



Office of Independent Review

Quarterly Report First Quarter 2016

**Richard Rasmussen
Police Auditor**

Purpose of the Office of Independent Review

The Office of Independent Review (OIR) is responsible for ensuring that complaints about the conduct of the Fresno Police Department (FPD) are thoroughly investigated to enhance community trust. The OIR monitors ongoing investigations conducted by the FPD Internal Affairs (IA) unit and, when completed performs a comprehensive audit of the process. Each audit report will focus on evaluating the adequacy, thoroughness, quality and accuracy of the investigative report. The OIR assists in strengthening the relationship between the community and the police department by promoting greater transparency and collaboration.

By design, the OIR is independent from the FPD allowing it to work as a conduit in the community. As such, the OIR meets regularly with members from local groups to listen to the public's interest and perspective.

The OIR is scheduled to release four quarterly reports per year to increase transparency, public awareness and understanding.

Purpose of the Report

The objective of the OIR, in preparing this report is that the constituents of the City of Fresno see transparency by all parties involved in the review of complaints.

The following report is intended to show a detailed summary of all complaints submitted to the FPD during the first quarter of 2016. The OIR does not conduct its own investigation but is given full access, monitors and contributes to the existing IA investigation. Once IA has completed its investigation the file is submitted to the OIR for audit.

The first quarter report reflects all complaints made to the IA Unit of the FPD, along with the recommendations made by the OIR between the dates of January 1, 2016 – March 31, 2016. The report is reflective of complaints that are handled within the Inquiry Complaint Form (ICF) system, as well as those more serious allegations which are immediately assigned within the IA Pro system. Some complaints begin as ICFs and once that investigation is concluded, mutate to become full IA investigations. As the tables within this report reflect, some cases are still pending with the IA Unit and will be audited upon completion of IA's own examination of those cases. Also within this report are separate tables that list pending cases in previous quarters; these tables will detail if the cases have since been audited or continue in a pending status.

Additionally, recommendations are always communicated to the FPD within the audit, regarding the case that generated the recommendation. Other, broader recommendations and/or "trends" are also communicated to the FPD as they are identified weeks prior to the OIR Quarterly Report being published. This is an effort to ensure that the FPD is aware of issues and is able to react, address or consider each item, and is done so in the most time effective manner possible. The FPD has been extremely responsive to these notifications and has offered clarifying information or language, prior to the reports being published.

Trends/Issues Identified and Relayed to the Police Department

Recommendations:

The OIR wants to once again emphasize that the activation of body cameras is important and can be crucial in encounters. In a recently audited case, four officers were present and three of them activated their body cameras. The fourth officer failed to activate his upon exiting his vehicle and as a result, the actual physical interaction was not captured on video. The body cameras are still a new tool and oversights are likely to occur, but the cameras have no value if they are not activated in a timely manner. The FPD is requested to make this a priority item that all levels of supervision emphasize until such point that body camera activation becomes as second nature as securing a police car upon exit from the vehicle. Sergeants are requested to check for body camera activation when reviewing/approving police reports so that officers are given immediate feedback on their usage. Also, Sergeants should track which officers under their supervision have a tendency to not activate their body camera and thereby issue specific instructions in order to gain compliance.

In regards to OIS investigative timelines, the FPD has finished OIS investigations within six months on the last four incidents. This is a positive step forward and demonstrates a commitment to transparency on these most difficult cases. OIR is happy to report such progress in these cases as it keeps the public informed in a timelier manner.

Audit Summary

OIR is continuing its review of the Robbery Unit which should be completed when the personnel interviews are completed. This review will be finished within the next 30 days.

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**OFFICE OF INDEPENDENT REVIEW
CITY OF FRESNO
QUARTERLY REPORT
FIRST QUARTER 2016
January 1, 2016 – March 31, 2016
Report Issued April 25, 2016**

Glossary

Unfounded	The reported incident did not occur.
Exonerated	The employee's actions were reasonable under the circumstances.
Not Sustained	There is insufficient evidence to support a conclusion as to whether or not the employee violated policy.
Sustained	The employee's action(s) are in violation of the policy or procedure of the Police department.
AU	The case has been audited by the Office of Independent Review
AD	The Office of Independent Review has declined to review the case due to the subject; for example an interdepartmental complaint or a case where the OIR cannot add value to the investigation.
Pending	The case is still in the process of being investigated
"S"	"S" defines the Subject Officer, when there are multiple officers, the letter "S" is followed by a number (S, S1, S2).
Blue Category	Firearm Discharge
Yellow Category	Unreasonable Use of Force
Green Category	Vehicle Accident

**The following cases were pending in the previous 2015, 2nd quarter.
The pending incidents are in the process of formal IA investigations.
Once the investigations are completed they will be sent to the OIR for review.**

IA PRO CASE #	DATE ASSIGNED	USE OF FORCE	FPD FINDING	OIR DISPOSITION	STATUS	SUMMARY
15-0066	06/08/2015	Yes	Within Policy	Within Policy	AU	Officer Involved Shooting

**The following cases were pending in the previous 2015, 3rd quarter.
The pending incidents are in the process of formal IA investigations.
Once the investigations are completed they will be sent to the OIR for review.**

IA PRO CASE #	DATE ASSIGNED	USE OF FORCE	FPD FINDING	OIR DISPOSITION	STATUS	SUMMARY
15-0082	07/31/2015	Yes	Within Policy	Within Policy	AU	Officer Involved Shooting
15-0084	08/11/2015	Yes	Within Policy	Within Policy	AU	Officer Involved Shooting

The following cases were pending in the previous 2015, 3rd quarter.
The pending incidents are in the process of formal IA investigations.
Once the investigations are completed they will be sent to the OIR for review.

IA PRO CASE #	DATE ASSIGNED	USE OF FORCE	FPD FINDING	OIR DISPOSITION	STATUS	SUMMARY
15-0096	09/08/2015	Yes	(S, S1) Within Policy	(S, S1) Within Policy	AU	(S, S1) Officer Involved Shooting
15-0099	09/08/2015	Yes	Within Policy	Within Policy	AU	Office Involved Shooting
15-0100	09/08/2015	Yes	Pending	Pending	Pending	Officer Involved Shooting
15-0108	09/21/2015	Yes	Within Policy	Within Policy	AU	Officer Involved Shooting

The following cases were pending in the previous 2015, 4th quarter.
The pending incidents are in the process of formal IA investigations.
Once the investigations are completed they will be sent to the OIR for review.

IA PRO CASE #	DATE ASSIGNED	USE OF FORCE	FPD FINDING	OIR DISPOSITION	STATUS	SUMMARY
15-0117	10/20/2015	Yes	Pending	Pending	Pending	Officer Involved Shooting
15-0130	11/24/2015	Yes	Exonerated	AU	Exonerated	Unreasonable Force
15-0134	12/07/2015	Yes	Pending	Pending	Pending	Unreasonable Force
15-0135	12/07/2015	Yes	Exonerated	AU	Exonerated	Unreasonable Force
15-0145	12/17/2015	No	Pending	Pending	Pending	Racial Profiling
15-0146	12/17/2015	No	Sustained, Sustained	AD	AD	Report Preparation, Insubordination
15-0147	12/17/2015	No	Unfounded, Sustained, Sustained	AD	AD	Performance, Off Duty Employment, Performance
15-0148	12/30/2015	Yes	Pending	Pending	Pending	Officer Involved Shooting

The following cases did have or are in the process of formal IA investigations. Each of these cases occurred during the 2016, 1st quarter. Once the investigation is completed it is sent to the OIR for review.

IA PRO CASE #	DATE ASSIGNED	USE OF FORCE	FPD FINDING	OIR DISPOSITION	STATUS	SUMMARY
15-0149	01/01/2016	No	Sustained	AD	AD	Vehicle Collisions Procedure
15-0150	01/01/2016	Yes	Within Policy	AD	AD	OIS- Dog
16-0001	01/14/2016	Yes	Pending	Pending	Pending	Unreasonable Force, Conduct Unbecoming
16-0002	01/20/2016	Yes	Pending	Pending	Pending	Unreasonable Force
16-0003	01/29/2016	Yes	Pending	Pending	Pending	Officer Involved Shooting
16-0004	02/12/2016	No	Pending	Pending	Pending	Criminal Acts/Failure to Obey All Laws
16-0005	02/17/2016	No	Pending	Pending	Pending	Report Preparation, Discretion, Body Camera Issues
16-0006	02/17/2016	Yes	Pending	Pending	Pending	Unreasonable Force, Criminal Acts, Discourteous
16-0007	02/17/2016	No	Unfounded	AD	AD	Criminal Acts
16-0008	02/18/2016	No	(S, S1) Unfounded	AD	AD	(S, S1) Criminal Acts
16-0009	02/22/2016	Yes	Pending	Pending	Pending	Officer Involved Shooting
16-0010	02/26/2016	No	Pending	AD	AD	Pursuit Policy, Supervisory Responsibilities, Report Preparation
16-0011	02/29/2016	Yes	Pending	Pending	Pending	Officer Involved Shooting
16-0012	03/01/2016	No	Pending	Pending	Pending	In-Custody Death
16-0013	03/09/2016	No	Pending	Pending	Pending	Criminal Acts Failure to Obey All Laws
16-0014	03/09/2016	Yes	Pending	Pending	Pending	Unreasonable Force, Criminal Acts

The following cases did have or are in the process of formal IA investigations. Each of these cases occurred during the 2016, 1st quarter. Once the investigation is completed it is sent to the OIR for review.

IA PRO CASE #	DATE ASSIGNED	USE OF FORCE	FPD FINDING	OIR DISPOSITION	STATUS	SUMMARY
16-0015	03/09/2016	No	Pending	AD	AD	Search/Seizure Issues
16-0016	03/09/2016	No	(S, S1) Unfounded	AD	AD	(S, S1) Search/Seizure Issues
16-0017	03/09/2016	No	Unfounded	AD	AD	Criminal Acts
16-0018	03/09/2016	No	Unfounded, Unfounded	AD	AD	Criminal Acts; Abuse of Authority
16-0019	03/24/2016	No	Pending	Pending	Pending	Officer Involved Shooting
16-0020	03/24/2016	No	Pending	Pending	Pending	Criminal Acts/Failure to Obey Laws
16-0021	03/25/2016	No	Pending	Pending	Pending	Dept Property
16-0022	03/25/2016	Yes	Pending	Pending	Pending	Unreasonable Force, Search/Seizure, Investigation
16-0023	03/25/2016	No	Pending	Pending	Pending	Racial/Bias Profiling
16-0024	03/25/16	No	Pending	Pending	Pending	Harassment

AUDIT REPORTS PERFORMED IN THE FIRST QUARTER OF 2016

C15-0066

Allegation: Officer Involved Shooting
Audit Finding: Within Policy
FPD Finding: Within Policy

C15-0082

Allegation: Officer Involved Shooting
Audit Finding: Within Policy
FPD Finding: Within Policy

C15-0084

Allegation: Officer Involved Shooting
Audit Finding: Within Policy
FPD Finding: Within Policy

C15-0096

Allegation: (S,S1) Officer Involved Shooting
Audit Finding: (S, S1) Within Policy
FPD Finding: (S, S1) Within Policy

C15-0099

Allegation: Officer Involved Shooting
Audit Finding: Within Policy
FPD Finding: Within Policy

C15-0108

Allegation: Officer Involved Shooting
Audit Finding: Within Policy
FPD Finding: Within Policy

C15-0130

Allegation: Unreasonable Force
Audit Finding: Exonerated
FPD Finding: Exonerated

C15-0135

Allegation: Unreasonable Force

Audit Finding: Exonerated

FPD Finding: Exonerated

**FRESNO POLICE DEPARTMENT
INTERNAL AFFAIRS BUREAU
2016
1ST QUARTER**

INCIDENT TYPE - INQUIRY/COMPLAINTS

The following reports were reviewed, however it was determined they did not warrant a full IA investigation.

#	ICF #	COMPLETED	FINDINGS	ALLEGATIONS
1	16-0001	1/21/16	EXONERATED	ARREST AUTHORITY/PROCEDURES
2	16-0002	1/21/16	EXONERATED	CONDUCT
3	16-0003	1/21/16	UNFOUNDED	ARREST AUTHORITY/PROCEDURES
4	16-0004	1/21/16	NOT SUSTAINED	VEHICLE OPERATIONS
5	16-0005	1/21/16	UNFOUNDED	GENERAL CALL HANDLING
6	16-0006	1/21/16	EXONERATED	PROPERTY LOST/DAMAGED
7	16-0007	1/21/16	EXONERATED	SEARCH/SEIZURE ISSUES
8	16-0008	1/21/16	UNFOUNDED	DISCOURTEOUS
9	16-0009	1/21/16	UNFOUNDED	UNREASONABLE FORCE
10	16-0010	2/3/16	EXONERATED	ARREST AUTHORITY/PROCEDURES
11	16-0011	2/3/16	EXONERATED	INVESTIGATION HANDLING
			UNFOUNDED	GENERAL CALL HANDLING
12	16-0012	2/3/16	EXONERATED	GENERAL CALL HANDLING
13	16-0013	2/3/16	NOT SUSTAINED	VEHICLE OPERATIONS
14	16-0014	2/3/16	UNFOUNDED	SEXUAL HARASSMENT
15	16-0015	2/3/16	EXONERATED	DISCOURTEOUS
16	16-0016	2/3/16	EXONERATED	SEARCH/SEIZURE ISSUES
17	16-0017	2/4/16	NOT SUSTAINED	GENERAL RESPONSIBILITIES
18	16-0018	2/4/16	EXONERATED	GENERAL CALL HANDLING
19	16-0019	2/4/16	UNFOUNDED	DISCOURTEOUS
20	16-0020	2/4/16	EXONERATED	UNREASONABLE FORCE
21	16-0021	2/10/16	NOT SUSTAINED	PRISONER'S PROPERTY

22	16-0022	2/10/16	EXONERATED	UNREASONABLE FORCE
				GENERAL CALL HANDLING
23	16-0023	2/23/16	EXONERATED	HARASSMENT
			EXONERATED	GENERAL CALL HANDLING
24	16-0024	2/23/16	EXONERATED	DISCOURTEOUS
25	16-0025	2/23/16	UNFOUNDED	GENERAL RESPONSIBILITIES
26	16-0026	2/23/16	EXONERATED	REPORT PREPARATION
27	16-0027	2/23/16	EXONERATED	DISCOURTEOUS
28	16-0028	2/26/16	UNFOUNDED	GENERAL RESPONSIBILITIES
29	16-0029	3/4/16	EXONERATED	GENERAL CALL HANDLING
				GENERAL CALL HANDLING
30	16-0030	3/4/16	EXONERATED	DISCOURTEOUS
31	16-0031	3/4/16	EXONERATED	ARREST AUTHORITY/PROCEDURES
32	16-0032	3/4/16	SUSTAINED	VEHICLE OPERATIONS
33	16-0033	3/4/16	UNFOUNDED	RACIAL/BIAS BASED PROFILING
34	16-0034	3/4/16	UNFOUNDED	INVESTIGATION HANDLING
35	16-0035	3/8/16	UNFOUNDED	DISCOURTEOUS
36	16-0036	3/8/16	UNFOUNDED	GENERAL CALL HANDLING
37	16-0037	3/9/16	EXONERATED	DISCOURTEOUS
				FAILURE TO PROVIDE NAME/BADGE INFO
38	16-0038	3/9/16	UNFOUNDED	GENERAL CALL HANDLING
39	16-0039	3/9/16	UNFOUNDED	GENERAL CALL HANDLING
40	16-0040	3/16/16	EXONERATED	GENERAL CALL HANDLING
41	16-0041	3/16/16	EXONERATED	PROPERTY/EVIDENCE HANDLING
42	16-0042	3/16/16	EXONERATED	REPORT PREPARATION
43	16-0043	3/17/16	UNFOUNDED	GENERAL RESPONSIBILITIES
				DISCOURTEOUS
44	16-0044	3/17/16	EXONERATED	REPORT PREPARATION
45	16-0045	3/24/16	SUSTAINED	DISCRETION
				CONFLICTING RELATIONSHIPS
46	16-0046	3/31/16	UNFOUNDED	GENERAL CALL HANDLING

47	16-0047	3/31/16	EXONERATED	REPORT PREPARATION
48	16-0048	3/31/16	EXONERATED	GENERAL RESPONSIBILITIES
49	16-0049	3/31/16	EXONERATED	COURT APPEARANCE
50	16-0050	3/31/16	EXONERATED	GENERAL CALL HANDLING
51	16-0051	3/31/16	EXONERATED	UNREASONABLE FORCE
52	16-0052	3/31/16	UNFOUNDED	UNREASONABLE FORCE
53	16-0053	3/31/16	SUSTAINED	GENERAL CALL HANDLING

2016 QUARTERLY REPORT FOR AUDITOR

TYPE OF INCIDENT	1/1/16 TO 3/31/16	4/1/16 TO 6/30/16	7/1/16 TO 9/30/16	10/1/16 TO 12/31/16	TOTALS
ACCIDENTAL DISCHARGE	0	n/a	n/a	n/a	0
OIS - ANIMAL	0	n/a	n/a	n/a	0
OIS - PERSON	4	n/a	n/a	n/a	4
VEHICLE COLLISIONS	34	n/a	n/a	n/a	34
VEHICLE PURSUITS	25	n/a	n/a	n/a	25