



OFFICE OF INDEPENDENT REVIEW

**REPORT FOR THE PERIOD OF
APRIL 1, 2018 TO JUNE 30, 2018**

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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 FPD, Fresno Peace 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 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 released to Mayor Lee Brand, City Manager Wilma Quan-Schechter, Chief Assistant City Attorney Francine M. Kanne, and Chief Jerry Dyer, 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.
- If the FPD implemented policy or procedure change(s) in response to the OIR's recommendation(s) listed in the previous quarterly report, the change(s) will be addressed in the section titled “Status of OIR Recommendations.”

STATUS OF OIR RECOMMENDATIONS

The FPD provided the following responses to the twelve recommendations issued in the first quarter OIR report. The respective recommendations have been reprinted to aid in understanding the FPD response.

Recommendation #1: Amend Policy 323 and Procedure 323 to include the planned action of the arrest of violent crime suspect(s), specifically homicide with a firearm. The requirement should include the condition of: whenever feasible, based on time permitting, due to the exigency of the specific operation.

The primary goal for any arrest related event is to gain voluntary compliance, taking into consideration the safest way to contact the subject for both the community and officers. This is often accomplished via the process of a surround and call out. However, Policy and Procedure 323 will be amended to include language covering pre-planned operations in addition to search warrants. Pre-planned operations, such as surveillance with the intent to arrest a violent subject, will require a tactical operations plan, unless an articulable exigency exists.

Tactical operations plans will not be required for unplanned operations that present an exigent risk to officer or public safety. When a tactical operations plan is not prepared for this reason, policy will be amended to require an explanation be included in a police report, when an arrest is made.

Recommendation #2: The mandatory briefing and attendance by all participants should also be extended to apply to this type of operation unless the absence is approved by a supervisor and documented.

Procedure 323 currently reads,

G. Briefing

A briefing shall be conducted before serving a search warrant. Attendance at the briefing is mandatory for all members serving the search warrant or participating in the service of the warrant.

Language will be modified to include mandatory attendance at briefings for all pre-planned tactical operations requiring a tactical operation plan (e.g. high-risk surveillance operations). However, the dynamic nature of some events requiring an immediate response may make it unfeasible to hold a formal briefing for all involved members.

Recommendation #3: During the briefing the field of fire when discharging a weapon should be stressed and repeated. One of the pursuing officers stated he was concerned when the suspect entered the fenced-in area of the business. The officer stated he was concerned for the possible presence of occupants in the business due to a multi-passenger vehicle parked by the fence. The officer then fired his weapon in the direction of the suspect but it was also in the direction of the business structure. The adjacent open area was clearly not occupied at the time but an errant round could have entered the building where it was unknown if people were present.

Officers are trained to consider field of fire, their target and beyond when discharging their weapons. However, due to the urban environment in which we operate, ensuring there is no structure or object that could be struck by an errant round is an unreasonable expectation when an officer is facing an immediate threat. Unfortunately, officers' inability to predict where lethal resistance will occur prevents them from creating an ideal lethal force backdrop.

Recommendation #3 (continued): In Procedure 323, the Risk Assessment Matrix scoring is explained. In summary, points are assigned to certain known risks regarding a search warrant location. A threshold is specified as to when to consult with SWAT for their participation. Although the scoring for this search warrant location was more than twice the minimum score as when to consult SWAT, there is no mention SWAT was consulted for participation. In fact one officer stated in his interview they intentionally did not take action when the suspect was spotted at the search warrant location because the previously calculated score would have required SWAT.

A separate Internal Affairs investigation was initiated to determine whether or not the involved personnel failed to complete a tactical plan and consult SWAT as required (IA 2017-0119). Although it initially appeared as if the search warrant was going to be served immediately following the apprehension of the two suspects, an in-depth administrative investigation revealed that was not the case. There were no plans to immediately serve the warrant at the time the surveillance was in progress. A tactical operations plan and formal threat matrix would have been completed as required, before the execution of the search warrant, when the threat matrix accurately reflected the status of the suspects.

The officer who stated the threat matrix would have required a SWAT consultation if the warrant was executed with the suspects at large was correct. However, no evidence was established to indicate officers were going to serve the warrant at that point or under those circumstances.

Recommendation #3 (continued): If SWAT was involved it may have afforded the surveillance units an opportunity to conduct the arrest of the suspect during the time the suspect was seen traveling to and from a vehicle parked across the street from the location being surveilled. The suspect was spotted arriving at the location and making several trips in and out of the residence over a 15 minute period. It is recognized the presence of two children in the front yard would have prevented any law enforcement action from taking place due to safety concerns. However, the children were picked up from the residence four minutes prior to the suspect leaving the residence in the vehicle he arrived in.

The Department's SWAT team is trained for various high risk operations and assignments, but their primary mission does not include surveillance. Their specialized safety equipment is not designed for undercover operations. It was not practical to have them on standby in this situation, because containment and attempts to gain voluntary compliance through call-outs would have been attempted before any SWAT entry would have been contemplated.

It is possible that SWAT would have been required to serve the warrant eventually, but that was not the case at the time the surveillance operation was in progress or at the time of the OIS. Further, budgetary constraints make it impractical to activate SWAT when it is unknown

whether or not they will be needed, because they are not a full-time, 24/7 resource.

Recommendation #3 (continued): It was also noted the vehicle which arrived to pick up the children stopped to talk to the occupants of the vehicle in which the suspect was seated. When the vehicle with the children departed it was not stopped when it was out of sight to ascertain the identities of the occupants of the car the suspect was believed to be in. The departing vehicle could have been stopped and the occupants questioned to determine if the suspect was in fact in the parked vehicle. The officers could have stressed any attempts to deceive them would have resulted in a charge of 32 PC, Accessory After the Fact. The suspect's vehicle remained parked for another four minutes before it pulled away. If SWAT was participating there would have been sufficient personnel to conduct the arrest of the suspect in the parked vehicle while maintaining coverage of the residence for officer safety purposes.

The officers gave up the ability to control the situation when they decided not to conduct the arrest in front of the house because of the Risk Assessment Score. Allowing the suspect to drive away creates numerous unknowns in respects to location, amount of traffic, bystanders, and most of all the possibility the suspect does not stop, and a pursuit, which could endanger the public, ensues.

Budgetary resources do not allow for SWAT to participate in all undercover surveillance operations, which occur numerous times per week. The decisions to not stop the vehicle that left the location or make an arrest in front of the house were tactical decisions made by experienced detectives and sergeants who were involved in the investigation at the time. The decision to conduct the stop of the suspect away from the residence was a reasonable one under the circumstances. There are other occasions where officers may decide to detain an individual at the location where he or she is first observed, but the discretion to make that decision should remain with the on-scene supervisor.

Recommendation #4: Ensure if the Risk Assessment Matrix scoring warrants certain tactical action, efforts to circumvent this requirement should not be permitted. A supervisor's approval, including specific reasons, should be obtained if the requirements are not being followed.

There was no violation of policy or procedure regarding the requirement to prepare a tactical operations plan or complete the threat matrix during the operation in question. No evidence was established to indicate an attempt to circumvent the Risk Assessment Matrix, however it was recognized that serving the search warrant while both suspects were outstanding would require a SWAT consultation, at a minimum.

The Risk Assessment Matrix is a safety measure that assists with evaluating the circumstances of warrants to determine if SWAT service is necessary. The SWAT commander reviews the tactical operations plans for all search warrants scoring 15 and above on the matrix, or containing other high risk factors.

The review is intended to ensure the operation is in compliance with Department policy, procedure and tactics. The SWAT commander's role is to ensure no warrants rising to the level

of SWAT service are served by non-SWAT units, not to authorize the service of the warrant. The SWAT consultation also provides an opportunity to identify any safety issues that need to be addressed prior to service by non-SWAT units.

The front page of the Department's standardized tactical operation plan requires a notation as to whether or not a SWAT consultation was completed. It will be amended to include a space for the name of the SWAT commander reviewing the operations plan.

FRESNO POLICE OPERATION OUTLINE			
TYPE OF OPERATION:			
DATE:		CRIME:	CASE:
CHANNELS: Veh: Hand: Wire: Area:	SIGNALS: Bust/Danger: Down: Wireless:	Case Agent: Vehicle: UC Vehicle: Raid Van: Sgt:	
WSIN: <input type="checkbox"/> YES By: Date/Time Notified: Dispatch Notified: <input type="checkbox"/> YES By: Watch <u>Cmdr</u> Notified: <input type="checkbox"/> YES By:	Threat Matrix: SWAT Cmdr Advised: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Warrant Preparation Team Tactical Plan: Site Survey: Approving Supervisor:	
LOCATION:		ADDITIONAL INFORMATION:	
Phone: Description:		Security Screen Door <input type="checkbox"/> Yes <input type="checkbox"/> No	
		Dog(s) / Animals <input type="checkbox"/> Yes <input type="checkbox"/> No	
		Children <input type="checkbox"/> Yes <input type="checkbox"/> No	
		Yard Fence <input type="checkbox"/> Yes <input type="checkbox"/> No	
		Fortified Windows <input type="checkbox"/> Yes <input type="checkbox"/> No	
Primary Entry Point: Breaching: Alternate Entry Point: Breaching:		VEHICLES: License Plate: Make: Model: Color: Description:	

Recommendation #4 (continued): During the operation the use of cellular phones to exchange information should be kept to a minimum. It is recognized there are times where a lengthy dialogue between officers would monopolize the radio thus preventing other officers from broadcasting pertinent information. However in this incident, one officer stated he positively identified the individual walking from the car parked across the street to the house and back as being one of the two suspects. This same officer is the one who eventually engages the suspect as he tried to flee. However, a review of the transcripts of the radio traffic failed to show the positive identification information was passed on to other officers. In fact this information was not contained in any of the written FPD reports and only appears in the officer's video recorded interview conducted during the follow-up investigation. The officer stated he informed two other officers of the identification.

It is agreed that information should be broadcast over the radio whenever possible, especially relating to information critical to the operation. However, when detectives are on undercover

surveillance, use of the handheld police radio is often impractical. For this reason, it is critical to rebroadcast information received over the phone on the primary radio channel in use. A reminder will be conveyed to investigations personnel.

The officer who positively identified the suspect advised he informed the acting surveillance supervisor of the positive identification. However, this does not appear in the acting supervisor's written report. The report was authored and approved by the same acting supervisor, which is not within FPD Procedure 344 for report preparation. See below for Procedure 344:

After critical incidents, including OIS, ICD's or potentially fatal events, involved and witnessing officers are generally not expected to document their actions in a police report. This is especially critical for witnessing officers who may not be aware of all the pertinent issues involved in the investigation. A review of the circumstances in this case indicated the acting sergeant should have been interviewed instead of being directed to author a police report. This appears to be a training issue and will be addressed with investigations personnel.

Recommendation #5: *Ensure when pertinent information is exchanged between officers via cell phone the same information is then passed on to all other participants via the radio channel being used for the operation, or at a minimum documented in a report.*

This appears to be a training issue and will be addressed with investigations personnel.

Recommendation #6: *As outlined in Procedure 344, ensure officers provide their written reports to their supervisor for approval prior to being finalized and entered into the FPD electronic case file.*

While supervisory approval is required under this procedure, detectives, corporals, and field training officers are also afforded self-approval rights for their own reports. Self-approval is not a policy violation, however under the circumstances of the incident in question, the officer should not have written a report or approved it. It appears the personnel involved with the critical incident in question should have provided a statement to detectives. This is a training issue that will be addressed with investigations personnel.

Recommendation #7: *If an officer serves in the role of a supervisor, or acting supervisor for a short time during an operation, he/she should be interviewed during the follow-up investigation. Other supervisors were requested to submit for a video recorded interview with the exception of the officer who served as the acting supervisor. This will memorialize any decisions made, or instructions given, by the acting supervisor during his/her time as acting.*

Addressed under Recommendation #4 above.

Recommendation #8: *The role of the supervisor when approving reports is not to alter the facts being reported but to ensure the statements being documented are clear and not subject to misinterpretation. If so, the officer should be requested to elaborate or amend the specific statements in order to clarify. One officer used the term "hasty" two times in*

his report when describing the operation on this date. The first time it was documented as "When I arrived at the location the supervisor briefed our team on a hasty operation." The second statement read as follows: "I responded to the area of Fresno Ave and Barstow Ave at the direction of the supervisor where he briefed our team on a hasty operation." The word hasty is defined as acting with excessive speed or urgency; hurried; sometimes without the necessary care or thought. However, it is possible the officer was describing the meeting itself was hasty due to the limited amount of time instead of the actual operation. The supervisor should have asked the officer to clarify which part was hasty, the meeting, or the actual operation? As the final report reads the public perception may be this operation was put together with little or no planning.

With regard to the use of subjective terms in police reports, it is expected that officers may be required to fully explain what they meant during subsequent testimony, if it were to come into question. It would be impractical to expect officers to explain every subjective term used in their police reports, although under the circumstances of this serious incident, it may have been appropriate. Witness officers in this case should have been interviewed instead of being directed to complete a police report. This will be addressed as a training issue with investigations personnel.

Recommendation #9: *The OIR recognizes the efforts of the FPD to increase the number of body worn video cameras. To date, the priority has been to have every officer on patrol outfitted with a camera. With the latest approved funding for the FPD this may soon be accomplished. In view of the high risk activities of several of the specialized units it is recommended the next acquisition of cameras be assigned to the specialized units such as SVB-TAC and SRT. In this incident neither of the two SVB-TAC officers, who were closest to the suspect at the time of the OIS, were issued a body worn camera. It was also determined two of the SRT officers with assigned body worn cameras did not activate their cameras during the traffic stop and foot pursuit. However, the officers were not within view of the OIS, but were involved in the traffic stop.*

Currently, there are approximately 453 body cameras assigned to Department personnel. Due to budgetary constraints, not all personnel have been outfitted with a body camera. The Department has been awarded a grant and has budgeted the required matching funds to purchase 85 more cameras. These 85 cameras will be deployed by late summer, but will still not cover all field and investigative personnel. A portion of the next 85 cameras will be assigned to the SVB tactical team due to the frequent high-risk operations their assignment entails.

Recommendation #10: *Officers assigned to specialized units who routinely are involved in high risk or violent offender apprehensions should be issued less than lethal devices, such as Tasers. In this incident neither of the two SVB-TAC officers, who were closest to the suspect at the time of the OIS, were issued a Taser. The recommendation for a Taser is not specific to this incident but due to the probability of encountering resistance from suspects during the course of their day to day operations as it was shown in this case.*

Several years ago, budgetary shortfalls prevented the Department from purchasing enough

Tasers to cover all personnel. Consequently, personnel not in a field assignment at the time were required to turn in their Tasers so they could be reissued to field personnel. When those personnel rotated back to field assignments, a number of them, including the sergeant in this case, were not reissued a Taser. Additional Tasers have been ordered and will be issued by late summer, increasing the number of personnel assigned a Taser, but still not providing 100% coverage to all personnel.

Recommendation #11: *As stated in Recommendation #9, in view of the high risk activities of several of the specialized units, it is recommended the next acquisition of cameras be assigned to all members of the specialized units such as MAGEC. In this incident two MAGEC officers were issued body cameras however the officer who engaged the suspect was not issued a camera. The video would have confirmed the suspect produced a gun before being shot by the officer.*

MAGEC and SVB Tac will receive priority on the issuance of the next 85 body cameras expected to be assigned by late summer. The next 85 cameras will not be sufficient to cover SVB Tac, MAGEC and the remainder of patrol personnel. Due to budgetary constraints, a number of field personnel will continue to remain without cameras until another funding source can be identified.

Consistent with Procedure 450, cameras should be worn and activated during pre-planned enforcement activity, however there will be exigent and spontaneous circumstances that will not allow for cameras to be activated.

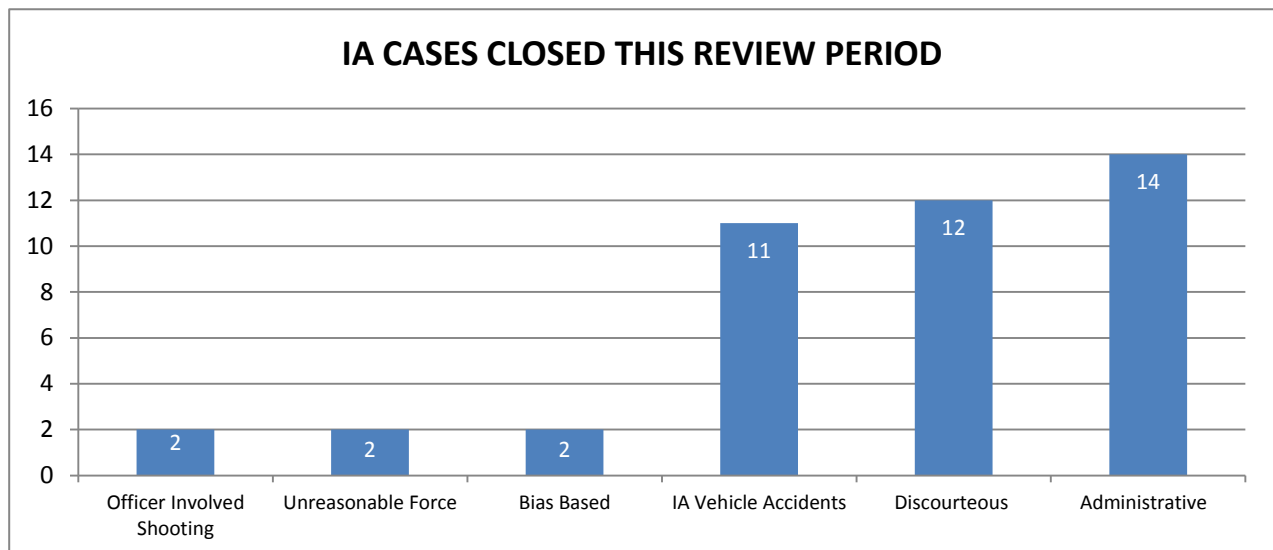
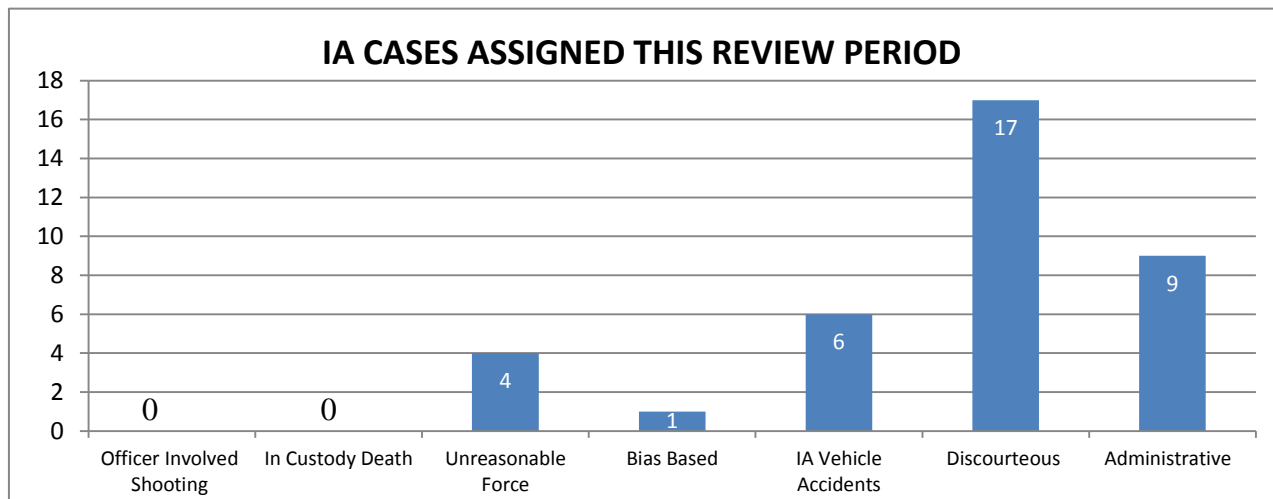
The fact an officer has a camera does not guarantee that the entirety of the situation they face will be captured on video. Video evidence is a piece of evidence, but cannot be expected to provide a complete record of the totality of circumstances an officer may encounter when making the decision to use lethal force.

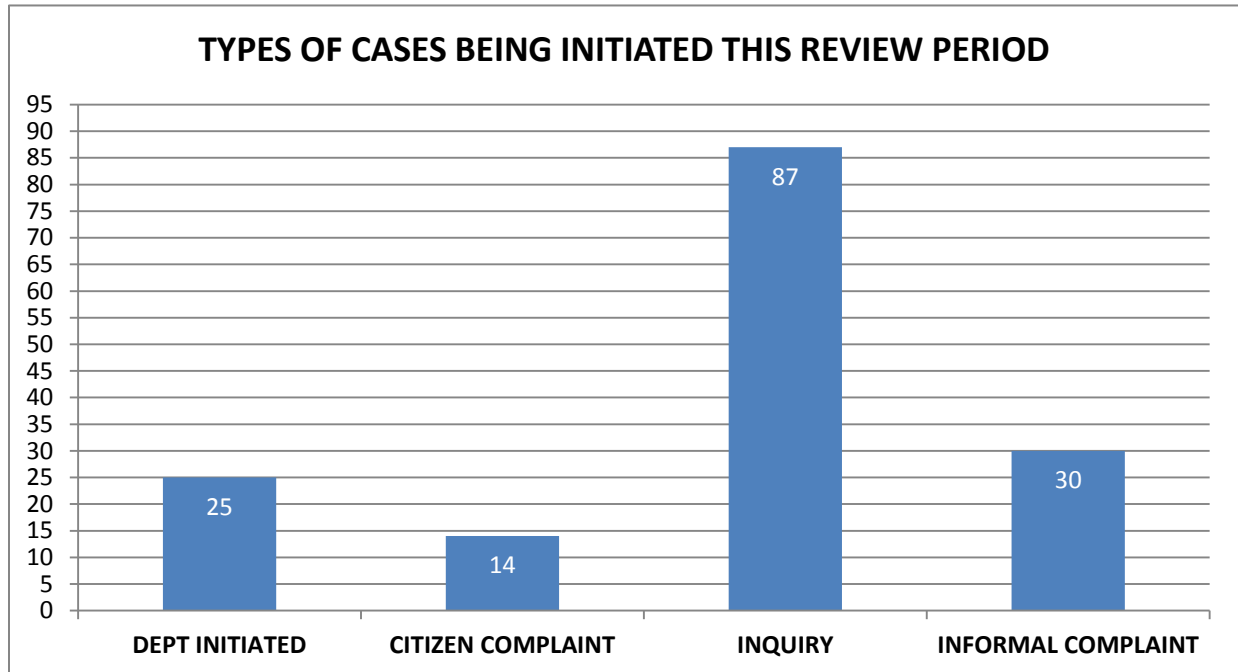
Recommendation #12: *Ensure O1 receives additional training regarding the safe handling of firearms, regardless of the level of familiarity with weapons which are seldom encountered. The body worn camera footage recorded by O1 should be used to aid in this training.*

Additional training will be provided to this officer by his supervisor regarding the safe handling of firearms.

REVIEW OF INTERNAL AFFAIRS INVESTIGATIONS

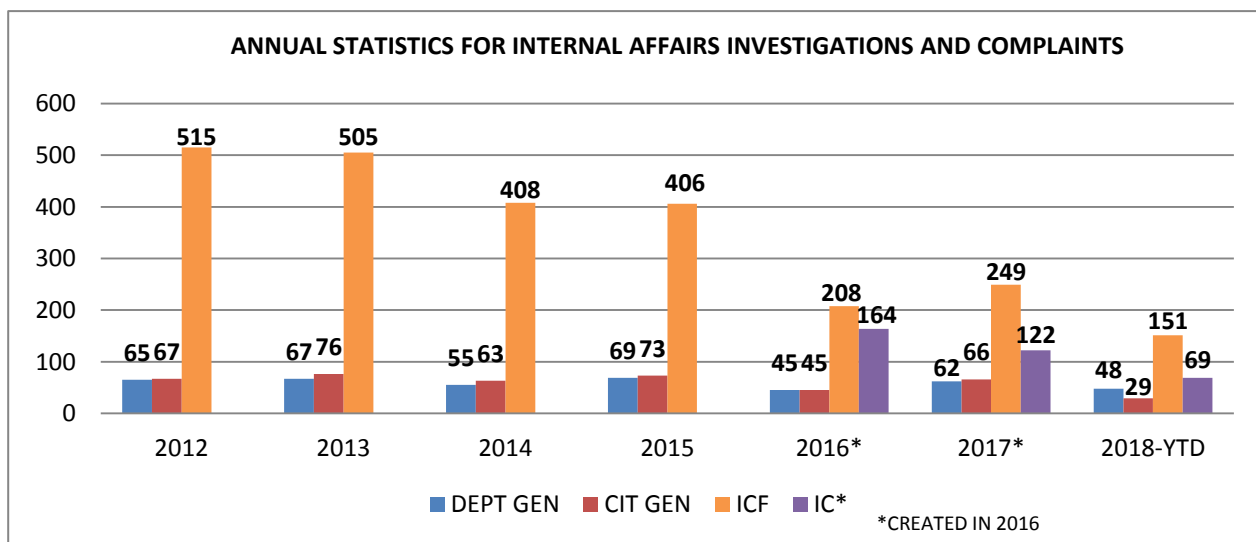
The following charts list the number and types of IA cases assigned and closed during the second quarter of 2018. For classification purposes Discourteous Treatment also includes cases in which the officer was accused of conduct unbecoming of a police officer. The classification of Administrative Matters 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 chart reflects the complaints assigned by policing district for the first six months of 2018. The first quarter of 2018 was the first time this comparison had been published since the OIR was established in 2009. Once again IA should be acknowledged for their cooperation in compiling this information. Because of software limitations, the IA support staff has to manually compile the data. The purpose of displaying the below is to show the residents of the City of Fresno the level of transparency Mayor Brand and Chief Dyer are working to achieve.

As the chart reflects, the number of complaints remained relatively even throughout the five policing districts. However, it is recognized this is only six months of data for this breakdown. This chart will appear in each quarterly report and the number of complaints by policing district, along with case reviews, will be closely monitored to determine if recommendations are needed.

COMPLAINTS ASSIGNED BY POLICING DISTRICTS									
ASSIGNED	NE	NW	SE	SW	CENT	NON DISTRICT	COMCEN	WITHDRAWN/ SUSPENDED	TOTAL
IA CASES	5	5	4	5	7	11	2	1	40
INFORMAL COMPLAINTS	5	5	7	2	4	6	1	0	30
INQUIRIES	19	16	12	14	15	11	0	0	87
TOTAL	29	26	23	21	26	28	3	1	157

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 EMP IS NO LONGER AT FPD

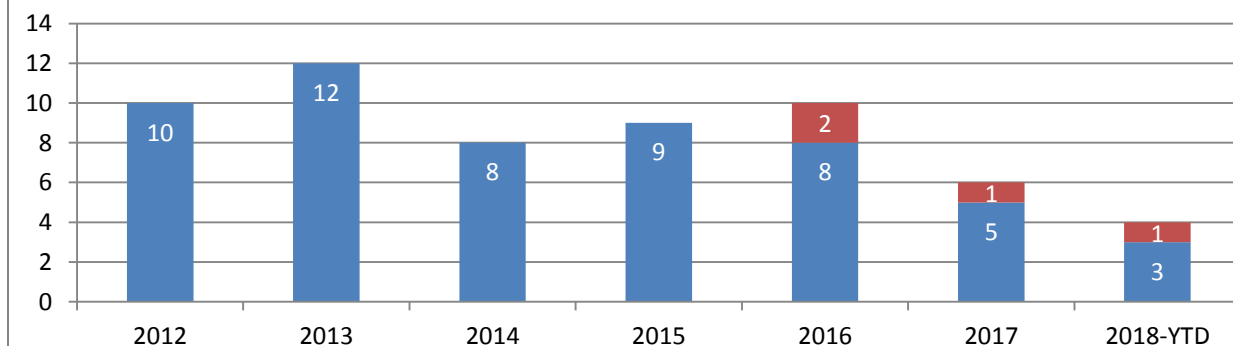
EXPLANATION OF TERMS AND ABBREVIATIONS

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
CP	COMPLAINING PARTY: THE PERSON WHO FILED THE COMPLAINT
DATE ASSIGNED IS THE DATE THE CASE WAS ASSIGNED TO AN IA INVESTIGATOR, NOT THE ACTUAL DATE OF OCCURRENCE	

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

IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
17-0050	5/10/2017	P			O1 & O2 ARRESTED SUSPECT WHO WAS LATER PRONOUNCED DECEASED
17-0076	7/23/2017	5/17/2018	W/IN POL	W/IN POL	O1, O2, & O3 FIRED AT SUSPECT FOLLOWING A PURSUIT AND STOP- Non Fatal
18-0001	1/1/2018	P			O FIRED TWO RNDs AT SUSPECT UPON ARRIVING ON SCENE OF A BURG IN PROGRESS CALL-NO INJURIES
18-0006	1/13/2018	P			O FIRED AT DOM VIOLENCE SUSPECT - Non Fatal
18-0024	2/27/2018	6/08/2018	W/IN POL	W/IN POL	O FIRED AT SUSPECTS WHO SHOT VICTIM-NO INJURIES
18-0038	3/20/2018	P			DEPT ALLEGED AN IN CUSTODY DEATH

OIS/ICD CASES SINCE 2012



During the second quarter of 2018 there were two OIS IA investigation cases completed and closed, which were then reviewed by the OIR. During the same time period there were no new OIS or In-Custody Death (ICD) cases assigned.

As indicated in the previous chart, the FPD IA determined the officers were within policy in the two OIS cases completed. In order to understand the basis for the findings made by the FPD IA, the FPD policies along with United States Supreme Court cases, which are applicable, should be reviewed. The policies and court cases are summarized below:

FPD POLICY 300 USE OF FORCE POLICY 300.1

“It is the policy of the Department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to accomplish a legitimate law enforcement purpose.

PURPOSE AND SCOPE

The purpose of this policy is to provide officers of the Department with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each officer is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

The "reasonableness" of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.”

POLICY 300.4 OBJECTIVELY REASONABLE FORCE:

“Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect an arrest, to prevent escape or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his/her efforts by reason of resistance or threatened resistance on the part of the person being arrested; nor shall an officer be deemed the aggressor or lose his/her right to self-defense by the use of reasonable force to effect the arrest, prevent escape or to overcome resistance (Penal Code §835a).

“The legal standard recognizes that Peace Officers are often required to make split second judgments and rapidly respond to dynamic situations that are tense, uncertain, rapidly evolving, and potentially dangerous. Members shall evaluate each situation in light of the known circumstances and apply an appropriate use of force calculated to accomplish a legitimate law enforcement mission. In all cases, members shall consider the seriousness of the crime, the level of resistance, and the apparent threat to the safety of the community, the arresting officer, and the person or persons to be detained. The degree of force used will be that which is objectively reasonable to bring individual situations under control. The degree of force and the manner of its

application shall be consistent with the training the member has received relative to its use and application.”

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 affect the desired results.”

POLICY 300.4.2 JUSTIFICATION - KNOWN FACTS

The decision to use force, including deadly force, must be made based solely on the facts known to the member at the time force is used. Justification for the use of force shall be based on the situation as it reasonably appeared to the member(s) directly involved in its application. Facts unknown to the member at the time, no matter how compelling, cannot be considered later in determining the reasonableness of the member’s decision to use force.

POLICY 300.6 DEADLY FORCE APPLICATIONS

“As used in all Department documents, the terms "deadly force" and "lethal force" are used interchangeably and have the same meaning.

The intentional discharge of a firearm at an individual, with the exception of those firearms dedicated to less lethal munitions, constitutes deadly force. Deadly force is force that creates a substantial risk of causing death or serious bodily injury. While the discharge of a firearm is expressly considered deadly force, other force might also be considered deadly force if the officer reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or serious bodily injury.”

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:
 - 1. Where the officer has probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of serious bodily injury or death; and
 - 2. The officer reasonably believes there is a substantial risk of serious bodily injury or death to others if the suspect is not immediately apprehended; and
- (c) To stop a dangerous animal.
 - 1. Exception: An officer may shoot an animal that so badly appears injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

Officers shall, when practical, identify themselves and state their intention to shoot before using a firearm.”

The following United States Supreme court decisions were also considered to determine if the force used was within policy:

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.

Tennessee vs. Garner, 471 U.S. 1 (1985), is a civil case in which the Supreme Court of the United States held that, under the Fourth Amendment, when a law enforcement officer is pursuing a fleeing suspect, the officer may not use deadly force to prevent escape unless "the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others." It was found that use of deadly force to prevent escape is an unreasonable seizure under the Fourth Amendment, in the absence of probable cause that the fleeing suspect posed a physical danger.

The following are the OIR reviews of cases in which the FPD IA investigations were completed during the second quarter of 2018. In order to maintain the confidentiality afforded to the FPD officers under the California Peace Officer's Bill of Rights, and to preserve certain tactical actions used for officer safety, the below is a redacted summary of the hundreds of pages of reports and documents in the IA investigative files. In addition to written reports, the IA files included, but were not limited to, numerous hours of video and audio recordings of interviews of officers, witnesses, and body worn cameras.

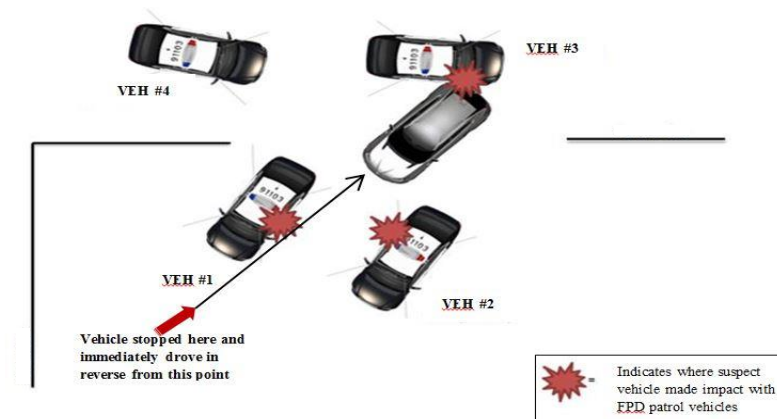
IA2017-0076: This case was assigned on July 23, 2017, but due to another law enforcement agency conducting a portion of the investigation the completion was delayed until May 17, 2018.

On July 23, 2017, FPD received a 9-1-1 call from a resident who arrived at home and observed a suspicious vehicle, hereafter referred to as the suspect, parked partly in their driveway. As the residents pulled up to the vehicle, the suspect, who appeared to be under the influence, began making statements which were partly unintelligible. As the responding officer arrived at the location the suspect left the area at a high rate of speed. Over the next 45 minutes several FPD marked patrol vehicles followed the suspect at a distance without utilizing overhead emergency lights or sirens. The FPD helicopter, AIR 1, was assisting and was able to maintain a visual of the suspect while notifying patrol units by radio.

The suspect repeatedly disobeyed traffic controls, such as stops signs and traffic lights, and at one point drove against oncoming traffic. An attempt to utilize spike strips to flatten the tires was unsuccessful due to the suspect reaching the deployment spot before the officer could get positioned. At one point the suspect left the city limits and the officers ceased following the vehicle but AIR 1 continued to monitor the direction of travel.

AIR 1 observed the suspect continue to drive in a reckless manner as the vehicle re-entered the city limits and relayed these actions to the units on the ground. At this point FPD marked units were given the order to conduct a traffic stop of the suspect's vehicle. There were three FPD vehicles in close proximity to the suspect vehicle with a fourth not far behind. The suspect failed to yield to the officers and continued driving at a high rate of speed. In an attempt to elude officers the suspect drove through a chain link gate into the parking lot of a business. The suspect quickly realized the only exit was now through the gate which was now filled by FPD marked units with full emergency equipment activated.

The suspect immediately drove the vehicle in reverse striking three of the four FPD vehicles which were now positioned behind the suspect's vehicle. One officer was exiting the vehicle, depicted as Vehicle #1 in the following diagram; the suspect struck the open driver's door as the officer dove back into the patrol car. The suspect then struck the right rear quarter panel of Vehicle #2 and continued until it came to rest after impacting the right front quarter panel of Vehicle #3. Officers from Vehicle #1 and #4 fired at the suspect striking him several times in the upper torso. The suspect survived the incident and was subsequently arrested for assault on a peace officer and various other violations.



To arrive at a finding independent from the FPD IA, the referenced policies and court decisions were thoroughly analyzed to determine which, if any, were applicable in this case. In view of the information known at the time, and the actions by the suspect during the pursuit, it was determined the following policies and court decisions were applicable:

1. **Policy 300.1 Use of Force:** Since the suspect was aware fully marked FPD patrol units were attempting to conduct a traffic stop when the suspect drove in reverse striking three patrol cars the officers were justified to use the amount of force necessary. The amount of force is based on the officer making a split second decision after observing the suspect using his vehicle as a deadly weapon while driving directly at the patrol vehicles.
2. **Policy 300.4.1 Constitutional Guidelines for Reasonable Force:** Categories (a), (b), (c), (d), and (e) are all applicable in this instance.
3. **Policy 300.6.1 Guidelines:** Applicable category: (a), the officers were in fear for their own lives plus the lives of fellow officers as the suspect drove at the patrol cars at a high rate of speed. The suspect continued driving in reverse after striking each vehicle.

In addition to the use of deadly force being within the established FPD policies, the Supreme Court decision of *Graham vs. Connor* is also applicable in this situation. The actions of the officers were reasonable based on the information and circumstances confronting the officers at the time. The suspect was utilizing his vehicle as a deadly weapon and clearly disregarded the lives of the officers as he drove in reverse, even striking an open patrol car door as the officer was exiting the vehicle.

Independent Reviewer's Finding:

In view of the justification provided by each applicable policy and court case decision, a finding of **Within Policy** was made.

Analysis and Recommendations:

Although the OIR finding of the OIS was deemed to be within policy, several administrative and operational issues with this incident warranted recommendations. Below are the summary analysis of each issue and the proposed recommendation.

Analysis: The FPD Policy 314 addresses the Vehicle Pursuit Policy for officers and supervisors. There are 12 factors listed in the policy on when to initiate a pursuit of which several were possibly applicable in this situation. However, at least four listed factors could be argued to outweigh the decision to initiate or continue the pursuit. Below is the policy and several of the applicable listed factors:

314.1 POLICY

Only sworn members of this Department are authorized to engage in a vehicle pursuit of any violator or suspected violator of any laws. Pursuits should be discontinued when the totality of objective circumstances known, or which reasonably ought to be known to the officer or supervisor during the pursuit, indicates that the present risks of continuing the pursuit reasonably appear to outweigh the risks resulting from the suspect(s)' escape.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit:

- (a) Seriousness of the known or reasonably suspected crime and its relationship to community safety;
- (b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists and others;
- (k) Availability of other resources such as air support;
- (l) The police unit is carrying passengers other than police officers. Pursuits shall not be undertaken with a prisoner(s) in the police vehicle.

At the time, the call for service was broadcast as suspicious person in a vehicle and no other crime was known or observed by responding officers other than traffic infractions. The supervisor should assess the “want” versus safety of officers and the public when determining if a pursuit should be initiated or continued. It could be argued this was a situation in which the pursuit should have been terminated based on the absence of a serious criminal violation.

Recommendation #1: The pursuit policy should be reinforced to supervisors, who maintain the authority to terminate a pursuit based on factors known at the time. Although, each incident is assessed individually, traffic violations without additional criminal actions are rarely egregious enough to warrant a pursuit. This incident appears to fall within the category of the safety of others outweighing the need to pursue.

Analysis: The factor listed as (l) in the pursuit policy addresses police units carrying passengers other than police officers. Although it specifically mentions prisoners, it is also applicable to other non-sworn personnel. Vehicle #3 was carrying a teenage ride-along and the officer should

have been instructed not to engage in the pursuit unless involvement was essential for the safety of other officers. However, the two patrol units in front of Vehicle #3 each were double-units (two officers), and Vehicle #4 also was a double-unit, thus eliminating the need for Vehicle #3 to be directly involved in the pursuit.

Recommendation #2: Supervisors should be aware of all ride-alongs during each shift in the event it becomes necessary to extract an officer's participation in a pursuit or other dangerous situation. It is understood there will be exceptions to the rule but an adequate number of officers were present to justify instructing Vehicle #3 to fall back and provide perimeter assistance.

Analysis: Vehicle #3 was a one-person unit which also happened to be carrying a teenage ride-along. At the time the ride-along policy stated the minimum age for participating in a ride-along was 16, and only one ride-along was permitted during a 12 month period. However, this person was now on the fourth ride-along before reaching 17. The FPD Procedure Manual also stated:

- Officers/CSOs should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety.
- The Emergency Service Dispatchers (ESD) will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

It was possible the policy was misinterpreted by the officer since exceptions did exist for family or an associate of officers, and this ride-along was related to the officer. While reviewing this case it was learned the ride-along program was suspended while the policy was being amended. Having recently participated in a ride-along the experience was eye opening, even for someone with 30 years of law enforcement experience. Many times this office has recommended a ride-along to members of the community when they question the level of service provided by FPD. Also, the officer in Vehicle #3 was unable to assist the other officers in securing the suspect due to him safe guarding his ride-along for 3 minutes and 25 seconds after exiting his vehicle.

Recommendation #3: In view of the valuable experiences provided by a ride-along it is recommend the program be restored. Prior to restoring the program, the revised policy should clearly state what is applicable to family members or associates of officers to avoid any confusion for the officers and supervisors.

Analysis: The ride-along policy also contained 18 individual guidelines for the participants. In reviewing this case it appeared one guideline was not followed and could possibly have resulted in evidence being overlooked for this OIS. The applicable policy read as follows:

- You cannot bring a camera, tape recorder, or cell phone camera. This is for the protection of the rights of the people we contact.

It is unreasonable to think someone would not bring their cell phone with them during a ride-along if for nothing more than to assure their family/friends they are safe throughout the shift.

However, permitting one to bring a phone does not circumvent the rule of prohibiting recording any police action. In viewing the body camera video of the officer driving Vehicle #3 it appeared when the ride-along exited the vehicle the image of the suspect's vehicle, along with a filter used on a well-known social media application, could be seen on the rider's cell phone screen. The rider was then seen making what appeared to be commands on the screen and the image was gone. Below are the images from the rider's cell phone, a similar filter from a social media application, and the image of the suspect's vehicle as seen following the OIS:



Due to the fact the officer did not activate his body camera until his vehicle came to a stop it is unknown if the above represents a still image or the end of a video clip. Regardless of the format the cell phone should have been seized as potential evidence in the OIS.

Recommendation #4: The amended ride-along policy should contain a rule for the participants advising any violation on the recording rule could result in their device being seized as evidence. Additionally, if it is confirmed the participant did record police activity in audio or video format the participant is barred from any future ride-alongs. If the rider refuses to initial this rule, indicating acceptance, they should not be allowed to participate in the ride-along.

Analysis: The 9-1-1 caller stated the suspect said he was “trying to kill someone.” The caller repeated this statement made by the suspect twice and the call taker also repeated it back to the caller one time. However, the information relayed to the dispatcher did not include this statement, thus the information provided to the responding officers was a resident calling only to report a suspicious vehicle. Information such as this is critical for responding officers. It would alert the officer to the possible frame of mind of the person he/she was about to encounter. Additionally, the information would be taken into consideration if the first responding officer should make contact prior to waiting for an additional officer(s) to arrive for assistance.

Recommendation #5: It is recommended call takers be continually reminded to remain cognizant of information being provided by callers which may indicate the threat level of the situation officers are about to encounter. It is imperative this type of information be relayed to the responding officers. The FPD is deserving of being acknowledged for self-initiating an IA investigation on this matter when they learned of the omission during the OIS investigation and before it was discovered during the OIR review. However, the investigation was suspended because the employee is no longer with the FPD.

IA2018-0018: On Tuesday, February 27, 2018, the FPD received a 9-1-1 call from a female occupant of a local hotel. The female was reporting a disturbance with her ex-boyfriend. Two

single officer patrol units were dispatched within three minutes. The first officer arrived at the location within one minute. Upon arrival, the officer did not find a disturbance at or near the room where the disturbance was reported. The officer continued to canvass and survey the area for the subject involved in the disturbance. Approximately nine minutes later, as the officer approached the southeast corner of the hotel parking lot in his vehicle, the officer heard gunfire and observed a group of people standing near parked vehicles in the lot. The officer broadcasted over his police radio, "shots fired," and requested immediate Code-3 (lights and sirens) assistance and exited the vehicle. The officer then heard several more gunshots being fired and watched as a shooting victim fell to the ground near the parked vehicles. The officer yelled at the shooting suspects to "get on the ground," but the suspects started to run away. The officer fired three times at two suspected shooters as they fled northbound out of the parking lot. The suspects were not injured and fled the area. The officer did not pursue the suspects as he immediately began attending to the shooting victim in the parking lot.

Analysis: The officer was justified to use deadly force to defend the life of another and his own. It was apparent the suspects were not deterred by the presence of law enforcement as they continued firing as the officer arrived in his fully marked FPD patrol vehicle. The suspects then disregarded his orders to stop as they ran from the scene. In view of the fact they were shooting at someone in the presence of the officer it is reasonably believed they could cause harm to others if they were able to escape. The following policy is applicable to this OIS:

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 affect the desired results."

Also, the Supreme Court decisions of *Graham vs Connor* in view of facts known at the time, and *Tennessee vs Garner*, to prevent escape due to "the officer had probable cause to believe that the suspect posed a significant threat of death or serious physical injury to the officer or others" are also applicable in this incident.

Independent Reviewer's Finding: In view of the referenced policy and Supreme Court decision this OIS was determined to be **Within Policy** with no recommendations noted.

UNREASONABLE FORCE					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
17-0091	8/18/2017	P			CP ALLEGED O USED UNREASONABLE FORCE
17-0098	9/13/2017	P			CP ALLEGED O1 & O2 USED UNREASONABLE FORCE
17-0130	12/19/2017	P			CP ALLEGED UNREASONABLE FORCE
18-0013	1/29/2018	P			CP ALLEGED O USED UNREASONABLE FORCE
18-0017	2/2/2018	6/28/2018	SUS	NR	CP ALLEGED O USED FORCE ON A MINOR; DEPT ALLEGED THE INCIDENT WAS NOT DOC IN A REPORT OR BODY CAMERA
18-0020	2/12/2018	P			CP ALLEGED O USED UNREASONABLE FORCE
18-0034	3/19/2018	P			CP ALLEGED O USED UNREASONABLE FORCE
18-0037	3/19/2018	6/15/2018	EX/SUS*	EX/SUS*	CP ALLEGED O USED UNREASONABLE FORCE
18-0046	4/4/2018	P			CP ALLEGED O USED UNREASONABLE FORCE
18-0052	5/1/2018	P			DEPT ALLEGED O USED UNREASONABLE FORCE
18-0053	5/9/2018	P			CP ALLEGED CUFFS WERE TOO TIGHT AND REC'D A CONTACT BURN BY HOOD OF PATROL CAR
18-0073	6/20/2018	P			CP ALLEGED O USED UNREASONABLE FORCE

***IA2018-0037:** This matter involved a CP who alleged an officer scratched her and used excessive force when she was physically removed from the doorway of her residence. The FPD officers were attempting to locate and arrest her boyfriend for domestic violence in which the CP was the victim 12 days prior to this incident. The CP told the officers her boyfriend was not in the residence but it appeared the CP was being less than truthful. Because the CP was blocking the doorway it was necessary to remove her from the doorway for her own safety and the safety of the officers. Body camera video from the assisting officers clearly showed the accused officer did not scratch the CP and used only the force necessary to remove her from blocking the doorway.

Shortly after the doorway was cleared, the boyfriend exited the residence and was taken into custody without any further incident. Assisting officer's body camera video showed the CP making movements with her hand to the area which she alleged was scratched by the officer. Based on the video it was clear the officer did not scratch the CP and therefore he was exonerated of the allegation. However, it was determined the accused officer failed to activate his body camera and therefore was sustained on the respective policy violation. The OIR concurred with both findings made by the IA investigation.

BIAS BASED					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
17-0129	12/19/2017	4/23/2018	UNF	UNF	CP ALLEGED THEY WERE ESCORTED OUT OF THE FRESNO FAIR DUE TO RACE
18-0033	3/19/2018	5/4/2018	UNF(3)	UNF(3)	CP ALLEGED O WAS BIAS IN MAKING A DECISION
18-0035	3/19/2018	P			CP ALLEGED RACIAL PROFILING
18-0074	6/20/2018	P			CP ALLEGED TRANSGENDER DISCRIMINATION

In each of the above completed Bias Based investigations the allegations were determined to be Unfounded. The OIR reviews of each investigation determined either the alleged victims or witnesses stated the officers being accused acted within policy and were professional and respectful throughout each incident.

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
17-0068	7/13/2017	P			DEPT ALLEGED O RECORDED CONVERSATION WITHOUT 3RD PARTY CONSENT
17-0078	8/1/2017	5/4/2018	SUS	NR	CP ALLEGED O1 & O2 USED ILLEGAL FIREWORKS WHILE CELEBRATING 4TH OF JULY
17-0106	10/6/2017	5/3/2018	SUS	NR	CP ALLEGED O IS ABUSING AUTHORITY
17-0113	10/27/2017	P			CP ALLEGED OFF DUTY O ASSAULTED HER
17-0127	12/19/2017	P			CP ALLEGED CALL TAKER WAS RUDE & CONDESCENDING
17-0132	12/19/2017	4/4/2018	UNF	UNF	CP ALLEGED O FAILED TO PROPERLY HANDLE CALL
17-0135	12/20/2017	4/9/2018	UNF	UNF	CP ALLEGED O PREPARED A MISLEADING REPORT
18-0014	1/29/2018	P			DEPT WAS CONTACTED BY ALLIED AGENCY ALLEGING O WAS ACCUSED OF IMPROPER CONTACT WITH MINOR
18-0019	2/12/2018	6/8/2018	SUS	NR	DEPT ALLEGED AN OFF-DUTY O INVOLVED IN DISTURBANCE
18-0021	2/14/2018	6/1/2018	SUS	NR	DEPT MEMBER ALLEGED O LACKED DISCRETION
18-0023	2/21/2018	NS/SUS	NS/SUS		ALLIED AGENCY ALLEGED OFF-DUTY O INVOLVED IN FIGHT
18-0026	3/1/2018	P			DEPT ALLEGED EMP REC CONVERSATION AND DET WAS RUDE
18-0042	4/4/2018	P			CP ALLEGED O LOST/MISPLACED/TOOK PROP
18-0044	4/4/2018	6/4/2018	UNF x 4	UNF x 4	CP ALLEGED O IMPROPERLY HANDLED EVIDENCE

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
18-0045	4/4/2018	P			CP ALLEGED O TOUCHED BODY IMPROPERLY
18-0047	4/13/2018	6/13/2018	SUS	NR	DEPT ALLEGED EMP WAS DISCOURTEOUS TO EMP
18-0051	5/1/2018	P			DEPT ALLEGED O1 & O2 INVOLVED IN OFF-DUTY ISSUE
18-0054	5/9/2018	P			CP ALLEGED O MADE DISPARAGING REMARKS
18-0055	5/9/2018	5/18/2018	AMENDED TO INQ18-0106	NR	CP ALLEGED O CAUSED INJURY WHILE OFF-DUTY
18-0056	5/9/2018	6/28/2018	EX	EX/SUS*	CP ALLEGED O CALLED ALLIED AGENCY TO INQUIRE ON POSSIBLE INVESTIGATION OF A FRIEND
18-0057	5/10/2018	6/19/2018	UNF	UNF	CP ALLEGED O WAS RUDE
18-0060	5/18/2018	P			DEPT ALLEGED SGT SEXUALLY HARASSED O
18-0061	5/18/2018	P			CP ALLEGED EMP CREATING HOSTILE WORK ENVIRONMENT
18-0067	6/7/2018	P			DEPT ALLEGED O1 & O2 VIOLATED PURSUIT POLICY
18-0071	6/12/2018	P			DEPT ALLEGED O WAS CARELESS WITH OFF-DUTY WEAPON
18-0075	6/20/2018	P			DEPT ALLEGED OFF-DUTY O WAS INVOLVED IN DOM VIOLENCE
18-0077	6/20/2018	P			DEPT ALLEGED O APPEARED IN CIVIL COURT IN UNIFORM
18-0078	6/20/2018	P			DEPT ALLEGED Os MISSED FIREARM ON ARRESTEE
18-0079	6/20/2018	P			CP ALLEGED O IMPROPERLY TARGETED GANG MEMBERS

***IA2018-0056:** The CP in this matter was another law enforcement agency who alleged a FPD officer called the agency's investigator to confirm the identity of the investigator and to confirm the existence of an ongoing investigation. It was the agency's belief the officer could have possibly compromised the investigation since the officer had a professional relationship with the subject of the investigation and the officer was attempting to confirm the existence of an investigation. However, the CP did acknowledge their investigator had left a business card with the ex-wife of the subject and she in fact first informed the subject of the investigation, not the officer. It was also determined the subject had called the FPD to confirm the identity of the investigator due to the name being the same as a well-known actor who has played the role of a police officer/detective in movies. Therefore, the officer was acting within the scope of his employment when he phoned the agency since the call for service was still pending in the FPD system and was awaiting final disposition.

However, when the supervisor returned the call to the CP to obtain additional information to complete the complaint process the supervisor failed to advise the CP the phone call was being

recorded. The omission was in violation of Penal Code 630 & 632. California is a two-party state when recording telephone conversations unless law enforcement is investigating a criminal matter, which this was an administrative matter. In order to truly violate PC §632 there needs to be evidence of intent to intentionally surreptitiously record a conversation. This does not appear to be the issue in this matter as it was apparent it was a simple oversight. However, officers need to be reminded of this Policy/Procedure to avoid it becoming a habit or normal course of business.

Therefore the FPD officer was exonerated on the allegation of violating the policy on discretion but in the OIR review was sustained for violating Policy 450, Section M, Knowledge of Recording (which is also referenced in the Roll Call Training Bulletin, number 2018-12):

M. Knowledge of Recording

PC §632 prohibits any individual from surreptitiously recording any conversation in which any party to the conversation has a reasonable belief that the conversation was private or confidential, however PC §633 expressly exempts law enforcement from this prohibition during the course of a criminal investigation.

- Any sworn member may surreptitiously record conversations during the normal course of duty for a criminal investigation in which the sworn member reasonably believes that such a recording will be beneficial to the investigation.
 - Any sworn member contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other sworn members conducted solely for administrative purposes.
 - Any individual contacted by a sworn Department member wearing a conspicuously mounted recording device will be deemed to have knowledge that such a contact is being recorded.

IA VEHICLE ACCIDENTS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
17-0099	9/13/2017	4/12/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
17-0107	10/12/2017	5/7/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
17-0116	11/9/2017	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
17-0131	12/19/2017	4/2/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
17-0133	12/19/2017	5/11/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
17-0134	12/19/2017	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0002	1/5/2018	6/8/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0010	1/18/2018	4/19/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0011	1/23/2018	6/15/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0012	1/29/2018	6/4/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0018	2/6/2018	4/2/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0029	3/13/2018	6/15/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0039	3/26/2018	5/1/2018	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0041	4/4/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0048	4/17/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0063	5/21/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0065	5/28/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0069	6/11/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
18-0070	6/11/2018	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT

IA arrived at a finding of sustained in each of the listed vehicle accident investigations. Therefore the OIR did not review the investigations listed in the previous chart.

ADMINISTRATIVE OR PERFORMANCE MATTERS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
15-0086	8/12/2015	4/3/2018	SUS	NR	DEPT ALLEGED O1 FAILED TO USE DISCRETION & O2 FAILED TO SUPERVISE
17-0062	6/21/2017	P			DEPT ALLEGED OFFICER WAS DISCOURTEOUS AND INSUBORDINATE TO A SUPERVISOR
17-0063	6/21/2017	P			CP ALLEGED O1, O2, O3, & O4 STOLE MONEY FROM HER PURSE
17-0064	6/28/2017	P			CP ALLEGED HER ESTRANGED HUSBAND, O1, COMMITTED DOMESTIC VIOLENCE
17-0071	7/14/2017	P			DEPT ALLEGED O FAILED TO RESTRAIN PRISONER ALLOWING AN ESCAPE
17-0074	8/28/2017	P			DEPT ALLEGED O ATTENDED TRAINING WITHOUT APPROVAL
17-0084	8/15/2017	P			DEPT ALLEGED OVERTIME/TIME OFF REQUESTS WERE NOT SUBMITTED PROPERLY
17-0096	9/12/2017	6/15/2018	SUS	NR	DEPT ALLEGED O WAS INSUBORDINATE
17-0104	10/6/2017	5/1/2018	SUS	NR	DEPT ALLEGED O HAD TIME OFF THAT WAS UNACCOUNTED FOR IN SYSTEM
17-0115	11/2/2017	P			O IGNORED SEVERAL DEPT FINANCIAL EMAILS
17-0119	11/15/2017	4/9/2018	UNF(3)	UNF/REC*	DEPT ALLEGED O1,2, &3 DID NOT PREPARE WRITTEN TACTICAL PLAN & FAILED TO CARRY LESS THAN LETHAL
17-0128	12/19/2017	4/26/2018	SUS	NR	CP ALLEGED O1 & O2 MISPLACED HIS WALLET
17-0137	12/30/2017	P			DEPT ALLEGED O LOST PRISONER PROPERTY
18-0003	1/5/2018	4/27/2018	SUS	NR	DEPT ALLEGED O TOOK LEAVE WITHOUT PAY WITHOUT APPROVAL
18-0015	1/29/2018	6/11/2018	SUS	NR	DEPT ALLEGED O MISPLACED FPD PROPERTY
18-0016	2/2/2018	P			DEPT ALLEGED IMPROPER USE OF FIREARM
18-0022	2/15/2018	6/8/2018	SUS	NR	DEPT ALLEGED O MISPLACED PRISONER PROP
18-0025	3/1/2018	P			CP ALLEGED INV NOT CONDUCTED & ACTED UNPROFESSIONAL

ADMINISTRATIVE OR PERFORMANCE MATTERS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
18-0026	3/1/2018	5/17/2018	SUS	NR	DEPT ALLEGED EMP REC CONVERSATIONS
18-0027	3/6/2018	5/17/2018	SUS	NR	DEPT ALLEGED O FAILED TO PERFORM DUTIES
18-0030	3/19/2018	6/4/2018	SUS	NR	DEPT ALLEGED O MISPLACED PRISONER PROP
18-0031	3/19/2018	5/10/2018	NS	NS	DEPT ALLEGED O MISPLACED PRISONER PROP
18-0032	3/19/2018	5/4/2018	UNF	UNF	CP ALLEGED Os FAILED TO FULLY INVESTIGATE
18-0036	3/19/2018	4/27/2018	UNF	UNF	CP ALLEGED O FAILED TO FULLY INVESTIGATE
18-0040	3/29/2018	P			DEPT ALLEGED O PARKED IN TOW AWAY ZONE
18-0043	4/4/2018	P			DEPT ALLEGED O FAILED TO PERFORM DUTIES
18-0049	4/19/2018	P			DEPT ALLEGED O DAMAGED PRISONER PROP
18-0050	4/30/2018	P			DEPT ALLEGED CST REFUSED TO TAKE REQUESTED PHOTOS
18-0062	5/21/2018	P			DEPT ALLEGED OVERTIME/TIME OFF REQUESTS WERE NOT SUBMITTED IN A TIMELY MANNER
18-0064	5/24/2018	P			DEPT ALLEGED O MISSED COURT DATE
18-0066	6/4/2018	P			DEPT ALLEGED O MISPLACED DEPT PROPERTY
18-0068	6/7/2018	P			DEPT ALLEGED O MISPLACED/LOST PRISONER PROP
18-0072	6/13/2018	P			DEPT ALLEGED EMP HAS HISTORY OF TARDY
18-0076	6/20/2018	P			DEPT ALLEGED O LOST FPD PROPERTY

***IA2017-0119:** This IA investigation was initiated following the OIS previously reviewed in the OIR first quarter report, IA2017-0040. In view of the fact the policy existing at the time of the OIS did not require a written tactical plan for the anticipated arrest the allegations were unfounded. However, although the OIR was in agreement in respects to policy adherence, the recommendation stated in the first quarter report, Recommendation #1 is being repeated as Recommendation #6 below.

Recommendation #6: A written tactical plan should be prepared when planning the arrest of a violent suspect, specifically a homicide with a firearm, whenever feasible, based on time permitting, due to the exigency of the specific operation.

IC CASES CLOSED DURING THE SECOND QUARTER OF 2018				
CASE NUMBER	DATE RECEIVED	DATE COMPLETED	ALLEGATION(S)/TYPE-FPD FINDING(S)	OIR FINDING(S)
IC18-0040	1/10/18	4/20/18	DISCOURTEOUS - UNFOUNDED	UNF
IC18-0041	1/15/18	4/20/18	GENERAL RESPONSIBILITIES - NOT SUSTAINED	UNF
IC18-0042	2/21/18	4/20/18	UNREASONABLE FORCE - UNFOUNDED	UNF
IC18-0043	2/24/18	4/20/18	GENERAL CALL HANDLING - UNFOUNDED GENERAL CALL HANDLING - UNFOUNDED GENERAL CALL HANDLING - UNFOUNDED GENERAL CALL HANDLING - UNFOUNDED	UNF(4)
IC18-0044	3/4/18	4/20/18	GENERAL CALL HANDLING - UNFOUNDED	UNF
IC18-0045	3/5/18	4/20/18	TOW/IMPOUND ISSUES - EXONERATED	UNF
IC18-0046	4/10/18	4/20/18	GENERAL CALL HANDLING - UNFOUNDED	UNF
IC18-0047	1/23/18	5/8/18	DISCRETION - SUSTAINED	UNF
IC18-0048	2/4/18	5/8/18	DISCOURTEOUS - SUSTAINED	SUS
IC18-0049	3/12/18	5/8/18	DISCOURTEOUS - UNFOUNDED	UNF
IC18-0050	3/16/18	5/8/18	PERFORMANCE - SUSTAINED	SUS
IC18-0051	3/20/18	5/8/18	DISCOURTEOUS - UNFOUNDED	UNF
IC18-0052	4/3/18	5/8/18	DISCOURTEOUS - SUSTAINED	SUS
IC18-0053	4/10/18	5/8/18	SEARCH/SEIZURE ISSUES - EXONERATED	EX
IC18-0054	4/11/18	5/8/18	DISCOURTEOUS - UNFOUNDED	UNF
IC18-0055	4/20/18	5/8/18	UNREASONABLE FORCE - EXONERATED	EX
IC18-0056	4/24/18	5/8/18	GENERAL CALL HANDLING - NOT SUSTAINED	NS
IC18-0057	4/28/18	5/8/18	GENERAL RESPONSIBILITIES - UNFOUNDED INVESTIGATION HANDLING - UNFOUNDED REPORT PREPARATION - FALSE/MISLEADING - UNFOUNDED	UNF
IC18-0058	3/22/18	5/18/18	GENERAL RESPONSIBILITIES - UNFOUNDED	UNF
IC18-0059	3/18/18	6/1/18	GENERAL RESPONSIBILITIES - EXONERATED DISCOURTEOUS - EXONERATED	EX
IC18-0060	4/19/18	6/1/18	UNREASONABLE FORCE - EXONERATED UNREASONABLE FORCE - EXONERATED	EX EX
IC18-0061	5/22/18	6/1/18	GENERAL CALL HANDLING - UNFOUNDED	UNF
IC18-0062	5/5/18	6/21/18	GENERAL CALL HANDLING - EXONERATED GENERAL CALL HANDLING - EXONERATED GENERAL CALL HANDLING - EXONERATED	EX EX EX
IC18-0063	5/25/18	6/21/18	PROPERTY/EVIDENCE HANDLING - SUSTAINED	SUS
IC18-0064	4/13/18	6/27/18	REPORT PREPARATION - UNFOUNDED	UNF
IC18-0065	5/4/18	6/27/18	GENERAL CALL HANDLING - UNFOUNDED GENERAL CALL HANDLING - UNFOUNDED GENERAL CALL HANDLING - UNFOUNDED	UNF UNF UNF

IC CASES CLOSED DURING THE SECOND QUARTER OF 2018				
CASE NUMBER	DATE RECEIVED	DATE COMPLETED	ALLEGATION(S)/TYPE-FPD FINDING(S)	OIR FINDING(S)
IC18-0066	5/25/18	6/27/18	DISCOURTEOUS - UNFOUNDED DISCOURTEOUS - UNFOUNDED	UNF UNF
IC18-0067	5/13/18	6/29/18	DISCOURTEOUS - SUSTAINED	NR
IC18-0068	5/3/18	6/29/18	ARREST AUTHORITY/PROCEDURES - UNFOUNDED ARREST AUTHORITY/PROCEDURES - UNFOUNDED	UNF UNF
IC18-0069	6/21/18	6/29/18	INVESTIGATION HANDLING - UNFOUNDED	UNF

The OIR did review each of the preceding cases in which IA determined the allegations against the officer(s) were Unfounded, Exonerated, or Not Sustained. This included reviewing each of the above charted 30 Informal Complaint cases which were closed this quarter to ensure the matters were handled at the appropriate level.

MATTERS NOT ASSOCIATED WITH IA INVESTIGATIONS

Through the efforts of the newly created position of Community Coordinator, Maira Aguilar has coordinated the OIR addressing more than 35 different groups and organizations since January. Many of the groups did not have specific complaints or concerns about interactions with the FPD. However, several common general complaints were the difficulty experienced when dialing 9-1-1 and officer response time. The OIR will focus on the topic of the 9-1-1 calls in this quarterly report and address the officer response time in a future quarterly report.

The complaints regarding 9-1-1 calls were either due to the amount of time which elapsed before the calls were answered or being placed on hold for an extended period of time. It is important to recognize the fact the timely answering of 9-1-1 calls is the foundation of all law enforcement, fire, and emergency medical services. Per the FPD, “Almost all requests for assistance from our community originate with a phone call, and over one third of those come in as 9-1-1 calls. Only by answering those critical requests for service as quickly as possible can we maintain a level of trust with community, building confidence in our ability to keep them safe and providing a level of customer service that is expected of our agency.”

In response to these complaints the OIR began meeting with FPD management who have oversight of the Communication Center (CommCen) in May. The FPD was not surprised with these complaints as they had already identified the issue and were making attempts to address the matter for quite some time. Several factors were determined to be primary reasons calls are not quickly answered. The two main factors contributing to this issue were the volume of 9-1-1 and non-emergency calls received by FPD, and the understaffing of Emergency Service Dispatchers (ESD) in the CommCen.

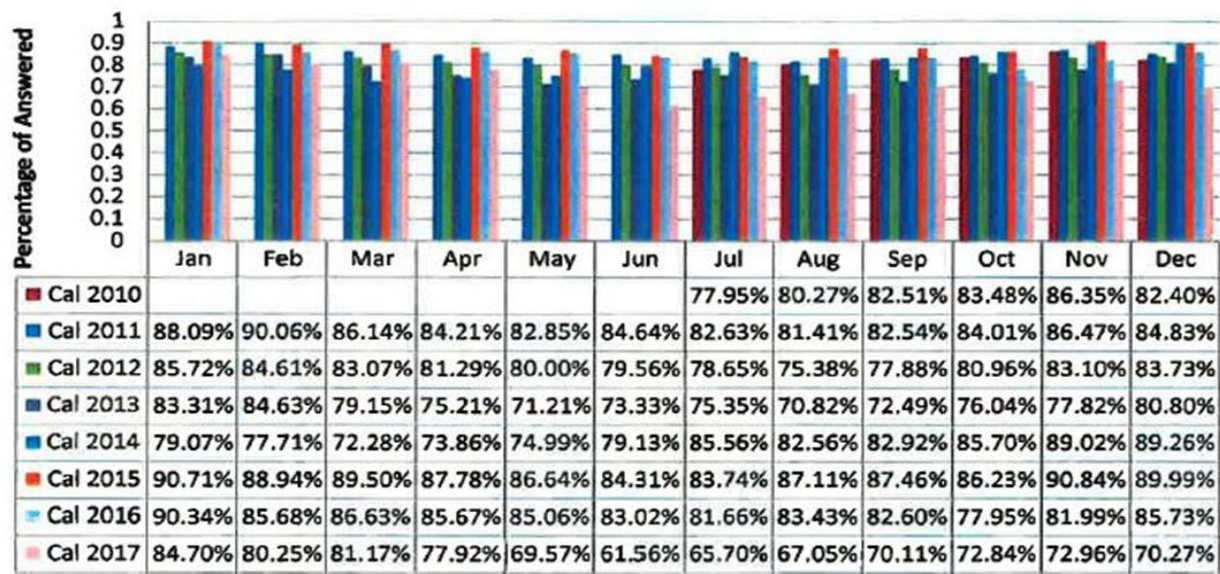
In addition to criticism on the level of service experienced by the residents of Fresno, the FPD is performing below the minimum state requirements for 9-1-1 answer times. The

California 9-1-1 Emergency Communication Branch (CA 9-1-1 Branch) has the responsibility of monitoring all California 9-1-1 systems to ensure compliance with the state minimum operational and technical standards. The 9-1-1 Operations Manual states the CA 9-1-1 Branch requirement is that 95% of all 9-1-1 calls should be answered within 15 seconds. This requirement is based on the National Emergency Number Association and National Fire Protection Agency call answer standards.

The State of California utilizes a reporting system, Emergency Call Tracking System (ECATS), to track the answer times. This system is used in more than 30 states covering over 1900 Public Safety Answer Points (PSAP). The 1900 PSAPs account for approximately 33% of all 9-1-1 call centers in the United States. This system has been used since July 2000 to track call answer time and staffing levels within the individual communication centers. ECATS is able to project the necessary staffing levels to have calls answered within 15 seconds for each PSAP based on their respective call volume.

The below chart lists the percentage of calls answered within 15 seconds for each month of the year since July 2000. The call volumes tend to peak in the warmer spring and summer months and this is reflected in the lower percentage of calls answered within 15 seconds compared to other months of the year. The FPD average monthly percentage for the year of 2017 was 72.8%, more than 20% lower than the state mandated standard.

Monthly - Less Than Fifteen Seconds



The volume of calls has been steadily increasing and yet the staffing levels have decreased. In 2009 the number of 9-1-1 and non-emergency calls received by FPD was 771,742 with an allotted staffing level of 95 ESDs. In the most recent 12 month period where calls were reported, May 1, 2017 to April 30, 2018, there were 972,855 calls received with an allotted staffing level of 87 ESDs. These numbers reflect an increase of 26% in call volume and a decrease of 9% in allotted ESDs staffing levels. It should be noted as a result of the 2009

recession the staffing levels were reduced as part of the city wide lay-offs and have yet to be corrected although additional ESDs were requested and denied. FPD estimates an additional 40 ESDs would be needed to adequately staff CommCen.

Presently FPD has four ESDs in the training phase which can be as long as 12 months before they are operating on their own, although many complete the training within eight to ten months. Retention is not an issue plaguing FPD due to recent steps taken during the hiring phase. Presently the FPD strongly recommends the applicants participate in a “sit-along” where they actually sit in CommCen to see the demands of the job to aid them in making a decision on whether to pursue the position or withdraw. FPD believes this has helped reduce the retention issue which was a problem in the past. Once the four ESDs complete the training CommCen will be fully staffed based on the present number of allotted ESD positions.

In recent weeks the longest hold time for a 9-1-1 call was seven minutes and three seconds, while the longest hold time for a non-emergency call was 18 minutes. In the event a caller is facing a life or death situation being on hold for seven minutes could be a deciding factor in the outcome of the situation.

While researching this issue it was also learned Fresno has an unusual high volume of calls based on population. For example, San Diego which has almost three times the population of Fresno and yet has the same number of calls. The same holds true for Austin, Texas, with a population of approximately 988,000 and similar call volume. It is difficult to identify with any certainty the reason(s) for the volume of calls being similar although the populations differ significantly. However, FPD believes there are several possible explanations:

1. Per the FBI Uniform Crime Report, the violent crime rate per capita is higher in Fresno, 62% higher than San Diego. As previously stated almost all calls for service originate with a phone call.
2. Extremely long hold times when calling the non-emergency number many times results in the caller becoming impatient, hanging up, and calling back on the 9-1-1 line.
3. Misunderstanding on the types of calls which should be reported by calling the non-emergency number and which calls should be placed to 9-1-1.
4. Of the 1100 to 1200 calls each day to 9-1-1, it is estimated 200 to 300 calls can be classified as “pocket or purse dialed calls.”

In an effort to provide relief to the call takers at CommCen, TJ Miller, Director, Customer Relations and Analytics, has been working with FPD management to identify alternative methods for the City’s non-emergency needs.

Recommendation #7: The FPD should explore options for an immediate increase in the number of ESD positions in CommCen, or at a minimum prioritize the request in the 2019 – 2020 budget proposal. Although FPD did request an enhancement in the recently passed budget, and it appeared in their top 20 requests, the request was not ranked high enough for it to be considered and approved in view of the budget limitations.

Recommendation #8: Consider airing Public Service Announcements to clarify what calls should be placed to 9-1-1 and which calls should be directed to the non-emergency number.

UPDATE TO THE HOMELESS REVIEW

The OIR conducted a review of the FPD Homeless Task Force (HTF) in response to questions raised during a meeting with a Fresno community group. The review was printed in the fourth quarter report for 2017, which can be found on the OIR web site:

<https://www.fresno.gov/citymanager/office-of-independent-review/>

As a follow-up to the review the below chart reflects the activities of the HTF during the first six months of 2018:

HOMELESS TASK FORCE STATISTICS*	JAN	FEB	MAR	APR	MAY	JUNE	TOTALS
Subjects Contacted	338	333	363	338	482	613	2467
Moved on	325	328	341	333	469	602	2398
Accepted Services	1	1	5	0	3	8	18
Fresno County Jail	12	4	17	5	10	3	51
Felonies	7	1	4	2	8	2	24
Misdemeanors	22	18	24	5	9	14	92
Camping Ordinance Cites	0	0	0	0	2	0	2
Shopping Cart Violations	6	6	6	13	10	7	48
Shopping Carts Removed	172	109	83	78	76	113	631
Suspects Booked FCJ Warrants/Open Charges	12	4	17	5	10	3	51
Citations for warrants and other violations	23	20	12	3	18	15	91
Camps cleaned	261	260	308	263	332	379	1803
Field Interviews	1	0	0	0	3	0	4
Property Booked H St	33	33	40	25	23	19	173
Vehicles Towed	0	1	1	2	1	2	7

Through the first six months of 2018 the HTF made contact with 2467 individuals with less than 1% (18) accepting the offered services Multi Agency Access Point, Homeless Engagement Resource Outreach Team, and Fresno Rescue Mission. Approximately 2% (51) were booked into the Fresno County Jail for warrants or open charges. The HTF is continuing to enforce the Unhealthy and Hazardous Camping Act 2017, which can be found in the above referenced OIR report.

On June 20th, Mayor Brand announced a collaborative effort, co-chaired by Mayor Brand and County Supervisor Sal Quintero, to address the homeless issue which includes city, county, and independent organizations, titled Street 2 Home Fresno County.

REPORT SUMMARY

Below are the levels of discipline implemented by the FPD for officers and employees who were determined to be in violation of FPD Policies or Procedures:

DISCIPLINE ISSUED	2013	2014	2015	2016	2017	2018 YTD
TERMINATIONS	5	3	5	7	3	0
RESIGNED IN LIEU OF	1	1	0	0	1	0
RETIRED	0	0	0	0	0	0
DEMOTION	0	0	0	0	0	0
SUSPENDED	15	14	13	16	19	10
PAYMENT IN LIEU OF	0	1	0	0	0	0
FINES	0	0	1	0	0	0
LETTERS OF REPRIMAND	11	7	11	9	9	1
TOTAL	32	26	30	32	32	11

The intent of the quarterly reports 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. In this report eight issues were identified and recommendations made. These recommendations should not be viewed as criticism of the FPD, but as suggestions on possible ways to improve the operations of the FPD. In view of quick responses to the prior recommendations it is apparent the FPD shares the same desires as the Fresno residents to have trust and pride in their police department.

The OIR will continue to review each and every IA investigation and make recommendations when necessary. The quarterly reports will also incorporate periodic changes if the changes will improve transparency or the level of communication with the residents of Fresno.

Residents are once again reminded there is a process in place to review, and if warranted, initiate an investigation. 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/citymanager/office-of-independent-review/>

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