



CITY OF SOUTH PASADENA

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May 6, 2021

Elizabeth Ann Bagasao



RE: Conclusion of independent investigation into citizen complaints regarding police response to July 19, 2020 incident

In response to a citizen complaint alleging that the South Pasadena Police Department failed to properly investigate and document an incident occurring on July 19, 2020 involving an alleged threat by Joe Richcreek against Zane Crumley, the City hired independent investigator, Garron Wyatt Investigative Services, to perform an investigation of all citizen complaints, as required by Penal Code Section 832.5 and South Pasadena Police Department Police No. 1013.

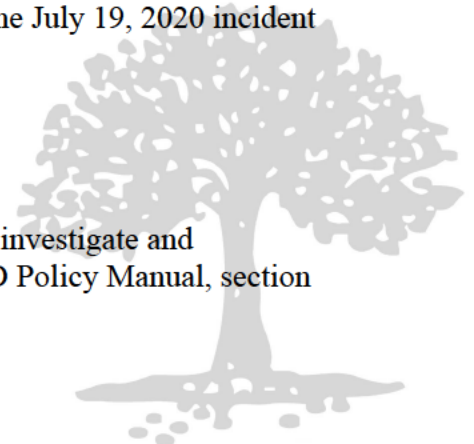
The investigation's scope was to determine the facts and circumstances surrounding allegations that Officer Calderon did not thoroughly investigate a report that Joe Richcreek threatened Zane Crumley while in possession of a weapon on July 19, 2020. The scope included deciding whether Calderon took proper steps to investigate whether Richcreek's actions were motivated by hate/bias. The investigation's scope included determining whether Sergeant Jim Valencia took necessary actions as a supervisor to ensure the report was classified as a hate crime/hate incident. The investigator also investigated whether Calderon was rude, disrespectful, or discriminatory in his interaction with Crumley and others. 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 July 19, 2020 incident and the findings and conclusions of the investigator.

Allegations regarding Officer David Calderon

ALLEGATION #1:

It is alleged that on July 19, 2020, Officer Calderon failed to thoroughly investigate and document a crime committed against Zane Crumley in violation of SPPD Policy Manual, section 320.5.3 (b) (EFFICIENCY), which states:



320.5.3 (b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

Finding: SUSTAINED. Based on the preponderance of the evidence, the investigator concluded that the evidence supports a finding that Officer Calderon failed to thoroughly investigate the facts reported by Zane Crumley to determine if Richcreek had committed a crime. Calderon thus violated SPPD Policy Manual Section 320.5.3 (b).

ALLEGATION #2:

It is alleged that on July 19, 2020, Officer Calderon was rude, disrespectful, or discriminatory to members of the public, in violation of SPPD Policy Manual section 320.5.5(f) (CONDUCT), which states:

320.5.5(f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this Department or the City.

Finding: UNFOUNDED. Based on the preponderance of the evidence, the investigator concluded that the evidence does not support a finding that Calderon was rude, disrespectful, or discriminatory towards members of the public.

ALLEGATION #3

It is alleged that on July 19, 2020, Officer Calderon failed to utilize proper investigative techniques to determine whether the action against Zane Crumley was motivated by Hate/Bias, in violation of SPPD Policy Manual, sections 319.4.1 (a), (c), and (d) (HATE CRIMES-INITIAL RESPONSE) which state:

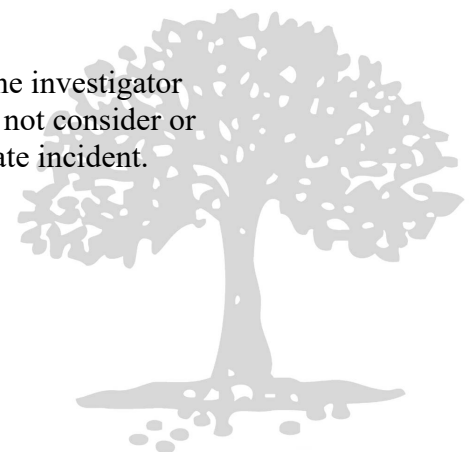
319.4.1 INITIAL RESPONSE First responding officers should know the role of all [department/office] personnel as they relate to the Department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, 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: SUSTAINED. Based on the preponderance of the evidence, the investigator concluded that the evidence supports a finding that Officer Calderon did not consider or investigate Richcreek's confrontation with Crumley as a hate crime or hate incident.



Allegations Regarding Sergeant Jim Valencia

ALLEGATION #1

It is alleged that on or about July 20, 2020, Sergeant Valencia failed to take proper steps required as a supervisor to ensure that actions toward Zane Crumley were thoroughly investigated as a hate crime/hate incident 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: SUSTAINED. Based on the preponderance of the evidence, the investigator concludes that the evidence supports a finding that Sergeant Valencia did not take appropriate steps to ensure that Calderon evaluated/investigated Richcreek's confrontation with Crumley as a potential hate crime or hate incident.

This concludes the independent investigation of the citizen's complaint regarding the South Pasadena Police Department response to the July 19, 2020 incident 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

