



MEMORANDUM

DATE: JULY 26, 2023

TO: PACO BALDERRAMA, Chief of Police
Office of the Chief

THROUGH: BURKE FARRAH, Deputy Police Chief
Administrative Services

SEAN BIGGS, Lieutenant
Internal Affairs Commander

FROM: MICHAEL MARTIN, Sergeant
Policy & Procedures Unit

SUBJECT: BIAS-BASED PROFILING REVIEW

On April 20, 2023, the Policy & Procedures Unit conducted an audit of all inquiries and complaints involving biased-based profiling allegations against Department members in 2022. The review was based on information obtained from Internal Affairs records. The intent of the review is to identify possible enforcement trends that may be of concern to the department and the community.

Profiling criminal conduct is a valuable tool used to assist law enforcement officers in carrying out their duties. The Fresno Police Department does not condone bias-based profiling, as it may lead to constitutional rights violations against the residents we serve. Bias-based profiling is defined as selective enforcement of the law based solely on the common trait of a group, including, but not limited to, race, ethnic background, gender, gender expression, sexual orientation, religion, economic status, age, or culture.

Methodology

All documented bias-based inquiries and complaints received by the Department in 2022 were examined. The IA PRO program was used to complete this audit.

Nine bias-based complaints were handled by the Department in 2022. Seven complaints were investigated by a field-level supervisor and two by our Internal Affairs Bureau.

Synopsis of Complaints

Complaint #1:

On August 29, 2021, the Fresno Police Department received a complaint alleging racial profiling and disrespectful behavior. The complaint was assigned to a patrol supervisor to complete an administrative investigation. The supervisor reviewed relevant documents, viewed body camera footage, and spoke to the complainant. The complainant informed the supervisor he was stopped for not having a front license plate and felt his vehicle was illegally searched. The complainant further stated the officer was not respectful, and he thought he was racially profiled. The complainant believed the officer saw him before the stop and was involved in criminal activity. The complainant felt he should have just received a citation and that his vehicle should not have been towed.

The supervisor's investigation revealed the officer conducted a lawful traffic stop due to the complainant not having a front license plate as required by the California Vehicle Code. Furthermore, the complainant was operating a motor vehicle with a suspended license. The officer conducted an inventory search before impounding the vehicle, which is within department policy. Body camera footage captured the incident and at no time did the officer act unprofessionally, violate any department policies, or violate the complainant's rights. The patrol supervisor advised the complainant of the findings and documented the investigation on an Inquiry Complaint Form. The complaint against the officer was unfounded.

Complaint #2:

On January 19, 2022, patrol officers were attempting a check on the complainant's license plate when the complainant abruptly pulled over to the side of the roadway. The officers did not activate any emergency equipment or conduct a traffic stop. The officers decided to pull up next to the vehicle and conduct a consensual encounter. The complainant was not detained at any time and was free to leave. The officers engaged in a conversation with the complainant from inside the patrol vehicle. The complainant became irate and began shouting at the officers. To avoid the unnecessary conflict, the officers decided to drive away.

The complainant later called the department and alleged he was stopped due to his race. The complaint was assigned to the Internal Affairs Bureau to conduct an administrative investigation related to the allegation of bias-based policing. The Internal Affairs investigator reviewed relevant documents and conducted several interviews. Based on the investigation, it was determined that due to the hours of darkness, the complainant's race was unknown to the officers before they pulled alongside the complainant to speak to them. The complaint against the officers was unfounded as they did not violate any department policies or violate the complainant's rights. An Internal Affairs report was completed relating to this matter.

Complaint #3:

On May 3, 2022, an officer conducted a traffic stop on the complainant for illegal window tint and driving at a high rate of speed. The complainant pulled into a residential driveway and exited the vehicle. The complainant was lawfully stopped and failed to comply with the officer's orders. The complainant was confrontational and subsequently arrested for

resisting, delaying, and obstructing an officer in the course of their duty. During the search of the complainant incident to arrest, the complainant continually attempted to face the officer. The officer held the complainant against the patrol vehicle to control their movements and eventually secured the complainant in the patrol vehicle.

The complainant filed a complaint accusing the officer of racial profiling, misconduct, and police brutality. The complaint was assigned to the Internal Affairs Bureau to conduct an administrative investigation. The Internal Affairs investigator reviewed relevant documents, body camera footage, and conducted interviews. The investigation revealed prior to the stop the officer was unaware of the complainant's identity or race. The Internal Affairs investigator found the officer was properly engaged in his duties and used minimal force to overcome the complainant's resistance. An Internal Affairs report was completed, and the officer was exonerated of any wrongdoing. Furthermore, there was no evidence of any bias-based policing.

Complaint #4:

On May 25, 2022, the complainant was arrested and in police custody. The complainant requested to speak to a patrol supervisor to file a complaint related to a different police encounter. The complainant told the supervisor that he felt he was racially profiled during a traffic stop.

The supervisor conducted research into the complaint and located the traffic stop in question. The supervisor investigated the allegation by reviewing relevant documents and reviewing body camera footage which captured the entire incident. The supervisor did not observe any actions that would suggest, imply, or indicate bias-based policing. The supervisor recontacted the complainant to report his findings. The complainant told the supervisor he did not recall making a complaint. The complainant no longer wished to pursue any type of complaint. The supervisor documented the investigation on an Inquiry Complaint Form as an unfounded complaint.

Complaint #5:

On May 25, 2022, an officer conducted a traffic stop on the complainant for a vehicle code violation. The complainant was given a warning to fix the violation and provided with the name and badge number of the officer.

The complainant later filed a complaint alleging he was racially profiled and that all officers were corrupt. The complaint was assigned to a patrol supervisor to complete an administrative investigation. The supervisor reviewed relevant documents and the body camera footage from the officer. The body camera footage captured the traffic stop from the beginning to the end. The camera footage clearly showed the vehicle code violation. The supervisor contacted the complainant for further information regarding the racial profiling allegation. The complainant was unable to provide information regarding why he felt he was racially profiled but argued his taillight was not out. The supervisor offered to show the complainant the body camera footage showing his taillight was indeed out, but the complainant declined. The body camera footage confirmed the vehicle code violation and that the officer was polite and courteous. There were no comments made or any evidence to suggest racial profiling. The patrol supervisor advised the complainant of the findings and

documented the investigation on an Inquiry Complaint Form. The complaint against the officer was unfounded.

Complaint #6:

On September 2, 2022, officers detained the complainant due to matching the description of a wanted violent felon in the immediate area. The complainant did not follow the officer's orders and was eventually detained. The complainant complained of pain and told officers he was going to pursue a lawsuit as he felt harassed based on his race. The patrol supervisor was requested to speak with the complainant and responded to the scene.

The supervisor spoke to the complainant about the racially based complaint and explained why he was stopped. The complainant refused to make a direct complaint and partially recanted the claim. The supervisor reviewed the body camera footage from the incident and there was no excessive force or racially based bias observed. The supervisor completed an Inquiry Complaint Form, and the officer was exonerated from any wrongdoing.

Complaint #7:

On September 7, 2022, the complainant filed a complaint related to a call for service that occurred five months prior. The complainant alleged excessive use of force when officers responded to her residence with a shield and helmet. The complainant further stated officers committed theft and arrested her due to race. The complaint was assigned to a patrol supervisor to complete an administrative investigation.

During the investigation, the supervisor reviewed relevant documents, body camera footage, and spoke to the complainant. The supervisor contacted the complainant who only wanted her charges dropped. The investigation revealed that no force was used during the contact, the complainant now believed her roommate was responsible for the theft, and she felt discriminated against due to the officers not believing her. A review of the body camera video showed officers were professional and respectful during the incident. The supervisor completed an Inquiry Complaint Form and all accusations against the officers were unfounded.

Complaint #8:

On September 12, 2022, the Fresno Police Department received a complaint regarding the complainant alleging harassment during a traffic stop. The complaint was assigned to a patrol supervisor to complete an administrative investigation. During the investigation, the supervisor reviewed relevant documents, body camera footage, and spoke to the complainant.

The complainant believed the officer was targeting minorities based on a "hunch" and did not believe the officer could enforce traffic laws where he was stopped. The supervisor reviewed the body camera footage that showed the complainant driving at excessive speeds and was issued a citation. The complainant was heard yelling profanities at the officer and requested to speak with a supervisor. The complainant left prior to the supervisor arriving on scene. At the conclusion of the investigation, there was no evidence to support the complainant's claim. The supervisor completed an Inquiry Complaint Form, and the accusation was unfounded.

Complaint #9:

On June 16, 2022, a citizen posted allegations online accusing an officer of being racist. The citizen believed their traffic stop was racially motivated. This complaint was not reported by the citizen and was department generated. The complaint was assigned to a patrol supervisor to complete an administrative investigation.

During the investigation, the supervisor reviewed relevant documents and body camera footage. It was determined the citizen was stopped for vehicle code violations and issued a citation. The entirety of the traffic stop was captured on body camera. At no time were any improper comments or statements made. The supervisor contacted the citizen, who declined to be interviewed. The supervisor completed an Inquiry Complaint Form and the accusation against the officer was unfounded.

Analysis:

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

In 2022, Fresno Police officers handled 332,430 events and calls for service. Of those calls for service, approximately 0.003% resulted in a bias-based complaint. All nine complaints were investigated and determined not to have any evidence of bias-based profiling. Based on the details of the reported complaints and the number of complaints compared to the total amount of police interactions with our community, no pattern of bias-based profiling is evident.

Areas of Concern

None.

Recommendation

The Policy of the Fresno Police Department prohibiting bias-based policing remains sufficient. The Policy & Procedures Unit will continue to monitor complaints of bias-based policing and submit an annual report.