

**Bakersfield Police Department  
Internal Affairs Division  
Year End Report 2015**

**MISSION STATEMENT**

The Bakersfield Police Department is committed to achieving excellence in public safety by conducting ourselves with honor, providing selfless service, exhibiting physical and moral courage, and vigilantly safeguarding our community

**DIVISION GOAL**

Provide direct assistance and support to the Chief of Police; investigation of personnel complaints; investigation of Government Code claims for damages against the Police Department; provide investigative assistance to the City Attorney's Office; disseminate information to the media and relate information developed through public inquiries.

**MESSAGE FROM THE CHIEF OF POLICE – GREG WILLIAMSON**

Every police department has the responsibility of protecting the lives and property of the citizens it serves. In order to carry out this responsibility, it is essential that all citizens have a high degree of confidence in their police department. Bakersfield Police Officers are among the best trained and highly educated peace officers in the State. They take pride in their chosen profession and want you, the citizens of Bakersfield, to share this pride. However, we recognize that police officers are human and may, from time to time, act in a manner that is not in the best interest of the police department or the community. Since we would all agree that it is very difficult to deal with a problem unless we know such a problem exists, the importance of bringing any misconduct on the part of the police officers to the department's attention must be recognized. The Bakersfield Police Department will thoroughly and expeditiously investigate all complaints brought to our attention. The following information will explain the procedure for filing of a citizen's complaint and the investigative process.

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**COMPLAINTS**

**How to file a complaint**

If you wish to file a formal complaint, it will be necessary for you to complete and sign a Citizen Complaint Form at the Bakersfield Police Department; however, those complaints made by telephone, anonymously, or by mail, will be investigated to the best of our ability. All information will be treated confidentially. Assistance is available if you need help in completing the complaint forms. A parent or guardian's signature is required on any complaint filed by a person under eighteen (18) years of age.

**How the complaint is handled**

All complaints of misconduct shall be referred to the Internal Affairs Section of the Bakersfield Police Department, unless they are received during the nighttime, weekends, or holidays. During such times, the complaint will be taken by a Sergeant or officer of higher rank. If, after a discussion of the problem, you wish to make a formal complaint, you will be assisted by formalizing your complaint in writing. The complaint will then be referred to the Internal Affairs Section for investigation.

**STATISTICS**

The Internal Affairs detail is comprised of one lieutenant, one sergeant, four detectives, and one secretary. The detail reports directly to the Chief of Police.

In 2015, Bakersfield Police Officers made 302,720 documented contacts with citizens in Bakersfield. These contacts include over 30,000 priority 1 calls for service (those calls deemed the most serious), over 41,000 traffic stops, and over 28,000 pedestrian stops. These documented contacts do not include meetings and events with various community organizations, schools, and service organizations and providers.

As a result of these 302,720 documented contacts, the Bakersfield Police Department received 70 formal Citizen Complaints. To put those numbers into perspective, a citizen files a complaint in .0002% of all police contacts. The Internal Affairs detail investigated these 70 citizen complaints, in addition to 21 internal investigations.

In 2015, Bakersfield Police Officers used force to affect an arrest against a citizen 828 times during these 302,720 documented contacts. To put those numbers into perspective, officers use force in .002% of all citizen contacts within our city. Every use of force incident is investigated on scene by a police supervisor then reviewed by an Internal Affairs supervisor.

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Investigation Type	Total
Citizen Complaints	70
Internal Investigations	21
<b>Total IA investigations</b>	<b>91</b>

Status	Count	Percentage
Open	2	2%
Submitted for review	0	0%
Sustained	24	26%
Not sustained	20	22%
Unfounded	30	33%
Withdrawn	13	15%
File only	2	2%

**Status definitions**

- **Open** – an investigation which is still active.
- **Submitted for review** – an investigation which is completed, and awaiting the determination of the findings.
- **Sustained** – When the investigation discloses sufficient evidence to establish that the act occurred and it constituted misconduct.
- **Not sustained** – When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.
- **Unfounded** – When the investigation discloses that the alleged act did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within this classification as unfounded (Penal Code 832.5)).
- **Withdrawn** – When the complainant retracts their complaint before or during the investigation.
- **File only** – When an internal investigation is filed for documentation purposes only.

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Most common types of complaints\* – 72

Discourteous Treatment	32
Excessive Force	20
Abuse of Authority	8
Careless Workmanship	7
Illegal Search	5

\*Some complaints have multiple accusations

- **Discourteous treatment** – Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.
- **Excessive force** – The term excessive force is not precisely defined; however, the use of force greater than that which a reasonable and prudent law enforcement officer would use under the circumstances is generally considered to be excessive.
- **Abuse of authority** – The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- **Careless workmanship** – Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- **Illegal search** – When an officer or member of the department conducts a search without having the legal authority to do so.

Disciplinary actions against Officer – 28\*

Action	Count	Percentage
Re-training	2	7%
Counseling	5	18%
Written reprimand	8	29%
Suspension	9	32%
Demotion	1	4%
Termination	3	11%

\*Some complaints involve more than one officer

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**USE OF FORCE**

In 2015 there were 828 Use of Force incidents involving a total of 1598 officers.

Officer Use of Force – 2,637

<b>Type / Instance of Officer force*</b>	<b>Count</b>	<b>Percentage</b>
Control hold	980	37%
Body weight	742	28%
Taser	211	8%
Baton/Asp	183	7%
Fist	143	5%
Knee	76	3%
Canine	60	2%
Hobble	59	2%
Aerosol weapon	51	2%
Suspect force/momentum	46	2%
Elbow	35	1%
Feet	23	<1%
Firearm fired at suspect	15	<1%
Improvised weapon	7	<1%
SWAT weapon	4	<1%
40mm launcher	1	<1%
Leg iron	1	<1%

\*Officer/s may use more than one type of force option during an incident

Citizen resistance – 913

<b>Citizen type of resistance</b>	<b>Count</b>	<b>Percentage</b>
Active	680	74%
Assaultive	160	18%
Passive	64	7%
Deadly	9	1%

\*Citizens may use more than one type resistance during an incident

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Charges against citizens regarding Officer Use of Force – 1,065

Charge*	Count	Percentage
Resisting arrest	290	27%
Under the influence	154	14%
Crimes against persons	149	14%
Property crimes	138	13%
Warrants	87	8%
Narcotics	68	6%
Domestic violence	40	4%
Weapons	36	3%
W&I 5150	32	3%
Foot pursuit	31	3%
Parole violation	19	2%
Vehicle pursuit	18	2%
Probation violation	3	<1%

\*Can be more than one charge

Reason for Use of Force - 828

Reason	Count	Percentage
Necessary to effect arrest	508	61%
Necessary to defend self	134	16%
Necessary to detain	85	10%
To restrain-subject safety	30	4%
Prevent escape	23	3%
Necessary to defend another	19	2%
W&I 5150	19	2%
Other	7	1%
To prevent violent crime	3	<1%

Activity being rendered at time of Use of Force

Type	Count	Percentage
Call for Service	534	64%
Self-initiated activity	146	18%
Traffic stop	79	10%
Arrest warrant	23	3%
Detective follow up	10	1%
Assist other agency	9	1%
Other	7	1%
Felony Stop	6	1%
Probation search	6	1%
None	4	<1%
Parole search	2	<1%
Search warrant	2	<1%

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**CASE LAW**

**Use of Force Case Law**

**Graham v. Connor, United States Supreme Court (490 U.S. 386, 1989)**

-This case deals with the legal aspects for using force in the course of affecting an arrest, investigatory stop, or other seizure of a free citizen.

The Fourth Amendment "reasonableness" inquiry is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. (Pp. 490 U. S. 396-397.)

**Use of Deadly Force Case Law**

**Tennessee v. Garner, United States Supreme Court (471 U.S. 1985)**

-This case deals with the legal aspects of a law enforcement officer using deadly force against a fleeing felon.

The court found that an officer may use deadly force to prevent an escape by a violent fleeing felon, only if "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others."

**Detaining and Searching a Person Case Law**

**Terry v. Ohio, United States Supreme Court (392 U.S. 1968)**

-This case deals with the legal aspects on whether police can detain a person and subject him to a limited search for weapons without probable cause for arrest.

The court found when a police officer observes unusual conduct which leads him or her to reasonably suspect criminal activity may be occurring and that the persons with whom he is dealing may be armed and presently dangerous, the officer can approach and briefly detain the subjects for the purpose of conducting a limited investigation, including a limited search of the outer clothing for weapons.