



MEMORANDUM

DATE: JULY 2, 2024

TO: MINDY CASTO, Interim 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 March 8, 2024, the Policy & Procedures Unit audited all inquiries and complaints involving biased-based profiling allegations against Department members in 2023. The review was based on information obtained from Internal Affairs records. The review intends to identify possible enforcement trends concerning the Department and the community.

Profiling criminal conduct is a valuable tool for law enforcement officers to assist them in 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 a group's common trait, including, but not limited to, race, ethnic background, gender, gender expression, sexual orientation, religion, economic status, age, or culture.

Methodology

This audit, which examined all documented bias-based inquiries and complaints received by the Department in 2023, was completed using the IA PRO program. Sixteen bias-based complaints were handled by the Department in 2023. Thirteen complaints were investigated by a field-level supervisor and three by our Internal Affairs Bureau.

Synopsis of Complaints

Complaint #1:

On January 25, 2023, the complainant arrived at the Fresno Police Department to file a complaint alleging racial profiling. 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 believed she was racially profiled and stopped for no reason. She felt she was stereotyped because of the type of vehicle she was driving. The complainant acknowledged that the officers may have been unable to see who was in the vehicle due to the window tint. The complainant said the officers threatened to arrest her if she did not sign the ticket.

The supervisor's investigation revealed the officers conducted a lawful traffic stop due to the complainant having a brake light out required by the California Vehicle Code. Body-worn camera footage clearly showed the brake light was not functioning. During the contact, the complainant was not cooperative and initially refused to sign the citation. The officer was professional and explained what would happen if she did not sign the citation. The patrol supervisor advised the complainant of the findings and documented the investigation on an Inquiry Complaint Form. There was no evidence to support the complainant's allegation, and the complaint against the officers was unfounded.

Complaint #2:

On February 23, 2023, the Fresno Police Department received an online complaint form alleging racial profiling. The complainant said she was pulled over for speeding and window tint. She felt threatened during the traffic stop and alleged racial profiling. The complaint was assigned to a patrol supervisor to complete an administrative investigation. The supervisor reviewed relevant documents, viewed body camera footage, and attempted to speak to the complainant.

The supervisor attempted to contact the complainant by phone and responded to her residence on two separate occasions. However, the supervisor could not contact the complainant and never received a call back. The supervisor reviewed the body-worn camera footage from the traffic stop. The officers were professional, did not violate any policies, and did not conduct themselves to suggest or imply racial bias. Thus, the complaint against the officers was unfounded.

Complaint #3:

On February 27, 2023, the Fresno Police Department received a complaint in a letter alleging racial profiling. The complaint was assigned to a patrol supervisor to complete an administrative investigation. The supervisor reviewed relevant documents, viewed body camera footage, and attempted to speak to the complainant. Officers stopped the complainant who was playing excessively loud music from his vehicle while driving.

The supervisor's investigation revealed the officers conducted a lawful traffic stop due to the complainant playing excessively loud music in violation of the California Vehicle Code. During the stop, the officers smelled and observed narcotics within the vehicle. The

complainant was detained for investigation and the complainant told the officer he felt he was racially profiled. The officer let the complainant know race did not play a role in the stop, and the complainant acknowledged on body camera that he knew it didn't. The officers issued the complainant a citation, and the complainant thanked the officers. The patrol supervisor contacted the complainant, who refused to meet or provide a statement. There was no evidence to support the complainant's allegation. The complaint against the officers was unfounded.

Complaint #4:

On March 12, 2023, the Fresno Police Department received a complaint alleging racial profiling. 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 was stopped by officers for expired registration. Upon contacting the complainant, the officers learned he was on probation and had a warrant for his arrest. Additionally, the officers could smell narcotics within the vehicle. The complainant was arrested, and evidence was seized during the investigation.

The supervisor contacted the complainant to take his statement. The complainant was concerned about the return of his property. After not being satisfied with the supervisor's explanation, the complainant completed a complaint form. A supervisor again contacted the complainant. The complainant was only concerned about the return of his property. Once the complainant learned the evidence would not be returned, he claimed he was racially profiled. The complainant was referred to the area Lieutenant as requested. The investigation revealed the officers conducted a lawful traffic stop, and no evidence supported the complainant's allegation of racial profiling. The complaint against the officers was unfounded.

Complaint #5:

On March 13, 2023, the Fresno Police Department received an online complaint alleging racial bias on three separate occasions. The complaint was filed on behalf of the complainant by his significant other. 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 supervisor was able to locate two of the incidents in question. The first incident had already been investigated and unfounded. The complainant's significant other was contacted during a stop in the second encounter. He was found to be on probation and had a replica handgun in his waistband. The body-worn camera showed that the officers did not display any discourteous behavior. The officers did not violate any policies, and there was no conduct to suggest or imply racial bias. The complaint against the officers was unfounded.

Complaint #6:

On March 23, 2023, a citizen posted allegations online related to police brutality and racial profiling. The citizen believed their traffic stop was racially motivated. The citizen did not report this complaint, and it was department-generated. The complaint was assigned to the Internal Affairs Bureau.

The Internal Affairs Investigator reviewed relevant documents and body camera footage during the investigation. It was determined the citizen was stopped for a vehicle code violation. The driver's brother attempted to interfere with the investigation and was arrested. The traffic stop was captured on body camera, and at no time were any improper comments or statements made to suggest or imply bias. During the contact, the complainant made no mention of or allegations of racial profiling. The investigator contacted the citizen, who declined to be interviewed. The accusation against the officer was unfounded.

Complaint #7:

On April 10, 2023, the Fresno Police Department received an online complaint form alleging racial profiling, illegal detention, and an illegal search of his vehicle. 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.

Officers stopped the complainant for two outstanding arrest warrants. During the contact, the complainant apologized for not taking care of the warrants, and there was no evidence of any racial bias. The supervisor spoke to the complainant, who admitted he did not believe the stop was based on racial profiling. The supervisor explained to the complainant that he was lawfully detained for the outstanding warrants, and an inventory search was conducted prior to towing his vehicle. The complaint was filed against the officers after the complainant learned he had to pay the tow fees. The complaint against the officers was unfounded.

Complaint #8:

On April 28, 2023, the Fresno Police Department received an online complaint form alleging bias. 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 said she arrived at a traffic collision in which her daughter was involved. The complainant pulled up to an officer and asked what happened. She said the officer commented on stupid people doing stupid stuff. The complainant was not sure if the comment was made about her daughter but believed it could have been because her daughter is LGBTQ+.

The supervisor's investigation revealed no evidence to support the complainant's allegation. The officer was counseled for discourteous treatment, and the bias-based complaint was unfounded.

Complaint #9:

On May 13, 2023, the Fresno Police Department received a written complaint alleging racial bias. 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 was contacted related to a non-injury traffic collision. The complainant alleged the officer was biased towards her, ordered her into her car, and refused to take her statement about what occurred. The

complainant was upset about being found at fault in the collision by her insurance company. The supervisor explained to the complainant that the officer did not make the determination and did not find her at fault. She was advised that the officer only assisted with exchanging information, and no report was taken. The complainant was satisfied with the explanation.

The investigation revealed that the officers responded to the traffic collision. However, there was no evidence to support the complainant's allegation. Body camera footage showed the officers were polite, took her statement, and did not order her to stay in her car. The officers did not display any conduct to suggest or imply racial bias, and the complaint against the officers was unfounded.

Complaint #10:

On May 31, 2023, the Fresno Police Department received a complaint. The complainant alleged racial discrimination. The complaint was assigned to the Internal Affairs Bureau. The Internal Affairs investigator reviewed relevant documents and body camera footage and conducted interviews.

The complainant was contacted and detained during a call for service related to a domestic disturbance. Several citizens called in regarding a male chasing a female and a child. The officer arrived on the scene and detained the complainant. The complainant felt the officers were racist, but he could not provide any basis for the complaint. The investigation and review of body-worn camera footage revealed that at no point did the officers display any conduct to suggest or imply racial bias. The complainant has filed previous unfounded racial bias complaints. The officers acted professionally and did not violate any policies. The complaint against the officers was unfounded.

Complaint #11:

On July 8, 2023, the Fresno Police Department received a complaint alleging racial bias, excessive use of force, and dishonesty during a traffic stop. The complaint was filed by the complainant's significant other and assigned to a patrol supervisor to complete an administrative investigation. The significant other was not in the vehicle during the traffic stop. The supervisor reviewed relevant documents, viewed body camera footage, and spoke to the complainant.

The complainant was stopped for expired registration, and his brake lights were not functioning, violating the California Vehicle Code. The complainant initially failed to stop for officers. Upon contact, the complainant was uncooperative and refused to exit the vehicle. The complainant was also found to be on active parole and removed from the vehicle. There was no reportable use of force, and the complainant was arrested. The significant other of the complainant was contacted. She claimed the officers used excessive force, and she was provided inaccurate information. During the phone call, the complainant interrupted the conversation and was hostile. The supervisor tried to speak to the complainant, but the complainant ended the call.

The investigation revealed the officers were professional, did not violate any policies, and there was no conduct to suggest or imply racial bias. The complainant was lawfully

detained and open to search and seizure. The complaint against the officers was unfounded.

Complaint #12:

On August 4, 2023, the Fresno Police Department received an online complaint. The complainant alleged bias and unreasonable force. The complaint was assigned to the Internal Affairs Bureau. The Internal Affairs investigator reviewed relevant documents and body camera footage and conducted interviews. The complainant was contacted during a call for service related to a ShotSpotter activation. Officers located an apartment that was struck by gunfire and contacted the occupants outside. During the encounter, force was used against the complainant, who is a disabled adult.

Based on the investigation, the bias-based complaint was unfounded. Several other allegations unrelated to bias were sustained against the officers on the scene, resulting in discipline.

Complaint #13:

On August 18, 2023, the Fresno Police Department received a complaint through our communications center. The complainant alleged his rights were violated due to his race. The significant other of the complainant filed the complaint and 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 was contacted during a call for service related to a disturbance. The complainant felt the officers were rude, disrespectful, racist, and discriminated against him. The investigation revealed the officers were at the location for a welfare check due to neighbors calling about a domestic disturbance. The complainant was contacted at his residence and became upset when officers checked the location to ensure nobody was injured. A control hold was used on the complainant when he attempted to walk away from the officer. The complainant went to the hospital after the incident and filed a complaint. The complainant complained of pain in his hand. Based on body-worn camera footage from the call, the officers were professional and acted appropriately. The officers did not violate any policies, and there was no conduct to suggest or imply racial bias. The complaint against the officers was unfounded.

Complaint #14:

On August 22, 2023, the Fresno Police Department received an online complaint alleging racial bias, false charges, and mistreatment. The complaint was filed by the complainant's significant other and 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 was contacted by officers and arrested on felony domestic violence charges. He complained the handcuffs were too tight, he was left in a hot car, and false charges were filed all due to his race. Officers did request medical care, and the complainant was subsequently arrested. The complainant admitted that the officers had made no derogatory comments. The investigation revealed the officers were professional,

did not violate any policies, and there was no conduct or statements to suggest racial bias. The complaint against the officers was unfounded.

Complaint #15:

On August 24, 2023, the Fresno Police Department received a complaint alleging racial bias during a traffic stop. The significant other of the complainant filed the complaint and 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.

Officers attempted to stop the complainant for a vehicle code violation, but the complainant failed to yield to officers for approximately two blocks. The complainant eventually stopped and was found to have a suspended license. He was also found to be on active probation and open to search and seizure. The entire incident was captured on a body-worn camera, and there was no evidence to suggest any racial bias. The supervisor spoke to the complainant, who said he felt the officers were aggressive towards him and discriminated against him because of his race. The complainant could not provide details on how the officers discriminated against him but felt it was due to his appearance. The complainant admitted to the vehicle code violations and knew it was against the law. The complainant became dissatisfied with the conversation and no longer wanted to file a complaint.

The investigation revealed the officers were professional, did not violate any policies, and there was no conduct to suggest or imply racial bias. The complaint against the officers was unfounded.

Complaint #16:

On August 30, 2023, the Fresno Police Department received a complaint alleging racial bias during a traffic stop. 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 body-worn camera showed the officers were professional with the complainant, who refused to sign the citation. The officer called for a supervisor who also spoke with the complainant. After speaking with the supervisor, the complainant requested a Lieutenant. The complainant eventually signed the citation and was released.

The supervisor called the complainant several times over three weeks before briefly speaking to him. The complainant was upset about the traffic stop taking so long and felt he was stopped due to his race. The complainant did not have time to talk, and the call was ended. The supervisor attempted to contact the complainant by phone and at his residence but did not receive a callback. The complainant refused to speak any further about the incident. The investigation revealed the officers were professional, did not violate any policies, and there was no conduct to suggest or imply racial bias. The complaint against the officers was unfounded.

Analysis:

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

In 2023, Fresno Police officers handled 335,804 events and calls for service. Of those calls for service, approximately 0.004% resulted in a bias-based complaint. All sixteen complaints were investigated, and it was determined that there was no 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.