2308100278, one recorded by Hinojos and one by Jurado. There are five Axon body worn camera videos uploaded under case number 2308111305. Three were recorded by Rogers and two by Nolen. Although all videos are available for review, only portions of videos relevant to this investigation will be addressed in this memorandum.

While recordings obtained from video recorders provide an objective record of events, video recordings do not necessarily reflect the experience or state of mind of the individual members in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved member. Specifically, it is understood the recording device will capture information that may not have been heard and/or observed by the involved member and that the involved member may see and hear information that may not be captured on video.

When the Department issued AXON body worn cameras are powered on, they remain in standby mode, or buffering mode, until the officer presses the button to activate the camera. During the buffering period, the camera temporarily retains 30 seconds of real-time footage until the officer activates the recording. Once the camera is activated, it captures the prior 30 seconds of footage without audio. The video recording with audio begins when the officer intentionally starts recording.

Event 2308100278:

Title: AXON Body 3 Video 2023-08-10 0451 X60AA2253
ID: 2308100278
Assigned to: Joseph Hinojos P1797
Serial: X60AA2253

Hinojos's video was 13 minutes and 36 seconds long. It began at 0451 hours as he pulled into the parking lot of the apartment complex. The lights were not on in [redacted] as Hinojos approached. He said to Jurado, "*I don't hear anything*."

Hinojos knocked and announced, "*Fresno PD*." A young Asian male adult opened the door and an Asian female adult stood behind him. Hinojos asked them to step outside and both walked away to get their shoes. Both subjects looked as if they had just awakened.

The male stepped outside first and confirmed that he and the female were the only people present in the apartment. He also confirmed the [redacted] parked in the parking lot was registered in his name. The male identified himself as [redacted].

Hinojos explained that they were responding to a call about "*a lot of banging*." [redacted] replied that there had been loud music being played somewhere behind their apartment. He confirmed that he and the female, whom he identified as his mother, had been asleep when the officers knocked on their door. They had not been arguing.

Hinojos told [redacted] the someone had called to report "*a lot of banging and screaming*." He asked if [redacted] might know who called police. [redacted] answered that he thought the person might be his mother's ex-boyfriend, who was trying to get back together with her. He denied that the ex-boyfriend had ever been inside the apartment, explaining that he and his mother only moved in a few days ago. He did not identify the ex-boyfriend. [redacted] added that he is a light sleeper and had not heard any noises.

Hinojos confirmed with dispatch that the reporting Party wanted to remain anonymous.

Hinojos met with Jurado, who was attempting to use a translator who spoke Hmong. Hinojos briefed Jurado about what he had learned from [redacted]. Hinojos asked [redacted] what language he and his mother speak, to which [redacted] responded, "*Lao. She can speak Thai*."

Hinojos told Jurado, "*So far it sounds unfounded*."

The officers got the female's identifying information and confirmed that neither needed medical attention. As they cleared the location, Hinojos said to Jurado, "*That was very weird*."

Event 2308111305:

Title: AXON Body 3 Video 2023-08-11 2253 X60AA493V
ID: 2308111305
Assigned to: Darrius Rogers P1937
Serial: X60AA493V

Rogers' first body worn camera video was 28 minutes and 32 seconds long, and began at 2253 hours. The video started as Rogers was approaching Apartment C. He knocked on the front door several times. The only ambient noise was nearby traffic. There were no indications of a disturbance in progress. At 01m35s, the door cracked open and [redacted] cautiously peered out. The front porch light turned on. Rogers asked [redacted] if everything was "*OK*."

He responded, "*It's been two times now*."

Rogers asked if he could come inside and [redacted] repeated the phrase. Rogers explained that the Department kept receiving calls about a disturbance at the apartment. When he asked again if he could come inside, [redacted] asked for Rogers' business card. He added that he would let the officers in after he took a photograph of it.

While Rogers looked for a business card, he asked for the subject's name. The subject identified himself as [redacted]. After Rogers provided [redacted] with a business card, he let the officers in. As he opened the door, his mother was visible

FOCUS OF THE INVESTIGATION:

1. Did Officer Kevin Thakham violate policy by violating a misdemeanor statute?

Policy 341.2.5(aa) is defined as, "*Violating any misdemeanor statute*."

Penal Code 148.3(a) states in part, "*Any individual who reports, or causes any report to be made, to any city, county, city and county, or state department, district, agency, division, commission, or board, that an "emergency" exists, knowing that the report is false, is guilty of a misdemeanor…"*

Penal Code 148.3(c) defines an emergency in part as, "*Any condition that results in, or could result in, the response of a public official in an authorized emergency vehicle*…"

On August 10, 2023, at 0441 hours, Officer Kevin Thakham placed an anonymous phone call from a blocked number to the Fresno Police Department Communications Center. He provided a description of a physical disturbance occurring at [redacted] that generated a 0 Priority call for service. Officers responded and found that no disturbance appeared to have occurred.

On August 11, 2023, at 2208 hours, Thakham placed another anonymous call to ComCen and provided a description of a physical disturbance occurring at [redacted]. Approximately 20 minutes later, he placed a second call, adding details that caused the priority of the call to be upgraded from a 2 to a 1. Officers responded and found that no disturbance had occurred.

In his interview with Internal Affairs, Thakham acknowledged that the events he described in all three phone calls had not happened, and he falsified the information with the intent of generating police calls for service to provoke his former girlfriend into contacting him. Thakham agreed that he was in violation of Penal Code 148.3(a) by falsely reporting an emergency. A preponderance of evidence in this investigation showed that Thakham violated a misdemeanor statute; therefore, the allegation is **sustained**.

2. Did Officer Kevin Thakham violate policy by engaging in conduct unbecoming an officer?

Policy 341.2.5(ac) is defined as,

> *Any other on-duty or off-duty conduct which any member knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency, or morale, or which tends to reflect unfavorably upon the Department or its members.*

On August 10 and 11, 2023, Officer Kevin Thakham placed a total of three anonymous phone calls from a blocked number to the Fresno Police Department Communication

Center. He made the calls with the intent of falsely reporting in-progress physical disturbances to generate police responses to [redacted]. In his interview with Internal Affairs, he explained that his estranged girlfriend had been refusing to take his calls and he hoped the police responses would cause her to contact him. By falsely reporting emergencies, Thakham occupied the time of multiple officers, causing them to be taken out of service and unable to respond to other calls for service. His conduct disrupted the good order and efficiency of Central Policing District patrol responses.

When officers responded on August 11th, apartment resident [redacted] was hesitant to open the door, believing that officers may have responded on Thakham's behalf. [redacted] demanded to know the identities of the officers before he would speak with them or let them into his home. He explained to officers that Thakham and his mother had recently broken off their relationship and he thought Thakham was sending police to their apartment to harass them. [redacted] was not sure if the officers were there for a legitimate call or if they were friends with Thakham. Ultimately, this investigation revealed that while the officers did not respond to [redacted] at Thakham's direct request, they did disturb not only the residents of Apartment [redacted], but all of the residents in the apartment complex based on false pretenses fabricated by Thakham. Furthermore, in his interview with Internal Affairs, Thakham acknowledged that a police response to a report of an in-progress disturbance at the apartment complex had the potential to result in injuries to residents or officers. A preponderance of evidence in this investigation shows Thakham's decision to abuse emergency services for personal gain reflected poorly on the Department; therefore, the allegation that Thakham engaged in conduct unbecoming an officer is **sustained**.

CONCLUSION:

1. The allegation that Officer Kevin Thakham violated a misdemeanor statute is SUSTAINED.

2. The allegation that Officer Kevin Thakham violated policy by engaging in conduct unbecoming an officer is SUSTAINED.