



OFFICE OF INDEPENDENT REVIEW

**REPORT FOR THE PERIOD OF
APRIL 1, 2020 TO June 30, 2020**

**John A. Gliatta
Independent Reviewer**

**Maira Aguilar
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.

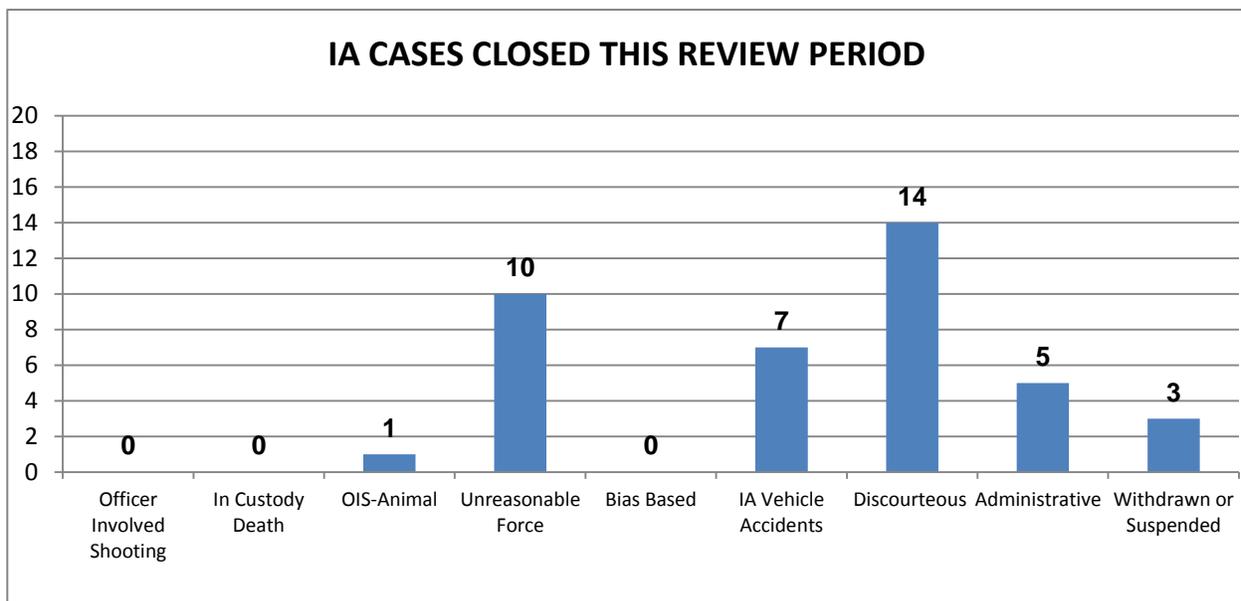
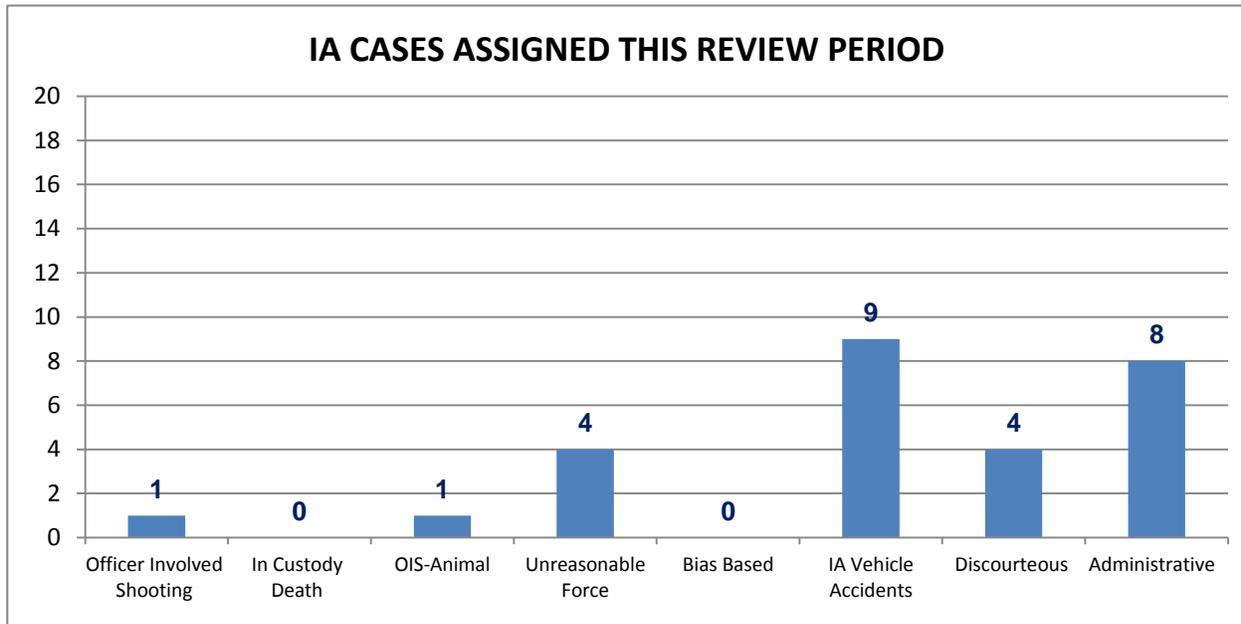
OIR REPORT FORMAT

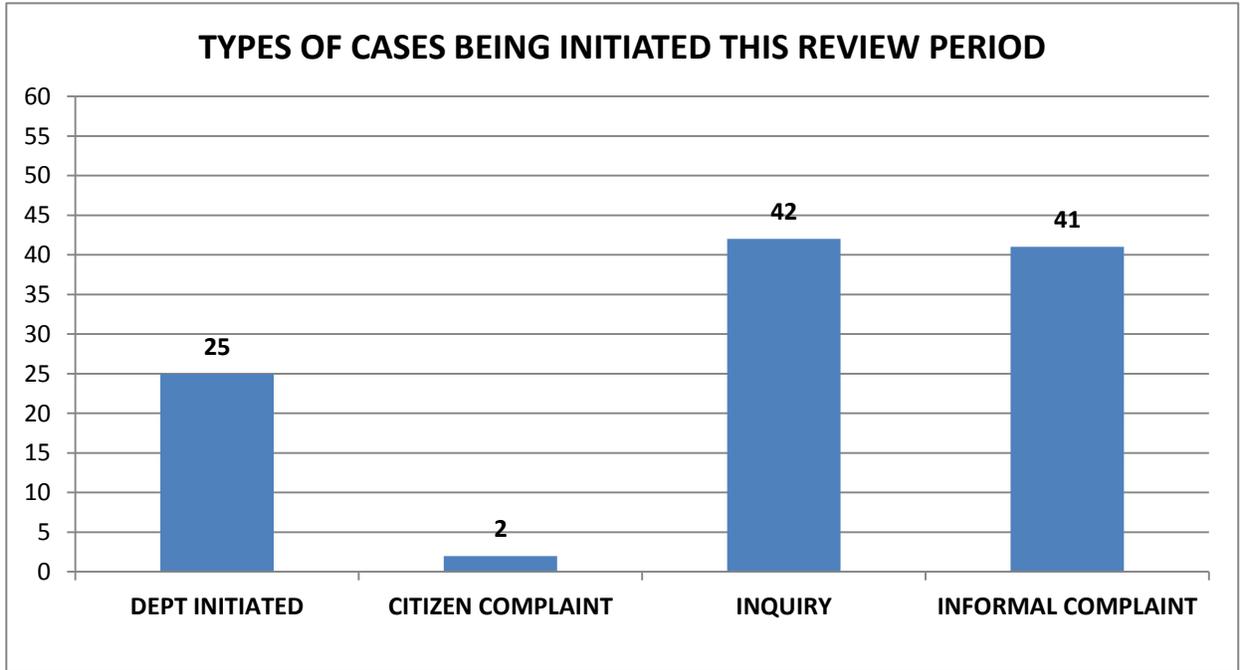
The OIR adheres to the following guidelines, format, and definitions in all quarterly reports:

- 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, Assistant City Attorney Tina R. Griffin, 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. Responses will appear following the summary.
- 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 are now 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

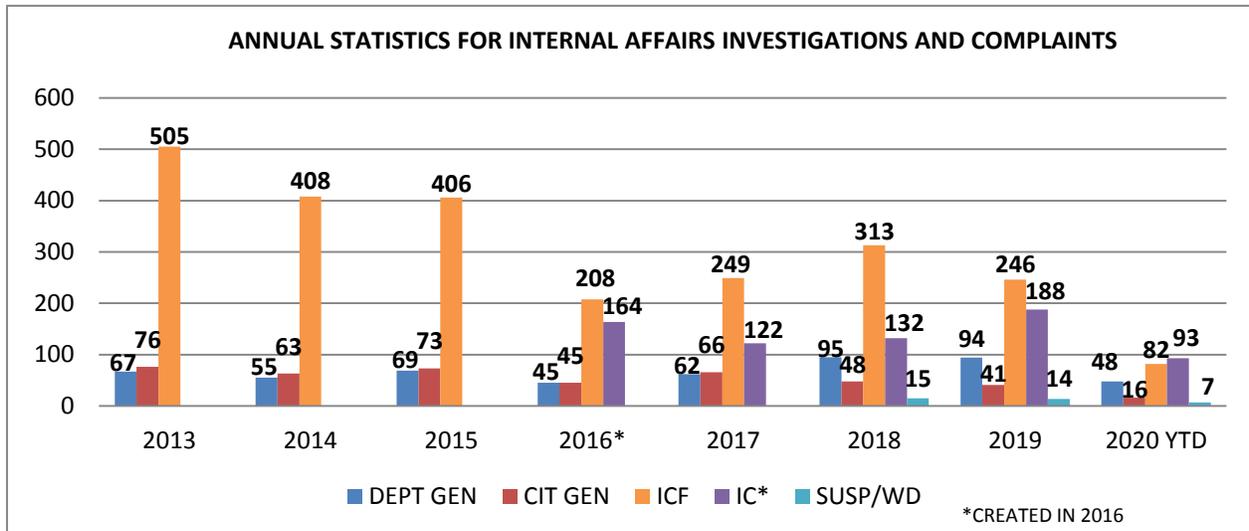
The following charts list the number and types of IA cases assigned and closed during the second quarter of 2020. For classification purposes, Discourteous Treatment also includes cases in which the officer was accused of conduct unbecoming of a police officer. The classification of Administrative Matters 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.



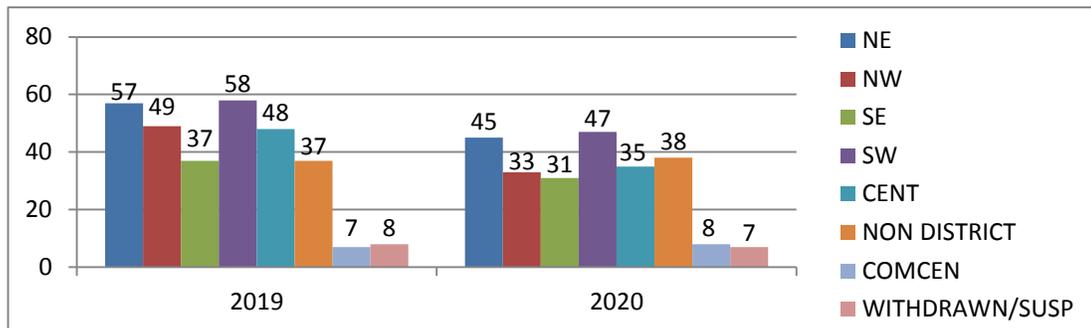
COMPLAINTS ASSIGNED BY POLICING DISTRICT

The following charts reflect the complaints assigned by policing district for the second quarter of 2020 and a quarterly comparison. The purpose of displaying the below is to show the City of Fresno community 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 SECOND QUARTER OF 2020									
ASSIGNED	NE	NW	SE	SW	CENT	NON DISTRICT	COMCEN	WITHDRAWN/SUSPENDED	TOTAL
IA CASES	8	2	3	5	2	7	0	0	27
INFORMAL COMPLAINTS	8	4	5	6	4	8	5	1	41
INQUIRIES	7	5	8	7	12	3	0	0	42
1 st QTR TOTALS	23	11	16	18	18	18	5	1	110

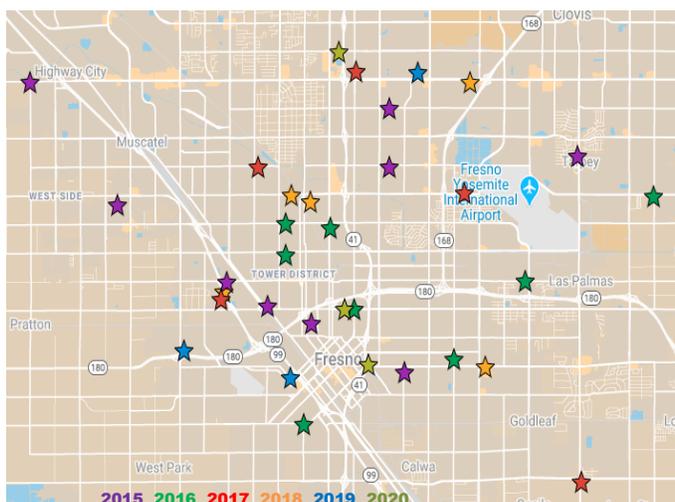
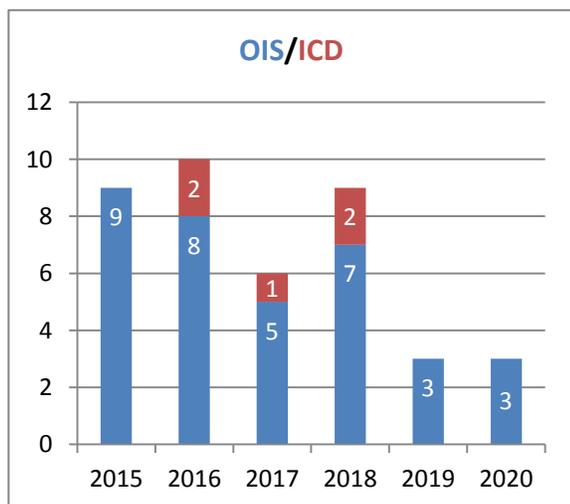
FIRST TWO QUARTER COMPARISONS OF COMPLAINTS BY DISTRICT



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 JUNE 30, 2020



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

IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0135	11/22/2019	P			O _s SHOT SUSPECT ARMED WITH A PISTOL, LATER DETERMINED TO BE A BB OR PELLET GUN
20-0031	3/22/2020	P			O _s SHOT SUSPECT ARMED WITH A PISTOL LATER DETERMINED TO BE A PELLET GUN
20-0032	3/24/2020	P			O _s SHOT AT SUSPECT WHO SHOT AT O _s FIRST
20-0055	5/13/2020	5/26/2020	W/IN POL	W/IN POL	O SHOT THREATENING DOG DURING FOLLOW-UP INVESTIGATION

OFFICER INVOLVED SHOOTING (OIS) AND IN CUSTODY DEATHS (ICD)					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
20-0061	6/9/2020	P			O's SHOT AT SUSPECT WHO CALLERS STATED WAS POINTING A GUN AT PASSING CARS AND ALSO FAILED TO COMPLY WITH O's COMMANDS

During the second quarter the FPD assigned two new OIS cases. The first case involved the shooting of a dog. An officer was conducting a follow-up investigation of a commercial burglary when three unleashed dogs ran at him in a threatening manner. Two of the dogs stopped short of the officer while continuing to bark at him. The third dog continued to advance on the officer while growling and displaying its teeth. The officer yelled for the dog to get back however it continued to advance on the officer. The officer was in an open field and did not have anything nearby to seek cover, forcing him to fire at the charging dog. The dog initially survived the single gun-shot wound but was later euthanized due to the extent of the injury. The case was determined to be within policy by the FPD and this office.

The second case was in response to several 9-1-1 phone calls received by the FPD. The callers reported a male was running and riding his bike into traffic while pointing what was described as a gun at passing motorists. This case is presently pending an IA investigation.

UNREASONABLE FORCE					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0048	4/17/2019	5/6/2020	SUS	NR	CP ALLEGED O USED UNREASONABLE FORCE
19-0088	7/22/2019	5/20/2020	TO BE RELEASED IN 3 RD QTR REPORT	TO BE RELEASED IN 3 RD QTR REPORT	CP ALLEGED O USED UNREASONABLE FORCE CP ALLEGED O USED UNREASONABLE FORCE DEPT ALLEGED O EXCEEDED AUTHORITY DEPT ALLEGED O EXCEEDED AUTHORITY DEPT ALLEGED O USED POOR DISCRETION DEPT ALLEGED O USED POOR DISCRETION DEPT ALLEGED O FALSIFIED REPORT DEPT ALLEGED O FAILED TO ACTIVATE BODY WORN CAMERA (BWC)
19-0094	8/23/2019	4/2/2020	UNF	UNF	CP ALLEGED O USED UNREASONABLE FORCE
19-0112	10/8/2019	4/10/2020	EX	EX	CP ALLEGED O's USED UNREASONABLE FORCE
19-0115	10/17/2019	5/26/2020	EX	EX	CP ALLEGED O USED UNREASONABLE FORCE
19-0116	10/18/2019	P			CP ALLEGED O's USED UNREASONABLE FORCE
19-0130	11/15/2019	4/2/2020	EX	EX	CP ALLEGED O USED UNREASONABLE FORCE

UNREASONABLE FORCE					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
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	5/27/2020	EX	EX	CP ALLEGED O USED UNREASONABLE FORCE
20-0017	2/18/2020	6/11/2020	SUS	NR	DEPT ALLEGED Os RELEASED TWO K-9S ON SUBJ
20-0019	2/24/2020	P			CP ALLEGED O USED UNREASONABLE FORCE
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
20-0036	3/31/2020	6/15/2020	EX	EX	CP ALLEGED O USED UNREASONABLE FORCE
20-0037	3/31/2020	P			CP ALLEGED Os USED UNREASONABLE FORCE
20-0038	4/8/2020	6/19/2020	EX	EX	CP ALLEGED O USED UNREASONABLE FORCE
20-0039	4/15/2020	P			DEPT ALLEGED O USED UNREASONABLE FORCE
20-0059	6/2/2020	P			CP ALLEGED Os USED UNREASONABLE FORCE AFTER DOMESTIC DISTURBANCE
20-0063	6/18/2020	P			DEPT ALLEGED O USED UNREASONABLE FORCE

The FPD assigned four new unreasonable force cases during the second quarter while completing the investigations of ten cases. Of the ten cases completed, the FPD determined officers were in violation of a policy or procedure in two of the cases. The remaining cases in which the FPD determined the officer(s) were in compliance were also reviewed by this office. The findings reached by the FPD were determined to be appropriate based on the evidence.

BIAS BASED					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
NONE					NO INVESTIGATIONS FOR 2 nd QTR 2020

It is anticipated questions will be raised on the absence of any pending biased based policing complaints. All IA complaints are reviewed by this office to ascertain the basis and proper classification of the complaint. In 2020, this office has not received a complaint which would fall into this category and a review of the FPD IA cases also failed to locate a complaint

within this category. If the community has information to the contrary our contact information can be found on the last page of this report. We acknowledge all correspondence within a 24 period unless they are received on the weekends.

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0063	5/17/2019	P			DEPT ALLEGED O's DID NOT HANDLE DV CALL CORRECTLY
19-0064	5/17/2019	4/6/2020	SUS	NR	DEPT ALLEGED O's IMPROPERLY HANDLED A CHILD CUSTODY ISSUE
19-0070	6/6/2019	P			CP ALLEGED Os MISHANDLED DV MATTER
19-0095	8/23/2019	P			CP ALLEGED Os REMOVED CURRENCY FROM VEHICLE
19-0097	8/28/2019	P			DEPT ALLEGED O WAS INVOLVED IN A DV MATTER
19-0104	9/9/2019	4/14/2020	SUSP	NR	DEPT ALLEGED O HAD RELATIONS WHILE ON DUTY
19-0106	9/10/2019	4/21/2020	SUS	NR	DEPT ALLEGED Os ENGAGED IN OUT OF POLICY PURSUIT
19-0110	9/27/2019	5/26/2020	SUS	NR	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	6/11/2020	SUSP	NR	DEPT ALLEGED OFF-DUTY O WAS ARRESTED FOR DV
19-0118	10/22/2019	4/24/2020	UNF	UNF	O ALLEGED SGT DISCRIMINATED AGAINST O
19-0120	10/28/2019	5/26/2020	SUS	NR	CP ALLEGED O FAILED TO PERFORM DUTIES
19-0125	11/7/2019	5/18/2020	SUS	NR	DEPT ALLEGED O ENGAGED IN OUT OF POLICY PURSUIT
19-0123	10/30/2019	P			DEPT ALLEGED O LACKED DISCRETION ON MENTAL CALL FOR SERVICE
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
19-0136	11/25/2019	NOT IA; ICF			CP ALLEGED SEXUAL ASSAULT WHILE BEING BOOKED
19-0141	12/5/2019	P			CP ALLEGED O IMPROPERLY TOUCHED
19-0142	12/9/2019	5/19/2020	NS	NS	DEPT ALLEGED OFF DUTY O WAS POSSIBLY INVOLVED IN DV
			UNF	UNF	DEPT ALLEGED Os FAILED TO PROPERLY INVESTIGATE
			UNF	UNF	DEPT ALLEGED O FAILED TO ACTIVATE BODY CAMERA

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0144	12/12/2019	4/2/2020	UNF	UNF	CP ALLEGED Os WERE RUDE AND DID NOT HANDLE CALL FOR SERVICE CORRECTLY
19-0145	12/12/2019	P			CP BELIEVES THE Os DID NOT PERFORM THEIR DUTIES CORRECTLY
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	5/6/2020	SUS	NR	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	5/26/2020	SUS	NR	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	6/4/2020	NS SUS SUS	NS NR NR	CP ALLEGED OFF-DUTY O WAS VERBAL AT CHILD EXCHANGE CP ALLEGED O OF IMPROPER COMPUTER ACCESS CP ALLEGED O RELEASED ACCESSED DATA
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 SEARCH WARRANT
20-0030	3/20/2020	P			DEPT ALLEGED O IS CREATING A HOSTILE WORK PLACE
20-0035	3/31/2020	4/13/2020	SUSP	NR	DEPT ALLEGED O DID NOT OBEY ALL LAWS

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
20-0054	5/13/2020	P			DEPT ALLEGED O LACKED DISCRETION WHEN CALLED TO A CODE ENFORCEMENT MATTER
20-0056	5/19/2020	P			DEPT ALLEGED MOTOR O INVOLVED IN OUT OF POLICY PURSUIT
20-0057	5/28/2020	P			DEPT ALLEGED O WAS INVOLVED IN AN OFF-DUTY DISTURBANCE/ASSAULT
20-0064	6/18/2020	P			DEPT ALLEGED Os LOST KEYS TO BUSINESSES

There were 14 Discourteous Treatment or Conduct Unbecoming of a Police Officer investigations completed during this quarter by FPD IA. Of the 14 completed cases eight investigations resulted in a finding of sustained. Three cases were suspended due to the officer/employee was no longer with FPD, and two cases were determined to be unfounded. The remaining case was determined not be an IA and was reclassified to an Inquiry (ICF). Due to the nature of the initial complaint with the reclassified case it was also reviewed. It was determined the allegation was fabricated and the case was properly addressed by the FPD IA. Since the investigation was completed in early July the finding will appear in the third quarter report.

ADMINISTRATIVE OR PERFORMANCE MATTERS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0083	6/28/2019	4/14/2020	SUSP	NR	DEPT ALLEGED EMP HAS WORK ATTENDANCE ISSUES
19-0105	9/10/2019	4/2/2020	SUS	NR	DEPT ALLEGED O USED DEPT COMPUTER TO ACCESS PROTECTED INFO
19-0137	11/26/2019	6/4/2020	EX NS UNF	EX NS UNF	O/CP ALLEGED SGT DENIED SICK LEAVE REQUEST DEPT SUPERVISOR-SUBORDINATE RELATIONSHIP DEPT WRONGFUL EXERCISE OF AUTHORITY
20-0014	2/11/2020	5/18/2020	SUS	NR	DEPT ALLEGED O DID NOT UPLOAD BODY CAMERA VIDEOS
20-0033	3/30/2020	6/19/2020	SUS	NR	DEPT ALLEGED DET FAILED TO FOLLOW EVIDENCE TOW PROCEDURES
20-0042	4/17/2020	P			DEPT ALLEGED CSI TECH WAS INSUBORDINATE
20-0045	4/22/2020	P			DEPT ALLEGED SGT FAILED TO CONDUCT EVALUATIONS
20-0046	4/22/2020	P			DEPT ALLEGED O WAS ABUSING SICK LEAVE POLICY

ADMINISTRATIVE OR PERFORMANCE MATTERS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
20-0047	4/22/2020	P			DEPT ALLEGED O FAILED TO LOCATE WEAPON IN REAR OF VEHICLE FOLLOWING PRISONER TRANSPORT
20-0048	4/23/2020	P			DEPT ALLEGED SGT WAS INSUBORDINATE AND LACKED INTEGRITY
20-0051	5/6/2020	P			DEPT ALLEGED CSI FAILED TO ADVISE SUPERVISOR OF PENDING LATENT VERIFICATION
20-0052	5/6/2020	P			DEPT ALLEGED O VIOLATED TAKE HOME VEH POLICY
20-0062	6/9/2020	P			DEPT ALLEGED FTO INSTRUCTED O TO DISREGARD NEGATIVE MIRANDA RESPONSE

Five Administrative or Performance Matter investigations were completed during this quarter. Of the five completed investigations, officers/employees were determined to be IN violation of a policy or procedure in three cases, one officer was cleared of any wrong doing, and one case was suspended. Eight new cases within this category were assigned during this quarter.

IA VEHICLE ACCIDENTS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0077	6/21/2019	P			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	4/27/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0002	1/9/2020	5/18/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0005	1/14/2020	4/14/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENTS
20-0006	1/14/2020	4/14/2020	SUS	NR	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	4/2/2020	UNF	UNF	DEPT ALLEGED O INVOLVED IN AN FAULT ACCIDENT
20-0027	3/12/2020	6/5/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0040	4/16/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0041	4/16/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT

IA VEHICLE ACCIDENTS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
20-0043	4/22/2020	6/4/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0044	4/22/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0049	4/24/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0050	4/24/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0053	5/11/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0058	5/28/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0060	6/4/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT

During the second quarter the FPD IA completed seven Vehicle Accident investigations. In six of the seven cases the officer/employee was determined to be at fault in the accident. One officer was determined not to be at fault following a review of the facts of the accident. Nine cases were assigned during the same time frame which included one case assigned and completed during the quarter.

INFORMAL COMPLAINTS					
CASE NUMBER	DATE RECEIVED	DATE COMPLETED	ALLEGATION(S)/FPD FINDING	OIR FINDING	DISTRICT
IC20-0053	11/13/19	5/6/20	DEPT PROPERTY - LOST - SUSTAINED	SUS	CENT
IC20-0054	1/18/20	5/6/20	DISCOURTEOUS - NOT SUSTAINED GENERAL RESPONSIBILITIES - NOT SUSTAINED	NS	CENT
IC20-0055	2/3/20	5/6/20	PRISONER'S PROPERTY - LOST/DAMAGED/RETURN OF - SUSTAINED	SUS	CENT
IC20-0056	2/7/20	5/6/20	GENERAL CALL HANDLING - UNFOUNDED	UNF	SE
IC20-0057	2/21/20	5/6/20	DISCOURTEOUS - SUSTAINED	SUS	NON DISTRICT
IC20-0058	2/24/20	5/6/20	GENERAL RESPONSIBILITIES - NOT SUSTAINED	NS	NE
IC20-0059	2/26/20	5/6/20	ARREST AUTHORITY/PROCEDURES - UNFOUNDED DISCOURTEOUS - UNFOUNDED ARREST AUTHORITY/PROCEDURES - UNFOUNDED DISCOURTEOUS - UNFOUNDED ARREST AUTHORITY/PROCEDURES - UNFOUNDED DISCOURTEOUS - UNFOUNDED	UNF	
IC20-0060	2/27/20	5/6/20	GENERAL CALL HANDLING - UNFOUNDED GENERAL CALL HANDLING - UNFOUNDED	UNF	NE

INFORMAL COMPLAINTS					
CASE NUMBER	DATE RECEIVED	DATE COMPLETED	ALLEGATION(S)/FPD FINDING	OIR FINDING	DISTRICT
IC20-0061	3/6/20	5/6/20	RACIAL/BIAS BASED PROFILING - UNFOUNDED ARREST AUTHORITY/PROCEDURES - UNFOUNDED SEARCH/SEIZURE ISSUES - UNFOUNDED TOW/IMPOUND ISSUES - UNFOUNDED RACIAL/BIAS BASED PROFILING - UNFOUNDED ARREST AUTHORITY/PROCEDURES - UNFOUNDED SEARCH/SEIZURE ISSUES - UNFOUNDED TOW/IMPOUND ISSUES - UNFOUNDED RACIAL/BIAS BASED PROFILING - UNFOUNDED ARREST AUTHORITY/PROCEDURES - UNFOUNDED SEARCH/SEIZURE ISSUES - UNFOUNDED TOW/IMPOUND ISSUES - UNFOUNDED RACIAL/BIAS BASED PROFILING - UNFOUNDED ARREST AUTHORITY/PROCEDURES - UNFOUNDED SEARCH/SEIZURE ISSUES - UNFOUNDED TOW/IMPOUND ISSUES - UNFOUNDED RACIAL/BIAS BASED PROFILING - UNFOUNDED ARREST AUTHORITY/PROCEDURES - UNFOUNDED SEARCH/SEIZURE ISSUES - UNFOUNDED TOW/IMPOUND ISSUES - UNFOUNDED	UNF	SW
IC20-0062	3/9/20	5/6/20	UNLAWFUL FIGHTING/THREAT TO INFLICT HARM - UNFOUNDED	UNF	NW
IC20-0063	3/12/20	5/6/20	DISCOURTEOUS - NOT SUSTAINED	NS	NE
IC20-0064	3/12/20	5/6/20	DISCOURTEOUS - UNFOUNDED	UNF	SE
IC20-0065	3/12/20	5/6/20	DISCOURTEOUS - SUSTAINED	SUS	NON DISTRICT
IC20-0066	3/13/20	5/6/20	UNREASONABLE FORCE - EXONERATED UNREASONABLE FORCE - EXONERATED	EX	NW
IC20-0067	4/1/20	5/6/20	DEPT PROPERTY - LOST - UNFOUNDED	UNF	SE
IC20-0068	4/2/20	5/6/20	DISCOURTEOUS - NOT SUSTAINED	NS	NON DISTRICT
IC20-0069	4/6/20	5/6/20	DISCOURTEOUS - UNFOUNDED RACIAL/BIAS BASED PROFILING - UNFOUNDED	UNF	NON DISTRICT
IC20-0070	4/28/20	5/6/20	DISCOURTEOUS - SUSTAINED	SUS	NON DISTRICT
IC20-0071	4/29/20	5/6/20	DISCOURTEOUS - NOT SUSTAINED	NS	SW
IC20-0072	12/5/19	5/13/20	DISCOURTEOUS - EXONERATED	EX	COMCEN
IC20-0073	3/12/20	5/13/20	GENERAL CALL HANDLING - SUSTAINED	SUS	COMCEN
IC20-0074	4/29/20	5/13/20	DISCOURTEOUS - UNFOUNDED GENERAL CALL HANDLING - UNFOUNDED	UNF	NE
IC20-0075	3/1/20	6/18/20	DEPT PROPERTY - LOST - SUSTAINED	SUS	SE
IC20-0076	3/11/20	6/18/20	PRISONER'S PROPERTY - LOST/DAMAGED/RETURN OF - SUSTAINED	SUS	SW
IC20-0077	3/11/20	6/18/20	DISCOURTEOUS - SUSTAINED	SUS	COMCEN
IC20-0078	3/26/20	6/18/20	DEPT PROPERTY - LOST - SUSTAINED	SUS	SW
IC20-0079	3/27/20	6/18/20	PROPERTY/EVIDENCE HANDLING - SUSTAINED	SUS	NE
IC20-0080	4/15/20	6/18/20	DISCOURTEOUS - NOT SUSTAINED	NS	SW
IC20-0081	4/27/20	6/18/20	ARREST AUTHORITY/PROCEDURES - EXONERATED ARREST AUTHORITY/PROCEDURES - EXONERATED	EX	SW

INFORMAL COMPLAINTS					
CASE NUMBER	DATE RECEIVED	DATE COMPLETED	ALLEGATION(S)/FPD FINDING	OIR FINDING	DISTRICT
IC20-0082	5/3/20	6/18/20	UNREASONABLE FORCE - EXONERATED RACIAL/BIAS BASED PROFILING - EXONERATED UNREASONABLE FORCE - EXONERATED RACIAL/BIAS BASED PROFILING - EXONERATED UNREASONABLE FORCE - EXONERATED RACIAL/BIAS BASED PROFILING - EXONERATED	EX	SE
IC20-0083	5/5/20	6/18/20	DISPARAGING REMARKS/CRITICISM OF MEMBERS - EXONERATED	EX	COMCEN
IC20-0084	5/7/20	6/18/20	DEPT PROPERTY - CARE/USAGE/DAMAGED - EXONERATED	EX	SW
IC20-0085	5/11/20	6/18/20	DEPT COMPUTER USE/INTERNET - SUSTAINED	SUS	NON DISTRICT
IC20-0086	5/12/20	6/18/20	GENERAL CALL HANDLING - EXONERATED	EX	COMCEN
IC20-0087	5/12/20	6/18/20	DISCOURTEOUS - UNFOUNDED	UNF	NW
IC20-0088	5/23/20	6/18/20	DISCOURTEOUS - UNFOUNDED	UNF	NE
IC20-0089	4/9/20	6/24/20	MEDICAL ATTENTION -FAILURE TO PROVIDE - EXONERATED ARREST AUTHORITY/PROCEDURES - EXONERATED UNREASONABLE FORCE - EXONERATED MEDICAL ATTENTION -FAILURE TO PROVIDE - EXONERATED ARREST AUTHORITY/PROCEDURES - EXONERATED UNREASONABLE FORCE - EXONERATED MEDICAL ATTENTION -FAILURE TO PROVIDE - EXONERATED ARREST AUTHORITY/PROCEDURES - EXONERATED UNREASONABLE FORCE - EXONERATED MEDICAL ATTENTION -FAILURE TO PROVIDE - EXONERATED ARREST AUTHORITY/PROCEDURES - EXONERATED UNREASONABLE FORCE - EXONERATED	EX	NE
IC20-0090	5/27/20	6/24/20	GENERAL RESPONSIBILITIES - UNFOUNDED	UNF	NON DISTRICT
IC20-0091	5/31/20	6/24/20	DEPT PROPERTY - CARE/USAGE/DAMAGED - UNFOUNDED	UNF	NON DISTRICT
IC20-0092	6/3/20	6/24/20	DISCOURTEOUS - UNFOUNDED	UNF	SE
IC20-0093	6/12/20	6/24/20	DRIVING UNDER INFLUENCE - CASE SUSPENDED	SUSP	NON DISTRICT

During the second quarter 41 new Informal Complaints, matters which did not warrant a full IA investigation were assigned. All cases in which the FPD reached a finding other than sustained were reviewed by this office. In each of the cases it was determined the FPD reached the appropriate finding.

DISCIPLINARY RESULTS OF IA INVESTIGATIONS

Below are the levels of discipline implemented, or options chosen by the officers/employees who were determined to be in violation of a FPD policy or procedure.

DISCIPLINE ISSUED	2014	2015	2016	2017	2018	2019	2020
TERMINATIONS	3	5	7	3	2	7	1
RESIGNED IN LIEU OF	1	0	0	1	0	5	2
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	3
TOTAL	26	30	32	31	49	70	18

FPD RESPONSES TO OIR RECOMMENDATIONS

In the first quarter report there were three recommendations made to the FPD. Prior to the report being finalized the FPD responded and advised changes were either made prior to the recommendation being made or in response to the recommendation. City leaders and members of the community routinely ask if the FPD actually made the proposed changes. Since the release of the report I have been provided with actual documentation of the changes made by the FPD. Below is a summary of the first quarter recommendations followed by documentation of said changes.

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.

FPD Response: Since this recommendation dealt with the possibility of the preservation of life it was verbally brought to the attention of Chief Hall during a meeting on February 18, 2020, prior to the release of the first quarter report. At that time Chief Hall presented me with a Roll Call Training Bulletin, #20-03, dated January 30, 2020, which specifically addressed the manner in which future calls for service of this nature will be handled.

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: Procedure 312.10 was amended effective June 1, 2020 with the following change:

Any officer issued a replacement or loaner handgun shall respond to the RTC as soon as practical and demonstrate proficiency to the Training Manager or their 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 is returned to them after being repaired.

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: An online commendation form is now listed on the FPD city web page:

<https://www.fresno.gov/police/services-special-units/internal-affairs/commendation/>

SUMMARY

A collateral function of this office is to engage in community outreach. Since the creation of the Community Coordinator position in this office we have spoken to over 140 organizations, groups, businesses, and schools. However, due to the ongoing COVID-19 pandemic, group meetings and community events have been postponed. In an event to continue our outreach we have begun offering to provide presentations via any of the virtual meeting platforms, such as ZOOM, WebEX Meeting, Microsoft Teams, or any of the other platforms being used. We have also recently created an OIR Facebook page (Fresno Office of Independent Review) for the community to contact us or view our quarterly reports as they are released.

We recognize this is a very critical time regarding law enforcement accountability and community trust. In an effort to establish an open dialogue with those who have expressed their concerns about the FPD, we have contacted several community leaders to provide our office as a resource to formally document the specifics of their concerns. There are several ways to contact this office and it is our policy to return all calls or emails within a 24 hour period with the exception of calls received over the weekend. Our contact information is listed below.

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

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John A. Gliatta
Independent Reviewer
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