



## CITY OF SOUTH PASADENA

OFFICE OF THE CITY MANAGER

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May 6, 2021

Law Office of Laboni A. Hoq, Esq.  
PO Box 753  
South Pasadena, CA 91031-0753

RE: Conclusion of independent investigation into citizen complaint regarding South Pasadena Police investigations of an incident on October 3, 2020

In response to citizen complaints alleging an inadequate response on the part of various South Pasadena police officers in response to a call for service on October 3, 2020, the City hired independent investigator, Garon Wyatt Investigative Services, to perform an investigation the complaint, as required by Penal Code Section 832.5 and South Pasadena Police Department Police No. 1013.

The investigation's scope was to determine the facts and circumstances surrounding allegations that Officers Valdez, and Smith, and Sergeants Ronnie and Louie considered whether Richard Cheney's actions against Fahren James on October 3, 2020, amounted to a hate crime and whether there was sufficient probable cause to arrest Cheney at the scene. The scope included determining whether the SPPD officers, including Deputy Chief Solinsky, demonstrated a bias against James in their response to the call for assistance. The scope also included determining whether Valdez and Smith identified and documented statements from all of the witnesses in their reports (20-1924). The resulting investigative report is a confidential personnel record pursuant to Penal Code Section 832.7 and is not disclosable.

This letter summarizes the allegations regarding each officer regarding the October 3, 2020 incident and the findings and conclusions of the investigator.

### **Allegations regarding Officer Catalina Valdez**

#### **ALLEGATION #1:**

It is alleged that on October 3, 2020, Officer Valdez failed to utilize proper investigative techniques to determine whether Cheney's actions against James were motivated by Hate/Bias, in violation of SPPD Policy Manual, sections 319.4.1 (a), (c), and (d) (HATE CRIMES-INITIAL RESPONSE) which state:



**319.4.1 INITIAL RESPONSE** First responding officers should know the role of all [department/office] personnel as they relate to the Department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable. At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

- (a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime.
- (c) Properly protect the safety of victims, witnesses, and perpetrators. Assist victims in seeking a Temporary Restraining Order (if applicable).
- (d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

**Finding: NOT SUSTAINED.** Based on the preponderance of the evidence, the investigation concluded that the evidence does not support a finding that Valdez failed to investigate Cheney's actions as a hate crime. I find that Valdez did not violate SPPD Policy Manual Section 319.4.1.

#### **ALLEGATION #2:**

It is alleged that on October 3, 2020, Officer Valdez failed to discharge her duties fairly and objectively while interacting with Fahren James, in violation of SPPD Policy Manual, section 401.4 (BIASED-BASED POLICING MEMBER RESPONSIBILITIES), which states:

*401.4 Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.*

**Finding: UNFOUNDED.** Based on the preponderance of the evidence, the investigator concluded that the evidence supports a finding that Valdez was fair and objective in her response to the call involving Cheney and James on October 3, 2020. Therefore, Valdez did not violate SPPD Policy Manual Section 401.4

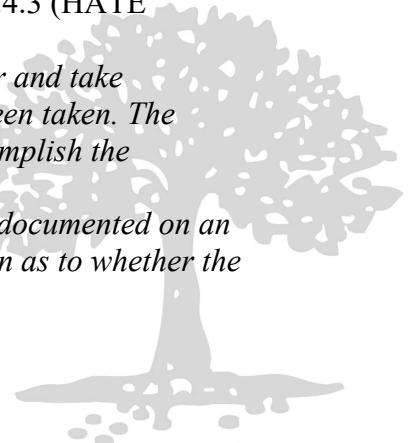
#### **Allegations Regarding Sergeant Matthew Ronnie**

#### **ALLEGATION #1**

It is alleged that on or about October 3, 2020, Sergeant Ronnie failed to take proper steps required as a supervisor to ensure that Cheney's actions against Fahren James were thoroughly investigated as a hate crime in violation of SPPD Policy Manual, section 319.4.3 (HATE CRIME-SUPERVISION) subsections (b), (c), (e), and (j), which state:

*319.4.3 The supervisor shall confer with the initial responding Officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:*

- (b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the*



*incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.*

*(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.*

*(e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.*

*(j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.*

**Finding: NOT SUSTAINED.** Based on the preponderance of the evidence, the investigator concluded that the evidence does not support a finding that Sergeant Ronnie failed to take proper steps as a supervisor to ensure that Cheney's actions were investigated as a hate crime.

**ALLEGATION #2:**

It is alleged that on October 3, 2020, Sergeant Ronnie failed to discharge his duties fairly and objectively while directing Officer Valdez's response to Richard Cheney's actions toward Fahren James, in violation of SPPD Policy Manual, section 401.4 (BIASED-BASED POLICING MEMBER RESPONSIBILITIES), which states:

*401.4 Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.*

**Finding: UNFOUNDED.** Based on the preponderance of the evidence, the investigator concluded that the evidence supports a finding that Ronnie was fair and objective in directing Valdez's handling of the call involving Cheney and James on October 3, 2020. Therefore, Ronnie did not violate SPPD Policy Manual Section 401.4.

**Allegations Regarding Sergeant Spencer Louie**

**ALLEGATION #1:**

It is alleged that on or about October 3, 2020, Sergeant Louie failed to take proper steps required as a supervisor to ensure that Robert Cheney's actions against Fahren James were thoroughly investigated as a hate crime, in violation of SPPD Policy Manual, section 319.4.3 (HATE CRIME-SUPERVISION) subsections (b), (c), (e), and (j), which state:

*319.4.3 The supervisor shall confer with the initial responding Officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:*

*(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.*

*(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.*

- (e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
- (j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

**Finding: UNFOUNDED.** Based on the preponderance of the evidence, the investigator concluded that the evidence does not support a finding that Sergeant Louie failed to take proper steps as a supervisor to ensure that Cheney's actions were investigated as a hate crime.

### **Allegations Regarding Deputy Chief Brian Solinsky**

#### **ALLEGATION #1**

It is alleged that on October 3, 2020, Deputy Chief Solinsky failed to discharge his duties fairly and objectively while directing Officer Valdez's response to Richard Cheney's interaction with Fahren James, in violation of SPPD Policy Manual, section 401.4 (BIASED-BASED POLICING MEMBER RESPONSIBILITIES), which states:

*401.4 Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.*

**Finding: UNFOUNDED.** Based on the preponderance of the evidence, the investigator concluded that the evidence substantiates that Deputy Chief Solinsky was not involved in the decision to release Cheney on October 3, 2020. Therefore, Solinsky did not violate SPPD Policy Manual Section 401.4

### **Allegations Regarding Det. Michael Palmieri**

#### **ALLEGATION #1:**

It is alleged that Detective Palmieri failed to utilize proper investigative techniques to determine whether Richard Cheney's actions against James were motivated by Hate/Bias, in violation of SPPD Policy Manual, sections 319.4.2 (b), (h), and (k), and (m) (HATE CRIMES-INITIAL RESPONSE) which state:

*319.4.2 Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:*

- (b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.*
- (h) Provide victim assistance and follow-up.*
- (k) Coordinate the investigation with Department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.*
- (m) Determine if the incident should be classified as a hate crime.*

**Finding: UNFOUNDED.** Based on the preponderance of the evidence, the investigator concludes that the evidence supports a finding that Detective Palmieri took appropriate steps to determine whether Cheney's actions on October 3, 2020, may have been motivated by hate or bias.

**ALLEGATION #2:**

It is alleged that Detective Palmieri failed to discharge his duties fairly and objectively while conducting follow-up regarding Cheney's actions on October 3, 2020, in violation of SPPD Policy Manual, sections 401.4 (BIASED-BASED POLICING MEMBER RESPONSIBILITIES), which states:

*401.4 Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.*

**Finding: UNFOUNDED.** Based on the preponderance of the evidence, the investigator concluded that the evidence supports a finding that Palmieri was fair and objective in investigating the call involving Cheney and James on October 3, 2020. Therefore, Palmieri did not violate SPPD Policy Manual Section 401.4.

**Allegations Regarding Officer Michael Smith****ALLEGATION #1:**

It is alleged that on October 3, 2020, Officer Smith failed to identify and document the statement from a witness in his police report, in violation of SPPD Policy Manual, section 323.1.1 (REPORT PREPARATION), which states in part:

*323.1.1 All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.*

**Finding: UNFOUNDED.** Based on the preponderance of the evidence, the investigator concluded that the evidence does not support a finding that Officer Smith failed to include a witness statement in his supplemental report, in violation of SPPD Policy Manual Section 323.1.1. This allegation is therefore unfounded.

This concludes the independent investigation of the citizens' complaints regarding the police response to an October 3, 2020 incident and call for service by Fahren James, as described above. The City takes all citizen complaints seriously and is committed to thoroughly investigate such complaints and take appropriate retraining and disciplinary action when necessary, in accordance with the personnel rights of employees.

Respectfully,

*Sean Joyce*

Sean Joyce  
Interim City Manager



cc: Mayor and Council  
Public Safety Commission  
Police Chief Solinsky

