



OFFICE OF INDEPENDENT REVIEW

**REPORT FOR THE PERIOD OF
JANUARY 1, 2020 TO MARCH 31, 2020**

**John A. Gliatta
Independent Reviewer**

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Community Coordinator**

ABOUT THE OFFICE OF INDEPENDENT REVIEW

The Office of Independent Review (OIR) works to strengthen community trust in the Fresno Police Department (FPD) by providing a neutral, third-party review of police policies, procedures, strategies, and Internal Affairs (IA) investigations. The OIR operates independently of the FPD and will provide City leaders and the public with an objective analysis of policing data, actions, and outcomes. The OIR analyzes complaints filed by citizens and those initiated by the department to ensure they have been investigated fairly and thoroughly. Periodically, the OIR will provide an objective analysis of individual units within the FPD to ensure compliance with policy and procedure, best practices, and the law. This includes recommendations and findings to increase thoroughness, quality, and accuracy of each police unit reviewed.

The work of the OIR is guided by the following principles:

- Independence
- Fairness
- Integrity
- Honesty
- Transparency
- Participation of Stakeholders, both internally and externally
- Acceptance, Cooperation, and Access
- Obedience to Legal Constraints

In addition, a Citizens' Public Safety Advisory Board, hereafter referred to as the Board, works to enhance trust, accountability, transparency, and promote higher standards of services in the FPD. This will increase public confidence in the FPD and work to strengthen and ensure the application of equal protection under the law for everyone in the City of Fresno. The Board also advises the Independent Reviewer (IR) in helping to define, assess, and further develop Community Based Policing citywide.

The Board is comprised of nine individuals appointed by Mayor Lee Brand. The Board members represent the diversity of the community. In addition, there are five non-voting members serving the Board in an advisory capacity. The non-voting members represent the FPD, Fresno Police Officers' Association, City Attorney's Office, Fresno County District Attorney's Office, and Mayor Brand's Office.

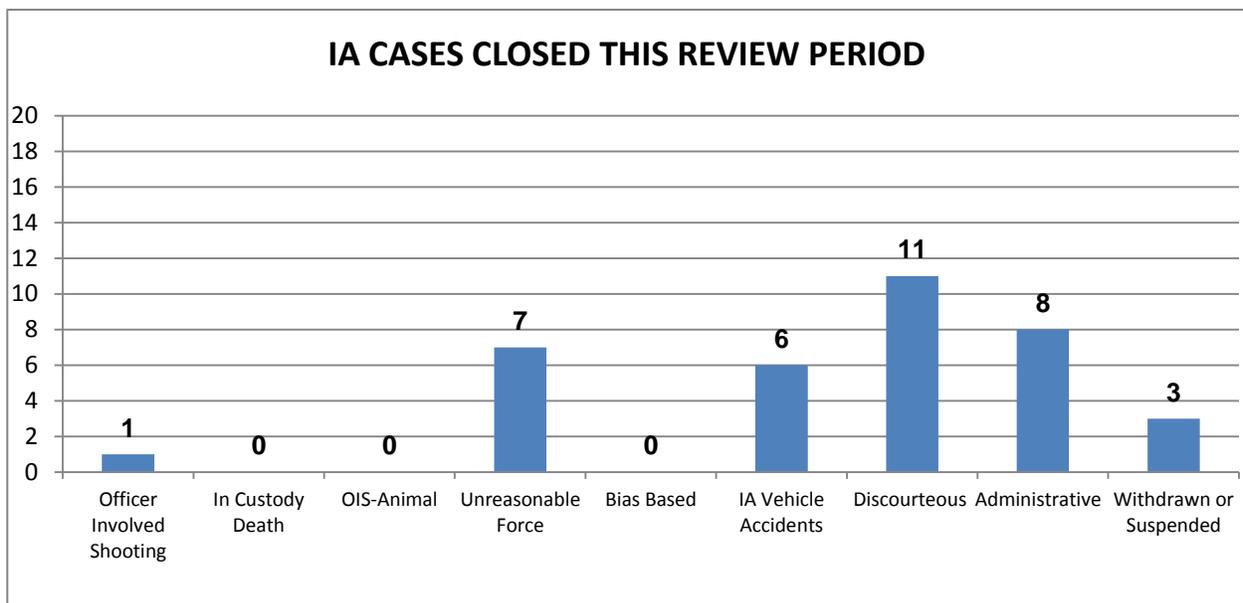
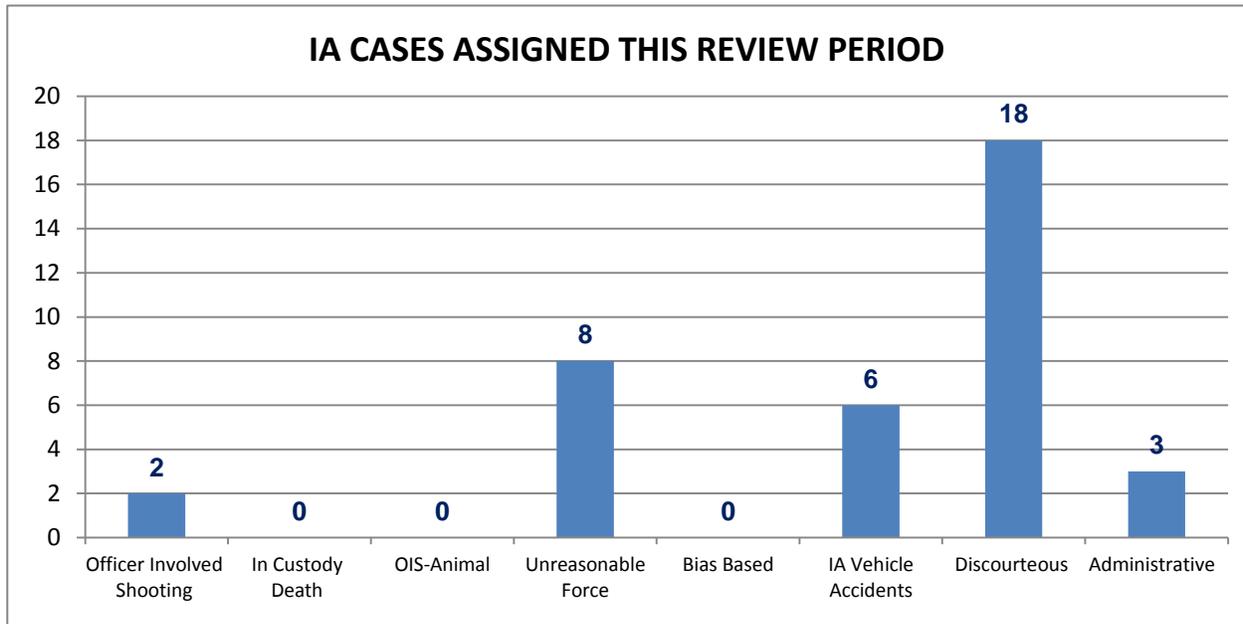
OIR REPORT FORMAT

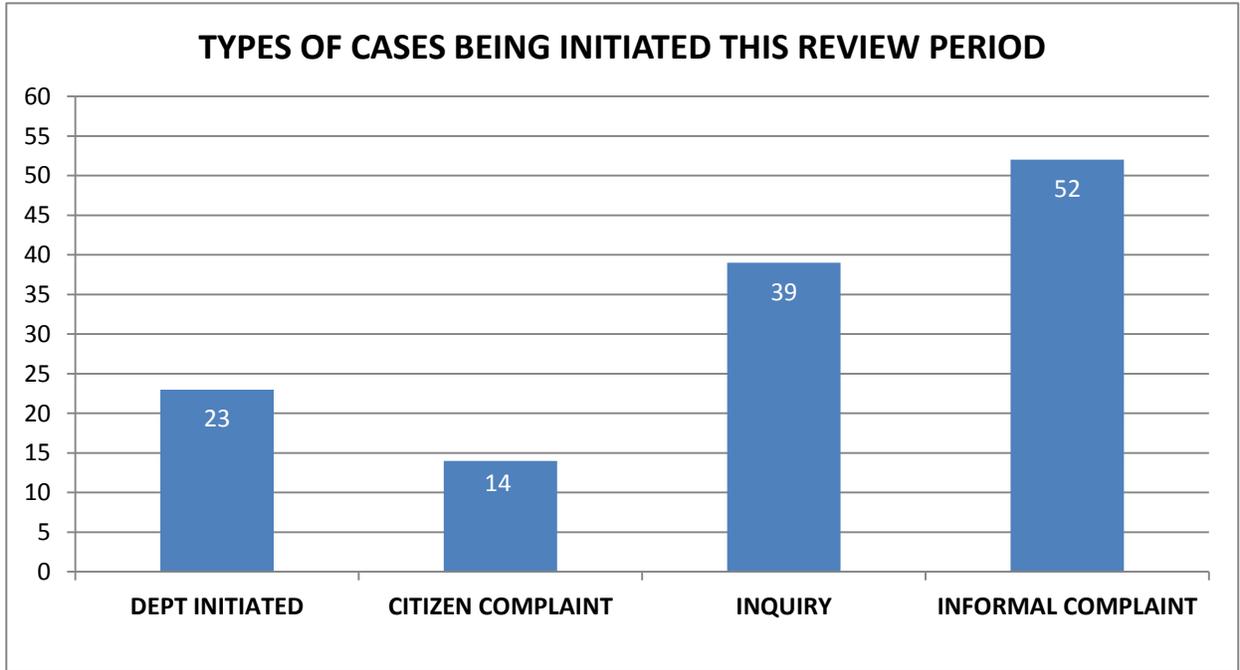
The OIR adheres to the following guidelines, format, and definitions in all quarterly reports:

- Definitions for the terms used are consistent with the definition of terms used in California Legislative documents and the FPD.
- Officers are referred to as “O” and where there is more than one officer involved they will be identified as O1, O2, and so on depending on the total number of officers.
- The charts are grouped by incident type and cases appear in order of case number.
- The incident type charts list all cases which were pending, assigned, or closed during the review period, and where applicable a Year to Date (YTD) chart will be listed.
- All cases in which the FPD IA determined the officer(s) was Exonerated, Unfounded, or Not Sustained are reviewed by the OIR. The findings reached by the OIR for these cases will also be listed. If IA and the OIR have not reached the same decision the OIR explanation will appear following the chart. Cases in which IA deemed officer(s) Sustained will not be reviewed by the OIR.
- All closed Informal Complaint cases, which were addressed by supervisors, are also reviewed by the OIR.
- Cases are not reviewed by the OIR until IA has completed their investigation and the case is classified as closed by IA, thus allowing for all information to be reviewed.
- In the event the OIR proposes a recommendation or corrective action, it will appear directly following the chart summarizing the cases within the specific incident type.
- Recommendations or corrective actions which are not directly related to a charted incident type will appear at the end of the report prior to the summary.
- Activities of the Board and Community Coordinator will appear before the summary.
- The report is previewed by Mayor Lee Brand, City Manager Wilma Quan, Chief Assistant City Attorney Francine M. Kanne, and Chief Andrew Hall, prior to finalization. This allows the respective parties an opportunity to respond to recommendations and/or findings, and those responses may be included in the final report. However, their reviews and responses will not alter the recommendations or corrective actions made by the OIR.
- All FPD responses to OIR recommendations, to include if the FPD implemented policy or procedure change(s) in response to recommendation(s) listed in the previous quarterly report will be addressed in the section which appears following the summary section of this report.
- Previously when the officer or employee’s employment status changed the cases were no longer listed as pending or closed which created doubt on their status. The cases are now listed as SUSP (Suspended). The FPD still reviews the information to improve training and/or policies and procedures when applicable. In view of the fact the officers or employees are no longer with FPD the cases will not be reviewed by the OIR.
- Beginning with the fourth quarter 2019 report, Officer Involved Shootings involving an animal will be listed in the charts on page four. Per FPD Policy 300.6.1(a) (c), an officer is within policy to use deadly force to stop a dangerous animal, such as a dog.

REVIEW OF INTERNAL AFFAIRS INVESTIGATIONS

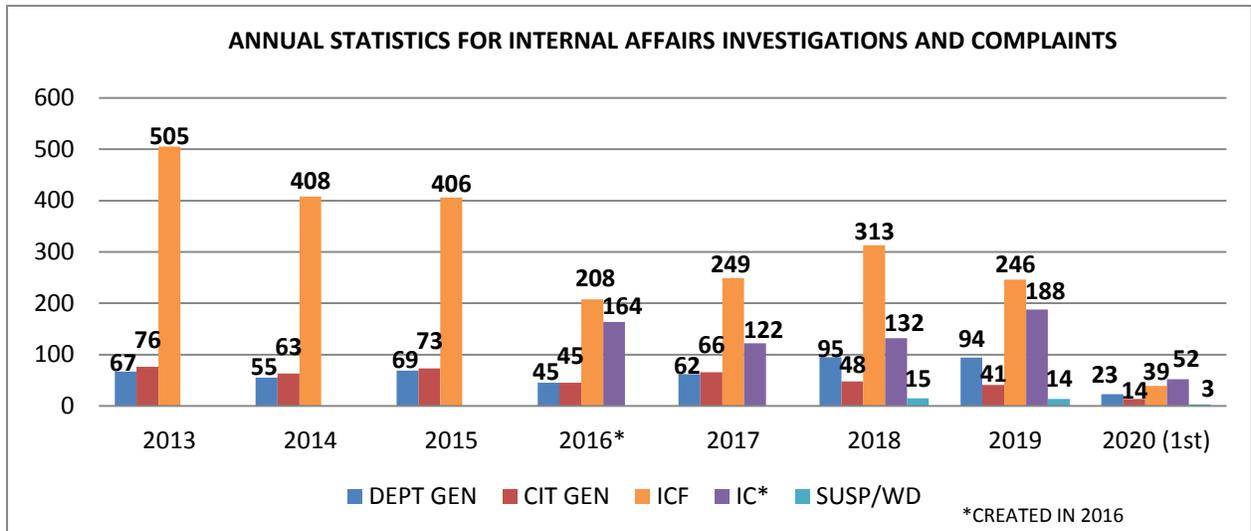
The following charts list the number and types of IA cases assigned and closed during the first quarter of 2020. For classification purposes, Discourteous Treatment also includes cases in which the officer was accused of conduct unbecoming of a police officer. The classification of Administrative Matters includes officers accused of violating policies or procedures which do not involve responding to a call for service or interacting with the public.





Inquiry: An inquiry involves a question about the policy or procedures of the FPD. Inquiries may be documented via an Inquiry Complaint Form (ICF).

Informal Complaint: A matter which can be handled at the supervisor level within a district/division and is not reasonably likely to result in disciplinary measures. Generally, complaints handled via this process include minor allegations or general violations. A finding of Sustained, Not Sustained, Unfounded, or Exonerated is required.



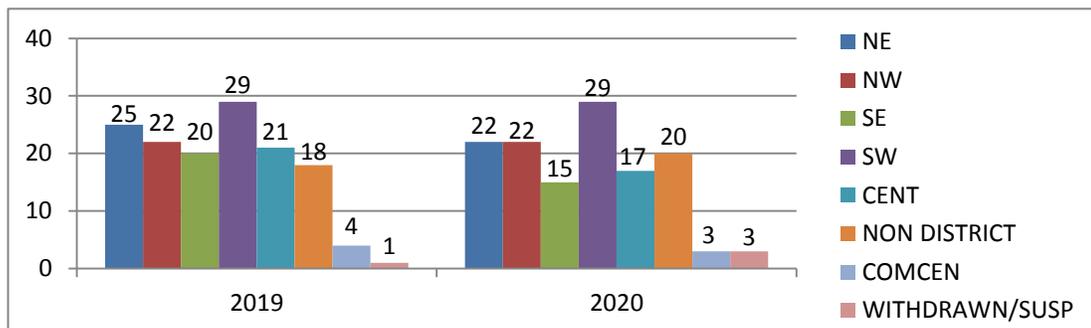
COMPLAINTS ASSIGNED BY POLICING DISTRICT

The following charts reflect the complaints assigned by policing district for the first quarter of 2020 and a quarterly comparison. The purpose of displaying the below is to show the residents of the City of Fresno the level of transparency Mayor Brand and Chief Hall are working to achieve.

EXPLANATION OF TERMS IN CHART	
NE	NORTHEAST
NW	NORTHWEST
SE	SOUTHEAST
SW	SOUTHWEST
CENT	CENTRAL
NON-DISTRICT	NOT ATTRIBUTED TO A SPECIFIC DISTRICT (OFF-DUTY, ETC)
COMCEN	COMMUNICATION CENTER (DISPATCH)
WITHDRAWN/SUSPENDED	COMPLAINT WAS WITHDRAWN BY CP OR EMPLOYEE IS NO LONGER WITH FPD

COMPLAINTS ASSIGNED BY POLICING DISTRICTS FOR THE FIRST QUARTER OF 2020									
ASSIGNED	NE	NW	SE	SW	CENT	NON DISTRICT	COMCEN	WITHDRAWN/SUSPENDED	TOTAL
IA CASES	2	8	5	7	2	12	1	3	40
INFORMAL COMPLAINTS	11	6	4	13	9	8	1	0	52
INQUIRIES	9	8	6	9	6	0	1	1	40
1 st QTR TOTALS	22	22	15	29	17	20	3	4	132

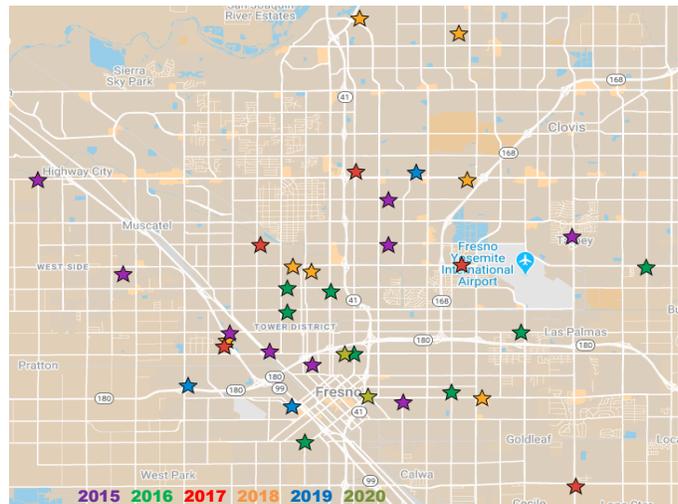
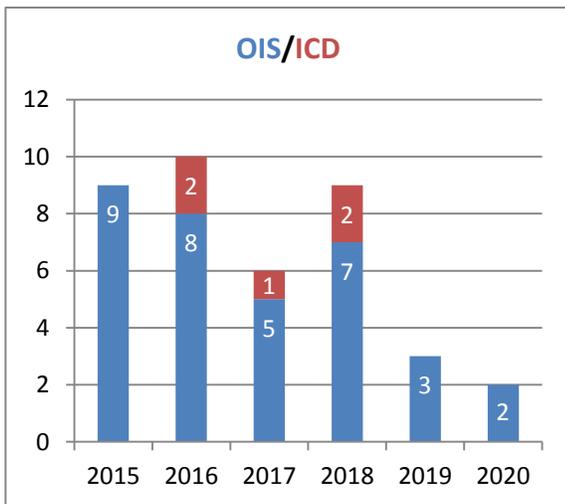
FIRST QUARTER COMPARISON OF COMPLAINTS BY DISTRICT



EXPLANATION OF TERMS AND ABBREVIATIONS

UNF	UNFOUNDED: THE INVESTIGATION CLEARLY ESTABLISHED THE ALLEGATION WAS NOT TRUE. COMPLAINTS WHICH ARE DETERMINED TO BE FRIVOLOUS WILL FALL WITHIN THE CLASSIFICATION OF UNFOUNDED [PENAL CODE 832.5(C)]
EX	EXONERATED: THE INVESTIGATION CLEARLY ESTABLISHED THE ACTIONS OF THE PERSONNEL WHICH FORMED THE BASIS OF THE COMPLAINT DID NOT VIOLATE THE LAW OR FPD POLICY
NS	NOT SUSTAINED: THE INVESTIGATION FAILED TO DISCLOSE SUFFICIENT EVIDENCE TO CLEARLY PROVE OR DISPROVE THE ALLEGATION WITHIN THE COMPLAINT
SUS	SUSTAINED: THE INVESTIGATION DISCLOSED SUFFICIENT EVIDENCE TO PROVE THE TRUTH OF THE ALLEGATION IN THE COMPLAINT BY THE PREPONDERANCE OF THE EVIDENCE.
P	PENDING: THE INVESTIGATION HAS NOT BEEN COMPLETED
O	OFFICER: IF FOLLOWED BY A 1, 2, 3, ETC., INDICATES MORE THAN ONE OFFICER WAS BEING INVESTIGATED
RAI	REQUESTED ADDITIONAL INFORMATION WAS MADE BY OIR BEFORE A DECISION COULD BE MADE
NR	NOT REVIEWED: OIR DID NOT REVIEW THE CASE DUE TO FPD FINDING OF SUSTAINED OR THE CASE WAS SUSPENDED
CP	COMPLAINING PARTY: THE PERSON WHO FILED THE COMPLAINT
SUSP	SUSPENDED: THE OFFICER/EMPLOYEE RESIGNED OR RETIRED PRIOR TO THE CONCLUSION OF THE INVESTIGATION
DATE ASSIGNED IS THE DATE THE CASE WAS ASSIGNED TO AN IA INVESTIGATOR, NOT THE ACTUAL DATE OF OCCURRENCE	

OFFICER INVOLVED SHOOTINGS (OIS) & IN-CUSTODY DEATHS (ICD) 2015 THRU MARCH 31, 2020



OFFICER INVOLVED SHOOTING (OIS) INVESTIGATIONS

OFFICER INVOLVED SHOOTING (OIS) AND IN CUSTODY DEATHS (ICD)

IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0072	6/8/2019	1/7/2020	W/IN POL	W/IN POL	O SHOT SUSPECT THREATENING Os WITH AX & KNIFE
19-0135	11/22/2019	P			Os SHOT SUSPECT ARMED WITH A PISTOL, LATER DETERMINED TO BE A BB OR PELLET GUN
20-0031	3/22/2020	P			Os SHOT SUSPECT ARMED WITH A PISTOL LATER DETERMINED TO BE A PELLET GUN
20-0032	3/24/2020	P			Os SHOT AT SUSPECT WHO FIRST SHOT AT Os

One pending OIS investigation was completed during the review period and two new OIS investigations were assigned as a result of two OIS occurring in March.

IA2019-0072: On June 8, 2019, at approximately 8:50 AM, the suspect's husband called the FPD dispatch center to report a disturbance between him and his wife. The call taker could hear a female in the background yelling. Later in the call the suspect could be heard crying and the call was abruptly ended causing the call taker to initiate a return call. During the second call the husband advised the suspect had now locked herself in an upstairs bedroom and she was possibly armed with a knife. The husband added the suspect was having a mental episode. The first two officers, hereafter referred to as O1, and O2, arrived on scene five minutes after the first call was received by the FPD. The third officer, O3, arrived one minute later.

Body worn cameras (BWC) were activated by O1 and O2 before they began ascending the stairs leading to the bedroom where the suspect was located. The third officer, O3, also activated his BWC upon arrival at the location. Upon reaching the top of the stairs, O1 and O2, encountered a locked bedroom door. The suspect could be heard yelling from within the bedroom. O1 knocked softly on the door and announced himself and asked the suspect to unlock the door. When the suspect refused to open the door O1 was able to bypass the lock without using force.

Due to the suspect placing objects up against the interior side of the door O1 was only able to partially open the door. O3 was able to see into the room based on his vantage point and announced the suspect was holding an ax. The suspect made several statements, to include "Go ahead and come in. Today is a good day to die." As soon as it was announced the suspect was holding an ax O1 backed away from the door. BWC video did show the suspect in the room swinging a long pole with an ax head attached to the end. The door closed when O1 backed away due to the objects placed against the interior of the door.

A short time later a loud pounding could be heard coming from within the bedroom. O1 had already backed away from the door when the pounding started. Moments later the ax head, which had separated from the pole it was attached to, penetrated through the door from the inside of the bedroom and flew through the air just to the left of O1. At this point one of the officers said "Let's get out of here." All three officers began descending the stairs with the last officer maintaining a view of the bedroom door as he backed up. Before the officers could descend the stairs the suspect emerged from the bedroom holding a large butcher type knife in her right hand.

Although she was holding a knife, O2 addressed the suspect by name and instructed her to stay back and drop the ax. O2 repeated the command to drop the ax as the suspect charged forward with her arm extended and the knife pointing forward in the direction of O2. The suspect failed to adhere to the commands from O2 and fearing for his life O2 fired his handgun striking the suspect several times.

Officers rendered medical aid until medical personnel arrived on scene. Unfortunately the suspect was later declared deceased.

The amount of interaction between the officers and the suspect was less than two minutes. During the entire attempt to establish communication between O1 and the suspect the tone of the officers, specifically O1, was calm. The suspect refused to engage with O1 other than raising her voice and yelling at him and the other two officers.

Although the amount of time the officers were attempting to engage with the suspect was less than two minutes it was apparent they were trying to de-escalate the situation. Once it was confirmed she was armed (ax) they decided to leave the area outside of the bedroom. However, before the three officers could descend the narrow stairway the suspect exited the bedroom with a large butcher style knife in her right hand. The suspect refused the commands to drop the knife, though the officer referred to the knife as an ax. The suspect had extended her right arm with the knife pointing outward in the direction of O2. The suspect was advancing faster than O2 could have safely retreated down the stairs resulting O2 firing his handgun.



Ax head on end of pole being held by the suspect when O1 partially opened the bedroom door.



Ax head which penetrated the bedroom door and flew past O1 within a few feet.



This is the knife in the suspect's right hand as she extended her arm in the direction of O2 (dark figure to the right of the knife).

Based on the actions of the suspect the following highlighted portions of the FPD's Use of Force Policy would be applicable in this matter:

1. Policy 300.4.1, Constitutional Guidelines for Reasonable Force:

“Both Federal and State law authorize Peace Officers to use objectively reasonable force to accomplish a legitimate law enforcement mission. There are five recognized objectives that serve as the basis for the reasonableness of any police use of force. The five lawfully recognized objectives are:

- (a) Self-defense;
- (b) Defense of others;
- (c) Effect an arrest or detention;
- (d) Prevent an escape; or
- (e) Overcome resistance.

Due to the immediacy with which a member must apply force, together with the absence of time and/or physical ability of the member to select alternative methods, it may be objectively reasonable for the member to apply that method of force most readily available that will effect the desired results.”

2. Policy 300.6.1 Guidelines:

“An officer may use deadly force:

- (a) To protect himself/herself or others from what he/she reasonably believes would be an immediate threat of death or serious bodily injury.
- (b) To effect the arrest or prevent the escape of a suspected felon in the following circumstances:

3. The following Supreme Court case would also be applicable:

Graham vs. Connor, 490 U.S. 396 (1989), which held that courts must look at whether the officer's actions were reasonable based on the information and circumstances confronting that officer at the time. The court stated that the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. Not the best decision, only a reasonable decision.

Therefore, this OIS was determined to be within policy.

Observation #1: This OIS is not the first time the FPD’s assistance has been requested by a family member or associate of an individual going through an emotional episode or suffering from some type of mental illness. “The FPD is guided by the overarching principle of reverence for human life in every contact with members of the public.” Unfortunately regardless of the attempts by the FPD to de-escalate the situation their efforts have not always been successful due the actions of the suspect. Although the goal of the FPD is for a peaceful solution, often the suspect’s actions leave the FPD no other option other than to deploy deadly force to protect themselves or the lives of others.

Recommendation #1: This type of call for service is one of the most difficult calls to address. Responding officers' best laid plans will often require split second changes to be made based on the unforeseen responses or actions of the suspect. However, in the event the subject of the call for service has not committed a criminal violation, is not wanted, or does not present a risk to the community, it is recommend the FPD consider to disengage to avoid using force. Numerous factors need to be carefully considered when making the decision to disengage. The term disengage can have several meanings from monitoring at a distance to establishing a fixed perimeter. Therefore this recommendation is for the FPD to consider the various alternatives in the type of call for service. Since this recommendation was dealing with the possible preservation of a human life it was relayed to Chief Andrew Hall during our regularly scheduled monthly meeting in February rather than waiting until the quarterly report was released.

It was apparent the FPD was also concerned with the outcomes of calls for service when dealing with mentally ill or emotionally disturbed persons as they had already issued a Roll Call Training Bulletin to all personnel on January 30, 2020. The bulletin provided detailed guidance for officers to consider disengaging when being dispatched to these types of calls. It also attempted to address the various possibilities when officers respond. However, it is recognized the bulletin is unable to address every possible scenario so the discretion of the officers on scene may be the ultimate deciding factor in certain situations. Although the FPD issued the training bulletin prior to being presented with this recommendation, to maintain the continuation of transparency the recommendation is being included in this quarterly report.

UNREASONABLE FORCE					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0024	2/12/2019	1/17/2020	EX UNF NS	EX UNF NS	DEPT ALLEGED: O USED UNREASONABLE FORCE IMPROPER USE OF FORCE OPTIONS FAILED TO DOCUMENT REPORTABLE FORCE
19-0038	3/29/2019	1/21/2020	UNF	UNF	CP ALLEGED O USED UNREASONABLE FORCE
19-0048	4/17/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
19-0088	7/22/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
19-0094	8/23/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
19-0102	9/9/2019	3/11/2020	SUS	NR	DEPT ALLEGED O USED UNREASONABLE FORCE
19-0109	9/24/2019	3/10/2020	EX	EX	CP ALLEGED O USED UNREASONABLE FORCE
19-0112	10/8/2019	P			CP ALLEGED Os USED UNREASONABLE FORCE
19-0115	10/17/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
19-0116	10/18/2019	P			CP ALLGED Os USED UNREASONABLE FORCE
19-0131	11/15/2019	3/18/2020	EX	EX	CP ALLEGED O USED UNREASONABLE FORCE
19-0140	12/4/2019	3/24/2020	NS SUS	NS NR	CP ALLEGED O USED UNREASONABLE FORCE DEPT ALLEGED O FAILED TO ACT BODY CAM
19-0147	12/30/2019	3/19/2020	EX NS	EX NS	CP ALLEGED O USED UNREASONABLE FORCE CP ALLEGED O FAILED TO PROVIDE TOW INFO
19-0148	12/31/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
20-0009	1/17/2020	P			CP ALLEGED O USED UNREASONABLE FORCE
20-0016	2/13/2020	P			CP ALLEGED O USED UNREASONABLE FORCE
20-0017	2/18/2020	P			DEPT ALLEGED Os RELEASED 2 K-9s ON SUBJ
20-0019	2/24/2020	P			CP ALLEGED O USED UNREASONABLE FORCE

UNREASONABLE FORCE					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
20-0028	3/16/2020	P			DEPT ALLEGED O USED UNREASONABLE FORCE
20-0034	3/31/2020	P			CP ALLEGED Os USED UNREASONABLE FORCE
20-0036	3/31/2020	P			CP ALLEGED O USED UNREASONABLE FORCE
20-0037	3/31/2020	P			CP ALLEGED Os USED UNREASONABLE FORCE

During the first quarter of 2020, IA completed eight unreasonable force allegation investigations. It was determined one officer was in violation of the Use of Force Policy while the allegation against one other officer resulted in a not sustained finding. The investigation was unable to prove or disprove the allegation of use of force but did find the officer in violation of the policy on activating his/her BWC. After a thorough review of each allegation in which the officer was exonerated or unfounded this office reached the same finding.

BIAS BASED					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
NONE					NO INVESTIGATIONS FOR FIRST QTR 2020

There were no IA investigations assigned during the first quarter in which the primary allegation was bias based policing. This marks the fifth consecutive quarter where there were no bias based policing complaints resulting in the opening of an IA investigation.

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0023	2/12/2019	1/21/2020	SUS	NR	DEPT ALLEGED CST MADE INAPPROPRIATE COMMENTS
19-0063	5/17/2019	P			DEPT ALLEGED O's DID NOT HANDLE DV CALL CORRECTLY
19-0064	5/17/2019	P			DEPT ALLEGED O's IMPROPERLY HANDLED A CHILD CUSTODY ISSUE
19-0069	6/6/2019	3/18/2020	SUS	NR	DEPT ALLEGED Os DID NOT NOTIFY SUPV OF CONTACT BY ANOTHER AGENCY
19-0070	6/6/2019	P			CP ALLEGED Os MISHANDLED DV MATTER
19-0074	6/18/2019	1/17/2020	SUSP	NR	DEPT ALLEGED EMP IMPROPER COMPUTER ACCESS
19-0084	6/28/2019	3/19/2020	UNF	UNF	CP ALLEGED O WAS DISRESPECTFUL AND BIASED
19-0095	8/23/2019	P			CP ALLEGED Os REMOVED CURRENCY FROM VEHICLE
19-0096	8/23/2019	1/7/2020	SUSP	NR	DEPT ALLEGED O WAS INVOLVED IN A DV MATTER

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0097	8/28/2019	P			DEPT ALLEGED O WAS INVOLVED IN A DV MATTER
19-0099	9/4/2019	3/10/2020	SUS	NR	DEPT ALLEGED O LACKED DISCRETION AT OIS
19-0104	9/9/2019	P			DEPT ALLEGED O HAD RELATIONS WHILE ON DUTY
19-0106	9/10/2019	P			DEPT ALLEGED Os ENGAGED IN OUT OF POLICY PURSUIT
19-0110	9/27/2019	P			DEPT ALLEGED O DID NOT SECURE PRISONER-ESCAPED
19-0114	10/17/2019	P			DEPT ALLEGED O WAS CONTACTED BY ANOTHER DEPT
19-0117	10/18/2019	P			DEPT ALLEGED OFF-DUTY WAS ARRESTED FOR DV
19-0118	10/22/2019	P			O ALLEGED SGT DISCRIMINATED AGAINST HER
19-0120	10/28/2019	P			CP ALLEGED O FAILED TO PERFORM DUTIES
19-0123	10/30/2019	P			DEPT ALLEGED O LACKED DISCRETION ON MENTAL CALL FOR SERVICE
19-0124	11/7/2019	2/6/2020	SUS	NR	CP WAS UNHAPPY ON HOW INCIDENT WAS HANDLED
19-0126	11/13/2019	2/24/2020	SUS	NR	DEPT ALLEGED CST WAS RUDE TO Os WHEN ASKED TO PHOTO VICTIM AT HOSPITAL
19-0130	11/15/2019	P			CP ALLEGED O ENTERED HOME WITHOUT A WARRANT
19-0132	11/15/2019	P			CP ALLEGED Os MISHANDLED INCIDENTS
19-0133	11/15/2019	P			FPD ESDs ALLEGED A CO-WORKER IS CAUSING A HOSTILE WORK PLACE
19-0134	11/18/2019	3/10/2020	NS	NS	DEPT ALLEGED O LACKED DISCRETION AT OFF-DUTY EVENT
19-0136	11/25/2019	P			CP ALLEGED SEXUAL ASSAULT WHILE BEING BOOKED
19-0139	12/2/2019	3/10/2020	UNF	UNF	CP ALLEGED O DID NOT BOOK HIS CURRENCY
19-0141	12/5/2019	P			CP ALLEGED O IMPROPERLY TOUCHED CP
19-0142	12/9/2019	P			DEPT ALLEGED O WAS POSSIBLY INVOLVED IN DV
19-0144	12/12/2019	P			CP ALLEGED Os WERE RUDE AND DID NOT HANDLE CALL FOR SERVICE CORRECTLY
19-0145	12/12/2019	P			CP BELIEVED Os DID NOT PERFORM THEIR DUTIES CORRECTLY

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0146	12/30/2019	3/10/2020	SUS	NR	DEPT ALLEGED CSI TECH FAILED TO APPEAR IN COURT
20-0003	1/9/2020	P			DEPT ALLEGED Os INVOLVED IN OUT OF POLICY PURSUIT
20-0004	1/9/2020	P			DEPT ALLEGED O WAS ON PHONE AND NOT MONITORING SUSPECT WHILE AT CRMC
20-0007	1/14/2020	P			CP ALLEGED O LOST HIS WALLET AFTER ARREST
20-0008	1/14/2020	P			DEPT ALLEGED EMP WAS STOPPED FOR SPEEDING AND BECAME UPSET RESULTING IN AN ARREST
20-0010	1/28/2020	P			CP ALLEGED O LOST CELL PHONE AFTER ARREST
20-0011	1/28/2020	P			CPs ALLEGED Os LOST THEIR CELL PHONES AFTER ARREST
20-0013	2/10/2020	P			CP ALLEGED O CONTACTED HER ON A PERSONAL LEVEL
20-0015	2/13/2020	P			DEPT ALLEGED Os FAILED TO ACTIVATE BWC AND FAILED TO DOCUMENT PRISONER ESCAPE
20-0018	2/18/2020	P			DEPT ADVISED BY HSI OF O ORDERING ILLEGAL WEAPON
20-0020	2/24/2020	P			CP ALLEGED ESD LEAKED DV INFO TO THIRD PARTY
20-0021	2/25/2020	P			CP ALLEGED OFF-DUTY O WAS AGGRESSIVE AT CHILD EXCHANGE
20-0023	2/27/2020	P			CP ALLEGED O REQUESTED CITY CREW PICK UP TRASH AT PERS RES OF O
20-0024	3/9/2020	P			DEPT ALLEGED O DID NOT OBTAIN CONSENT TO SEARCH
20-0025	3/10/2020	P			CP WAS UNHAPPY HOW O HANDLED HER DV CASE
20-0026	3/11/2020	P			DEPT ALLEGED EMPS WERE ENGAGED IN HEATED ARGUMENT
20-0029	3/20/2020	P			CP ALLEGED Os DAMAGED AND TOOK PROPERTY DURING SEACH WARRANT
20-0030	3/20/2020	P			DEPT ALLEGED O IS CREATING A HOSTILE WORK PLACE
20-0035	3/31/2020	P			DEPT ALLEGED O DID NOT OBEY ALL LAWS

There were 11 IA investigations completed during the review period for cases classified as Discourteous Treatment or Conduct Unbecoming of a Police Officer. Of the 11 completed investigations, six allegations were sustained, two were suspended due to the employee was no longer with FPD, two were unfounded, and one was not-sustained. Each of the completed

investigations were reviewed by the OIR and the IA findings were determined to be appropriate. IA investigations were initiated on 18 new cases during the review period.

ADMINISTRATIVE OR PERFORMANCE MATTERS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0081	6/28/2019	3/20/2020	SUSP	NR	DEPT ALLEGED O FAILED TO COMPLETE FTO PAPERWORK
19-0083	6/28/2019	P			DEPT ALLEGED EMP HAS WORK ATTENDANCE ISSUES
19-0087	7/11/2019	1/21/2020	SUS	NR	DEPT ALLEGED O SPENT EXCESSIVE TIME AT HOME
19-0105	9/10/2019	P			DEPT ALLEGED O USED DEPT COMPUTER TO ACCESS PROTECTED INFO
19-0107	9/10/2019	1/17/2020	SUS	NR	CP ALLEGED O MISPLACED PROPERTY POST ARREST
19-0127	11/13/2019	3/10/2020	SUS	NR	DEPT ALLEGED CST FAILED TO FOLLOW PROTOCOL
19-0128	11/13/2019	3/20/2020	SUS	NR	DEPT ALLEGED O LOST PRISONER PROPERTY
19-0137	11/26/2019	P			O ALLEGED SGT DENIED SICK LEAVE REQUEST
19-0138	11/27/2019	1/21/2020	SUS	NR	DEPT ALLEGED O DAMAGED BODY CAMERA
19-0143	12/10/2019	3/24/2020	SUS	NR	DEPT ALLEGED O'S FPD PROP STOLEN FROM PERS VEH
					DEPT ALLEGED O's FAILED TO ARREST
20-0001	1/8/2020	2/21/2020	NS NS	NS NS	DEPT ALLEGED O FAILED TO ACTIVATE BWC
20-0014	2/11/2020	P			DEPT ALLEGED O HAD NOT UPLOADED VIDEOS
20-0033	3/30/2020	P			DEPT ALLEGED DET FAILED TO FOLLOW EVIDENCE TOW PROCEDURES

During the review period seven investigations involving allegations of possible administrative violations were completed. In six of the cases the FPD employee was determined to be in violation of the respective policy or procedure. The remaining completed case was suspended due to the employee was no longer with FPD. Two new cases were assigned by IA during the review period. Due to the findings reached by IA the OIR did not review any of the completed cases under within this category.

IA VEHICLE ACCIDENTS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0066	6/4/2019	2/4/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0077	6/21/2019	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0091	8/9/2019	1/21/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0093	8/22/2019	1/21/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0098	9/3/2019	3/13/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0101	9/5/2019	1/21/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0122	10/29/2019	3/31/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0125	11/7/2019	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0129	11/15/2019	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0002	1/9/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0005	1/14/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENTS
20-0006	1/14/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0012	2/7/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0022	2/25/2020	P			DEPT ALLEGED O INVOLVED IN AN FAULT ACCIDENT
20-0027	3/12/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT

Six vehicle accident investigations were completed by IA during the review period. IA reached a finding of sustained for each of the cases. In view of the sustained findings the cases were not reviewed by the OIR. There were six new cases assigned during the first quarter.

INFORMAL COMPLAINTS					
IC NUMBER	DATE RECEIVED	DATE COMPLETED	ALLEGATION(S)/FPD FINDINGS	OIR FINDING	DISTRICT
IC20-0001	8/9/2019	1/31/2020	DISCOURTEOUS - UNFOUNDED DISCOURTEOUS - SUSTAINED DISCOURTEOUS - UNFOUNDED	UNF SUS UNF	NE
IC20-0002	8/27/2019	1/31/2020	UNREASONABLE FORCE - UNFOUNDED UNREASONABLE FORCE - UNFOUNDED UNREASONABLE FORCE - UNFOUNDED UNREASONABLE FORCE - UNFOUNDED	UNF UNF UNF UNF	CENT

INFORMAL COMPLAINTS					
IC NUMBER	DATE RECEIVED	DATE COMPLETED	ALLEGATION(S)/FPD FINDINGS	OIR FINDING	DISTRICT
IC20-0003	9/19/2019	1/31/2020	GENERAL RESPONSIBILITIES - UNFOUNDED GENERAL RESPONSIBILITIES - UNFOUNDED DISCOURTEOUS - UNFOUNDED	UNF UNF UNF	CENT
IC20-0004	10/2/2019	1/31/2020	SEARCH/SEIZURE ISSUES - EXONERATED SEARCH/SEIZURE ISSUES - EXONERATED SEARCH/SEIZURE ISSUES - EXONERATED	EX EX EX	NW
IC20-0005	11/8/2019	1/31/2020	GENERAL CALL HANDLING GENERAL CALL HANDLING INVESTIGATION HANDLING	UNF UNF UNF	CENT
IC20-0006	11/16/2019	1/31/2020	DEPT PROPERTY - LOST - SUSTAINED	SUS	SE
IC20-0007	11/19/2019	1/31/2020	DISCOURTEOUS - UNFOUNDED	UNF	NON DISTRICT
IC20-0008	11/25/2019	1/31/2020	TOW/IMPOUND ISSUES - NOT SUSTAINED TOW/IMPOUND ISSUES - NOT SUSTAINED	NS NS	SE
IC20-0009	11/26/2019	1/31/2020	GENERAL CALL HANDLING - UNFOUNDED GENERAL CALL HANDLING - UNFOUNDED	UNF UNF	CENT
IC20-0010	11/27/2019	1/31/2020	DEPT PROPERTY - LOST - SUSTAINED	SUS	SE
IC20-0011	12/1/2019	1/31/2020	DISCOURTEOUS - UNFOUNDED	UNF	SE
IC20-0012	12/4/2019	1/31/2020	DISCOURTEOUS - UNFOUNDED DISCOURTEOUS - UNFOUNDED	UNF UNF	NE
IC20-0013	12/4/2019	1/31/2020	GENERAL CALL HANDLING - UNFOUNDED DISCOURTEOUS - UNFOUNDED GENERAL CALL HANDLING - UNFOUNDED DISCOURTEOUS - UNFOUNDED	UNF UNF UNF UNF	NW
IC20-0014	12/7/2019	1/31/2020	GENERAL CALL HANDLING - EXONERATED GENERAL CALL HANDLING - EXONERATED	EX EX	NW
IC20-0015	12/9/2019	1/31/2020	GENERAL CALL HANDLING - UNFOUNDED	UNF	SW
IC20-0016	12/5/2019	1/31/2020	UNREASONABLE FORCE - UNFOUNDED	UNF	NE
IC20-0017	12/10/2019	1/31/2020	PERFORMANCE - SUSTAINED	SUS	NON DISTRICT
IC20-0018	12/10/2019	1/31/2020	ARREST AUTHORITY/PROCEDURES - EXONERATED	EX	NW
IC20-0019	12/21/2019	1/31/2020	DISCOURTEOUS - UNFOUNDED	UNF	NE
IC20-0020	12/23/2019	1/31/2020	DEPT PROPERTY - LOST - SUSTAINED	SUS	NE
IC20-0021	12/23/2019	1/31/2020	DEPT PROPERTY - CARE/USAGE/DAMAGED - EXONERATED	EX	NON DISTRICT
IC20-0022	5/22/2019	2/27/2020	DEPT PROPERTY - LOST - SUSTAINED	SUS	NW
IC20-0023	11/10/2019	2/27/2020	CONDUCT UNBECOMING ON/OFF DUTY - NOT SUSTAINED	NS	NON DISTRICT
IC20-0024	11/27/2019	2/27/2020	DISCOURTEOUS - UNFOUNDED	UNF	CENT

INFORMAL COMPLAINTS					
IC NUMBER	DATE RECEIVED	DATE COMPLETED	ALLEGATION(S)/FPD FINDINGS	OIR FINDING	DISTRICT
IC20-0025	11/14/2019	2/27/2020	PRISONER'S PROPERTY - LOST/DAMAGED/RETURN OF - UNFOUNDED	UNF	NE
IC20-0026	11/29/2019	2/27/2020	DEPT PROPERTY - LOST - SUSTAINED	SUS	NW
IC20-0027	12/1/2019	2/27/2020	RACIAL/BIAS BASED PROFILING - NOT SUSTAINED	NS	SE
IC20-0028	12/13/2019	2/27/2020	DISCOURTEOUS - UNFOUNDED	UNF	CENT
IC20-0029	12/14/2019	2/27/2020	PROPERTY- NOT DEPT OWNED - LOST/DAMAGED - SUSTAINED	SUS	CENT
IC20-0030	12/21/2019	2/27/2020	PRISONER'S PROPERTY - LOST/DAMAGED/RETURN OF - NOT SUSTAINED	NS	NE
IC20-0031	12/30/2019	2/27/2020	ARREST AUTHORITY/PROCEDURES - EXONERATED ARREST AUTHORITY/PROCEDURES - EXONERATED ARREST AUTHORITY/PROCEDURES - EXONERATED	EX EX EX	SE
IC20-0032	1/6/2020	2/27/2020	REPORT PREPARATION - SUSTAINED REPORT PREPARATION - SUSTAINED	SUS SUS	SE
IC20-0033	1/16/2020	2/27/2020	DISCRETION - UNFOUNDED	UNF	CENT
IC20-0034	1/21/2020	2/27/2020	PERFORMANCE - SUSTAINED	SUS	
IC20-0035	1/21/2020	2/27/2020	DEPT PROPERTY - LOST - SUSTAINED	SUS	SW
IC20-0036	1/24/2020	2/27/2020	DISCOURTEOUS - UNFOUNDED	UNF	NE
IC20-0037	1/7/2020	2/27/2020	DEPT PROPERTY - CARE/USAGE/DAMAGED - UNFOUNDED	UNF	SE
IC20-0038	2/11/2020	2/27/2020	DEPT PROPERTY - LOST - EXONERATED	EX	SE
IC20-0039	2/13/2020	2/27/2020	DISCOURTEOUS - SUSTAINED	SUS	NON DISTRICT
IC20-0040	2/18/2020	2/27/2020	PERFORMANCE - SUSTAINED	SUS	NON DISTRICT
IC20-0041	11/10/2019	3/16/2020	GENERAL CALL HANDLING - EXONERATED	EX	SE
IC20-0042	2/7/2020	3/16/2020	DISCOURTEOUS - EXONERATED	EX	NE
IC20-0043	2/28/2020	3/16/2020	ATTENDANCE - SUSTAINED	SUS	SE
IC20-0044	1/16/2020	3/16/2020	TOW/IMPOUND ISSUES - UNFOUNDED	UNF	SW
IC20-0045	1/21/2020	3/16/2020	DISCOURTEOUS - UNFOUNDED GENERAL CALL HANDLING - UNFOUNDED	UNF UNF	NE
IC20-0046	2/25/2020	3/16/2020	DISCOURTEOUS - UNFOUNDED	UNF	NW
IC20-0047	12/23/2019	3/19/2020	INVESTIGATION HANDLING - EXONERATED	EX	NE
IC20-0048	1/24/2020	3/23/2020	DISCOURTEOUS - UNFOUNDED	UNF	NE

INFORMAL COMPLAINTS					
IC NUMBER	DATE RECEIVED	DATE COMPLETED	ALLEGATION(S)/FPD FINDINGS	OIR FINDING	DISTRICT
IC20-0049	1/30/2020	3/23/2020	GENERAL RESPONSIBILITIES - UNFOUNDED DISCOURTEOUS - UNFOUNDED GENERAL RESPONSIBILITIES - UNFOUNDED DISCOURTEOUS - UNFOUNDED	UNF UNF UNF UNF	SE
IC20-0050	2/11/2020	3/23/2020	RACIAL/BIAS BASED PROFILING - EXONERATED RACIAL/BIAS BASED PROFILING - EXONERATED RACIAL/BIAS BASED PROFILING - EXONERATED	EX EX EX	SE
IC20-0051	3/2/2020	3/23/2020	GENERAL CALL HANDLING - UNFOUNDED	UNF	COMCEN
IC20-0052	3/3/2020	3/23/2020	DISCOURTEOUS - UNFOUNDED	UNF	SW

During the first quarter there were 52 newly assigned Informal Complaints, matters where the complaint did not warrant a full Internal Affairs investigation. Each of the completed investigations were reviewed by this office and it was determined the FPD findings were appropriate.

RECOMMENDATIONS NOT ASSOCIATED TO IA INVESTIGATIONS

Observation #2: Recently the FPD announced the need to begin replacing their duty handguns. It was discovered the handguns were falling out of compliance due to being in service for ten years, which is the end of the normal life-span for duty handguns. In discussing the handguns with the Regional Training Center personnel it was learned when a handgun requires repair or inspection the officer is provided a “loaner weapon.” Presently the officer is not required to qualify on the range with the replacement or loaner handgun before going back on patrol or duty. The FPD Procedure 312 addresses the requirement for mandatory quarterly training and qualification but does not mandate a qualification for replacement or loaner weapons.

Although I am not a weapon’s armor, I maintained certification as a FBI Firearms Instructor (Rangemaster) for more than 25 years. In addition to training and certifying FBI Special Agents, I also trained numerous local law enforcement officers throughout California. This experience allowed me to shoot many different makes and models of handguns as the different departments did not all carry the same make or caliber. The same model of handgun can vary from one weapon to another but departments do strive to maintain uniform trigger pull (pressure needed to apply to the trigger to fire a weapon) and sight alignment (bullet impact based on the alignment of the front and rear sight of a weapon).

This is not always possible as an aging or frequently fired weapon may have a lighter trigger pull than a newer or less fired weapon. Also the sights on a weapon are subject to being misaligned or moved due to inadvertent impact with other objects. These are a few common factors but many other issues can alter the function of a weapon which are never ending tasks for armors. The officer does become accustomed to the trigger pull and sight alignment of their assigned weapon. When issued a replacement weapon or loaner there may be slight differences from the assigned weapon. Familiarity with the replacement weapon is the best way to adjust to the weapon differences.

In addition to the officer becoming familiar with the possible variances between their assigned weapon and the replacement or loaner weapon, it is imperative the officer should be confident the weapon they are now carrying will function properly in the event they are faced with a situation to protect themselves or others. The duty handgun is the one piece of equipment in which a malfunction is never acceptable and every effort possible should be made to avoid a weapon malfunction. Possible consequences of trigger pull differences could result in inadvertent discharges which ultimately could be a serious liability matter.

Recommendation #2: It is recommended Procedure 312 be amended to mandate an officer shoot a qualification course as soon as practical, based on range operating hours, when assigned a replacement or loaner weapon. The qualification documentation should include but not be limited to the serial number of the weapon being shot.

FPD Response to Recommendation #2: “I am writing in response to the most recent observation made by the Office of Independent Review regarding the matter of reissuing a replacement firearm to a Fresno Police Officer. A replacement firearm, which applies only to department-issued handguns, would be issued to an officer by the Duty Office, if the officer needed a replacement handgun after normal business hours. A replacement handgun provided by the Duty Office would be issued to an officer if they were involved in an officer involved shooting, the shooting of an animal, if the handgun were lost/stolen, or if the officer determined their handgun was damaged or inoperable. This process does not apply to Department patrol rifles. All patrol rifles are kept in a secured location and issued by a Department Range Master to an officer after they complete a certified patrol rifle class and demonstrate proficiency. No patrol rifles are issued by the Duty Office.

The Fresno Police Department is directed by Procedure 312 regarding range training and firearm proficiency; however, the procedure does not mandate the officer to demonstrate proficiency with a replacement handgun. Procedure 312 will be revised to mandate an officer, who has been reissued a replacement/loaner handgun, respond to the Regional Training Center as soon as practical, and demonstrate proficiency with the newly issued handgun to the Training Manager or designee. The proficiency demonstration, along with the handgun serial number, shall be documented and placed into the officer’s training record. This process shall occur each time an officer receives a loaner handgun, replacement handgun, or their original department-issued handgun that has been returned to them after being repaired.”

Observations #3: Since the changes to this office were implemented by Mayor Brand in August of 2017 we have addressed 140 groups, organizations, businesses, and schools. The intent of our public speaking is not to encourage the submission of complaints, but to inform the public the OIR was established to enhance the trust and confidence between the community and the FPD. Also, if the community has a concern there is a process in place for them to submit the concern. However, several times we have been asked how someone would submit a compliment for a favorable experience they had with the FPD. Our normal response would be to suggest calling the non-emergency FPD line which at times is overloaded resulting in extended hold times. It is recognized the hold times may deter individuals from submitting the compliment.

Recommendation #3: In order to provide a mechanism for residents to submit a compliment to the FPD without adding to volume of calls to the non-emergency line, it is recommended the present online complaint form be amended to also accept compliments or commendations.

FPD Response to Recommendation #3: On April 22, 2020, Lieutenant Michael Landon, IA Bureau, advised the FPD is presently preparing an online form for the community to submit compliments or commendations for favorable experiences with FPD.

DISCIPLINARY RESULTS OF IA INVESTIGATIONS

Below are the levels of discipline implemented or options chosen to avoid discipline by officers and non-sworn employees who were determined to be in violation of FPD Policies or Procedures:

DISCIPLINE ISSUED	2014	2015	2016	2017	2018	2019	2020
TERMINATIONS	3	5	7	3	2	7	0
RESIGNED IN LIEU OF	1	0	0	1	0	5	3
RETIRED	0	0	0	0	0	3	0
DEMOTION	0	0	0	0	0	1	0
SUSPENDED	14	13	16	17	32	29	12
PAYMENT IN LIEU OF	1	0	0	0	0	3	0
FINES	0	1	0	0	0	0	0
MEDICAL SEPARATION	NA	NA	NA	NA	NA	3	0
LETTERS OF REPRIMAND	7	11	9	10	15	19	5
TOTAL	26	30	32	31	49	70	20

In closing, the intent of the quarterly report is to ensure the residents of Fresno there is a neutral review conducted of the FPD’s actions, to include when a complaint is filed. The community should be assured each and every complaint, whether generated by the community or the FPD, is thoroughly reviewed to ensure the findings were supported by the evidence and the actions of the officers were within the FPD’s policies and procedures.

In an effort to comply with the shelter-in-place order during to the COVID-19 pandemic, all previously requested presentations were postponed, however the OIR is still available to respond to your concerns or questions via email or telephone. Once the shelter-in-place order is lifted please contact our office if you would like to schedule a presentation or an informational meeting for your group or organization. Residents are once again reminded there is a process in place to review, and if warranted, initiate an investigation. Also, many answers to questions regarding this process can be found on the OIR website, or by contacting the OIR directly at the following telephone number or email address:

<https://www.fresno.gov/oir>

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