

# Banning settles in police officer suit

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Robert Fisher has returned to work for the Banning Police Department after the settlement of his wrongful termination lawsuit against the city of Banning.

Fisher returned to the department as a lieutenant after being fired in April 2020 and filing his lawsuit against the city of Banning, Banning City Manager Doug Schulze and Banning Police Chief Matthew Hamner (now on medical leave) in 2021. The settlement was signed Aug. 24-25 and effective Sept. 29 giving the city 50 days to make the payment and 30 days to reinstate Fisher with the police department.

In the settlement, the city of Banning agreed to: pay \$2 million (representing back pay for nearly three years of lost employment); reinstate him as a top-step lieutenant in the police department (which represents a raise in pay); give him a special assignment outside of the department or as a supervisor of the detective bureau for a minimum of three years; and other benefits.

According to Fisher's attorney Bradley C. Gage, the payment, raise and other benefits will total more than \$3.5 million.

By signing the settlement all parties agreed to drop all claims and allegations against each other while not admitting any wrongdoing or liability.

In accordance with the settlement, on Oct. 20 Acting Police Chief Derek Thesier issued a memorandum stating that Fisher has been exonerated of the allegations against him and that the internal affairs investigation pertaining to those allegations

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has been removed from the department's personnel files.

The settlement "means vindication and remuneration" for Fisher, Gage said.

"Also, it's a benefit to the department," Gage added. "He was one of their most senior officers and was doing a fine job until these false allegations. Now, the department gets the return of a fine officer."

When asked why Fisher would want to return to the department, Gage stated, "He wanted to be a law enforcement officer and the folks that got rid of him, some aren't there anymore and some have had their wings clipped."

Fisher had been with the department 26 years and was serving as a lieutenant when he was appointed interim police chief by the city council in April 2018, prior to the hiring of Hamner as police chief in February 2019.

According to Schulze, the settlement was made in consultation with the city's legal council and insurance providers.

"In this case, it was determined that the settlement was in the best interest of all parties," Schulze stated.

He also noted that the majority of the settlement will be paid by the city's insurance providers.

Upon his return, Fisher was assigned to non-sworn office administrative duties under the direction of Thesier until Fisher can renew his

certifications and resume sworn officer duties.

According to the case documents, the city of Banning and its police department opened an internal affairs investigation in 2019 accusing Fisher of failures to perform duties and misconduct during a utility theft investigation in October 2018.

Banning's investigation into Fisher's alleged misconduct began in November 2019 and the disciplinary action against him (his firing) in April 2020, both occurring beyond the one-year statute of limitations set by the Peace Officers Bill of Rights.

According to the lawsuit, an investigation by an independent party found the allegations to "have no merit." Allegations were also sent to the Riverside County District

Attorney's Office, which determined the charges to be false and the cases were closed.

"We had won a lot and the value of the case went up," Gage said. "We went through arbitration and won that. The 10-day arbitration ruled Fisher was entitled to get his job back, back pay and attorney's fees. The city appealed that and we [submitted] a writ, the city appealed that, and during that appeals process we settled."

According to the settlement, each side will be responsible for its own attorney's fees.

The Law Office of Bradley C. Gage is also representing two other Banning Police Department officers in another suit against the city, filed in November alleging whistle blower retaliation and discrimination.