

Kent M.

1) when will a civilian police oversight committee be instituted? made up of Fullerton community members...

The decision to institute a civilian oversight committee rests with policy makers.

2) do FPD officers get regular, annual diversity training?

Diversity training begins in the police academy. The Commission of Peace Officers Standards and Training (POST) requires diversity training every two years. We are a POST certified agency and follow their training guidelines. Please see this link for more information. <https://post.ca.gov/cultural-diversity>

3) Are FPD officers instructed not to patronize bars without using public transportation, Uber, or a designated driver? Yes. I expect our officers to obey the law and act responsibly at all times.

There have been reports by the public who have observed off-duty FPD officers drinking at Fullerton bars and then driving themselves home—in other words, drinking and driving...Please give me the information on these reports so I can look into them. If there is a violation or policy or law the involved personnel will be held accountable.

Tanya M.

Can you recognize the clear conflict of interest that comes with City Council members accepting campaign contributions from any public safety employee union, and do you feel such Council Members can truly be impartial when making tough decisions regarding salary increases or disciplining a bad police officer, especially if that council member accepted money from the police or other unions? The Department has several labor unions and non-represented employees. I'm not sure of the political activities the various unions engage in as their union work is protected by law. I do know, over the years, the employees from various unions have agreed to pay cuts, furloughs, and there have been layoffs. There has also a host of employees disciplined and even fired when their conduct did not meet our expectations.

George L.

What's their stance on qualified immunity? Have officers on our force be saved from disciplinary action because of it?

I think my answer to this question starts with an understanding of what qualified immunity is. It's a Qualified immunity is a type of legal immunity. "Qualified immunity balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably." *Pearson v. Callahan* .

Specifically, qualified immunity protects a government official from lawsuits alleging that the official violated a plaintiff's rights, only allowing suits where officials violated a "clearly established" statutory or constitutional right. When determining whether or not a right was "clearly established," courts consider whether a hypothetical reasonable official would have known that the defendant's conduct violated the plaintiff's rights. Courts conducting this analysis apply the law that was in force at the time of the alleged violation, not the law in effect when the court considers the case.

Qualified immunity is not immunity from having to pay money damages, but rather immunity from having to go through the costs of a trial at all. Accordingly, courts must resolve qualified immunity issues as early in a case as possible, preferably before discovery.

Qualified immunity only applies to suits against government officials as individuals, not suits against the government for damages caused by the officials' actions. Although qualified immunity frequently appears in cases involving police officers, it also applies to most other executive branch officials. While judges, prosecutors, legislators, and some other government officials do not receive qualified immunity, most are protected by other immunity doctrines.

The doctrine might assist an officer in not being personally liable in a lawsuit. However, the lawsuit has no bearing on the misconduct or administrative investigation. I am not aware of an instance where an officer has been "saved" from disciplinary action by a doctrine that exists for lawsuits.

What safe guards does our department have for LEO whistle blowers of excessive force?

The City of Fullerton and the Fullerton Police Department fully support employees who are "whistle blowers." We do not and will not tolerate excessive force and if you are present when excessive force occurs and fail to report it, you too will be held accountable.

Lauren O.
Megan G. &
Emily T.

1. What types of calls could be better handled by non-police professionals?

There are a host of calls that other entities could handle, instead of the police. Most often the genesis of this questions (when I'm asked at community meetings and events) is homelessness and mental health. To that end, I would say the Fullerton Police Department has well-established relationships with "non-police professionals" who are brought in to get the best outcome possible in our encounters with our homeless neighbors or those in mental distress. We have a contract homeless outreach provider who accompanies our Homeless Liaison Officers to provide outreach to our homeless neighbors. We also have an Orange County Mental Health Clinician who rides with our Homeless Liaison Officers and provides case management to our Fullerton residents and homeless who are in mental health crisis. In short, we bring those best suited for the best outcome with us. We do our best to render the situation safe for the "non-police professionals" to perform their important work.

Currently, how does the FPD determine if their response to these calls is successful?

Success in the area of homelessness and mental health takes compassion and persistent interaction to gain trust. We have found that repeated interaction, outside of enforcement or mental health assessment situations, will lead to trust and through that trust we can better understand symptoms/cause of the persons situation. That understanding can lead to good outcomes but takes time and compassion. When we see this process play out and someone receives the help they need, we consider this success. Our contracted homeless outreach service provider, City Net, keeps comprehensive statistics on this process. We monitor those statistics to better understand the efficacy of our efforts.

2. Do you believe the Fullerton Police Department is treating the symptom or the cause of crime in our city?

In short, we do both. We have a role to keep peace and enforce the law in our community. When we are called on by members of the community to respond, they rarely differentiate between their call for service being a symptom or cause. Instead, they want service. Where I think there is a disconnect is there are members of our community who don't realize the voters in California have decriminalized many offenses over the years. When they call, their expectation for service and outcome remains at the same level as it was before the changes in laws. It's incumbent on us to set realistic expectations and outcomes.

2. Can you provide more transparency on the \$47 million Fullerton Police Department budget?

The link below shows the adopted budget for the City this year. If you have specific questions about specific items, I'd be happy to try to provide a detailed answer on those.

https://www.cityoffullerton.com/gov/departments/admin_serv/city_budget/default.asp

If the budget were cut by let's say 10%, what does the FPD identify as a worthy recipient of these funds?

This year, the Department has seen a cut of just over 10% just in our sworn ranks. We are authorized 140 sworn officers and are currently at 123. This savings is needed to offset budget shortfalls from COVID-19. In 2008 there was upwards of 180 sworn police officers. By today's numbers, that represents somewhere around a 30% reduction in work force.

As far as who should get the 10%, that is not my decision. That is the decision of our policy makers.

3. How does FPD view white supremacy in the country, city, and their department?

We find it appalling and do not/will not tolerate it. The same is true for any form of racism.

To what extent are FPD employees educated by the department on the history of policing in the United States?

The training for our employees begins just before the academy and then into the police academy. Here is a link to the curriculum. <https://post.ca.gov/regular-basic-course-training-specifications>

4. What changes to processes have been made in the FPD since the murder of Kelly Thomas?

Here are some links to reports I think will assist in the answer to this question. Additionally, there has been nearly a 60% turnover in the staff. Also, we have adopted a new policy manual – see the link below.

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http://fullertonpd.org/about/sb_978_policies_procedures_bulletins.asp

6. How many millions of tax dollars have been spent on militarization of the FPD? Has Fullerton PD purchased military surplus gear obtained by the 1033 Program.

In my discussion with various community members about this topic, “militarization” has different definitions. What has been consistent, however, is the criticism of us having a Bearcat. That is an armored vehicle that was obtained through a grant. This grant began after terrorists attacked the World Trade Center on September 11, 2001. The grant is called UASI (Urban Area Security Initiative), funded federally and managed by the City of Anaheim and the City of Santa Ana. Since it was grant funded, it did not cost us any money.

Some time ago, the Fullerton Police Department did receive Vietnam-era Ar-15 rifles. They were deployed into service in patrol. They were decommissioned in 2017 and have been sent back and are no longer in use. To my knowledge, these were the only items received through the 1033 program.

7. Do you support the creation of a committee for independent investigations into police misconduct?

I would be happy to participate in discussions in this area.

Also, do you favor making police misconduct records available to the public? Why, or why not? (Both accusations of misconduct and disciplinary actions taken).

Fullerton has led the way on publishing the police misconduct data that has been allowed by the law. Please see here: https://www.cityoffullerton.com/gov/open_government/sb_1421.asp

As a rule of thumb, how many accusations in a 10-year career would you consider acceptable?

For someone, that may be just 1 depending on the nature of the sustained allegation. In other cases that could be more. In short, it would depend on the nature of the accusation and the results of a comprehensive administrative investigation.

8. Does FPD use AI and facial recognition equipment/software? If so, in what ways, and how much is being spent on these programs?

We have but only in trial programs where we were able to use it for free. We do not have the budget to pay for these services. During the trial programs, we utilized the technology in accordance with AB1215.

9. What is the scope of the calls that the FPD responds to, and how many of those are for violent emergencies?

The Fullerton Police Department is a full service municipal police agency. We respond to a wide variety of calls for service. We respond to over 40,000 calls for service each year.

How often do calls for nonviolent emergencies result in violence?

We do not have data on this particular question.

10. How many times have the homeless liaison officers been deployed? What have been the outcomes?

There are two full-time Homeless Liaison Officers. They are deployed 40 hours per week and are augmented by our partners, City Net and Orange County Mental Health.

Our program is well-established. Our HLO's work very hard to serve our homeless neighbors as well as respond to calls for service from the community who are concerned about the behavior of some of our homeless neighbors. We have seen success in getting those homeless neighbors who are receptive to accepting services into programs that get them help for their particular situation. This success is bolstered by our proactive work with "non-police professionals" who specialize in homeless outreach and mental health work.

11. Please identify which duties the FPD does which you consider essential duties.

As previously mentioned, we are a full service municipal police agency. Our duty to provide effective and Constitutional police services to our community is essential.

12. What kind of changes in police training and recruitment would decrease the chances of excessive use of force and discrimination?

Recruiting and retaining the right people to join our Department is essential. Also it is just as important to hold our staff accountable to the high standards we set for all members of the Department.

As a point of reference, Fullerton PD responded to 42,585 calls for service in 2019. There were 48 Use of Force Reports in 2019. That equates to .11% of the time force is used. In instances of excessive force and discrimination, we have and will hold our personnel accountable.

It is important to continue to train our officers in de-escalation techniques and re-inforce on-going training in the area of mental health, implicit bias and local/national trends.