



POLICE DEPARTMENT

MEMORANDUM

DATE: January 27, 2020

TO: ANDREW J. HALL, Chief of Police
Office of the Chief

THROUGH: LYDIA CARRASCO, Deputy Police Chief
Administrative Services

JENNIFER HORSFORD, Lieutenant
Internal Affairs Bureau Commander

FROM: ZEBULON PRICE, Sergeant
Audit and Inspections Unit

SUBJECT: BIAS-BASED PROFILING REVIEW

On January 25, 2020, the Audit and Inspections Unit conducted a review of all inquiries and complaints involving biased-based profiling allegations made against Department members in 2019. The annual review of all 2019 biased-based policing allegations was based on information obtained from Internal Affairs records.

This review intends 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

All documented bias-based inquiries and complaints received by the Department in 2019 were examined. The IA PRO program was used to complete the audit.

Three (3) bias-based complaints were handled by the Department in 2019. Two (2) complaints were handled by a field supervisor and one (1) complaint was handled by an investigations supervisor.

In September 2017, Policy & Procedure 1020 was amended to read;

“Complaints related to racial/identity profiling (or bias-based policing) generally require an ROC and are investigated via the formal complaint process.”

Synopsis of Complaints

On February 8, 2019, officers responded to a residence regarding a disturbance. When officers arrived they observed a disturbance between several subjects out front. They separated all the involved parties and conducted an investigation. Their investigation revealed that on a prior day the citizen at this location had caught her teenage son smoking marijuana with a friend. Due to this, the friend was told he was no longer welcomed over. On this day the friend came back over with his older sister to pick up some of his belongings he had left there. A dispute began over some missing property which turned physical. While taking statements, officers received conflicting information. A police report was written and no arrests were made. Due to no arrests being made, and from prior contacts with police officers, the citizen claimed the Police Department was not protecting her by not making an arrest. On February 9, 2019, the citizen called into the Police Department and made an allegation of racism as well.

After receiving the complaint, the Officer's patrol supervisor conducted an investigation into the matter and documented it on an Inquiry Complaint Form. The supervisor reviewed the event report, police reports, and viewed all officers body camera video. The supervisor found that the officers followed department policy. The video showed the officers acted professionally and treated all persons on scene with respect and dignity. The supervisor also did not observe anything that could have been classified as racist. On February 11, 2019 the citizen then e-mailed the Police department and made an additional complaint that an officer pointed a taser at her while she was involved in the physical disturbance. When the supervisor reviewed the body camera, it showed the Officer's taser was at a low-ready position as he was giving verbal commands to all parties involved in the disturbance. The patrol supervisor found the allegation of racially biased policing to be unfounded and the allegations of not making an arrest and pointing a taser at the citizen were exonerated.

On January 31, 2019 officers responded to a call of a domestic battery where the suspect was attempting to leave. Upon arrival, Officers located the vehicle with the suspect inside and after a long stand-off the suspect finally exited his vehicle. As officers were giving him commands, the suspect held up his middle fingers and “flipped-off” a female who was watching the situation unfold. The suspect was handcuffed and placed into a patrol vehicle. It was later discovered the suspect was being accused of felony crimes; which included domestic battery, strangulation, and attempted rape. Due to the allegations,

detectives were contacted and assisted in interviewing the suspect. He was later arrested and booked at the Fresno County Jail.

On February 4, 2019, the suspect called the Police Department and claimed the officers were racist, did not give him an opportunity to give a statement, was not allowed to access his cell phone to obtain any phone numbers, and complained that his cloths were taken. The suspect also complained the Crime Scene Investigations Technician lied to him, and the detectives who interviewed him were friends of the victim.

The investigations supervisor in charge of the detectives conducted an investigation into the allegations. He reviewed the Officer's body camera video and discovered the video contradicts the suspect's complaints. As soon as the suspect was handcuffed and placed into the patrol vehicle he was read his Miranda rights. The suspect then waived his rights and talked for five minutes. When the detectives arrived, he was explained why he was under arrest. The investigations supervisor made several attempts to contact the suspect for follow up, however the suspect would not call back. The investigations supervisor found the allegation of racially biased policing to be unfounded. The allegation of not being able to provide a statement and the other allegations were exonerated.

On October 2, 2019, officers responded to a call for service of a non-injury traffic collision. Officers performed an information exchange between the parties involved and made documentation regarding the collision in the police event. A citizen involved in the crash called the Police Department and claimed the police report was false and that she was a victim of racism and profiling due to her ethnicity. The patrol supervisor attempted to and was unsuccessful in contacting the citizen. He also reviewed the Officer's body camera video and determined the officer was professional while handling the call. The patrol supervisor found the allegation of racially biased policing to be unfounded. The allegation of not including information in the report was exonerated since there was no report written.

Analysis

Of the three (3) 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 2019, Fresno Police officers handled 424,255 events and calls for service. Of those, approximately .0007% resulted in a bias-based complaint.

Areas of Concern

None.

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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.