

Police auditor to PD: Rethink pursuits of suspects on bicycles

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Posted by George Hostetter on March 13, 2014

The Fresno Police Department needs to rethink how its officers pursue suspected criminals on bicycles.

That's among the recommendations by Police Auditor Rick Rasmussen in his 16-page report for the three-month period of October through December 2013.

Rasmussen writes that the Office of Independent Review (which he heads) "recommends that the FPD take urgent steps to clarify their pursuit policy, as related to bicycles and infractions, and ensure that all officers weigh the suspected criminal actions of the person being stopped versus the potential deadly consequences pursuits have caused in the past."

Rasmussen goes on to recommend that "the FPD expand and educate all officers about the policy of vehicle pursuits of suspects riding bicycles. All officers must be aware of the severe consequences that a vehicle/bicycle accident can have."

In another matter, Rasmussen asks the department to act more swiftly on internal investigations of officer-involved shootings.

The Office of Independent Review, Rasmussen writes, "recognizes that OIS cases are time consuming and difficult matters to investigate but notes that the overwhelming majority of them are not being completed, internally, until nearly a year, which is the maximum time allowed by policy. OIR is questioned often about this lengthy time period and encourages the PD to expedite those matters to the maximum extent possible as those cases clearly have the greatest public concern and by completing them as soon as possible, will allay any fears that some citizens may have about 'Deadly Force' investigations."

Rasmussen reports that in 2013's fourth quarter (October-December) there were zero accidental discharge of weapons, one officer-involved shooting involving an animal, one officer-involved shooting involving a person, 18 vehicle accidents involving department vehicles and 18 vehicle pursuits.

For all of 2013, there were zero accidental discharge of weapons, 12 officer-involved shootings involving an animal, 11 officer-involved shootings involving a person, 68 vehicle accidents involving department vehicles and 78 vehicle pursuits.

Rasmussen didn't go into specifics about vehicle pursuits of suspects on bicycles.

Perhaps the most high-profile pursuit in 2013 occurred in central Fresno on Friday, Aug. 24.

The chase began just after 7:30 p.m. when two officers patrolling together in the area of Princeton and Glenn avenues tried to stop two men on bicycles. One of the men fled on his bike and was chased by the officer in the cruiser while the other officer got out to arrest the second bicyclist.

The man (later identified as 39-year-old Angel Toscano) turned into an alley off Del Mar Avenue between Brown and Harvard avenues. The fatal collision occurred in the alley.

Police Chief Jerry Dyer at the time said the officers were veterans, and the officer who drove the cruiser during the accident was put on paid administrative leave as standard procedure. He said both officers would be interviewed at police headquarters.

“It’s an unfortunate tragedy that resulted in someone’s death,” Dyer said. “We’re going to do everything we can to discover the cause.”

Permit me at this point to raise a related issue that isn’t discussed in Rasmussen’s report. That is the growing use of motorized bicycles in Fresno.

Several months ago I interviewed Capt. Andy Hall and Sgt. Richard Tucker of the Police Department’s traffic bureau. I wanted to do a story on what I lumped together as motorized bicycles. I see them everywhere, but especially in downtown and older neighborhoods.

Capt. Hall and Sgt. Tucker set me straight.

Yes, there are motorized bicycles out there. But there are lots of other motorized “things” (my word, not PD’s). These include motorized scooters and motorized skateboards and pocket bikes (mini-motorcycles).

They’ve all got their own laws of operation.

For example, the driver of a motorized scooter must wear a bicycle helmet and have a Class C driver’s license or driver’s permit. Speed limit — 15 miles per hour. (I saw a guy driving a motorized scooter on the north end of Fulton Mall on Wednesday afternoon. I’m assuming there’s a local ordinance prohibiting that.)

It’s illegal to operate a motorized skateboard anywhere except on private property.

There are two types of motorized bicycles, according to the state Vehicle Code. In essence, there’s a moped and there’s a motorized bicycle. The former is fancier than the latter.

Regardless of the type of vehicle, the operator is supposed to obey the usual laws of the road. I’ve seen a lot of people on the streets of Fresno act like the law doesn’t apply to their motorized bicycles.

I've given up doing the story — I can't get someone on one of those vehicles to stop for an interview.

I mention all this to make two points.

The first, as Capt. Hall and Sgt. Tucker told me, is the enforcement burden placed on traffic officers. So many motorized vehicles (and new ones being invented all the time), so many rules, so much information to instantly process by an officer on a motorcycle who sees someone who may be breaking the rules.

The second refers to Rick Rasmussen's recommendations on PD pursuits of bicyclists. I once saw a guy on a motorized bicycle weave in and out of traffic in that maze east of the City Yard (G Street, Divisadero, H Street, railroad tracks). He looked like he was going a lot faster than 20 MPH. You could tell he figured it was no big deal — after all, he was merely riding a "bicycle." Seems to me a PD pursuit of someone on a motorized bicycle might present challenges slightly different than someone on a standard bicycle.