



## CITY OF SOUTH PASADENA

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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 complaints regarding police response to July 10, 2020 incident

In response to citizen complaints alleging that the South Pasadena Police Department failed to properly investigate and document an incident occurring on July 10, 2020 involving Fahren James and Joe Richcreek, the City hired independent investigator, Garon 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.

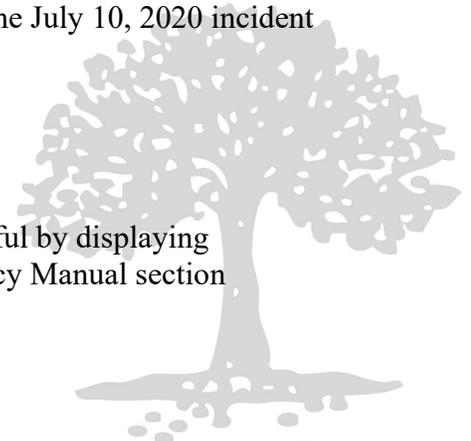
The investigation's scope was to determine the facts and circumstances surrounding allegations that Corporal Wise falsified or failed to document the circumstances of July 10, 2020, accurately, in his official police reports (20-1355/20-1339). The investigation included determining whether Wise failed to investigate whether hate/bias was a motivating factor in Richcreek's actions against James. The scope also included evaluating whether Wise was rude or disrespectful in his interactions with James, Lang, or others and whether Wise allowed his personal opinions of the Black Lives Matter Movement to influence his actions. The scope included determining whether Officer Valdez, Detective Hang, Sergeant Louie, and Sergeant Abdalla took steps to investigate the crime against James as a hate crime. 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 10, 2020 incident and the findings and conclusions of the investigator.

### **Allegations regarding Corporal Randy Wise**

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

It is alleged that on July 10, 2020, Corporal Wise was rude or disrespectful by displaying unnecessary aggression toward Fahren James, 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 Wise was rude or disrespectful to James on July 10, 2020.

**ALLEGATION #2:**

It is alleged that on July 10, 2020, Corporal Wise, either intentionally or through carelessness, failed to properly document the facts of a battery committed against Fahren James and Victoria Patterson, in violation of SPPD Policy Manual, sections 320.5.4(a) (PERFORMANCE), and 323.1.1 (REPORT PREPARATION) which state:

*Confidential Investigation: 320.5.4(a) Failure to disclose or misrepresenting material facts, or making any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation. NOT SUSTAINED*

*323.1.1 Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. SUSTAINED*

**Finding: NOT SUSTAINED and SUSTAINED.** Based on the preponderance of the evidence, the investigator concluded that the evidence does not support a finding that Corporal Wise failed to disclose or misrepresented facts in his police report (20-11355) and supplemental report (20-1339), in violation of SPPD Policy Manual, section 320.5.4(a); however the investigator did conclude that the evidence supports a finding that Wise's police report was not sufficiently detailed and was not free from errors before submission, in violation of SPPD Policy Manual, section 323.1.1.

**ALLEGATION #3**

It is alleged that on July 10, 2020, Corporal Wise allowed a bias against the Black Lives Matter movement to guide his actions while investigating Richcreek's actions against James, in violation of SPPD Policy Manual section, 320.5.9 (DISCRIMINATION, OPPRESSION, OR FAVORITISM), which states:

*320.5.9 Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.*

**Finding: NOT SUSTAINED.** Based on the preponderance of the evidence, the investigator concluded that the evidence does not support a finding that Corporal Wise discriminated against James based on any of James's actual or perceived characteristics, in violation of SPPD Policy Manual, section 320.5.9.



#### **ALLEGATION #4**

It is alleged that on July 8, 2020, Corporal Wise failed to discharge his duties fairly and objectively while interacting with Fahren James and London Lang, 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: NOT SUSTAINED.** Based on the preponderance of the evidence, the investigator concluded that the evidence does not support a finding that Corporal Wise was biased against James in response to James's calls for assistance on July 10, 2020, in violation of SPPD Policy Manual, section 401.4.

#### **ALLEGATION #5:**

It is alleged that Corporal Wise failed to utilize proper investigative techniques to determine whether the actions against James and Patterson 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).*

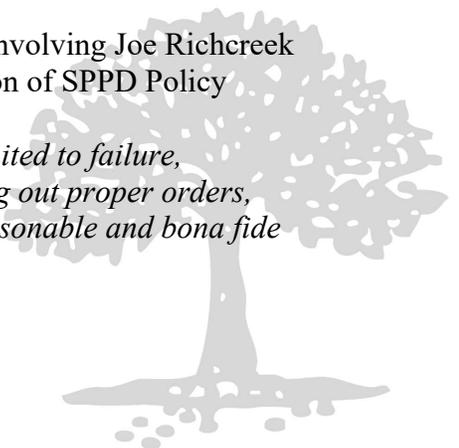
*(d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.*

**Finding: SUSTAINED.** Based on the preponderance of the evidence, the investigator concluded that the evidence supports a finding that Corporal Wise did not consider Richcreek's confrontation and battery of James on July 8 and July 10, 2020, as a hate crime.

#### **ALLEGATION #6:**

It is alleged that Corporal Wise's handling of the call for service involving Joe Richcreek and Fahren James on July 10, 2020, was unsatisfactory, 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 Corporal Wise did not properly execute his duties as a Corporal with the SPPD.

### **Allegations Regarding Officer Catalina Valdez**

#### **ALLEGATION #1**

It is alleged that on July 10, 2020, Officer Valdez failed to thoroughly investigate and document a battery committed against Fahren James 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: NOT SUSTAINED.** Based on the preponderance of the evidence, the investigator concluded that the evidence does not support a finding that Valdez failed to thoroughly investigate a battery committed by Joe Richcreek on July 10, 2020.

### **Allegations Regarding Sergeant Spencer Louie**

#### **ALLEGATION #1**

It is alleged that Sergeant Louie failed to take action required as a supervisor to ensure that the battery against Fahren James was 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:*

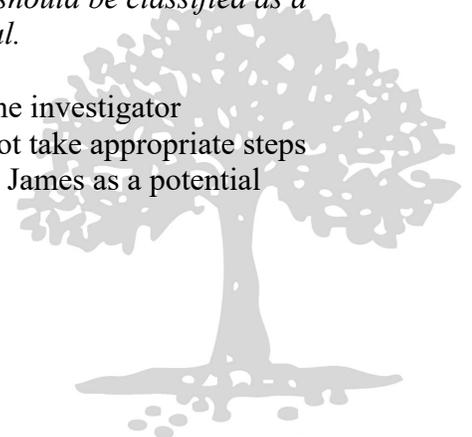
*(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.*

*(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: SUSTAINED.** Based on the preponderance of the evidence, the investigator concluded that the evidence supports a finding that Sergeant Louie did not take appropriate steps to ensure that Wise evaluated/investigated Richcreek's battery of Fahren James as a potential hate crime.



## Allegations Regarding Detective Ryan Hang

### ALLEGATION #1

It is alleged that Detective Hang failed to utilize proper investigative techniques to determine whether the actions against James and Patterson 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: SUSTAINED.** Based on the preponderance of the evidence, the investigator concluded that the evidence supports a finding that Detective Hang did not consider Richcreek's battery of Fahren James as a hate crime.

## Allegations regarding Sergeant Tony Abdalla

### ALLEGATION #1:

It is alleged that on or about July 10, 2020, Sergeant Abdalla failed to take the proper steps required as a supervisor to ensure that the battery against Fahren James was 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:*

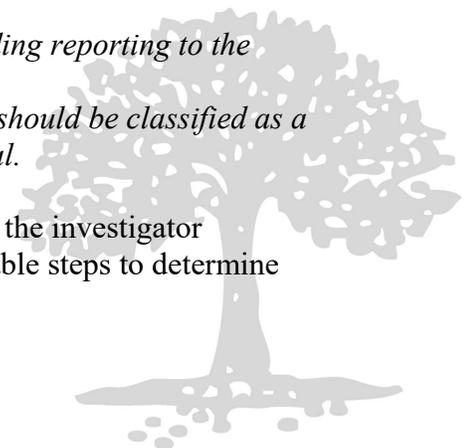
*(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.*

*(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 supports a finding that Abdalla took reasonable steps to determine whether Richcreek's actions constituted a hate crime.



This concludes the independent investigation of the citizens' complaints regarding the South Pasadena Police Department response to the July 10, 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

