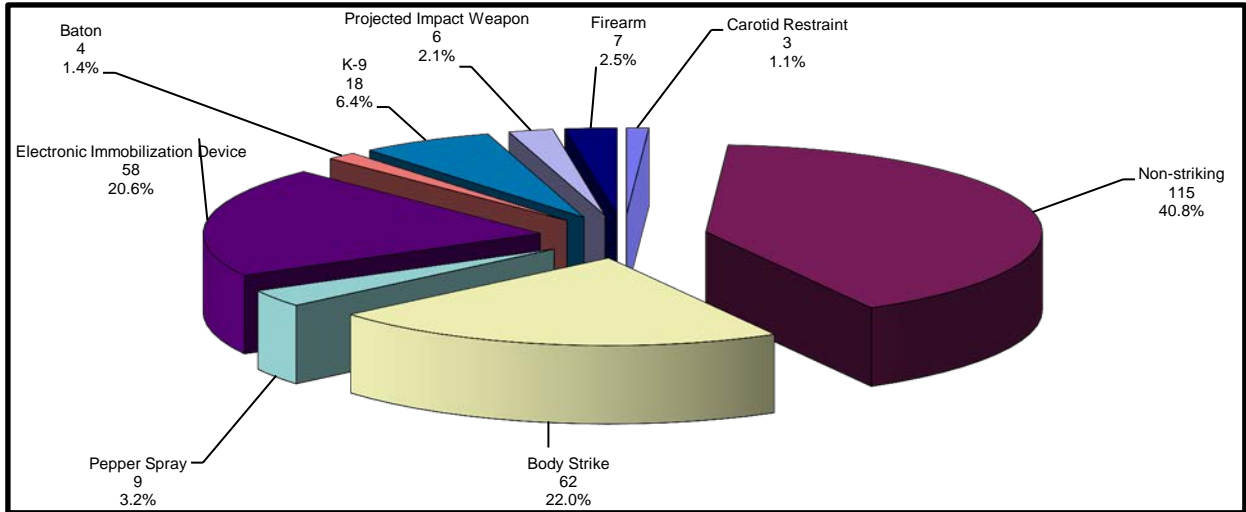
Some suspects had more than one condition.

SUSPECT WEAPONS WITH REPORTABLE FORCE APLIED



Order by Weapon:	NONE	-	69.0%
	HAND/FOOT	-	21.4%
	FIREARM	-	2.4%
	OTHER	-	2.0%
	CLUB/IMPACT WEAPON	-	1.6%
	KNIFE	-	1.6%
	REPLICA GUN	-	0.8%
	BITE	-	0.4%
	BOTTLE	-	0.4%
	HAMMER	-	0.4%

REPORTABLE FORCE USED BY OFFICERS



Some incidents require multiple applications of force to take a suspect into custody or stop an unlawful attack.

Order by Force:

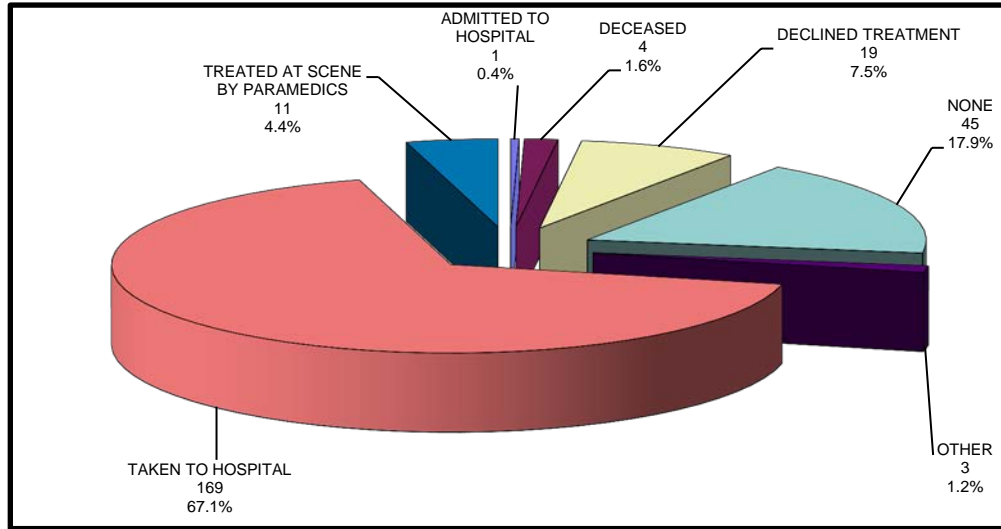
Non-striking	-	40.8%
Body Strike	-	22.0%
Electronic Immobilization Device	-	20.6%
K-9	-	6.4%
Pepper Spray	-	3.2%
Firearm	-	2.5%
Projected Impact Weapon	-	2.1%
Baton	-	1.4%
Carotid Restraint	-	1.1%

Note: Electronic Immobilization Device is also referred to as a Taser.

Projected Impact Weapon is also referred to as a Less Lethal Shotgun or bean bag gun.

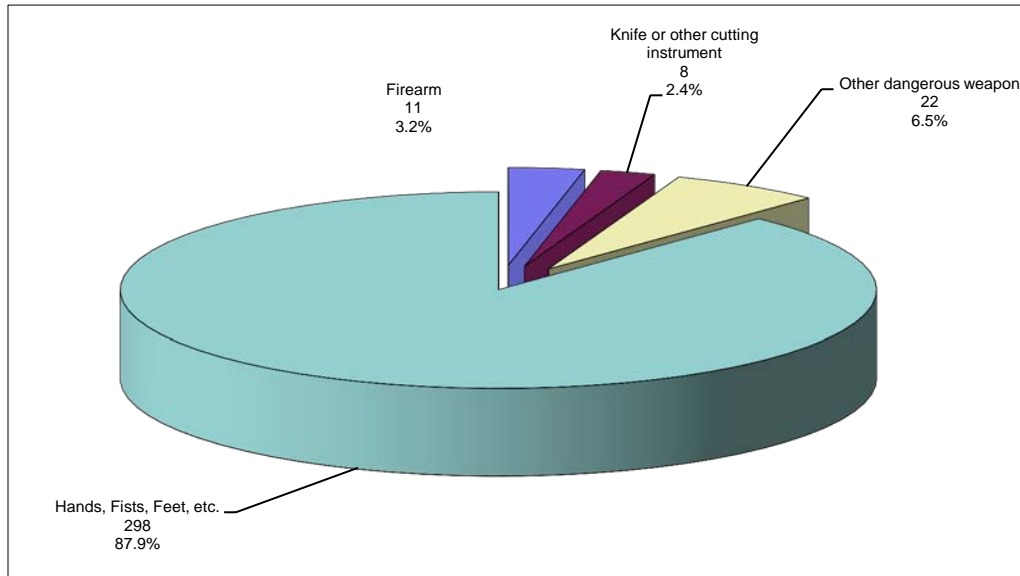
OFFICER SAFETY ISSUES, WEAPON RETENTION

SUSPECT MEDICAL REVIEW AFTER REPORTABLE FORCE APPLIED



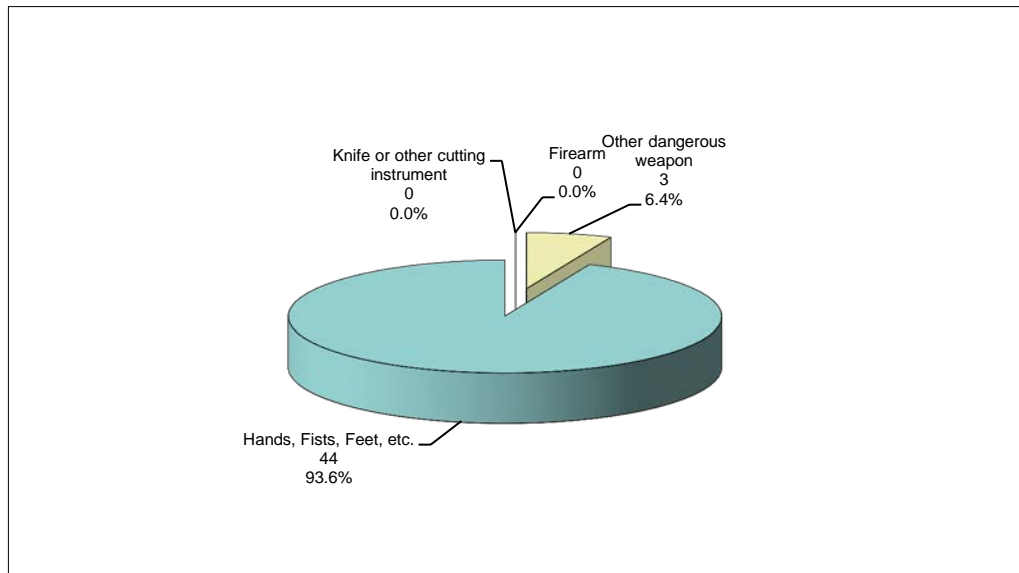
Not all suspects who received medical review were injured. Per Department policy, any person subjected to a chemical agent/mace, electronic immobilizing device (taser), less lethal impact projectile, or any force which causes injury or renders temporary disability to an arrestable subject, is automatically provided medical care by on-scene medical personnel or at a hospital.

OFFICERS ASSAULTED *



339 officers were assaulted.

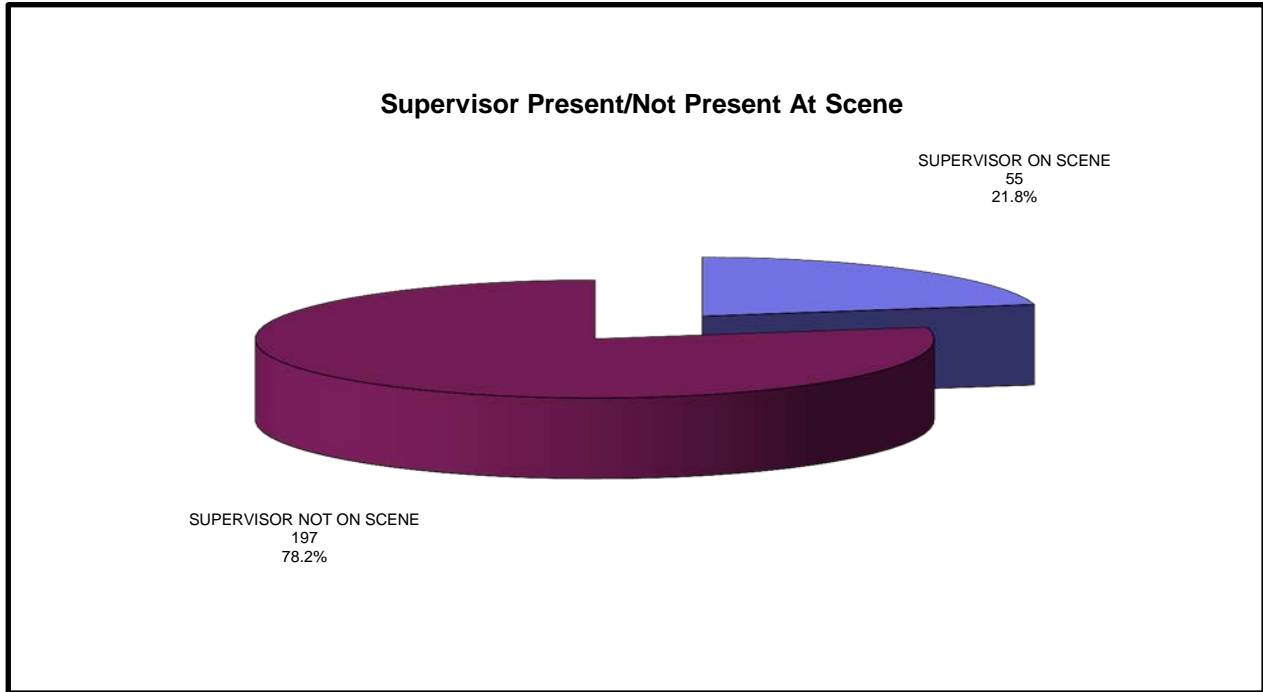
OFFICERS INJURED*



47 officers were injured requiring immediate medical treatment.

* Data based on the Year 2018 LEOKA (Law Enforcement Officers Killed or Assaulted) report. Not all incidents, where an officer was injured, involved a use of reportable force, i.e. the suspect gives up after injuring an officer.

SUPERVISOR ON SCENE WHEN REPORTABLE FORCE APPLIED



A supervisor may be enroute to assist an officer on a call; however, the officer may be required to use reportable force prior to the supervisor's arrival. In these circumstances, the supervisor would be considered "not on scene."