

— FRESNO —
POLICE
TRANSFORMATION
AND COMMUNITY SAFETY



Photo courtesy of Chris Schneider.



NICJR ★
National Institute for
Criminal Justice Reform

The killing of George Floyd was the match that lit a flame that has been brewing for a long time. Nationwide demands for not just reform, but transformation, of policing have put pressure on local jurisdictions across the country to make rapid and real change. In Fresno, more than 3,000 demonstrators participated in a protest demanding racial justice and police reform.

The Need for Reform

The Fresno Police Department (FPD) has a long, troubled history plagued by corruption, scandal and large payouts to the victims of police violence.

On January 23, 2019, Fresno police officer Christopher Martinez punched 17-year old London Wallace seven times in the face. The incident, which was caught on officers' body worn cameras, was deemed inappropriate and excessive by John Gliatta, the Director of Fresno's Office of Independent Review.

Three months later, in April 2019, a Fresno police officer shot an unarmed 16-year old boy in the back of the head, killing him as he was running away from officers. Video taken of the incident clearly shows that Isiah Murrietta-Golding was murdered without cause, yet the Fresno County District Attorney failed to charge the officer. The FPD also failed to fire the officer; both then-Chief Jerry Dyer and recently retired Chief Andy Hall called the shooting justified, despite the clear video evidence showing otherwise.

In 2016, Fresno officers shot and killed another teenager, Dylan Noble, during a traffic stop. The killing of Noble sparked numerous protests and the City settled the ensuing civil lawsuit filed by Noble's family for \$2.8 million, the largest settlement in Fresno's history. The City also made a \$2.2 million payment to the family of Jaime Reyes Jr., who was

shot while climbing the fence of an elementary school in June 2012.

Between 2001 and 2016, officers of the Fresno Police Department were involved in 146 officer-involved shootings, with at least 55 Fresno officers involved in more than one officer-involved shooting.

But the largest and most shocking scandal to rock the FPD was the arrest and conviction of Deputy Chief Keith Foster, the department's second-in-command. Deputy Chief Foster was caught in a federal sting selling marijuana and heroin. Although federal prosecutors alleged Deputy Chief Foster used other officers to help him, and Foster's own nephew testified that the Deputy Chief had trafficked narcotics for seven years, no investigation was conducted to determine how widespread or deep the drug ring ran within FPD.

In response to the protests and calls for action, the Fresno Mayor and City Council created the Commission on Police Reform (CPR) in April 2020. In a welcome and surprising turn, Mayor Dyer supported the report of the CPR in its final meeting during which the CPR ratified all 73 recommendations for submission to the City Council. The recommendations were almost unanimously supported by the full Commission; the lone no vote came from the representative of the FPD officers' union.

FPD has a long history of opposing and thwarting sensible reforms. Recent history alone is evidence of the persistent resistance of the department to ensure equity and fairness in addressing public safety for all Fresnoans.

Early 1900s:

The early 20th century garnered years of unwelcome national attention as the FPD harassed, beat, and arrested members of the International Workers of the World (IWW) for speaking publicly on poor working conditions in Fresno’s surrounding fields, mines and logging camps (Chacón and Davis, 20184; Genini, 19745). Continuing through the 1920s when seven FPD officers involved in a massive bootlegging ring in Los Angeles, were found to be members of the Fresno local chapter of the KKK (called a Klavern). The seven officers were fired by the mayor yet reinstated by the Civil Service Commission essentially keeping their jobs.

1991:

Joseph Samuels, Fresno’s first African American Chief of Police faced strong resistance as he sought to address racial and gender inequities in the FPD and reinvigorate the community-based policing model. After only two years, Samuels left to become the chief in Oakland, where he would implement many of the community-based programs he desired for Fresno and created a more equitable representation of women and people of color in leadership positions within the department (Lee, 1999).

2016-17:

- As documented in a 2016 Washington Post article: "The New Way Police Are Surveilling You: Calculating

Your Threat Score", Fresno PD began using software that included social media surveillance of hashtags such as #BlackLivesMatter.

- Arrested four participants at a peaceful protest opposing law enforcement participation in deportations.
- An internal FPD list of monitored peaceful protests seemingly focused only on progressive causes, including those seeking to reform policing and immigration systems.

2018:

Then-Chief of Police Dyer and the FPD ran a campaign against Measure P, an initiative that would have increased funding for parks and recreation space in the city. FPD claimed that its budget would be negatively impacted. The Department’s fierce opposition was effective, but a recent court decision ruled in Measure P’s favor and it will begin implementation this year. Similar to his welcome support for the CPR recommendations, Mayor Dyer has also since signaled his commitment to supporting the implementation of Measure P.

2019-2020:

Before the successful passage of Advance Peace Fresno in 2020, in 2019, then-Mayor Brand vetoed \$200,000 for the gun violence prevention program. Then-Chief Dyer also signaled his opposition, wrongfully characterizing the use of public funds for the program when he stated “I have never supported giving money to gang members”.

The patterns of racism and inequity in the FPD have shifted over time, but the practice remains. People of color in Fresno continue to be a target of unfair practices, police violence and oppression. The Fresno Commission on Police Reform (CPR) recently released [73 recommendations](#) that were accepted by the City Council, and an implementation team has been mentioned. There is funding already available through Fresno County sources like AB 109 and JJCPA, which could be distributed to community services instead of law enforcement. The recommendations developed by a diverse group of community members through the CPR represent an opportunity, but if the City fails to act on the recommendations or implements a few small measures, there could be community backlash and greater mistrust that furthers rifts, resentment and protests for many years.

Survey Results

The Community Input Subcommittee of the CPR conducted a massive survey of City residents. The survey is certainly the largest of its kind in Fresno's history.

The survey included an open-ended question about experience with FPD (question #7). The responses were overwhelmingly negative and very concerning. A small sample of responses is provide below:

“

I was not treated with any empathy. I was treated like I wasn't even a person.
Complete disregard.

”

“

I was a victim of a crime and was treated and spoke to worse than a convicted criminal and was spoken to last even though I called for help.

”

“

I have witnessed harassment and violence against citizens countless times. Especially citizens of color. Based on my looks I feel I get treated differently.

”

“

I have been involved in protests where the FPD would arrest or hassle people of color right next to me (a white woman). They would not hassle me even though we were engaged in the exact same activity.

”

“

I called the police once and felt like they did not take my complaint seriously because I was a person with a record and a domestic violence victim.

”

“

Reporting a disturbance in my South-of-Shaw neighborhood, my integrity and citizenship were questioned. I'm a 1st generation college graduate. I've never called the police since.

”

“

I am a person of color and I was hit by a car driven by a white man. The police officer was white and warned me that it had been my fault, so he discouraged me to call the insurance.

”

“

I am a white woman who is typically treated with preferential treatment and have been present when cops malign People of Color, unfairly assume worst case scenario and bad intentions, and become hostile. Stark differences between treatment of whites and People of Color.

”

“

Multiple times, I have been stopped by white officers while walking home from school. This was a regular route for me and I was often stopped by the same officers multiple times. It reached a point where I felt uncomfortable walking home.

”

“

I've seen police officers in Fresno in UNIFORM use racial slurs.

”

“

An officer made fun of a transgender teen in front of me while he was on duty, I reported it.

”

The vast majority of Fresno voters support police reform, according to another recent survey by the Community and Labor Center at the University of Merced. The study, published in October 2020, found that **“Fresno registered voters expressed strong support for police reform. Most (77.9%) stated they would support elected officials who advocated for police reform.”**

Origins of Policing and Failures of Reform

The origin of American policing is rooted in anti-Black racism, with the fear of Black people and the desire to protect White-owned property being the main impetus for the professionalization of policing.

Some of America's early forms of policing include (1) slave patrols¹, who were tasked with apprehending runaway slaves and deterring slave revolts through violence and intimidation; (2) convict leasing, a post-Civil War system that leased Black prisoners to plantation, mine, and railway owners; and (3) the first publicly funded police force, created in Boston in the 1830s to primarily protect commercial property.

The origin and roots of policing have resulted in generations of harm imposed on Black people and people of color. While Black people and people of color have paid their fair share of the tax dollars that fund police, their communities have been under-served and under-protected. While paying for a public service for which they don't receive the full benefit, their communities continue to suffer from a lack of investment in what actually creates public safety and well-being, including housing, education, health care, and jobs that pay a living wage.

America is yet to develop a successful model for transforming police culture. The inability to eradicate the racism and anti-Black sentiment that is baked into the foundation of police culture and reform efforts has resulted in numerous failed efforts over time.

Police Reform Failures

The history of police reform in the U.S. shows numerous failed efforts to reform policing and improve the relationship between police and communities of color. Generally, police reform efforts have sought to

change policy, improve training, and develop structures and processes within police departments that more effectively address discipline and accountability. Despite millions of dollars being invested into police departments for training, expert technical assistance, implicit bias and procedural justice training, and equipment such as body worn cameras, communities of color remain unsatisfied with the impact of these reform efforts and continue to disproportionately experience police violence and mistreatment. A sampling of these reform efforts is provided below.

In 1929, President Herbert Hoover established the Wickersham Commission, a body formed to conduct a national study of the criminal justice system and develop recommendations to improve policing services nationally. Some of the commission's findings, which resemble the calls for reform in 2020, were that police agencies needed better recruitment methods, more training and education for officers, and better ways to discipline officers that engage in misconduct.

In 2014, the US Department of Justice's Office of Justice Programs launched the National Initiative for Building Community Trust and Justice. The initiative was launched in six cities and focused on officer training, departmental policy changes, and community engagement designed to improve police-community relationships by addressing historical roots of distrust in the police among people of color. Minneapolis, Minnesota was one of the cities that participated in the initiative and the Minneapolis Police Department (MPD) implemented many of the best practices the initiative touted. MPD received extensive procedural justice and implicit bias training and used surveys and listening sessions to engage community in dialogue about how to repair their fractured relationship. However, MPD failed to terminate Derek Chauvin, who prior to murdering George Floyd in May 2020, was the subject of 18 misconduct complaints spanning over 18 years and even remained a field training officer.

¹ <https://time.com/4779112/police-history-origins/>

² http://www.lexisnexis.com/documents/academic/upa_cis/1965_WickershamCommPt1.pdf

https://www.google.com/books/edition/An_Introduction_to_Policing/6_58i0hiBcMC?hl=en&gbpv=1&dq=wickersham+commission&pg=PA19&printsec=frontcover

³ <https://www.urban.org/research/publication/national-initiative-building-community-trust-and-justice>

⁴ <https://www.cnn.com/2020/06/01/us/derek-chauvin-what-we-know-trnd/index.html>

A Roadmap to Transformation

The Commission on Police Reform submitted 73 very worthwhile recommendations to the City Council. Faith in the Valley (FIV) applauds the effort of the Commission and supports the recommendations. We also want to highlight some of those recommendations in addition to adding a few more. To do so FIV will use the police transformation framework of the National Institute for Criminal Justice Reform (NICJR), which was a consultant to the CPR. NICJR's framework is: Reduce – Improve – and Reinvest.



Reduce

One of the most significant structural reforms we must advance in policing, already happening in the criminal justice arena, is shrinking its scope. Officers are asked to do too much with too few resources. The warrior mentality that police are indoctrinated with starting as early as the first day of the police academy does not allow them to handle many of these responsibilities well. It is time for an alternative response network for all non-criminal and non-violent calls for service. We need to create a new infrastructure of community safety and problem-solving responders, with crisis response, mental health and de-escalation training. Such a network should be vast and well equipped, including 24-hour on-call community crisis response and outreach workers. The resulting reduced police force would then focus primarily on serious violence.

Steps to Reduction:

1. FPD should no longer respond to non-criminal calls like noise complaints, animals, and vagrancy. Studies of Calls for Service (mostly 911 calls) in several police departments across the country have revealed a significant amount of time spent by patrol officers responding to non-criminal and other low-level enforcement calls. Data provided by the CPR showed that the majority of Calls for

Service responded to by FPD special units were for non-criminal or low-level incidents.

2. Eliminate the Recycle Unit: FPD has a Recycle Unit comprised of three sworn officers, assigned to prevent the stealing of recyclables from receptacles. This is an absurd use of police time, especially in a city with a significant gun violence problem that needs more resources dedicated to combatting it.

3. Reduce the number of specialized and tactical units. FPD has several specialized and tactical units that are heavily armed and often deployed in communities of color at disproportionate rates. Militarized policing erodes trust and has not demonstrated positive reductions in crime over time. Equipment and other specialized gear absorb a significant amount of budgetary resources.

4. End the contract between FPD and Fresno schools: As noted in the CPR report, numerous cities across the country have eliminated or significantly reduced school police. In Fresno, the contract with the school district requires the city general fund to contribute \$829,000 each year. In addition to armed, sworn officers being the wrong personnel to be assigned to schools, the City loses nearly \$1 million a year on the contract.

5. Have mental health calls responded to by non-law enforcement mental health professionals: FPD currently partners with Fresno County when responding to mental health related calls for service through a Crisis Intervention Team (CIT). The current CIT contract expires in 2022. The Police Budget Subcommittee of the CPR noted that County representatives indicated that there is an opportunity for this program to further evolve to the point in which calls could be handled by mental health professional exclusively, which is how calls are currently handled elsewhere within Fresno County.

6. Eliminate the Skywatch program: FPD should eliminate the helicopter unit which costs an estimated \$2.3 million annually and is funded by general funds and other funds designed for prevention and intervention services.

7. Reduce traffic officers: Traffic policing should be reduced/replaced by technology to the maximum extent possible.



Improve

The primary challenge in police agencies is culture. It has been described as a warrior culture by many. Adrenaline filled young officers want to “knock heads” during their shifts; the “us vs them” occupying army syndrome. We must confront and transform this destructive culture. Policing should be about protection and service to the community.

Improving a smaller FPD that remains after the reduction steps outlined above are implemented would include three core components: policy, training, and accountability. New policies including restricting the use of force, mandating verbal de-escalation, community policing, and eliminating stop and frisk, should be implemented. High quality and frequent training on these newly developed policies must be implemented. And, most importantly, all police personnel must be held accountable for adhering to and demonstrating these policies in action.

Steps to Improvement:

1. Increase hiring standards to screen out candidates with any signs of racial bias, interest in the warrior culture, or who have been fired or forced to resign from previous law enforcement positions.
2. Make deliberate efforts to have FPD officers representative of the community it serves in race, ethnicity, gender and sexual orientation.
3. Revise FPD Use of Force policies to limit any use of deadly force as a last resort to situations where a suspect is clearly armed with a firearm and is using or threatening to use the firearm against another person. All other force must be absolutely necessary and proportional.
4. Provide high quality, mandated training to all sworn FPD personnel in the following
 - New Use of Force policy
 - Verbal de-escalation
 - Bias free policing
 - Procedural Justice
5. Provide semi-annual reports to the public on stops, arrests, complaints, and uses of force, including totals, by race and gender, by area of the city, and other aggregate outcomes.
6. Effectively use an early intervention system that tracks various data points to identify high risk officers and implement discipline, training and dismissal where necessary. Use progressive discipline to root out bad officers.
7. Increase and improve violence reduction units focused primarily on partnering with the community to reduce gun violence.
8. Increase and improve FPD’s investigative units.
9. With FPD no longer responding to non-criminal and low-level Calls for Service, even after eliminating a certain number of vacant positions, there is still room to reduce patrol. FPD should transfer 20

positions from patrol into investigations and violence reduction units.

10. The Department's Impound/Towing Policy and the criteria used to impound a vehicle as well as the manner in which towing revenues are allocated should be reviewed and updated to minimize disproportionate impacts.



Reinvest

A smaller footprint of law enforcement should result in a reduced police budget. Resources should be shifted from the police department to community-based responses as well as investment in communities to increase public safety, peace, healing, and advancing racial justice.

Steps Toward Reinvestment

1. Community Emergency Response Network:

Create a robust alternative emergency response network with mental health workers, crisis intervention specialists, and street outreach workers – the Community Emergency Response Network (CERN). The CERN would respond to the Calls for Service no longer responded to by FPD as well as work to mediate conflicts and issues before they rise to an emergency level.

2. Create a Community Development Investment Fund:

The City of Fresno should create a \$7 million annual fund to invest in community-based services. Monies for the fund should come from the elimination of 50 police officer positions within the FPD. The annual cost of a police officer is approximately \$143,000⁵, which multiplied by 50 is more than \$7 million.

In 2020, the City of Fresno began collecting marijuana tax revenue from the passage of Measure A. The voter approved initiative was estimated to

raise \$10 million annually. The requirements of the measure include that 90% of the revenues go to police, fire, parks, roads and other core City services. The remaining 10% is slated to go into a Community Benefit Fund. A nine-member appointed Citizens' Commission representing the diversity of Fresno will recommend how and where the Community Benefit Fund invests.

Funds from the elimination of vacant FPD positions and Measure A revenues should be earmarked for this Community Development Fund which should be used to address general neighborhood revitalization, address root causes of crime and violence, and provide opportunities for the most vulnerable. The fund will prioritize investment in education services, employment, and housing. The Fund should be overseen by a commission of community members.

3. Expand Effective Violence Intervention Efforts:

Fresno recently took a giant step forward by approving a proposal to implement the successful Advance Peace gun violence reduction program. The City should increase its investment in this effective, non-law enforcement strategy so it can scale-up and expand citywide. Other evidence-based programs like hospital-based violence intervention, culturally relevant cognitive behavioral therapy, and other community-based public safety efforts should be supported by new City investments. Shootings and homicides are extremely expensive to Fresno taxpayers. Effective gun violence strategies can more than pay for themselves when implemented properly and at scale.

4. Universal Basic Income Pilot

With more than one out of five people in Fresno living in poverty, the city's poverty rate is one of the worst in the country. Fresno has the second highest extreme poverty rate in the United States and an alarming 42 percent of the metro area lives in concentrated poverty. The disparities are stark. Poverty disproportionately affects Black residents of Fresno, as well as the Latino community. The 2019 American Community Survey conducted by the U.S.

⁵ Based on Fresno's FY-20 budget, the total cost for personnel including, sworn and civilian personnel, was \$161.1 million. Of the total personnel (1,127) 26 percent are civilian (292). Twenty-six percent of the \$161.1 million is \$119.3 million. There are 835 sworn staff in the FPD divided by \$119.3 million equals \$142,800.

Census Bureau reveals that nearly 36 percent of Black and 24 percent of Latino residents live below the poverty line, compared to only 12 percent of white residents

Therefore, we urge the City of Fresno to launch a Universal Basic Income (UBI) pilot, to provide much needed financial support to the most vulnerable families in Fresno.

Although the idea of UBI – an unconditional payment, without means-test or work requirement—has taken off most recently with the advent of Andrew Yang’s 2020 candidacy, its roots are much deeper. In the United States, for example, the state of Alaska has had a UBI in place for nearly 40 years. The Eastern Band of Cherokee Indians Casino Dividend in North Carolina has given every tribal member between \$4,000 and \$6,000 per year since 1997. Studies of both efforts have shown a reduction in crime associated with the unconditional cash payments. These findings have been replicated in international studies, including one in Namibia which showed a direct correlation between UBI and crime reduction.

There are smaller pilot efforts currently underway in the United States: in Stockton, California, 125 residents have been receiving \$500 per month, since February 2019. Former Stockton Mayor Michael Tubbs launched the initiative in the city and championed several Mayors from across the country in coming together to pledge to launch UBI initiatives in their cities through Mayors for a Guaranteed Income.

In Jackson, Mississippi, Springboard to Opportunities & the Magnolia Mothers Trust are giving \$1000 per month to Black mothers. We urge the City of Fresno to join the Mayors for a Guaranteed Income and work to launch a UBI pilot with the intention of developing a full, citywide initiative. Fresno can garner philanthropic support to launch this initiative as well as invest savings from reductions to the footprint of law enforcement into a UBI.

For the pilot, the City should identify 500 families in extreme poverty and provide an unconditional, monthly \$1,000 guaranteed income payment for at least 12 months and then evaluate the program. This initial pilot would cost \$6 million to fund, a small cost to the City and potential philanthropic partners.

5. Advocate for Greater County Investments

The City of Fresno should strongly advocate for greater investments from the County. The County receives nearly \$40 million every year from the State for criminal justice realignment (AB 109). Many counties pass through portions of these funds to community service providers. In Alameda County, in the Bay Area, for example, the Board of Supervisors mandated that 50 percent of the annual realignment funding be allocated to community services. When he was the Chief of Police, Mayor Dyer sat on the Executive Committee that decided how Fresno County realignment funds should be spent.

Fresno County also receives an annual allocation of funds from the State through the Juvenile Justice Crime Prevention Act (JJCPA). In 2018, LA County expanded the committee which decides how to use those funds with several community members and now tens of millions of JJCPA dollars go toward community-based services every year.

Fresno County should follow these examples and the City should pressure the County to do so.

