Commission on Peace Officer Standards and Training
Peace Officer Standards Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
www.post.ca.gov

NOTICE OF DETERMINATION

CASE NO.: POST2321280 **SUBJECT OFFICER:** Richard T. Mora

POST ID: B52-Z58 **EMPLOYING AGENCY:** Fresno Police Department

---

POST INVESTIGATOR: Robert Tripp

NOD DATE OF ISSUANCE: 10/29/2025

ALLEGED MISCONDUCT: PC 13510.8 (b)(3)/11 CCR 1205(a)(3) – Physical Abuse

EXECUTIVE SUMMARY:

On 09/21/2023, Fresno Police Department (FPD) officers responded to a report of a subject armed with a sword. FPD Corporal Richard Mora, hereinafter "Respondent," and other FPD officers made contact with the subject, who will be referred to hereinafter as "the Victim." The Victim was initially compliant and obeyed commands. At the officers' direction, the Victim dropped the "sword" – a piece of chrome trim from an automobile – and emptied his pockets on the ground. When officers approached and ordered him to sit on the curb, however, the Victim ceased to obey further commands, tensed his body, and passively resisted the officers, who then wrestled him to the ground in a prone position. As officers were placing cuffs on the Victim, Respondent pinned the Victim to the ground by placing his knee on the Victim's head and neck. Later in the encounter, Respondent raised his body up and rocked his body weight up and down on the Victim's head and neck. When the Victim was cuffed, 62 seconds after officers first spoke to him, the officers stood up and disengaged. The Victim sustained scrapes to his shoulder but was not otherwise injured.

After a post-arrest review of the use of force, FPD initiated an Internal Affairs (IA) investigation. On 04/03/2024, FPD assessed Respondent's kneeling on the Victim's head and neck and bouncing or rocking up and down was more force than was reasonably necessary, and sustained the allegation that Respondent violated FPD Policy 300.4, Unreasonable Force. FPD further concluded Respondent's report of the incident contained inaccuracies and omissions. Respondent was ultimately suspended for 80 hours and retired from service on 05/02/2024 after completing the suspension.

POST reviewed the FPD Internal Affairs (IA) investigative report, the incident report, Body Worn Camera (BWC) video, and FPD IA interviews with Respondent and with the other five officers on scene. The BWC video captured Victim passively resisting efforts to place him in handcuffs: he tensed his body and pulled his arms away from officers holding him, but he did not attempt to hit, kick, spit, or otherwise assault the officers. Six officers, including Respondent, confirmed this in interviews with FPD IA. The BWC video also depicts Respondent kneeling on

Commission on Peace Officer Standards and Training
Peace Officer Standards Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
www.post.ca.gov

the Victim's head, rocking his body up and down on the Victim's neck and head shortly before the struggle ended. Several officers present indicated such an action was excessive force.

Based on this clear and convincing evidence, the Peace Officer Standards Accountability Division found that Respondent's actions constituted serious misconduct in violation of Penal Code Section 13510.8 (b)(3) and Title 11, California Code of Regulations Section 1205 (a)(3) – Physical Abuse. Although the Victim was non-compliant, Respondent's deliberate action of kneeling on his head and then rocking down with his bodyweight – actions capable of inflicting death or serious physical injury – were unreasonable and excessive in light of the Victim's non-assaultive resistance.

ANALYSIS/FINDINGS:

1. **The alleged misconduct violated Penal Code Section 13510.8 (b)(3) and Title 11, California Code of Regulations Section 1205 (a)(3) – Physical Abuse**

Penal Code Section 13510.8 (b)(3) and Commission Regulation 1205 (a)(3) define as serious misconduct "Physical Abuse including, but not limited to, the excessive or unreasonable use of force."

On 09/21/2023, a Fresno Fire Department Battalion Chief contacted FPD to report an individual walking on the sidewalk while carrying a sword. Respondent and FPD Officer Alejandro Uribe were among the first to engage the Victim. Based on a review of Uribe's BWC, Respondent and Uribe approached Victim at 12:42:03 p.m. (all times PDT) and asked him to drop the item he was holding, a piece of chrome trim from an automobile that resembled a sword. Victim dropped the item at 12:42:17 p.m. They then asked him to "put everything down," prompting Victim to drop the items he was holding and empty his pockets on the ground.

Victim was compliant until the officers asked him to take a seat on the sidewalk. He asked them why they wanted him to sit and what he did wrong, which led the officers to direct him to put his hands behind his back. At this point an additional four officers arrived on the scene. One officer took hold of Victim's right arm; Respondent raised and extended his baton; one officer pointed a taser at Victim; and another officer held a non-lethal long gun. Several officers directed Victim to put his hands behind his back, but Victim failed to do so, repeatedly asking, "For what?" Shortly after an officer took hold of the Victim's left arm, officers moved to take the Victim to the ground.

All six officers present at the scene, including Respondent, collected relevant BWC video. A review of that video determined that, at 12:42:57 p.m., officers pulled Victim to the ground. Five officers physically engaged with the Victim on the ground: Jacob Surrat and Ray Camacho held Victim's left and right arms respectively; Alejandro Uribe restrained his back and legs; Reese Booth reached in to put on cuffs; and Respondent came down on the head/shoulders area of

Commission on Peace Officer Standards and Training
Peace Officer Standards Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
www.post.ca.gov

Victim's body, which was now lying prone, face down on the sidewalk. Blake Dudley covered the team on the ground with a less-than-lethal shotgun from a few feet away.

Respondent's own BWC captures clear images of his knee on Victim's head. The first such image is captured for a fraction of a second at 12:43:03 p.m. For the 11 seconds between 12:43:07 p.m. and 12:43:18 p.m., the image is more stable, recording Respondent's knee on Victim's head for that entire time. The BWC angle then changes, and Victim's head is no longer visible, coinciding with Respondent changing his body posture from one that is hunched over Victim to a posture that is more upright, which aligns his body weight more fully on Victim's head.

Of particular significance is the period of time between 12:43:19 p.m. and 12:43:24 p.m. as seen from the perspective captured by Dudley's BWC. During those five seconds, Respondent appears to bounce his weight up and down to apply extra force on the Victim's head. Respondent's own BWC does not capture this, as it is pointed directly toward the police badge of Officer Booth. Between 12:43:21 p.m. and 12:43:25 p.m., however, Respondent's BWC image jerks up and down at least three times coinciding with the rocking motion captured on Dudley's BWC.

Officers succeeded in securing one cuff on the Victim at 12:43:14 p.m. and the second cuff at 12:43:24 p.m. The officers who were on top of the Victim, including Respondent, rose up and were off him by 12:43:27 p.m., exactly 30 seconds after taking him to the ground. The situation was fast and dynamic, with five officers exerting themselves in a very limited physical space in a short period of time.

In IA interviews, all present at the scene indicated Victim was not "physically assaultive," i.e., he was not trying to assault the officers but rather resisted being put into handcuffs. Respondent himself stated that Victim "wasn't combative, he wasn't trying to assault anybody." These impressions were corroborated by BWC video, which showed the Victim tensing his body and attempting to pull away until he was restrained. Based upon that level of resistance, three of the officers who engaged Victim at the scene told IA that placing a knee on his head and neck was neither necessary nor reasonable. Booth, for example, characterized this as "excessive force…especially for the situation."

The statements made by two other officers potentially introduced an element of ambiguity in a use-of-force assessment. Surratt, who held the Victim's left wrist, stated it may have been necessary to place a knee on his neck and head "since [the Victim] was not handcuffed and due to his behavior," although he qualified that response by noting it was not reasonable to bounce up and down. Camacho, who held the Victim's other wrist, indicated Respondent's knee could have slipped since the incident unfolded so quickly. Notably, these opinions did not directly contradict the other officers but instead reflected their different perspectives during the incident. Surratt still held that Respondent's rocking on the Victim's head was unreasonable, while

Commission on Peace Officer Standards and Training
Peace Officer Standards Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
www.post.ca.gov

Camacho offered a potential mitigation for Respondent regarding intentionality in lieu of answering the question.

In his own IA interview, Respondent cited the Victim's continuing resistance as a justification for his actions. The Victim was a "strong guy" who kept on trying to "push up or move" while Respondent tried to pin him down as the other officers struggled to subdue him. Respondent said, "it was because [the Victim] looked like he was trying to rise, [I] could feel the force, and [I] was trying to keep him pinned down"; "[I] felt him trying to turn" and "[I] kept holding him down." Respondent additionally stated he "could feel him trying to turn his torso, and [I] thought that if he were able to spin out and get to his back, he would be able to kick the officers." It should be noted however that none of the five officers who contributed to the written report prior to the IA investigation – which included Respondent – mentioned the Victim attempting to roll over, rise, or spin onto his back.

Respondent mentioned an additional concern in his IA interview, a toothbrush held by the Victim during the encounter. Respondent stated he was concerned the Victim had sharpened or otherwise modified the toothbrush into a weapon. A review of Respondent's BWC video confirmed the Victim held a blue toothbrush during the initial encounter and after he was taken to the ground. The toothbrush fell from his hand at 12:43:12 p.m., although it is not clear if Respondent was able to perceive that during the struggle. It is noted that Respondent did not mention his concern about the toothbrush in his supplement to the incident report, nor did the Victim have the ability to wield the toothbrush as a weapon during the struggle due to the immobilization of his arms by Surratt and Camacho. Additionally, only one other officer, Surratt, mentioned the toothbrush in the incident report, and then only as an indicator of the Victim's agitated state: "I observed the skin on his left knuckle blanching due to him squeezing the toothbrush so hard." Surratt did not describe the toothbrush as a weapon.

Respondent's intention to control the Victim's upper body was appropriate for the situation, but using a knee to lean on and repeatedly bounce his full bodyweight on the Victim's head and neck exceeded mere control. These actions were not done in response to any specific dangerous movement of the Victim and did not make the situation safer. In light of the clear and convincing evidence consisting of BWC video, witness statements, and investigative reporting, the Peace Officer Standards Accountability Division assesses Respondent's conduct – especially in the final seconds of the hands-on portion of the encounter – was not reasonable and it is highly probable that Respondent engaged in the serious misconduct of physical abuse.

Title 11, California Code of Regulations 1213(a) requires the Commission to consider various factors when considering whether to take action against a peace officer's certification, including the following:

- The nature and severity of the act or omission

Commission on Peace Officer Standards and Training
Peace Officer Standards Accountability Division
860 Stillwater Road, Suite 100
West Sacramento, CA 95605
www.post.ca.gov

- Whether the alleged conduct was committed under the color of authority or while the peace officer was acting in the capacity of a peace officer
- The peace officer's prior conduct, discipline and service record, and any prior instances of misconduct.
- The degree of accountability and cooperation with the investigation evidenced by the peace officer.
- The clarity with which the peace officer was on notice of any rules that were violated in committing the offense
- The extent to which the act or omission was done intentionally, willfully, or maliciously

The act of kneeling on the Victim's head and neck and rocking his bodyweight down to increase the force was not done accidentally, but rather was a deliberate act done under color of authority during an arrest. Respondent did not have any previous sustained Use of Force violations, but did receive a Letter of Reprimand for failing to report a use of force incident in which Respondent pinned a handcuffed subject armed with a knife between the frame and door of a patrol vehicle, resulting in three fractured ribs. Respondent was on notice regarding use of force policy and law, having taken an eight-hour use of force course as recently as five weeks prior to this incident. Lastly, Respondent did not take accountability, stating his kneeling on the Victim's neck and head was appropriate since the Victim was twisting and attempting to rise – something not documented in any written incident report or corroborated by statements made by the other five officers present at the scene.

Analysis of BWC video, incident reports, and the statements of witness officers and Respondent during Internal Affairs interviews establish clear and convincing evidence Respondent committed serious misconduct as defined in Penal Code §13510.8(b)(3) and Title 11, CCR 1205(a)(3) – Physical Abuse.

FINDINGS

The Peace Officer Standards Accountability Division has determined by clear and convincing evidence Respondent committed serious misconduct, as defined in Penal Code Section 13510.8(b)(3) and Title 11, California Code of Regulations 1205(a)(3) – Physical Abuse, including, but not limited to, the excessive or unreasonable use of force. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

Based on its investigation and the consideration of factors enumerated in Title 11, California Code of Regulations 1213(a), the Peace Officer Standards Accountability Division has determined that reasonable grounds exist to seek suspension or revocation of Respondent's certifications, in accordance with Penal Code section 13510.85.