

Protecting What Matters

Fontana Police Department

An Independent Assessment of Law Enforcement Operations

FINAL REPORT

November 6, 2020

Confidential and Proprietary



 HILLARD HEINTZE

A Jensen Hughes Company

November 6, 2020

Mr. Billy Green
Chief of Police
Fontana Police Department
17005 Upland Avenue
Fontana, California 92335

Dear Chief Green:

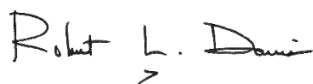
I am pleased to inform you that we have completed our independent assessment of some of the key operations within the Fontana Police Department (FPD). At your request, we specifically focused on and identified areas where the FPD could make operational changes to improve its services, including increasing diversity within the Department.

We want to thank all those who assisted our team during this assessment process – you and your office, as well as everyone at the FPD – as they could not have been more cooperative as we worked with them over several site visits. We appreciate the fact that agencies like yours are willing to take steps to ensure that the critical and sensitive work provided by public safety agencies meets the expectations that our nation's communities expect and deserve.

Based on our assessment, the FPD is a high-performing police department. If the City and FPD embrace and implement the recommendations contained in this report, we believe the Department will have a renewed sense of how personnel can improve community relationships, increase and value diversity, and develop best-practice internal affairs protocols. We have no doubt FPD leadership and personnel will implement positive changes that will strengthen the professional policing services they provide to everyone in the City of Fontana.

This report is a confidential and proprietary work document between Hillard Heintze and the Fontana Police Department. Thank you for entrusting us with this critical engagement. We look forward to discussing this report with you.

Sincerely,
HILLARD HEINTZE LLC



Robert L. Davis
Practice Lead and Senior Vice President
Law Enforcement Consulting



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Introduction

BACKGROUND: UNDERSTANDING THE BROADER CONTEXT

One of the core values identified by the Fontana Police Department (FPD) is excellence. The FPD defines its excellence core value with the following language: “We strive for excellence in all we do. We work to identify our organizational vulnerabilities and are committed to improvement via training, communication, and initiative.”

This commitment to excellence is what drove FPD leadership to seek this assessment. While they recognized and were proud of their strengths, they expressed a willingness to open up the Department to scrutiny so they could identify ways they could improve the Department’s operations and its service to the community. This introspection is crucial as communities and police departments throughout the country seek to refine and reinvent the role of public safety.

Ultimately, the FPD sought this assessment so that it could be proactive and increase confidence in the police in the City of Fontana.

PURPOSE: WHAT WE SET OUT TO ACHIEVE

We conducted an independent assessment of the FPD’s law enforcement operations that included:

- + An overall look at the Department’s policies and procedures, particularly regarding community engagement and training
- + An assessment of the hiring process, which includes recruiting, testing and background investigations, with a focus on diversity initiatives
- + A review of the Internal Affairs Unit’s protocols and a random sampling of cases to determine the corresponding investigations’ adherence to Department protocols and best practices to ensure fairness and efficiency.

We compiled our research and analysis into key findings and recommendations.



METHODOLOGY AND APPROACH: A HIGHLY INTEGRATED PROCESS

Six Key Principles

Emerging from our experiences as leaders in a variety of public safety -related fields, the Hillard Heintze methodology is based on the following six strategic principles.

1. Independent and objective analysis
2. Solicitation of multiple perspectives and viewpoints
3. An acute focus on collaboration and partnership
4. An information-driven, decision-making mindset
5. A structured and highly disciplined engagement approach
6. Clear and open lines of communication

An Intensive Approach

During this engagement, Hillard Heintze conducted the following tasks and activities.

- + Reviewed departmental policies, orders, directives, staffing and deployment, and training information.
- + Reviewed and assessed the FPD's organizational chart, command structure, mission, values and cultural environment.
- + Conducted a site visit August 12 through 14, 2020, which included interviews with FPD officers from all ranks and ride-alongs with officers.
- + Reviewed a random sampling of FPD internal affairs cases handled or being handled for the years 2018 and 2019 and through June 2020.
- + Conducted interviews of numerous Department stakeholders, including:
 - Chief Green and command staff
 - FPD supervisors and officers working in internal affairs, recruiting and hiring, and community policing
 - FPD non-sworn staff members
 - A random sampling of FPD members hired between 2017 and 2020, including those currently in the police academy
 - Mayor Acquanetta Warren and other members of the Fontana City Council
 - City officials, including representatives of the Human Resources Department
 - The newly formed Police Chief's Roundtable Committee members during a facilitated discussion
 - Individual interviews with Police Chief's Roundtable Committee members



ASSESSORS: THE HILLARD HEINTZE TEAM

Rob Davis, Senior Vice President, Law Enforcement Consulting



Rob is a highly regarded and innovative national leader and expert in policing and public safety with a special emphasis on ethics and integrity programs, as well as issues ranging from use of force policy to active shooter planning. Since joining Hillard Heintze, Rob has led the firm's Law Enforcement Consulting practice. This responsibility has ranged from serving as a strategic advisor on a high-level engagement Hillard Heintze conducted in partnership with the Department of Homeland Security's (DHS) Homeland Security Studies and Analysis Institute to evaluate integrity and counter-corruption programs within U.S. Customs and Border Protection to advancing the firm's on-the-ground support to working with collaborative reform for a growing list of cities across the United States.

Robert Boehmer, Esq., Vice President, Law Enforcement Consulting



Robert is an experienced facilitator, trainer and public speaker, with expertise in collaborative problem solving, community policing, partnership development and information sharing. For the past several years, he has been facilitating sessions for the DHS' Building Communities of Trust Initiative, focusing on developing trust among law enforcement, fusion centers and the communities they serve.

As a Vice President in the Law Enforcement Consulting practice at Hillard Heintze, Robert manages complex law enforcement assessments and helps police agencies transform their organizations and adopt national best practices and industry standards central to improving accountability, transparency and community trust.

Michael Dirden, Esq., Senior Subject-Matter Expert



Michael joined Hillard Heintze as a senior subject-matter expert following a long and successful career with the Houston Police Department. As the Executive Assistant Chief of Police, Michael provided leadership and oversight for the department's Investigative, Strategic and Field Operations, including accountability for Patrol Operations, Traffic Enforcement, the Mental Health Division, Apartment Enforcement and Differential Police Response.

Michael has worked with the Hillard Heintze Law Enforcement Consulting Practice on collaborative reform, and he was instrumental in review and analysis of police department operations in San Francisco and the Collaborative Reform Initiative for Technical Assistance (CRI-TA) site in Memphis through the U.S. Department of Justice Office of Community Oriented Policing Services (COPS).



A BRIEF OVERVIEW OF THE CITY OF FONTANA AND ITS POLICE DEPARTMENT

The City of Fontana is about 42 square miles. The population of Fontana in 2010 was 196,069, with an estimated 9.2-percent increase to 214,547 as of 2019. According to the U.S. census, in 2019, Fontana's residents were 69.3 percent Hispanic or Latino, 13.8 percent white alone and non-Hispanic or Latino, 8.6 percent Black or African American alone, 6.3 percent Asian, 0.7 percent American Indian and Alaska Native alone, and 0.2 percent Native Hawaiian and Other Pacific Islander alone.¹

The FPD has 192 sworn officers, including the chief and command staff, and 112 civilian employees. Besides the Chief, the sworn force includes three captains, nine lieutenants, 21 sergeants, 28 corporals, 124 officers and six trainees. Civilian staff ranges from administrative analysts and technicians to community policing technicians, crime analysts, dispatchers, a computer forensics technician, evidence technicians, community service officers, records personnel, code compliance personnel, animal service unit personnel and police cadets.

The number of violent crimes reported in Fontana between 2010 and 2019 has been steady with a low of 714 in 2017 and a high of 870 in 2016. In 2019, 739 violent crimes were reported to the police in Fontana. The 3,094 reported property crimes in Fontana in 2019 are the lowest reported since 2010. The number of reported property crimes decreased from 4,494 in 2012 to 3,094 in 2019. The Department is projecting a decrease in both of these crimes for 2020 as well. The Department reported that it handled 131,874 calls for service in 2019.²

1 U.S. Census Bureau Quick Facts. Accessed on October 6, 2002 at <https://www.census.gov/quickfacts/fact/table/fontanacitycalifornia,US/PST045219>

2 City of Fontana 2019 Annual Report, accessed at <https://www.fontana.org/2369/Annual-Report>



Key Findings

1. The morale of the Fontana Police Department's (FPD) personnel is high, which is attributed, in part, to respect and transparency between leadership and employees.

Members of the FPD are proud of the Department and feel well supported by the residents, City leaders, Department leadership and coworkers, creating a family-like atmosphere. A near-universal sentiment among personnel is that FPD leadership is open and transparent, allowing members to bring up issues of concern without fear of retribution. Encouraging respectful dissent and critical thinking among Department members is a best practice and helps maintain a healthy and productive environment.

2. The FPD is providing critical public safety services and connecting with community members during the COVID-19 pandemic.

Even during the COVID-19 quarantine, the FPD found ways to reach out to community members by creating a Police Chief's Roundtable Committee and conducting community-oriented events, such as the open house and reading books for schoolchildren online.

3. The Internal Affairs cases we reviewed were thorough and accurate according to the materials provided within the file; however, we identified several opportunities for improvement.

The Internal Affairs process is not guided by a procedures manual to ensure consistent investigative processes as leadership changes. The Department has recognized this concern and is currently creating a procedures manual for Internal Affairs protocols. Moreover, personnel did not consistently use common definitions found within the associated policies and practices of most California-based law enforcement agencies, creating some clarity issues for readers. They also inconsistently used recommended practices regarding advising complainants of the disposition of complaint investigations.

Dispositions in internal Affairs cases cited "Lexipol" policy violations, rather than violations of the Department's own policy manual. Additionally, the FPD does not use a disciplinary matrix to help ensure that when discipline is meted out, it is the same for similar offenses and situations.

4. The FPD's pre-academy program provides recruits a strong background in the field that helps contribute to their success in the subsequent state-certified police academy.

Recently hired police officers cited the pre-academy program as extremely helpful as they continued through the recruitment and academy process. Many said it made them better prepared than academy students who were affiliated with other departments.



5. Although recent hiring data indicates the FPD is hiring more candidates of color by percentage, we observed several steps in the hiring process where applicants of color were disproportionately affected.

The racial and ethnic breakdown of police officer trainee applicants roughly matches the demographics for the City of Fontana, although a large number of these candidates, especially people of color, did not appear for the exam. Additionally, Hispanic applicants tend to fail the physical agility test (PAT) or written exam at a higher rate than others. The Department should collect data to determine why this may be the case and develop strategies to remedy it.

The screening process within the City's Human Resources Department may, on occasion, be inhibiting the Department's ability to select qualified applicants of color who would meet the overall needs of the Department. Specifically, some applicants appear to have been deselected from moving forward in the hiring process based on technical reasons, like minor omissions on the application form, even though their resumes indicated they are well qualified for the position.

6. The FPD should also make a concerted effort to attract and hire female candidates.

Women comprise only 16.1 percent of the Fontana police officer trainee applicants and only seven percent of the FPD's current sworn staff. Based on our assessment, women are far less likely to pass the physical agility exam (PAT) than male applicants and this is something the Department should consider addressing.

7. The FPD has several recruitment strategies, such as attending community events, but it could expand its efforts to more effectively reach candidates of color and women.

The biggest influence on recruiting members to the Department appears to be word-of-mouth advertising and personal invitations from current members. While it is important for officers to be personal ambassadors for the Department, simply relying on word of mouth can result in a less diverse pool of applicants as current personnel may reach out only to their own social networks. Moreover, the FPD should adopt a written comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

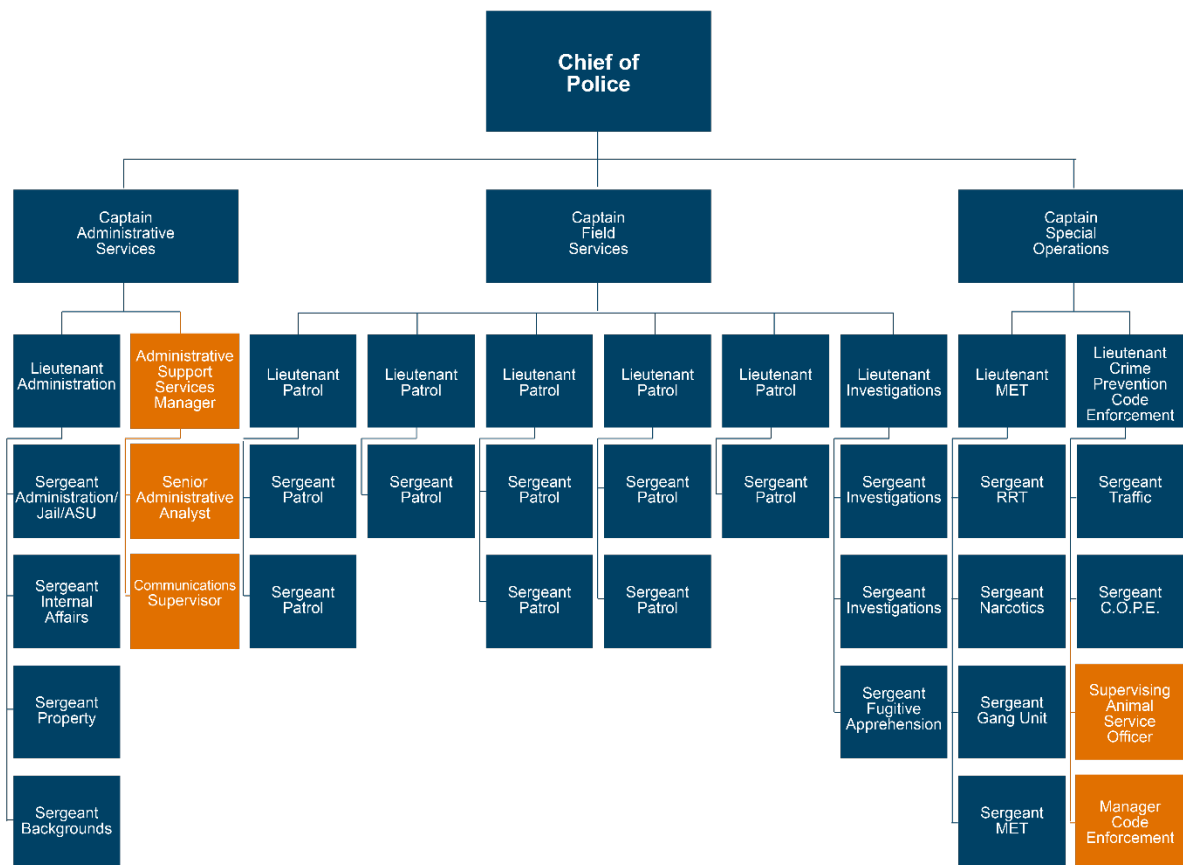


01 Overall Assessment of Policies and Procedures

ORGANIZATIONAL STRUCTURE AND MANAGEMENT

The Fontana Police Department (FPD) is led by a Police Chief, who reports to the City Manager. The Department’s budget accounts for nearly 60 percent of the City’s general fund budget. The Police Chief oversees three Captains, each of whom takes on a responsibility for leading one of the Department’s three divisions: Administrative Services, Field Services and Special Operations. Administrative Services includes the Records, Communications, Internal Affairs and Training Units, and employs most of the Department’s civilian personnel. The Department’s Patrol function is located in the Field Services Division, which contains the Investigations Unit. Finally, Special Operations includes the Narcotics, Crime Prevention, Traffic, Task Forces, Gangs, Crime Prevention and Animal Control Units, as well as the Community Outreach and Public Engagement Team.

FONTANA POLICE DEPARTMENT





The Police Chief has only three direct reports: the three captains and the Police Chief's secretary. In turn, the Captain of Administrative Services and the Captain of Special Operations each have two direct reports, plus an administrative secretary. The Captain of Field Services, who oversees patrol, has the largest number of direct reports, six lieutenants, as this is also the largest function within the FPD.

The Patrol division is divided into five patrol teams. Patrol officers work three 12-hour shifts to cover the four beats. Although the Department operates with a mandatory minimum of 10 officers per shift, a shift typically includes 12 to 14 officers supervised by a corporal, a sergeant and a lieutenant. On weekends, more officers and supervisors typically work because of the swing shift that overlaps with regular shifts, as well as the rapid response team, gang unit and traffic officers.

We find the span of control³ for the FPD is relatively low and appropriate for its size. This span of control and personnel's ability to have direct contact with their immediate supervisors contributes to the Department's positive culture.

Department members report that overtime has increased for administrative staff members responsible for payroll, budgeting and numerous other activities. While some of this is due to some extra responsibilities associated with the COVID-19 pandemic, the administrative work has reportedly been increasing for several years without the addition of more administrative staff. The Department should consider studying the issue of whether increasing the number of administrative staff members would help to reduce overtime expenses and the burden and stress on current administrative personnel as part of a cost-benefits analysis.

The Department's operations are prescribed in a set of formal written policies and procedures known as the Fontana Police Department Policy Manual. For ease of staying current with policies and procedures and to facilitate ongoing changes, the FPD has chosen to maintain its manual using the services of Lexipol, a third-party vendor that provides and updates law enforcement agencies' duty manuals on an ongoing basis. Many agencies of a similar size within and outside of California use Lexipol. These policies are customized for use by the FPD and are reviewed and updated regularly, which includes customizing some of the policies and procedures as needed. By using this service, the FPD can help ensure that its policies keep up with changes to State of California and federal laws.

³ "Span of control" represents the number of individuals, or resources, that a person can effectively supervise within a structured setting. In a police department, span of control can also be defined as the number of individuals that a supervisor can effectively manage in a crisis or emergency.



OVERALL DEPARTMENT CULTURE

Employees are more likely to perform their jobs well and remain in an agency when its culture allows employees to pursue their interests, capitalize on their strengths and have input into decision-making. Such a positive culture in a police department results in reduced turnover, lower recruiting and training costs, and personnel who are committed to building a positive culture and improving police-community relations.⁴

The morale of employees in the FPD appears to be exceptional. During our interview process, we heard very few complaints about management or leadership. In fact, almost all interviewees described the Department as having a family atmosphere. They told us that Department members are supportive of each other professionally and personally.

Several factors appear to contribute to this atmosphere, according to interviewees. They note that the entire command staff has an open-door policy and are accessible to employees. Officers feel like they are well-trained compared to other departments. They noted that the FPD has a very open environment in which people are not afraid to ask questions and suggest improvements because people will listen and respond proactively. Importantly, they characterize the Department as having an atmosphere of open and honest communication.

In messages to the Department, we have seen Chief Green indicate that the FPD's vision is "Doing What We Are Doing Better Than It Has Ever Been Done Before," and that the Department is committed to the constant exploration of new and exciting methods to enrich the police-community relationship. Encouraging alternative operational ideas and critical thinking from Department members is a best practice and helps maintain a healthy and productive environment.

⁴ Law Enforcement Best Practices: Lessons Learned from the Field, 2019. U.S. Department of Justice, COPS Office



THE FPD'S MISSION, VISION AND CORE VALUES

Mission Statement

The following mission statement has been in place since the early 2000s

The Fontana Police Department is committed to protecting the community by providing quality "Service with Integrity." As an organization, we will continue to build diverse community based partnerships. These partnerships will be guided by innovation and perseverance to ensure Fontana's future as a well-developed, dignified, and respected community in the Inland Empire.

Vision

Dedicated to excellence and professionalism, we are committed to working with the people of Fontana to enhance the safety and security of our diverse community.

Core Values – 'TEAM'

- + **Tradition:** We are a tradition rich organization, respectful of past accomplishments, optimistic about current challenges, and inspirationally leading the way for Fontana's future.
- + **Excellence:** We strive for excellence in all we do. We work to identify our organizational vulnerabilities and are committed to improvement via training, communication, and initiative.
- + **Accountability:** We hold ourselves accountable for our deeds. We are aware of the impact our actions have and are dedicated to providing service with integrity.
- + **Mindful:** We are mindful of the trust and confidence placed in us by the community. We honor this responsibility and strive for validation each and every day.



According to Department staff, including those working in command and administration, this is not just a slogan for the FPD – Department members believe in constant improvement. The FPD culture encourages personnel to not wait for things to improve but to strive to do better constantly. No one is 'stuck' with doing their jobs the same way they always have. We note that achieving such a high level of morale throughout a department of Fontana's size, as well as having what are recognized internally as innovative and supportive supervisors and command staff, is not the norm we have encountered in our numerous assessments of police agencies. Fontana has excelled in maintaining such an atmosphere.

Although the culture of the Department appears to be very good, we spoke to members of the public and government who expressed concern that the FPD may exhibit biases, either real or implicit, that impact people of color, and that a perception persists that the Department is not as welcoming to Black applicants. Some of these concerns stem from the gap that currently exists between the demographics of the Department compared to that of the City's diverse communities, which we believe the agency has the ability and desire to address.

ACCOUNTABILITY SYSTEMS

Performance Evaluations

As part of the annual performance evaluation process, each supervisor is required to review their subordinate employees' records in the Guardian Tracking System as well as several forms that employees must complete every year. Employees are also required to complete a Performance Pre-Evaluation Form, which asks them about the supervisors for whom they have worked during the reporting period, as well as the employee's accomplishments and achievements, collateral assignments, training in which they participated or for which they conducted, committees in which they have participated, any training needs and work-related goals. The Performance Evaluation itself rates the employee on 12 categories, 13 if a supervisor, ranging from job knowledge to attitude and loyalty. Performance evaluations are a critical component of effective personnel management. Although we did not review any completed performance reviews as part of our work scope, we note that the FPD's performance review process appears to be more robust and effective than many agencies. If the pre-evaluation form is routinely completed and its contents incorporated into FPD performance appraisals, this is a step that many agencies do not take.



Body-Worn Computers

The FPD created a body-worn computer (BWC)⁵ program to, among other goals, promote accountability, enhance trust and confidence in the performance of employees, and provide data to evaluate Department practices, tactics, strategy, officer training and safety practices, and police-community relations. With some exceptions, Department personnel of lieutenant rank and below who are deployed to the field are required to wear a BWC system daily. The policy applies to sworn personnel, detectives, community service officers, code enforcement officers, animal service officers and field evidence technicians. The policy advises employees to activate the camera during any investigative or enforcement-related contacts and any time the officer believes it would be legal, appropriate and valuable to record an incident. As with many similar policies, this policy includes several exceptions for privacy.

Supervisors at the rank of corporal or above may review BWC recordings for a limited number of administrative purposes, including reviewing various serious incidents, facilitating internal investigations for the purpose of proving or disproving specific allegations of misconduct, and assisting the Department in evaluating and improving FPD practices, tactics, strategy, officer training and safety practices, and police-community relations. Supervisors may not review BWC recordings solely for the purpose of discovering policy violations. A direct supervisor can audit a random sampling of BWC recordings during an employee's annual evaluation.

The use of BWC is a growing practice in public safety. Although research is still being conducted regarding policing agencies' use of BWCs, studies seem to indicate that police deployment of BWCs reduces the number of force incidents and citizen complaints against police and can provide a quicker resolution of complaints against police personnel. We commend the Department for equipping its members with BWCs.

Guardian Tracking System

As previously mentioned, the FPD uses an internal performance tracking system – Guardian – to highlight negative employee performance and provide positive performance flags. This is an early intervention system (EIS) by nature and is a good practice that has been adopted widely by police agencies throughout the country.

5 The FPD Policy manual states, "For purposes of this policy the terms body worn camera and body worn computer are synonymous. A body worn computer device consists of a small body worn cell phone with an integrated camera/audio system. BWC files, including photographs, audio recordings and video footage are stored digitally on the device until the system connects to the server."



Among other capabilities, Guardian allows supervisors and command staff to identify negative patterns of behavior before they become major issues and allows the FPD to help the employee improve their behavior. Typically, supervisors and command staff members see both the negative and positive comments that are entered into Guardian about an employee. If a Department member receives three negative entries within a one-year period, the system notifies the Chief of Police about the employee's behavior. This system is not used to discipline employees but to identify problematic behaviors by employees who may need some early assistance to prevent their behavior from becoming more serious.

METHODS FOR ANALYZING WORKLOAD INDICATORS, TRENDS AND PERFORMANCE

The City of Fontana's 2019-2020 budget includes information about each City department and its goals. In the budget materials, the FPD's five overall goals are aligned with those of the City Council. The FPD's goals include:

- + "To maintain order and security in the community through effective deployment of officers and equipment throughout the city and by responding to calls for service on a 24-7 basis."
- + "To provide effective leadership and administrative support by maintaining sound fiscal practices, implementing and utilizing up-to-date technology, providing effective supervision and training and providing excellent customer service."
- + "To enhance partnerships among community residents, foster increased awareness among residents, monitor and assess delivery of services, and stimulate participation in complementary programs and activities."
- + "To continue to develop and implement policies to provide better services to the community."
- + "To ensure a safe and aesthetically pleasing City through Code Compliance and Animal Services Activities."

These goals are further linked to objectives related to improving safety and quality of life for Fontana residents and to several performance metrics, which measure progress toward reaching those goals. These metrics include, but are not limited to, the number of calls for service, the amount of proactive time available for field personnel, the number of crimes and traffic collisions occurring, the number of Part One crimes⁶ cleared, and the number of youth participating in FPD programs. These metrics are appropriate for a police department to collect and analyze, and the FPD may want to consider engaging the community and developing a survey to collect additional measures related to quality of life and social cohesion⁷ in the community.

6 The Uniform Crime Reporting Program divides offenses into two groups: Part I and Part II. Part I crimes are criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson.

7 Social cohesion measurements evaluate how residents think and feel about their particular neighborhood, their level of social interaction and their trust of and willingness to engage with their neighbors.



The FPD measures some of its interactions with members of the public through SPIDR Tech, which sends surveys to people who have contacted the Department's dispatch center. The surveys ask questions regarding the respondent's overall satisfaction with their interaction with the dispatcher and Department members, whether they were satisfied with the outcome, whether any electronic correspondence with the respondent was helpful, and any other thoughts, comments and concerns. Command staff, lieutenants and support staff managers and supervisors receive daily and monthly reports. Each division leader focuses on results related to their command and is expected to provide positive or negative feedback to employees.

For example, if a complaint is received, a supervisor reviews BWC recordings, dispatch recordings, reports and other information to determine what happened. The Department uses these surveys to stress to its employees the importance of developing trust with the community. Employees have reportedly responded well and are encouraged by the community support of the Department. Measuring community satisfaction with police encounters is a best practice for police agencies. By measuring daily interactions between police employees and residents, the FPD can address issues as they occur and contribute to improved public satisfaction with the police.

COMMUNITY ENGAGEMENT

Current Policies and Community Policing Activities

The FPD's Policy Manual discusses the Patrol function. In part, Section 400.5 states that patrol services include "carrying out crime prevention activities such as residential inspections, business inspections and community presentations" and "carrying out community oriented policing and problem-solving activities including application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way." These manual provisions are consistent with the goals identified in the budget related to enhancing partnerships, increasing awareness among residents and stimulating participation in programs and activities.

Although patrol should not be the only function that carries out community engagement efforts, it is appropriate that this division should have the primary responsibility for crime prevention, community-oriented policing and problem solving. However, it is important that every unit in the FPD understands and takes a part in community engagement activities. It is best practice that community policing be a service-oriented philosophy that permeates the entire department rather than specific units.

For example, the overall operational attitude of many police agencies is that community-oriented policing efforts are almost exclusively the responsibility of the Patrol division because members of that division have the most day-to-day contact with those living and working in a city. At times, this attitude tends to diminish the efforts of members of a unit assigned to investigate crimes (e.g., domestic violence, child abuse, sexual assault) who could enhance community policing efforts by strategically collaborating with other local organizations that focus on reducing such crimes. Compounding the problem is patrol commanders' tendency to assign the community-oriented policing



responsibilities, coordination and management to a specialized unit, which sometimes leaves many patrol officers believing that community-oriented policing efforts are the responsibility of that specialty unit, while they handle day-to-day calls for service and proactive law enforcement activities. Such approaches and attitudes tend to diminish the overall effectiveness of an agency's community-oriented efforts and collaborative working relationships with any number of external community partners, including faith-based and non-profit organizations willing to join resources with a police department to address the root causes of issues. To a great extent, such an approach also ignores the actual relationships that Patrol personnel have developed with any number of community stakeholders, relationships that could be leveraged through strategic collaboration with external individuals or organizations.

Based on our interviews, patrol officers are encouraged to reach out to community members, be visible, contact business owners in the community and generally look for opportunities to make positive contacts. Officers reported that they have time for such proactive activity. As discussed below, officers appear to have embraced engaging the community and have volunteered their time outside of work hours to help with community events. For example, many FPD officers are involved with community activities through organizations such as the Fontana Police Foundation (FPF) and Fontana Police Officer's Association (FPOA). These include activities such as the Chillin' and Grillin' BBQ Cook Off. Although the COVID-19 pandemic has been challenging for all police departments, the FPD has encouraged officers to continue to reach out to community members when appropriate. The questionnaire form FPD personnel complete prior to the creation of their annual performance appraisals requires them to list community policing and other projects in which they have been involved during the performance rating period. This provides support for the notion that all FPD officers are held accountable for community policing activities no matter their current assignment.

Collaboration and Communication with Community Stakeholders

The FPD tasks its Community Outreach and Public Engagement (C.O.P.E.) Unit with much of its formal outreach to community members and stakeholders. C.O.P.E. is assigned a number of responsibilities related to public information and social media, the Fontana Leadership Intervention Program (FLIP), Explorers, school programs, the Citizen's Police Academy, senior engagement, National Night Out, car-seat inspections and other outreach efforts. The unit also uses the principles of crime prevention through environmental design (CPTED) to review plans for new construction in the City and assess existing residences and businesses. The unit is staffed by a sergeant, three sworn officers and four community policing technicians.

FLIP was created through a partnership between the FPD and the Fontana Unified School District to combat truancy, suspension and expulsion coupled with increases in juvenile criminal activity. The FPD reports that since its inception, 550 students and parents have participated in this 16-week program. C.O.P.E. also operates the Explorer program, which is focused on youth who are interested in becoming law enforcement officers. Officers hired since 2017 indicated that several sworn officers currently on the FPD started with the Explorer program.



C.O.P.E. is adapting to the current COVID-19 environment by conducting more activities online. For example, its members are filming various Department units for videos that will replace the FPD's annual open house. In addition, officers have recorded videos of themselves reading books for children rather than doing so in person.

The FPD could improve efforts to integrate patrol officers into C.O.P.E.'s activities. However, patrol officers and officers from specialized units have participated in community meetings, "Coffee with a Cop" and other events.

The FPD's MET represents another effort to reach out to the community to address issues. The MET patrols parks, apartment complexes and businesses with a focus on quality-of-life issues, including outreach to residents experiencing homelessness. The MET works with the Open Door Community Partnership, a local non-profit agency, which provides housing, oversight and street outreach to those experiencing homelessness.

The FPD also operates a 10-week Citizen's Police Academy, which is designed to provide citizens with an overview of the police department's policies and procedures. A Citizen's Police Academy provides the opportunity for a police department to increase citizen knowledge of the department and positively influence citizen's perceptions of the department.

The City recently created a Police Chief's Roundtable Committee to share guidance and community perspectives with the FPD and its chief. The Council consists of 12 members of which three members represent each of the four patrol areas of the city and focuses on community public safety concerns and implementing tangible activities to improve services for residents. The committee includes five men and seven women, of which five are Hispanic, five are Black and two are white.

We conducted a focus group and interviewed individual members of the roundtable prior to the group's first meeting with the chief. Members shared their perspectives on why they decided to get involved with the FPD and their thoughts on how they can help the Department. Some of the common themes included the following.

- + Bridging the gap between the community and the police
- + Bringing awareness of community issues to the police department
- + Connecting Department members with more community events and helping humanize the officers in community members' eyes
- + Assisting the Department in enhancing its understanding of the diverse community's varying cultures and perspectives
- + Advising the Department on improving its diversity by helping to recruit applicants of color

The Roundtable also provides the FPD with the ability to improve the already strong bonds between the Department and the community. As the Roundtable develops, the group should help develop ways to reach community members who feel like they are not heard. This may be helpful to the FPD



as leadership strives to increase the diversity of its workforce and roundtable members learn more about the Department and subsequently encourage individuals to consider applying for the agency.

The roundtable can also be used to assist the FPD in developing strategic plans to address crime and disorder in the community. During our assessment, the Chief's Roundtable met for the first time and discussed ground rules and expectations for the group and for the chief. Although the creation of the Chief's Roundtable is a positive step, the Chief should also ensure that the FPD continues to seek guidance directly from other community members not on the committee, including those who have been critical of the Department, to ensure that it hears from a wide range of voices and perspectives.

Although the FPD did not provide us with a comprehensive community policing strategic plan, it shared a white paper Chief Green developed, which explains the Department's community policing philosophy and organization. The paper indicates that the C.O.P.E. Unit is not solely responsible for maintaining positive police-community relationships, but that this is an organizational-wide endeavor. The FPD can further support this statement by creating a comprehensive community policing strategic plan that includes the agency's vision and goals for community policing; the roles and responsibilities of every individual member and unit in community policing activities; and key activities, milestones and metrics for institutionalizing community policing. The strategy should also include recruitment, training, promotions, personnel evaluations and operational components.⁸ In addition, the strategy should clearly share the philosophy with Department members that every contact is an opportunity to engage positively with a community member.

Transparency Initiatives

Transparency is an important element of building trust with the community. In 2018, the City of Fontana approved the purchase of software upgrades for the FPD's records management system (RMS) and computer-aided dispatch (CAD) system. At the time of the purchase, the Department's CAD system and RMS were more than 10 years old and not keeping up with advances in technology. The new CAD system improved performance and allowed for additional communication capabilities and mapping. The new RMS streamlined the collection of information and made it easier to report and analyze information.

With its new records system, the FPD is considering creating and sharing dashboards with the community to provide more detailed information about incidents and arrests in the City of Fontana. We encourage the Department to have clear policies that require it to regularly share appropriate information with the community, such as the noted software dashboards. In addition, when the Department is considering any major changes in strategies, leadership should provide opportunities for the community to provide input, when appropriate.

⁸ Law Enforcement Best Practices: Lessons Learned from the Field, 2019. U.S. Department of Justice, COPS Office



The FPD is currently conducting a survey regarding police and public safety in Fontana. The survey asks questions about citizens' perceptions of safety, police performance, trust in the Department, the Department's professionalism and other feedback. The results are not final, but the FPD is planning on releasing these results to the public.

Both this survey and the use of SPIDR Tech surveys, as discussed above, are great examples of the FPD reaching out regularly to the community to measure their interactions and the community's perception of the Department and overall safety in the city. The FPD may want to consider going a step further and identify additional metrics with which to measure its success in improving social cohesion in Fontana's neighborhoods. For example, the metrics could evaluate how:

- + Residents think and feel about their neighborhood, including social cohesion and interaction
- + Residents interact with their neighbors and how often
- + The extent to which residents trust their neighbors and are willing to engage with them
- + Residents can collaborate with the Department by leveraging their available resources to address issues that drive crime and quality-of-life issues

TRAINING

New recruits for the FPD are required to attend the San Bernardino County Sheriff's Department Basic Academy, which is a program that takes 23 weeks. Prior to attending the academy, new recruits are assigned to the FPD's six-week Pre-Academy program. This program is designed to prepare FPD recruits for the Basic Academy and includes physical training, report writing, firearms training, defensive tactics and several additional topics that introduce recruits to various FPD personnel, policies and procedures.

Based on our interviews with FPD trainees and officers who have been hired in the last three years, although the program was shorter just a few years ago, they believed it gave them a head start once they entered the state-certified police academy program and that they felt well trained compared to recruits from other departments who did not have the same type of support. Interviewees were complimentary of program staff and FPD personnel who participated in the program. They noted that staff regularly checked on their progress during the pre-academy program and when they were in the Basic Academy. They indicated that meeting FPD officers prior to attending the basic academy was helpful in transitioning to the Department once they completed their regular academy training.

Types of Training

The FPD has a strong in-service training program. The FPD's training policy, Policy 208, is to provide for the professional growth and continued development of its personnel. The objectives of the training program are to:



- + Enhance the level of law enforcement service to the public
- + Increase the technical expertise and overall effectiveness of personnel
- + Provide for the continued professional development of Department personnel

Overall, the FPD has taken on appropriate efforts to ensure its members meet and exceed the basic requirements set forth by the California Commission of Peace Officer Standards and Training (POST). Peace officers in California are required to complete 24 or more hours of qualified Continuing Professional Training (CPT) every two years. A portion of these CPT requirements are filled by officers who complete 12 hours of perishable skills training and communications training every two years. This training covers three topic areas: arrest and control, driver training and awareness, and tactical firearms or force options simulator. California also has several state-mandated training courses to maintain proficiency in areas such as blood-borne pathogens, domestic violence, first aid and CPR, vehicle pursuits, racial and cultural diversity, and racial profiling.

The FPD tracks the training of its officers, from the perishable skills training required by the State of California to other courses for officers. The policy assigns a training sergeant the responsibility to maintain, review and update the plan to address legislative changes, state-mandated training and critical issues training. Interviewees told us that the FPD was supportive of officers who sought additional training and generally allowed officers to identify and participate in various types of training programs, providing the budget permits it.

The FPD provided us with a spreadsheet containing the types of classes, the length of training and the number of officers trained between 2017 and June 2020. According to that spreadsheet, the Department reported over 24,000 hours of training for its sworn and civilian members. This included 26 Department-wide trainings, mostly related to mandated training, including bias-based policing, mental health and de-escalation, and principled policing. Other training topics included, but were not limited to, crowd control and management, BWC use and special operations. We observed that the FPD has taken on appropriate efforts to ensure the Department members meet and exceed the basic requirements set forth by POST.



RECOMMENDATIONS

Overall Policies and Procedures

- | | |
|-----|--|
| 1.1 | Study whether increasing the number of administrative staff members would help reduce overtime expenses and the burden and stress on current administrative personnel as part of a cost-benefit analysis. |
| 1.2 | Ensure that the Police Chief's Roundtable Committee develops ways to assist FPD personnel and community members gain a better understanding of the challenges each face as they strive to identify collaborative ways to leverage their collective resources to address crime and quality of life issues in Fontana. |
| 1.3 | Establish clear policies for regularly sharing web-based information dashboards from the FPD's RMS and other record sources with the community. |
| 1.4 | Partner with the community to develop and implement metrics for measuring social cohesion in City of Fontana neighborhoods. |
| 1.5 | Continue to support the pre-academy program as it has reportedly been beneficial in helping FPD recruits to thrive during the Basic Academy program and more easily transition to the Department when training is completed. |



02 Assessment of Recruiting, Testing, Background Checks and Hiring Processes

INTRODUCTION AND METHODOLOGY

Staffing talented personnel who reflect the diversity of the community is a key element in effective public safety and organizational efficiency, and positive police-community relations programs. Proactive and intentional recruitment and hiring are crucial to address barriers, drive reform and ensure that the workforce reflects and serves its community better.

Current Makeup of the Fontana Police Department

| Race of FPD Sworn Staff | Number of Staff | Percentage of the FPD | Percentage of the City of Fontana |
|-------------------------|-----------------|-----------------------|-----------------------------------|
| Asian | 1 | 0.52 | 6.3 |
| Black | 3 | 1.56 | 8.6 |
| Hispanic | 58 | 30.21 | 69.3 |
| Other | 5 | 2.60 | .9 |
| White | 125 | 65.10 | 13.8 |
| TOTAL | 192 | | 100 |

Although 69.3 percent of the City of Fontana population is Latino or Hispanic, only 30.21 percent of the FPD’s sworn employees are Latino or Hispanic. Asian and Black residents are also underrepresented in the Department compared to the general population of Fontana. Moreover, of the 192 sworn officers in the FPD, almost 93 percent are men.

Recent efforts to increase the number of sworn officers of color have been somewhat successful. In recent years, the FPD increased the number of officers of color as a percentage of the sworn personnel. Between 2017 and 2020, the FPD hired 45 officers. Of those, 23 (51.1 percent) were white, 17 (37.7 percent) were Hispanic, two (4.4 percent) were Black and three (6.6 percent) were listed as “Other.” Despite these encouraging numbers, the FPD has expressed its desire to continue to improve its efforts to recruit and hire people of color. Given the longevity of police careers and changing community demographics, overall improvement may take some time before the department will more closely reflect the demographics of the community.

Of the 45 personnel hired since 2017 or currently in the academy, we selected 15 members for interviews, including five hires from 2017, four hires from 2018, three hires from 2019 and three



current trainees. Our interviewees included 13 men and two women, as well as seven white officers, six Hispanic officers, one Black officer and one listed as other.

THEMES FROM THE INTERVIEWS

We asked the interviewees noted above a series of questions about why they applied to the FPD, their experiences during the application process and the Basic Academy, and their experience as an officer since they left the academy.

By far, the most consistent theme among interviewees was that they were drawn to the FPD because of its reputation. Many heard about the Department through word of mouth from friends or family members already in the FPD. Specific reasons for seeking to work for the FPD included the following.

- + The salaries are comparable or better than many police agencies in the region.
- + The benefits, especially healthcare benefits, are exceptional.
- + The City administration and the community are supportive of the Department.
- + Because of the size of the organization, personnel have room to move around and work in different units.
- + The City is financially sound and able to retain employees.
- + Neighboring departments say good things about the FPD.
- + The perception is that although it is a large department, people are supportive of each other and it has a family atmosphere.

RECRUITMENT

The FPD's Personnel and Training Unit is responsible for recruitment and background investigations. Policy 1000 and the City of Fontana's Human Resources rules guide the recruitment and selection of officers for the FPD. In part, the policy requires the FPD "employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates." The strategy is required to include the identification of racially and diverse target markets through creating and implementing marketing strategies to target diverse applicant pools; expanding the use of social media technology; expanding community outreach through partnerships with media outlets, community groups and others; and designing and implementing employee referral and incentive programs that encourage recruiting a diverse and/or bilingual candidate.

The President's Task Force on 21st Century Policing identified the need for law enforcement personnel who reflect the communities they serve. It noted that increased diversity is important to build trust with the community and can make a department "more open to reform, more willing to



initiate cultural and systemic changes, and more responsive to residents they serve.”⁹ The Chief and governmental officials we interviewed also expressed the desire to improve the diversity of the FPD. Although Department members have attended events and sometimes targeted candidates of color, the FPD has not developed a written comprehensive recruitment and selection strategy to help ensure a diverse pool of candidates.

The FPD’s recruiting efforts include recruiting for the cadet program. The program was established to attract young, well-qualified college students interested in a part-time training program to become FPD officers. Cadets are assigned to different areas within the Department to gain hands-on knowledge of various aspects of policing. The cadet program is authorized to hire 15 cadets, and it currently has nine. Thirty current FPD officers were previously participants in the program. Using the cadet program to recruit candidates is a best practice and allows the cadet to understand the Department and for the FPD to get a better understanding of the cadet’s qualifications and potential to be successful as a police officer. The current cadet program includes six Hispanic men, one white man, one Hispanic woman and one Black man.

Current Materials and Methods Used

The FPD currently uses a variety of material and methods for recruiting police officers. One of the primary methods is attending recruiting events. As an example, the Department shared with us the events recruitment staff attended in 2019. These ranged from general job fairs at local colleges and community events to law enforcement career days. Some events, while not job fairs, were targeted at people of color, such as the Fontana Hispanic Heritage Celebration. For those events, Department members are made available to discuss careers at the FPD and distribute recruiting materials.

Recruitment staff attending the events record its location, the number of people who attended, the number of qualified candidates contacted and other pertinent information. Collecting information about these events is a good practice that the FPD can use to help to measure the effectiveness of recruiting efforts and determine whether it is worth attending similar events in the future and/or what steps could be taken to make their interaction with individuals more successful. Interviews with recruiting staff indicated that the job fairs did not seem to provide the FPD a good return on investment generally, unless they were at colleges. The determination of what future events to attend should be guided by the Department’s comprehensive recruitment and selection strategy.

The FPD has developed marketing materials such as flyers, which contain an image of FPD officers and some basic information about the Department, highlighting its salary and benefits. The information on some of these flyers can be helpful in that it highlights that the FPD offers competitive pay and benefits in the region. The Department uses these materials for standalone brochures, as

9 President’s Task Force on 21st Century Policing, Final Report



well as magazine ads and social media posts. The FPD has also purchased time on a video board near the freeway to call attention to job openings at the FPD.

Although it is important to highlight the pay and benefits, one of the FPD's strengths is its positive culture, and we learned from several interviewees that the biggest factor in choosing to work for the FPD was its reputation. The recruiting staff should consider developing recruiting materials that focus on the positive atmosphere to attract recruits who would like to be part of that high-performing, collaborative culture.

Most of the materials we reviewed refer potential applicants to the FPD's recruitment website. The Department has had some success in drawing viewers to the recruitment and police careers sections of the website. For example, from January 13 through 17, 2020, 1,020 viewers navigated to the recruitment website and 703 navigated to the police careers page, mostly after reviewing the recruitment website itself. These are positive numbers and show that the FPD is attracting attention to its job openings.

The police recruitment website lists the available employment opportunities and provides links to information about salary and benefits for City employees and a job application. The police careers page provides the steps for an applicant to apply for an FPD position and includes a small section at the end that explains police officer special assignments. Neither of these webpages talks about what it is like to be a FPD officer. The numbers of people navigating to the website is encouraging, but as with the printed materials described above, the FPD misses the opportunity to use the website to advise potential applicants as to the FPD's positive culture. The Department should enhance its website to include materials focusing on the positive culture. This can include testimonials from officers who also reflect the diversity of the Department and can speak to their experiences as an officer of color or a woman on the force. Ensuring that the photos of Fontana officers depicted on this website represent the diversity of the Department is similarly critical.

As we learned during the interview process and as with many police agencies throughout the country, word-of-mouth recruiting is one of the most effective methods of recruiting applicants. The Department should continue to encourage members to recruit their friends and other colleagues to join. However, the FPD should not rely on this methodology alone, as word-of-mouth recruiting can be challenging to diversity goals in that officers may recruit from their own social networks.

Finally, the FPD should consider increasing its efforts to use members of the newly created Police Chief's Roundtable Committee and other partners in the community as ambassadors to recruit candidates of color to apply to be police officers and police cadets. The FPD should make efforts to help these ambassadors understand the Department and its positive culture so they are more equipped to recruit candidates. The use of these groups for recruiting should be included in the FPD's written recruitment plan.



APPLICATIONS AND APPLICATION PROCESS

The FPD's application process is clearly laid out on its website and follows the requirements outlined by the California POST. The FPD accepts applications on a continual, open recruitment basis from people who have never been police officers as well as qualified lateral hires from other departments. An applicant's initial application is screened by the City's Human Resources Department to ensure that the applicant has met minimum qualifications. If Human Resources determines that the applicant meets minimum qualifications, they are invited to take the written test (i.e., PELLETB – POST Entry-Level Law Enforcement Test Battery) and a physical agility test. If they pass both of these tests, which often occur on the same day, they are provided with a Pre-Investigative Questionnaire (PIQ) so the Department can conduct a background check. This approach is the same as that followed by most California law enforcement agencies as they accept and then initiate the selection and hiring process for police personnel. The following outlines some of the specific details of the FPD hiring process and provides analysis that suggests considerations regarding altering some of the steps in the process.

Recruiter Oral Interview

If the PIQ does not contain disqualifying information, the applicant is then invited for an oral exam conducted by a background examiner and a field training officer. During this stage of the process, the FPD background examiner discusses an applicant's answers and asks additional questions to examine the applicant's potential fit with the FPD. The background examiner asks the applicant a series of questions and then recommends whether the applicant should continue in the process. The Background Investigator Oral Rating Sheet provides space for the background investigator to detail comments. It also requires the background investigator to provide a numerical score from one to seven, with a score of one or two being unqualified.

This sheet also requires the background investigator's signature but does not require a review or signature from a supervisor. As this interview process is somewhat subjective, the FPD should consider adding a review and approval process for the background check investigator's findings on the oral rating sheet because this is an extremely important "first step" to move an applicant from the large group of those who have applied to the group that will be considered to move forward in the process. A risk exists that some qualified candidates, even though they might not be as strong as others with their qualifications or backgrounds, may be culled from the process before any other FPD personnel can provide a second opinion. While the department currently requires a sergeant's approval when a background investigator recommends that an applicant be rejected for failure to pass the background check, the department should consider requiring the background investigators to provide a formal briefing to their supervisors and a command officer about what they have learned about the recruits, provide recommendations and then allow for a group discussion. This would allow the command officer to make a more informed decision about who moves forward in this initial phase of the process, with those selected being invited to the Command Staff Oral Examination.



Command Staff Oral interview

This examination is conducted by a panel of FPD supervisors. The panel consists of the Personnel & Training sergeant, administrative lieutenant, admin sergeant and another supervisor. Care is taken to make sure the panel is as diverse as possible and includes at least one woman and one person of color. A representative from Human Resources is usually present during this interview; however, it is not required.

Finally, once an applicant completes and passes the oral examinations, they are put into a formal background process. The process involves fingerprinting, and contracted medical professionals conduct the psychological and medical evaluations. Each officer must undergo a polygraph examination that a licensed, third-party polygrapher administers before hire.

Captain's Interview and Chief's Interview

The final steps in the interview process are the captain of administration's interview and the chief's interview. The captain interviews every candidate who has progressed through the other steps of this process. The captain uses this interview to get to know the applicant and to ask about any issues that may have come up during the application process. If the captain approves, the applicant then meets with the Chief for what is described as a "meet and greet," where the Chief describes his expectations for any employee of the FPD.

Most of the interviewees had positive things to say about the application process for the FPD. In particular, they noted that they were treated well during the process and, for the most part, were kept well informed about each step. Interviewees indicated that they were encouraged to participate in a ride-along with officers, which was beneficial to the applicant to gain a better understanding about the Department and assess morale. During the processes, applicants told us that when they stopped by the Department to drop off paperwork or participate in interviews, they experienced positive interactions with members. These practices are consistent with FPD's Policy 1003.3, which states that the Department should strive to facilitate and expedite the screening and testing process and should periodically inform each candidate of their status in the recruiting process. All of these things are best practices that reflect the quality of the Department for applicants and encourage them to continue with the process, even if they field offers from other departments.

Based on our experience assessing multiple law enforcement agencies' recruiting, testing and backgrounding practices over the last decade, the FPD has one of the quickest turnaround times we have seen, which positions the Department to make employment offers to quality candidates before other agencies can do so.



RECRUITMENT DATA

In order to assess the FPD's hiring efforts to attract employees of color and women, we requested data broken down by race and gender regarding recent hiring processes. The FPD reported that it does not routinely collect that data and made significant efforts to provide the information to us. As discussed earlier, the FPD should have a comprehensive recruitment and selection strategy that targets diverse applicant pools. In order to have an effective strategy, the Department or the City's Human Resources office should routinely collect demographic information from applicants and ensure that they can track their success throughout the process. With that data, the FPD can determine whether candidates of color and women are disproportionately eliminated at certain steps in the process.

Both the FPD and the City's Human Resources Department expressed a concern about the application and screening process that they are working to address. We were informed that recently, while the Human Resources Department was screening the initial applications for employment, at times, they would reject qualified applicants for technical reasons, such as including a resume rather than listing all of their previous job history on the application.

The Chief reported to us that in this recent recruitment round, he observed that four individuals were disqualified based on a familial relationship, three of whom were applicants of color and one a woman of color. Of the non-familial disqualified applicants, 17 had attached resumes that would suggest that they are qualified. Overall, throughout this process, 20 candidates of color or female candidates were disqualified because of technicalities. The City's Human Resource Department and the FPD should consider developing a process whereby when an applicant is disqualified for a technical reason, the FPD is provided an opportunity to review those applications and determine why the disqualification occurred.

For this engagement, we reviewed data from the FPD regarding its June recruitment cycle, which resulted in two people being hired, and the September recruitment cycle, which has not yet been completed. We received demographic data regarding the testing process, but no demographic information regarding what occurred during the interview or background checks.



June Recruitment

For the June recruitment, 400 people applied to be a FPD officer. The following table breaks down the race and ethnicity of the applicants and their progress through the process.

| Status | White, Non-Hispanic | Black, Non-Hispanic | Hispanic | Asian or Pacific Islander | Other | TOTAL |
|---|---------------------|---------------------|----------|---------------------------|-------|-------|
| Applied | 79 | 54 | 246 | 14 | 7 | 400 |
| Appeared for Test | 18 | 7 | 57 | 1 | 3 | 86 |
| Passed PAT | 12 | 7 | 26 | 0 | 1 | 46 |
| Passed Written | 11 | 5 | 17 | 1 | 3 | 37 |
| Passed Both PAT and Written | 11 | 5 | 5 | 0 | 0 | 21 |
| Unacceptable Background/Failed Oral Interview | 6/3 | 4/0 | 2/3 | 0 | 0 | 18 |
| Hired | 2 | 0 | 0 | 0 | 0 | 2 |

The following table breaks down the gender of the applicants and their progress through the process.

| Status | Male | Female |
|----------------|------|--------|
| Applied | 343 | 66 |
| Appeared | 73 | 13 |
| Passed PAT | 46 | 0 |
| Passed Written | 34 | 3 |

For this recruitment round, Hispanic individuals comprised a significant portion (61.5 percent) of the applicants as compared to white (19.8 percent), Black (13.5 percent), Asian or Pacific Islanders (3.5 percent) and “Other” (1.8 percent) applicants. This data indicates that the FPD is successfully recruiting Hispanic applicants. However, only 66 (16.1 percent) of the applicants were women.

As demonstrated above, a significant number of applicants failed to appear for the test. Although the FPD received 409 applications, only about 21 percent of those applicants appeared to take the



physical and other tests. Although 22.8 percent of white non-Hispanic applicants and 22 percent of Hispanics appeared for the test, only 13.5 percent of Black and 7.1 percent of Asians or Pacific Islander applicants appeared. Only 19.7 percent of the female applicants appeared for the test. We do not have any information that explains why so few applicants appeared for the test or why lower amounts of minority applicants appeared for the tests. The Department has indicated that it will begin efforts to contact those applicants who did not show up for the test to attempt to determine why. If the FPD collects this data routinely, it should be able to identify trends and determine why applicants are not showing up for the test and make extra efforts to reach out to the minority applicants to encourage them to take the tests.

For this recruitment cycle, 53.5 percent of applicants passed the PAT. All Black applicants passed the PAT, while 66.7 percent of white applicants, 45.6 percent of Hispanic applicants, none of the Asian or Pacific Islander applicants and 33 percent of other applicants passed the PAT. None of the female applicants who took the PAT passed it.

All Asian or Pacific Islander applicants and the applicants who selected “Other” passed the written test, while 71.4 percent of Black, 61.1 percent of white and 29.8 percent of Hispanic applicants passed the written test. The three female applicants also passed the written exam. The overall passage rate for the written test was 43 percent. Finally, while all the white and Black applicants who passed the written test also passed the physical test, only 8.8 percent of Hispanics and none of the Asian or Pacific Islander applicants or applicants who selected “Other” passed both the Written and physical tests.

Although the FPD’s website provides a link to the Applicant Preparation Guide for the Post Entry-Level Law Enforcement Test Battery, the Department should review the test to determine why Hispanic officers are failing the PAT and written exam at a much higher rate than other groups, which would require the collection and analysis of data for the outcomes of these tests over the last several years. The Department could also look into pre-test courses that could assist applicants to help them understand what the written test will cover, which it already does for the PAT.

September Recruitment

The FPD collected data for the most recent recruitment cycle, which was in progress at the time of our assessment. The following table breaks down the race of the applicants and their progress through the process.



| Status | White, Non-Hispanic | Black, Non-Hispanic | Hispanic | Asian or Pacific Islander | Other | TOTAL |
|---|---------------------|---------------------|----------|---------------------------|-------|-------|
| Applied | 45 | 22 | 167 | 8 | 10 | 252 |
| Appeared for Test | 21 | 9 | 68 | 7 | 3 | 108 |
| Passed PAT | 17 | 6 | 43 | 4 | 0 | 70 |
| Passed Written | 15 | 1 | 26 | 2 | 0 | 44 |
| Passed Both PAT and Written | 15 | 1 | 15 | 2 | 0 | 33 |
| Unacceptable Background/ Failed Oral Interview | 8/4 | 0/0 | 5/5 | 0/0 | 0 | 13/9 |

The following table breaks down the gender of the applicants and their progress through the process.

| Status | Male | Female |
|----------------|------|--------|
| Applied | 213 | 41 |
| Appeared | 101 | 17 |
| Passed PAT | 70 | 0 |
| Passed Written | 38 | 6 |

For this recruitment cycle, Hispanic applicants accounted for 66.3 percent of the pool compared to 17.9 percent white, 8.7 percent Black, 3.2 percent Asian or Pacific Islander, and 4 percent “Other” applicants. As compared to the previous recruitment cycle, the percentages of Hispanic applicants increased, while the percentage of white and Black applicants decreased. Just as with the previous recruitment, only 16.1 percent of the applicants were women.

This data shows that more applicants appeared for the test (46.5 percent) compared to the previous recruitment cycle (21 percent). The racial distribution was consistent across all groups, except for Asian or Pacific Islander applicants, who jumped from 7.1 percent to 88 percent for appearing for the exam. While this is a large percentage jump, the number of Asian or Pacific Islander applicants is still relatively small compared to other racial groups.



As with the previous recruitment cycle, PAT passage rates for this recruitment cycle varied among racial groups. The overall passage rate was an increase from 53.5 percent to 64.8 percent. For this recruitment, 81 percent of whites and 66.7 percent of Black, 63.2 percent of Hispanic and 57.1 percent of Asians or Pacific Islander applicants passed the PAT. No women passed the PAT. Overall, 40.7 percent of the applicants passed the written test, a slight decrease from the 43 percent who passed the written test for the previous recruitment cycle. Only one of nine Black applicants passed the written test, while 71.4 percent of white, only 38.2 percent of Hispanic and 28.6 percent of Asian or Pacific Islander applicants passed the written test. As with the June recruitment, all the white and Black applicants who passed the written test also passed the physical test, but only 22.1 percent of Hispanics and 28.6 percent of Asian or Pacific Islander applicants passed both tests. As noted above, the FPD should conduct more analyses to attempt to understand why various groups do not pass the PAT or written test as successfully as others.

The following is additional information that was available for the September recruitment process. Department members indicated that they called applicants who confirmed that they were still interested in becoming FPD officers to remind them of the test date and offer words of encouragement. The data indicated that the number of applicants who appeared for the PAT increased during this recruitment, which evidences that the outreach efforts was effective in getting applicants to remain in the process. Keeping applicants informed of the process and encouraging them along the way is a best practice in recruiting and the selection of officers.

The FPD conducted a further analysis of the reasons why applicants failed the PAT in the September cycle, described in the table below.

| | |
|-------------------------------|----|
| Did not appear | 1 |
| Withdrew | 1 |
| Injured | 3 |
| Failed Body Drag | 2 |
| Failed Solid Fence Climb | 11 |
| Failed Chain Link Fence Climb | 7 |
| Failed 500-yard run | 23 |

The Department describes each of these PAT requirements on its police careers website and offers physical agility practice sessions for anyone interested in applying for a police officer position. By collecting data to identify where applicants fail the PAT, the Department may be able to adjust its practice program and otherwise aid applicants to improve their ability to pass the PAT.



Summary and Analysis

Although additional data about applications and hiring was not available for analysis, the FPD can use this limited data to improve its recruiting and selection process overall, as well as its outreach to candidates of color and women.

Overall, the data for these two recruitments indicate that the FPD should improve its outreach to increase the number of Black applicants in particular, review its written tests to get a better understanding as to why Hispanic applicants tend to be less likely to pass the FPD's tests and why female applicants tend to fail the PAT significantly more often than male applicants, and review its process for preparing applicants for the physical exam. Most importantly, the FPD should continue its efforts to collect demographic data for steps of the application process.



RECOMMENDATIONS

Recruiting, Testing, Background Checks and Hiring Processes

- 2.1** Develop a written comprehensive recruitment plan that identifies and targets specific minority communities currently underrepresented at FPD. This plan should include using community stakeholder and FPD employees as key ambassadors in recruiting for the Department. For example, the FPD may want to consider asking the Mayor and other community leaders to record a short recruitment video for the FPD's website and social media profiles.
- 2.2** Revise the written recruitment materials and website to focus on the experience of being an FPD officer and the positive culture of the Department. Specific efforts should be made to appeal to a diverse pool of potential applicants, including ensuring photos of officers represent race and gender diversity.
- 2.3** Add a review and supervisory approval process for the background check investigators' findings on the oral rating sheet, as well as have background investigators meet with their supervisors and a command officer to discuss the outcomes of the background investigations and interviews so the command officer may make an informed decision about who should move forward in the hiring process based upon Department and city hiring criteria.
- 2.4** Ensure FPD Recruiting and Hiring Personnel are allowed to review applications submitted for FPD employment prior to a candidate's elimination during the initial Human Resources review process if the reason for disqualification is because the application form was not completely filled out or was missing information in some boxes (i.e., technical error).
- 2.5** Continue to recruit individuals to participate in the Explorer and Cadet programs and focus on identifying a diverse group of Explorer's and cadets.
- 2.6** Collect and analyze demographic data, including race and gender, for every step of the recruitment and selection process to inform the development of strategies to diversify the Department.
- 2.7** Consider additional practice tests or study groups to assist potential applicants in improving their performance on the written exam, as the Department already does with the PAT.
- 2.8** Continue to reach out to police officer trainee applicants to remind them of upcoming test dates and provide them words of encouragement.
- 2.9** Work with the members of the Police Chief's Roundtable Committee to explore new ways the members could leverage their community connections to help FPD in its recruiting efforts as it reaches out to and encourages local members of minority communities to join FPD.



03 *Assessment of Processes and Protocols for Complaints against Department Personnel*

INTERNAL AFFAIRS UNIT PROTOCOLS AND PROCEDURES

The FPD's Policy 1020 – Personnel Complaints governs the reporting, investigating and disposing complaints of employee misconduct. This policy includes the key elements of complaint intake and processing, which have been identified as important or consistent with best or recommended practices in the profession. These elements include describing the:

- + Philosophy of the FPD for Internal Affairs investigations
- + Process for accepting complaints and related documentation of the complaints
- + Investigative process itself
- + Rights of employees under investigation
- + Format of administrative investigations
- + Dispositions and timeframes for completion of investigations
- + Notices provided to complainants about the status of investigations
- + Notices of final dispositions sent to the complainants

Transparency of the complaint intake process is one of the keys to developing trust within the community. To that end, the FPD published its Personnel Complaints Policy on its website. The current policy is dated July 14, 2020, but the policy on the website is dated March 2, 2020 and is labeled as a “draft,” although the versions do not appear to have significant differences. The Department should update the policy on the website to provide the latest version.

Although the personnel complaints policy is available through a simple search of the FPD's website, the Department should consider making the policy easier to find and possibly developing and publishing on its website a brochure for the public to gain a better understanding of the complaint and investigations process.

Although the FPD's policy allows members of the public to make complaints in any form, the Department does not clearly define how to file a complaint on the website. Police departments following best practices allow people to file complaints in person, in writing, online and on the phone. The website directs people who want to comment on the service they received from the FPD to contact a watch commander or visit the FPD itself. The website specifically indicates how a person can file a complaint but does not include an email address for comments or an online complaint form. The Department should consider modifying its website to provide a form and an email address that clearly allows an individual to file a compliment or a complaint about the FPD without contacting a commander or visiting the station.



FPD officers are held accountable for reporting misconduct per policy. Section 1020.3.2 of the Policy Manual states that “any department member becoming aware of alleged misconduct shall immediately notify a supervisor.” Further, the policy requires supervisors to initiate a complaint based on observed misconduct or receipt of a complaint alleging misconduct, that, if found to be true, could result in disciplinary action. Section 340.3.2 indicates employees are subject to discipline for “failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.” These policies are consistent with recommended practices in policing.

We observed the effect of these policies, as well as the FPD’s culture of accountability, when we reviewed one investigation during which several Department staffers reported the misconduct of an officer who requested other members engage in inappropriate or illegal behavior.

CASE REVIEW AND ANALYSIS

Internal Affairs Cases We Reviewed

We reviewed a random sampling of FPD Internal Affairs cases from 2018 through June 2020 to determine if the cases were handled according to FPD policy and whether they were handled in a thorough, fair and objective manner.

To randomly select the files, we obtained a list of all 37 Internal Affairs investigations from 2018 through June 2020. Applying a random number generator using Excel, we chose 13 files for review. This included three from 2018, six from 2019 and four from 2020. Two of the cases we reviewed did not have a final disposition. One of these was still pending a final disposition and one was closed because no policy violations were alleged. Of the remaining cases three resulted in a “sustained” finding, and the rest were listed as “not sustained.” Two of the sustained cases were cases that started internally.

Our review of the files looked at the overall quality of the investigations and adherence to investigations best or promising practices, as well as completeness and timeliness. We determined that the overall quality of internal investigations was good. Overall, the case findings were consistent with the evidence and generally followed recommended practices.

During our review, we identified several promising or positive practices, as well as some practices that appeared to need some improvement.



THE FPD'S POSSIBLE DISPOSITIONS FOR PERSONNEL COMPLAINTS

Section 1020.6.4 of the FPD's Policy Manual lists four possible dispositions of personnel complaints.

- + **Unfounded:** When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).
- + **Exonerated:** When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.
- + **Not sustained:** When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.
- + **Sustained:** A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

Best Practices Exhibited in Case Review

Our review revealed several practices that contribute to quality investigations.

- + None of the cases reflected direct or indirect evidence of bias or indications of decisions contrary to promising practices used in the profession.
- + Internal Affairs interviews of parties were generally recorded. Based on our review of the recordings, the investigation was consistent with the recordings as written.
- + BWC footage, where applicable, was consistent with the investigations as written and the findings.
- + Copies of the "Notice of Complaint" to involved officers and "Notice of Disposition" to the complainant were generally included in the files we reviewed.
- + Investigative conclusions were generally appropriate, except for the use of some confusing terminology, as described in the next section.
- + Investigations included appropriate chain-of-command review.
- + Although not directly related to Internal Affairs investigations, a Firearms Discharge Review Board reviewed officer-involved shooting (OIS) incidents.
- + The investigations were concluded within timeline parameters established by state law.



Areas for Improvement

During our review, we identified areas for improvement to the internal investigations processes or documentation of investigations.

- + The complaint form, which explains the investigative process, was not always included in the file.
- + A copy of the “Notice to Complainant” at the conclusion of an investigation was not always included in the files we reviewed. The FPD’s procedure calls for complainants to be notified of the disposition of the investigation. Without documentation in the file, we were unable to determine whether the Department followed its policy.
- + Investigations lacked a structured narrative format. Although the Department’s policies require the investigation to include sections titled “Introduction,” “Synopsis,” “Summary,” “Evidence,” “Conclusion” and “Exhibits,” we found that the structure of the narrative reports in the files we reviewed varied depending upon who was conducting or reviewing the investigation. During our interviews, we were informed that the FPD is aware of the need to standardize internal investigations, and it is working currently on the creation of a formal Internal Affairs standard operating procedures (SOP) manual.
- + Some minor-level cases were investigated by the targeted officer’s supervisor. Department policies do not clearly define what types of complaints will be investigated by field supervisors and what will be forwarded to Internal Affairs for investigation.
- + In one case, the employee being investigated was cited for violating a “Lexipol” policy. Such policy citations in the investigative reports should refer to policy violations using the Department’s own policies. Although Lexipol provides policy templates, it is not ultimately responsible for officer actions under said policies and the FPD should be cited as the policy’s owner.
- + Internal Affairs investigative conclusions were sometimes confusing and did not follow common terminology. For example, “Not Sustained-Exonerated” was a frequently used disposition, but the findings of “not sustained” and “exonerated” are two completely different dispositions as defined by department Policy 1020.6.4. We provided the breakdown of possible dispositions in the text box on the previous page, and no dispositions are called “Not Sustained-Exonerated.” “Not sustained” means the investigation of the misconduct allegation did not produce sufficient evidence for the investigator to prove or disprove the allegation, while “exonerated” means the investigation revealed that while the employee’s actions that led to the complaint did occur, they were legal and within Department policy.¹⁰
- + In one case, the subject officer’s explanation that his conduct was accidental was taken at face value without adequate scrutiny.

¹⁰ Note that for allegations of discriminatory harassment within the Department, possible findings include sustained, not sustained-inconclusive, not sustained-unfounded and not sustained-exonerated. The cases we reviewed were not discriminator harassment cases.



- + Regarding discipline imposed on an officer who received a sustained complaint finding, we did not find any written documentation in the report in which an officer identified any discipline as being inappropriate or inconsistent.
- + Although the number of complaints against FPD members is relatively low, the Department should consider adopting a discipline matrix to ensure consistency.

Discipline Matrices

Use of a discipline matrix is a best practice generally used in law enforcement. A discipline matrix provides consistent guidelines regarding what discipline should be given in a given case depending on the gravity of the offenses and the number of prior violations by an employee. It is used to achieve consistency in discipline and avoid the appearance of disparity.

The use of a discipline matrix allows a department to exercise discretion but provides consistency in discipline and helps to eliminate the appearance of disparity.

RECOMMENDATIONS

| Processes and Protocols for Complaints against Department Personnel | |
|---|--|
| 3.1 | Adopt written SOPs to ensure Internal Affairs investigations processes have a structured and consistent format. |
| 3.2 | Clarify in the administrative investigations policy what types of complaints will be investigated by field supervisors and which will be forwarded to Internal Affairs for investigation. |
| 3.3 | Require the use of a standard narrative format when documenting Internal Affairs investigations to ensure a structured and consistent report writing format. |
| 3.4 | Ensure the dispositions determined for Internal Affairs investigations reflect the FPD's own policies, as well as comport with definitions commonly used in police departments throughout the State of California and elsewhere. |
| 3.5 | Consider the value of implementing a disciplinary matrix to promote internal legitimacy and ensure the application of discipline is consistent and fair. |
| 3.6 | Modify the website to make it easier to find information regarding how to file a complaint of misconduct or commend an officer to achieve better transparency. |
| 3.7 | Ensure that current versions of policies, in particularly Internal Affairs policies, are posted to the website to achieve better transparency. |