



OFFICE OF INDEPENDENT REVIEW

**REPORT FOR THE PERIOD OF
OCTOBER 1, 2019 TO DECEMBER 31, 2019**

**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.

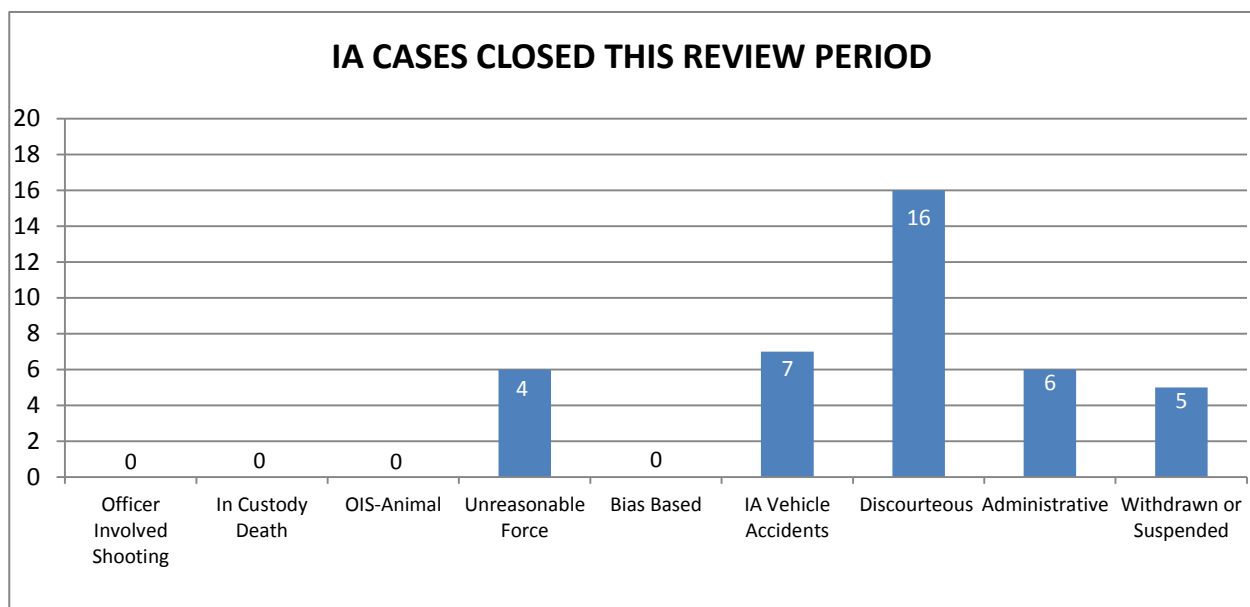
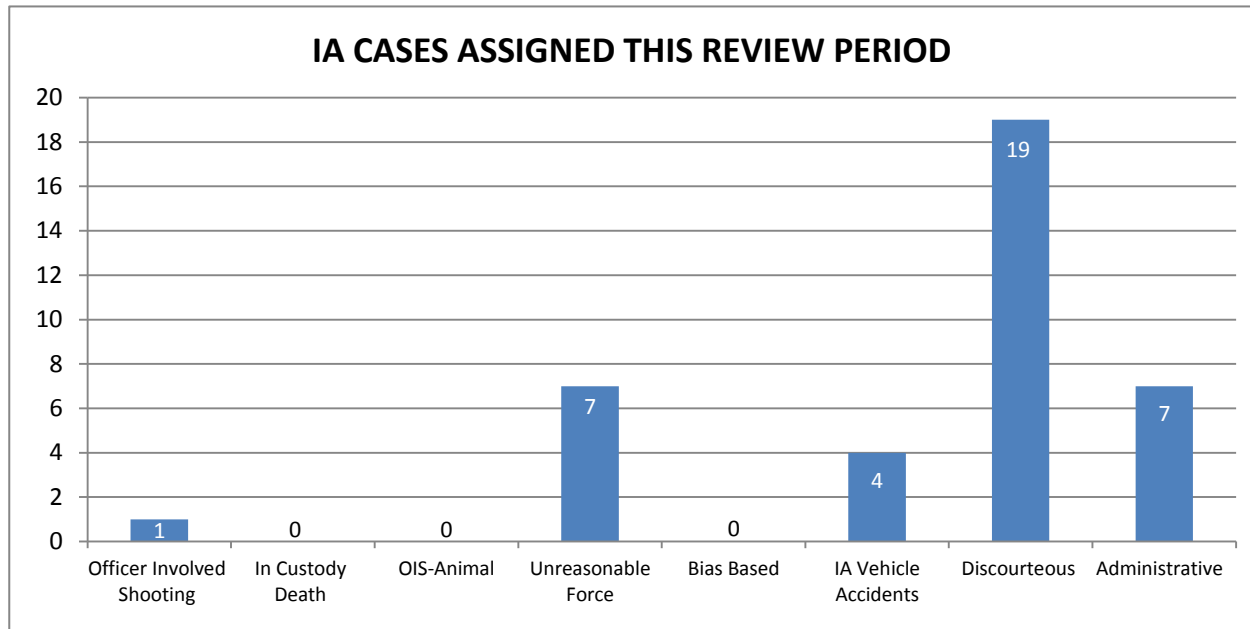
OIR REPORT FORMAT

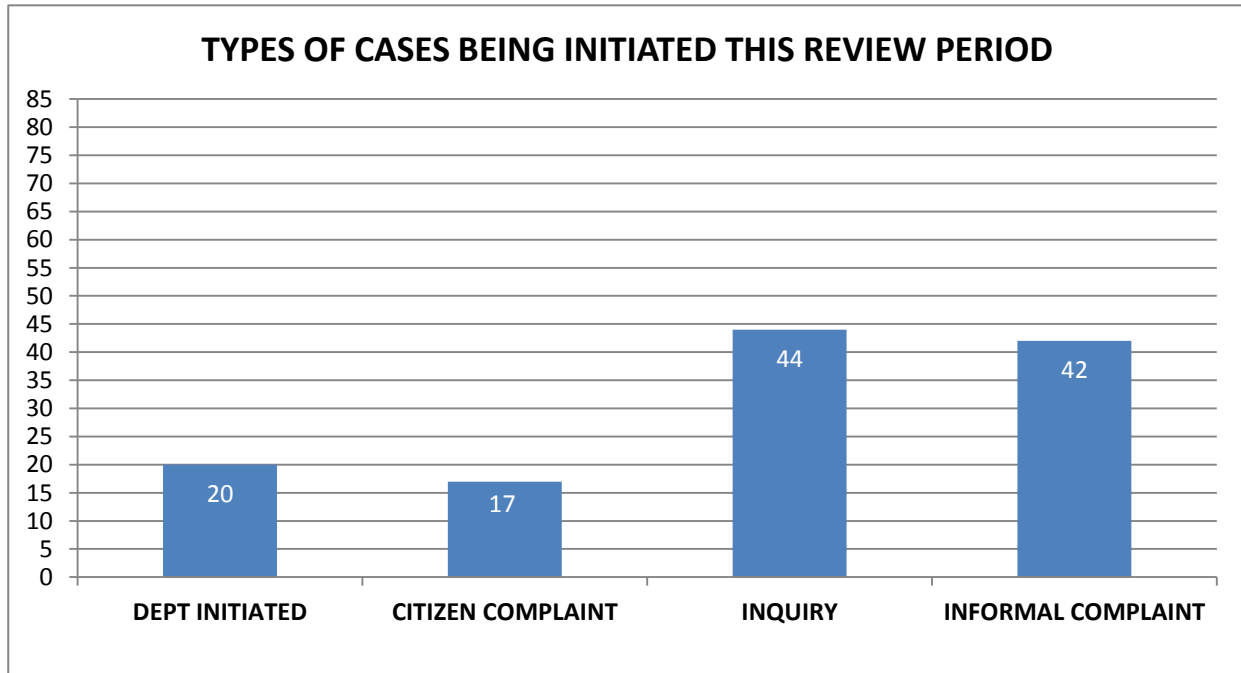
The OIR adheres to the following guidelines, format, and definitions in all quarterly reports:

- 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, Chief Assistant City Attorney Francine M. Kanne, and Chief Andrew Hall, prior to finalization. This allows the respective parties an opportunity to respond to recommendations and/or findings, and those responses may be included in the final report. However, their reviews and responses will not alter the recommendations or corrective actions made by the OIR. 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 will be listed in the charts on page four. Per FPD Policy 300.6.1(a) (c), an officer is within policy to use deadly force to stop a dangerous animal, such as a dog.

REVIEW OF INTERNAL AFFAIRS INVESTIGATIONS

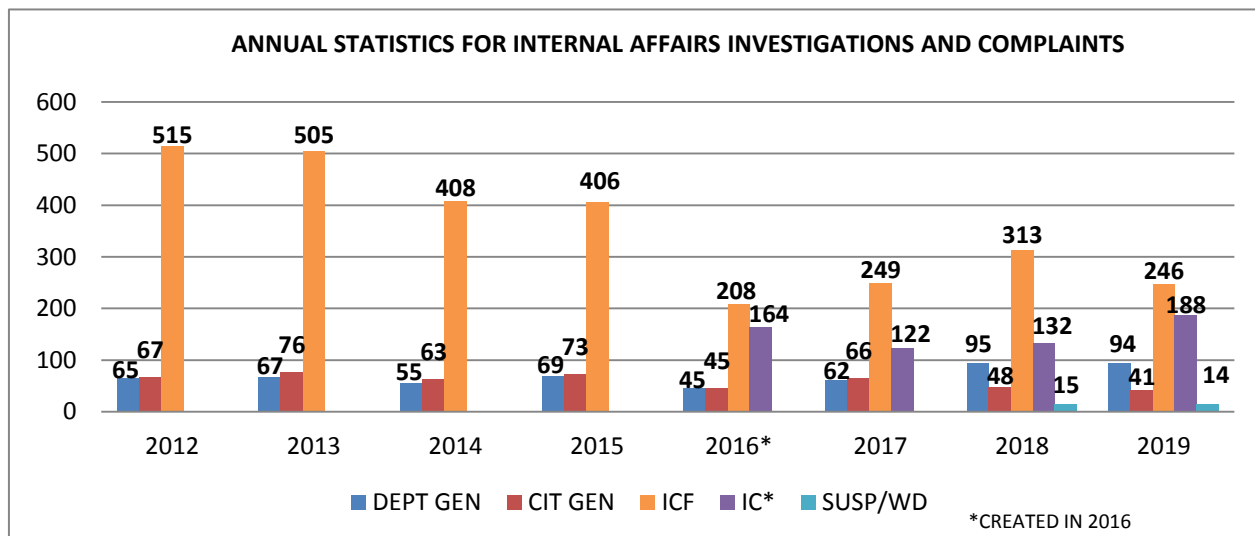
The following charts list the number and types of IA cases assigned and closed during the fourth quarter of 2019. For classification purposes Discourteous Treatment also includes cases in which the officer was accused of conduct unbecoming of a police officer. The classification of Administrative Matters 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.



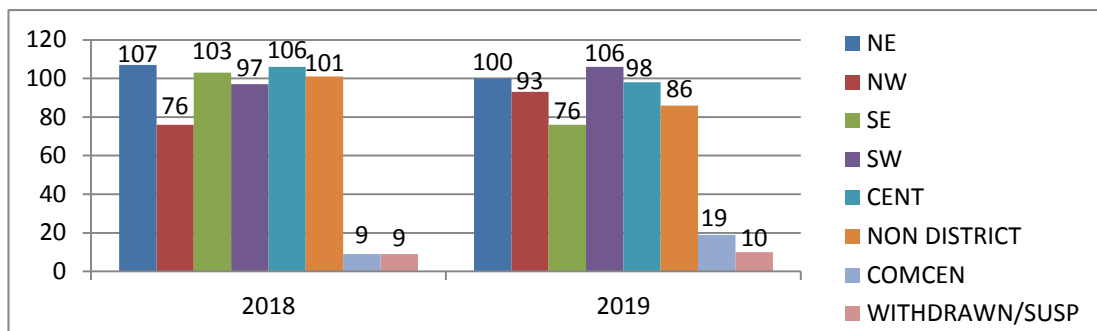
COMPLAINTS ASSIGNED BY POLICING DISTRICT

The following charts reflect the complaints assigned by policing district for the fourth quarter of 2019 and an annual comparison. This comparison is the first time an annual comparison has been published since the OIR was established in 2009. The purpose of displaying the below is to show the residents of the City of Fresno the level of transparency Mayor Brand and Chief Hall are working to achieve.

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

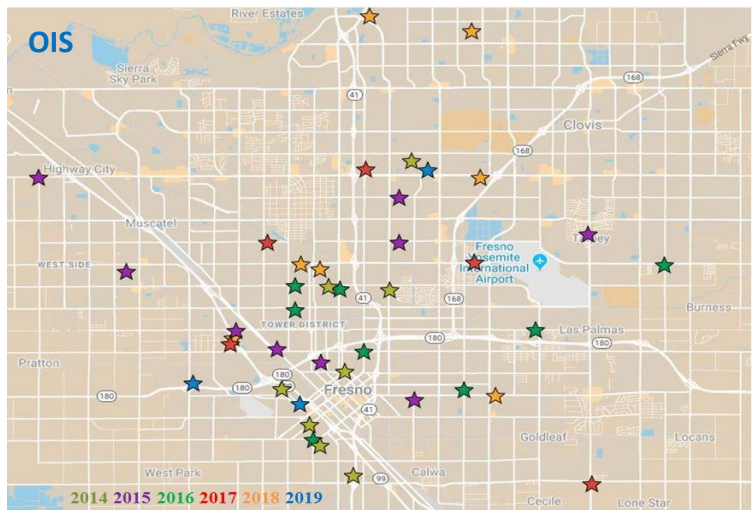
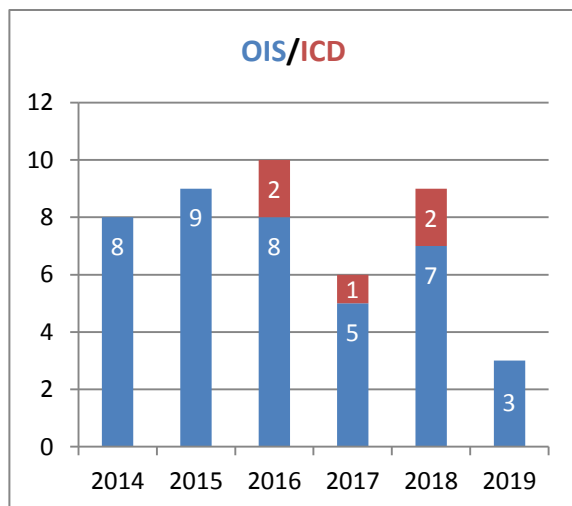
COMPLAINTS ASSIGNED BY POLICING DISTRICTS FOR THE FOURTH QUARTER OF 2019									
ASSIGNED	NE	NW	SE	SW	CENT	NON DISTRICT	COMCEN	WITHDRAWN/SUSPENDED	TOTAL
IA CASES	7	3	4	8	6	8	1	1	38
INFORMAL COMPLAINTS	7	4	7	5	8	11	0	0	42
INQUIRIES	6	10	6	9	7	6	0	0	44
4 TH QTR TOTALS	20	17	17	22	21	25	1	1	124

ANNUAL COMPARISON OF TOTAL 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) 2014 THRU DECEMBER 31, 2019



PENDING OFFICER INVOLVED SHOOTING (OIS) INVESTIGATIONS

OFFICER INVOLVED SHOOTING (OIS) AND IN CUSTODY DEATHS (ICD)					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0072	6/8/2019	P			O SHOT SUSPECT THREATENING Os WITH AX & KNIFE
19-0135	11/22/2019	P			Os SHOT SUSPECT ARMED WITH A PISTOL, LATER DETERMINED TO BE A BB OR PELLET GUN

During the fourth quarter of 2019 one OIS investigation was initiated following an OIS on November 22, 2019. There were no pending OIS investigations completed during this quarter, therefore no OIS investigations were reviewed by this office. It should be pointed out this is the lowest number of OIS in at least 20 years.

UNREASONABLE FORCE					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
18-0135	10/22/2018	11/25/2019	EX	EX	CP ALLEGED HANDCUFFS WERE TOO TIGHT
19-0024	2/12/2019	P			DEPT ALLEGED O DEPLOYED UNAUTHORIZED FORCE OPTION
19-0025	2/12/2019	10/15/2019	UNF	UNF	CP ALLEGED O USED UNREASONABLE FORCE
19-0029	3/11/2019	11/12/2019	SUS SUS	NR NR	DEPT: ALLEGED O LACKED DISCRETION; O USED UNREASONABLE FORCE
19-0030	3/12/2019	10/28/2019	EX	EX	CP ALLEGED O USED UNREASONABLE FORCE
19-0038	3/29/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
19-0048	4/17/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
19-0088	7/22/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
19-0090	8/6/2019	11/23/2019	EX	EX	DEPT ALLEGED Os USED UNREASONABLE FORCE
19-0092	8/14/2019	11/14/2019	EX SUS SUS	EX NR NR	DEPT: O USED UNREASONABLE FORCE; O FAILED TO DOCUMENT FORCE; SUPERVISOR FAILED TO DOCUMENT
19-0094	8/23/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
19-0102	9/9/2019	P			DEPT ALLEGED O USED UNREASONABLE FORCE
19-0109	9/24/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
19-0112	10/8/2019	P			CP ALLEGED Os USED UNREASONABLE FORCE
19-0115	10/17/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
19-0116	10/18/2019	P			CP ALLEGED Os USED UNREASONABLE FORCE
19-0131	11/15/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
19-0140	12/4/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
19-0147	12/30/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
19-0148	12/31/2019	P			CP ALLEGED O USED UNREASONABLE FORCE

During the fourth quarter of 2019, IA completed six unreasonable force allegation investigations. It was determined one officer was in violation of the Use of Force Policy while five other cases resulted in either findings of exonerated or unfounded. It one of the cases the

officer was exonerated of the unreasonable force allegation however was in violation of the requirement to report the use of force resulting in a finding of sustained. In the same case the supervisor did not properly document the use of force resulting in an IA finding of sustained. After a thorough review of each allegation in which the officer was exonerated or unfounded this office reached the same findings.

BIAS BASED					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
NONE					NO INVESTIGATIONS FOR 2019

There were no bias based IA investigations initiated during the fourth quarter. This is the fourth consecutive quarter without a complaint being filed in which the primary allegation was bias based policing. A possible contributing factor to this achievement is the mandated bias based training being required of all FPD officers.

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
18-0142	11/19/2018	11/5/2019	SUS	NR	DEPT ALLEGED O PROVIDED MISLEADING STATEMENTS AND WAS NOT TRAINED IN PIT MANEUVER
18-0147	12/6/2018	10/28/2019	SUS	NR	CP ALLEGED IMPROPER SEARCH & SEIZURE
19-0003	1/7/2019	11/12/2019	NOT AN IA	NR	CP ALLEGED O WAS CONSPIRING AGAINST HIM
19-0010	1/9/2019	11/26/2019	SUSP	NR	CP ALLEGED O WAS DRIVING AT EXCESSIVE SPEED
19-0021	2/8/2019	10/28/2019	SUSP	NR	DEPT ALLEGED OFF-DUTY O MADE THREATENING STATEMENTS RAISING CONCERN FOR SAFETY
19-0023	2/12/2019	P			DEPT ALLEGED EMP MADE INAPPROPRIATE COMMENTS
19-0026	2/12/2019	11/27/2019	SUS	NR	CP ALLEGED O WAS DISCOURTEOUS TO DV VICTIM
19-0031	3/12/2019	11/12/2019	EX	EX	CP ALLEGED O CONDUCTED AN IMPROPER BODY SEARCH
19-0033	3/22/2019	10/16/2019	SUS/NS	SUS/NS	CP ALLEGED Os DID NOT ADVISE OF CHARGES, SECURE CP IN VEHICLE BEFORE TRANSPORT & PERMIT HIM TO SEE CHILDREN PRIOR TO TRANSPORT AFTER BEING ARRESTED
19-0059	4/30/2019	12/30/2019	UNF UNF UNF SUS	UNF UNF UNF NR	CP ALLEGED FALSELY ARRESTED CP ALLEGED UNREASONABLE FORCE CP ALLEGED Os TOOK HER PROPERTY CP ALLEGED SHE WAS NOT SEAT BELTED IN
19-0061	5/7/2019	10/17/2019	SUS	NR	DEPT ALLEGED O MISSED COURT FOR SECOND TIME

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0062	5/7/2019	10/17/2019	SUS	NR	DEPT ALLEGED O THREATENED A SUSPECT WHO FLED
19-0063	5/17/2019	P			DEPT ALLEGED Os DID NOT HANDLE DV CALL CORRECTLY
19-0064	5/17/2019	P			DEPT ALLEGED Os IMPROPERLY HANDLED A CHILD CUSTODY ISSUE
19-0069	6/6/2019	P			DEPT ALLEGED Os DID NOT NOTIFY SUPV OF CONTACT BY ANOTHER AGENCY
19-0070	6/6/2019	P			CP ALLEGED Os MISHANDLED DV MATTER
19-0074	6/18/2019	P			DEPT ALLEGED EMP IMPROPER COMPUTER ACCESS
19-0075	6/18/2019	11/14/2019	NS UNF	NS UNF	DEPT ALLEGED OFF-DUTY O FAILED TO STOP IMMEDIATELY AFTER ACCIDENT SUPERVISOR FAILED TO TAKE ACTION
19-0078	6/25/2019	12/09/2019	SUS	NR	DEPT ALLEGED O INVOLVED IN OUT OF POLICY PURSUIT
19-0080	6/28/2019	12/17/2019	SUSP	NR	DEPT ALLEGED O INVOLVED IN OFF-DUTY DUI HIT&RUN
19-0084	6/28/2019	P			CP ALLEGED O WAS DISRESPECTFUL AND BIASED
19-0095	8/23/2019	P			CP ALLEGED Os REMOVED CURRENCY FROM VEHICLE
19-0096	8/23/2019	P			DEPT ALLEGED O WAS INVOLVED IN A DV MATTER
19-0097	8/28/2019	P			DEPT ALLEGED O WAS INVOLVED IN A DV MATTER
19-0099	9/4/2019	P			DEPT ALLEGED O LACKED DISCRETION AT OIS
19-0100	9/4/2019	12/18/2019	UNF NS SUS	UNF NS NR	CONDUCT (SPEEDING) MISREPRESENTING AGENCY FAILURE TO REPORT CONTACT BY ANOTHER AGENCY
19-0103	9/9/2019	12/30/2019	SUSP	NR	CP ALLEGED O WAS SENDING UNSOLICITED TEXT MSGS
19-0104	9/9/2019	P			DEPT ALLEGED O HAD RELATIONS WHILE ON DUTY
19-0106	9/10/2019	P			DEPT ALLEGED Os ENGAGED IN OUT OF POLICY PURSUIT
19-0110	9/27/2019	P			DEPT ALLEGED O DID NOT SECURE PRISONER-ESCAPED
19-0114	10/17/2019	P			DEPT ALLEGED O WAS CONTACTED BY ANOTHER DEPT
19-0117	10/18/2019	P			DEPT ALLEGED OFF-DUTY WAS ARRESTED FOR DV
19-0118	10/22/2019	P			O ALLEGED SGT DISCRIMINATED AGAINST HER

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0120	10/28/2019	P			CP ALLEGED O FAILED TO PERFORM DUTIES
19-0121	10/29/2019	11/23/2019	UNF	UNF	DEPT ALLEGED O MADE INAPPROPRIATE COMMENT AT AN OIS
19-0123	10/30/2019	P			DEPT ALLEGED O LACKED DISCRETION ON MENTAL CALL FOR SERVICE
19-0124	11/7/2019	P			CP WAS UNHAPPY ON HOW INCIDENT WAS HANDLED
19-0126	11/13/2019	P			DEPT ALLEGED EMP WAS RUDE TO Os WHEN ASKED TO PHOTO VICTIM AT HOSPITAL
19-0130	11/15/2019	P			CP ALLEGED O ENTERED HOME WITHOUT A WARRANT
19-0132	11/15/2019	P			CP ALLEGED Os MISHANDLED INCIDENTS
19-0133	11/15/2019	P			FPD EMPs ALLEGED A CO-WORKER IS CAUSING A HOSTILE WORK PLACE
19-0134	11/18/2019	P			DEPT ALLEGED O LACKED DISCRETION AT OFF-DUTY EVENT
19-0136	11/25/2019	P			CP ALLEGED SEXUAL ASSAULT WHILE BEING BOOKED
19-0139	12/2/2019	P			CP ALLEGED O DID NOT BOOK HIS CURRENCY
19-0141	12/5/2019	P			CP ALLEGED O IMPROPERLY TOUCHED CP
19-0142	12/9/2019	P			DEPT ALLEGED O WAS POSSIBLY INVOLVED IN DV
19-0144	12/12/2019	P			CP ALLEGED Os WERE RUDE AND DID NOT HANDLE CALL FOR SERVICE CORRECTLY
19-0145	12/12/2019	P			CP BELIEVES THE Os DID NOT PERFORM THEIR DUTIES CORRECTLY
19-0146	12/30/2019	P			DEPT ALLEGED CSI TECH FAILED TO APPEAR IN COURT

During the fourth quarter, 17 IA investigations of Discourteous Treatment or Conduct Unbecoming of a Police Officer were completed. Of the 17 completed investigations, the officers/employees were found to be in violation of a FPD Policy or Procedure nine times. Four cases were placed in suspended status due to the officer/employee no longer being employed by the FPD. All allegations in which an officer/employee were deemed exonerated, unfounded, or not sustained, regardless if another allegation was sustained within the same complaint, were reviewed by this office. Nineteen new cases were assigned to an investigator by IA during the fourth quarter.

ADMINISTRATIVE OR PERFORMANCE MATTERS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0022	2/12/2019	10/17/2019	SUS	NR	DEPT ALLEGED ESD DID NOT WORK REQUIRED SHIFT CAUSING SHORTAGE AT COMCEN
19-0036	3/28/2019	10/25/2019	SUS	NR	DEPT ALLEGED EMP DID NOT NOTIFY SUPV WHEN ILL
19-0039	3/29/2019	9/30/2019	SUS	NR	DEPT ALLEGED SGT DID NOT COMPLETE REPORT
19-0058	4/30/2019	10/29/2019	SUS	NR	DEPT ALLEGED EMP FAILED TO ENTER PROPER PAYROLL CODE RESULTING IN OVERPAYMENT TO O
19-0081	6/28/2019	P			DEPT ALLEGED O FAILED TO COMPLETE FTO PAPERWORK
19-0083	6/28/2019	P			DEPT ALLEGED EMP HAS WORK ATTENDANCE ISSUES
19-0085	7/8/2019	10/15/2019	SUS	NR	DEPT ALLEGED O DID NOT MAINTAIN DEPT VEHICLE
19-0087	7/11/2019	P			DEPT ALLEGED O SPENT EXCESSIVE TIME AT HOME
19-0105	9/10/2019	P			DEPT ALLEGED O USED DEPT COMPUTER TO ACCESS PROTECTED INFO
19-0107	9/10/2019	P			CP ALLEGED O MISPLACED PROPERTY POST ARREST
19-0113	10/8/2019	12/18/2019	NS	NS	DEPT ALLEGED O DAMAGED DEPT PROPERTY
19-0119	10/22/2019	11/14/2019	NOT AN IA	NR	DEPT ALLEGED O FAILED TO REPORT MOLESTATION
19-0127	11/13/2019	P			DEPT ALLEGED CST FAILED TO FOLLOW PROTOCOL
19-0128	11/13/2019	P			DEPT ALLEGED O LOST PRISONER PROPERTY
19-0137	11/26/2019	P			O ALLEGED SGT DENIED SICK LEAVE REQUEST
19-0138	11/27/2019	P			DEPT ALLEGED O DAMAGED BODY CAMERA
19-0143	12/10/2019	P			DEPT ALLEGED O'S FPD PROP STOLEN FROM PERS VEH

There were six IA investigations completed regarding allegation of administrative policy or procedure violations. In five of the six cases the officers/employees were found to have violated a policy or procedure of the FPD. One case investigation resulted in a finding of not sustained, meaning there was insufficient evidence to either clear or prove the officer/employee had violated the policy or procedure. Seven new investigations were assigned during the fourth quarter.

IA VEHICLE ACCIDENTS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0007	1/8/2019	10/17/2019	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0037	3/29/2019	10/28/2019	SUSP	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0049	4/19/2019	10/16/2019	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0050	4/19/2019	10/16/2019	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0066	6/4/2019	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0077	6/21/2019	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0079	6/25/2019	10/15/2019	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0089	8/2/2019	10/28/2019	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0091	8/9/2019	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0093	8/22/2019	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0098	9/3/2019	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0101	9/5/2019	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0111	10/2/2019	12/18/2019	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0122	10/29/2019	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	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT

Six vehicle accident case investigations were completed during the fourth quarter. In each of the cases IA arrived at a finding of sustained, resulting in varying levels of discipline, which included additional driver's training for the officers. One case was placed in suspended status due to the officer no longer being employed by FPD. Four new cases were assigned to an investigator during the review period.

INFORMAL COMPLAINTS					
IC CASE NUMBER	DATE RECEIVED	DATE COMPLETED	ALLEGATION(S) - FPD FINDING(S)	OIR FINDING	DISTRICT
IC19-0147	7/2/19	11/1/19	REPORT PREPARATION - SUSTAINED PROPERTY/EVIDENCE HANDLING - SUSTAINED	NR NR	SE
IC19-0148	7/12/19	11/1/19	DISCOURTEOUS - NOT SUSTAINED	NS	NE
IC19-0149	7/16/19	11/1/19	DEPT PROPERTY - LOST - SUSTAINED	NR	CE
IC19-0150	8/1/19	11/1/19	DISCOURTEOUS - SUSTAINED	NR	CE
IC19-0151	8/17/19	11/1/19	REPORT PREPARATION - FALSE/MISLEADING - UNFOUNDED	UNF	SW
IC19-0152	8/18/19	11/1/19	ARREST AUTHORITY/PROCEDURES - EXONERATED	EX	CE
IC19-0153	8/28/19	11/1/19	DISCOURTEOUS - UNFOUNDED	UNF	NE
IC19-0154	9/9/19	11/1/19	REPORT PREPARATION - UNFOUNDED	UNF	SW
IC19-0155	9/13/19	11/1/19	DISCOURTEOUS - EXONERATED DISCOURTEOUS - EXONERATED	EX EX	NW
IC19-0156	9/15/19	11/1/19	GENERAL RESPONSIBILITIES - NOT SUSTAINED	NS	SE
IC19-0157	10/10/19	11/1/19	DEPT PROPERTY - LOST - SUSTAINED	NR	NON DISTRICT
IC19-0158	11/9/18	11/12/19	GENERAL RESPONSIBILITIES - UNFOUNDED GENERAL RESPONSIBILITIES - UNFOUNDED GENERAL RESPONSIBILITIES - UNFOUNDED GENERAL RESPONSIBILITIES - UNFOUNDED GENERAL RESPONSIBILITIES - UNFOUNDED	UNF UNF UNF UNF UNF	SE
IC19-0159	5/14/19	12/4/19	DISCRETION - EXONERATED DISCRETION - EXONERATED DISCRETION - EXONERATED DISCRETION - EXONERATED DISCRETION - EXONERATED	EX EX EX EX EX	NW
IC19-0160	8/6/19	12/4/19	DEPT PROPERTY - LOST - SUSTAINED	NR	NE
IC19-0161	8/9/19	12/4/19	CRIMINAL ACTS/FAILURE TO OBEY ALL LAWS - UNFOUNDED	UNF	NON DISTRICT
IC19-0162	8/23/19	12/4/19	TOW/IMPOUND ISSUES - NOT SUSTAINED TOW/IMPOUND ISSUES - NOT SUSTAINED	NS NS	SE
IC19-0163	8/23/19	12/4/19	GENERAL CALL HANDLING - EXONERATED	EX	SE
IC19-0164	8/28/19	12/4/19	ARREST AUTHORITY/PROCEDURES - UNFOUNDED UNREASONABLE FORCE - UNFOUNDED ARREST AUTHORITY/PROCEDURES - UNFOUNDED UNREASONABLE FORCE - UNFOUNDED	UNF UNF UNF UNF	SW
IC19-0165	9/9/19	12/4/19	REPORT PREPARATION - FALSE/MISLEADING - EXONERATED	EX	SW
IC19-0166	9/11/19	12/4/19	DISCOURTEOUS - SUSTAINED	NR	NON DISTRICT
IC19-0167	9/13/19	12/4/19	PRISONER'S PROPERTY - LOST/DAMAGED/RETURN OF - UNFOUNDED ARREST AUTHORITY/PROCEDURES - UNFOUNDED PRISONER'S PROPERTY - LOST/DAMAGED/RETURN OF - UNFOUNDED	UNF UNF UNF	SW
IC19-0168	9/24/19	12/4/19	DEPT PROPERTY - LOST - SUSTAINED	NR	NE
IC19-0169	10/1/19	12/4/19	REPORT PREPARATION - FALSE/MISLEADING - NOT SUSTAINED	NS	NON DISTRICT
IC19-0170	10/15/19	12/4/19	PERFORMANCE - SUSTAINED	NR	NON DISTRICT

INFORMAL COMPLAINTS					
IC CASE NUMBER	DATE RECEIVED	DATE COMPLETED	ALLEGATION(S) - FPD FINDING(S)	OIR FINDING	DISTRICT
IC19-0171	10/20/19	12/4/19	DISCRETION - UNFOUNDED DISCRETION - UNFOUNDED DISCRETION - UNFOUNDED	UNF UNF UNF	NW
IC19-0172	10/22/19	12/4/19	UNREASONABLE FORCE - EXONERATED ARREST AUTHORITY/PROCEDURES - EXONERATED	EX EX	NE
IC19-0173	10/24/19	12/4/19	PERFORMANCE - SUSTAINED	NR	NON DISTRICT
IC19-0174	10/25/19	12/4/19	DISCOURTEOUS - EXONERATED	EX	NW
IC19-0175	11/5/19	12/4/19	DISCOURTEOUS - UNFOUNDED	UNF	NON DISTRICT
IC19-0176	11/7/19	12/4/19	GENERAL CALL HANDLING - UNFOUNDED	UNF	SE
IC19-0177	11/8/19	12/4/19	PRISONER'S PROPERTY - LOST/DAMAGED/RETURN OF - SUSTAINED	NR	SE
IC19-0178	11/12/19	12/4/19	GENERAL RESPONSIBILITIES - UNFOUNDED	UNF	NON DISTRICT
IC19-0179	11/12/19	12/4/19	CLETS ISSUES - UNFOUNDED	UNF	NON DISTRICT
IC19-0180	7/11/19	12/20/19	GENERAL CALL HANDLING - UNFOUNDED GENERAL CALL HANDLING - UNFOUNDED	UNF UNF	SE
IC19-0181	8/14/19	12/20/19	DEPT PROPERTY - LOST - SUSTAINED	NR	CE
IC19-0182	8/22/19	12/20/19	DEPT PROPERTY - LOST - SUSTAINED	NR	CE
IC19-0183	8/26/19	12/20/19	GENERAL CALL HANDLING - EXONERATED GENERAL CALL HANDLING - EXONERATED	EX EX	CE
IC19-0184	8/28/19	12/20/19	BODY CAMERA ISSUES - SUSTAINED	NR	SW
IC19-0185	9/4/19	12/20/19	DISCOURTEOUS - EXONERATED	EX	CE
IC19-0186	9/18/19	12/20/19	GENERAL CALL HANDLING - SUSTAINED	NR	SW
IC19-0187	10/7/19	12/20/19	RACIAL/BIAS BASED PROFILING - UNFOUNDED	UNF	NE
IC19-0188	11/21/19	12/20/19	ATTENDANCE - SUSTAINED	NR	NON DISTRICT

During the fourth quarter a total of 42 Informal Complaint matters were investigated and closed by IA. Each of the 42 cases were reviewed by the OIR and it was determined the correct finding was reached by IA in each of the cases. Although the findings were determined to be appropriate an issue was discovered which warranted notification to the FPD in the form of a recommendation.

Observation #1: When a complaint is initially reviewed to determine if it should be classified as an Informal Complaint or a full Internal Affairs investigation the follow-up is routinely assigned to a sergeant to contact the complainant. The sergeant will then prepare a report which is reviewed to determine if the matter has been resolved or requires additional investigation. In a limited number of cases the sergeant assigned to make the follow-up contact, whether in person or telephonically, was one of the officers listed or referenced in the complaint. In each of the cases the matter was adjudicated properly regardless of the fact the sergeant making the contact was listed in the complaint or participated in responding to the call for

service. It is recognized the complainant may not always know the name of each officer who responded to the call. However, the FPD maintains a record of each officer who did respond to the call and the information is available for review prior to assigning the follow-up to a sergeant. It is unknown if this was an ongoing issue as Informal Complaints were not reviewed by the OIR prior to August 2017.

Recommendation #1: The FPD should review the complaint and corresponding records to ensure the sergeant assigned the follow-up was not involved in the matter. It should be emphasized the sergeants did not alter the facts and in each case the appropriate finding was reached. However, when a complainant is contacted by an officer who is part of the complaint it creates doubt in the community of FPD's desire to be fair and transparent. This also adversely impacts the trust between the community and the FPD, which is a priority. This matter was brought to the attention of Chief Hall on December 10, 2019, and corrective action was implemented by the department within 24 hours. In an effort to maintain trust and transparency by the OIR, the recommendation is being noted in this report and future Informal Complaints will continue to be reviewed to ensure it does reoccur.

DISCIPLINARY RESULTS OF IA INVESTIGATIONS

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

DISCIPLINE ISSUED	2013	2014	2015	2016	2017	2018	2019
TERMINATIONS	5	3	5	7	3	2	7
RESIGNED IN LIEU OF	1	1	0	0	1	0	5
RETIRED	0	0	0	0	0	0	3
DEMOTION	0	0	0	0	0	0	1
SUSPENDED	15	14	13	16	17	32	29
PAYMENT IN LIEU OF	0	1	0	0	0	0	3
FINES	0	0	1	0	0	0	0
MEDICAL SEPARATION	NA	NA	NA	NA	NA	NA	3
LETTERS OF REPRIMAND	11	7	11	9	10	15	19
TOTAL	32	26	30	32	31	49	70

2019 ANNUAL SUMMARY OF FPD AND OIR

The FPD has achieved improvements in several areas which are reflected in this report. The most notable improvement has been in the number of OIS. In 2019 there were three OIS, which is the lowest number in over 20 years. Although, several long term employees claim it is the lowest number in over 30 years, actual documentation could only be found to support the

claim of the lowest number in 20 years. A contributing factor can be the emphasis on de-escalation training mandated for each officer. A part of the training involves using a unique technique which incorporates a robotic device controlled by the instructors. The device resembles a full size person and can be outfitted with various weapons, such as a knife or handgun. Officers are not forewarned of the scenario in the training. Depending on the officer's actions, physical or verbal, when encountering the robotic device the instructor will either remotely have the robot drop the weapon and comply or advance on the officer. The officer is armed during the training scenario and if attempts to de-escalate the situation fail the robot is designed to absorb live rounds. During my 30 year law enforcement career this is one of the most realistic trainings I have encountered. The uniqueness of this training impressed many other law enforcement agencies when it was shared at a recent De-Escalation Summit attended by 80 departments from across the nation.

Another area where an improvement was made in 2019 was the number of bias based policing complaints. In 2019 there were no complaints filed in which the primary allegation was bias based policing. Again the mandatory training for each officer played a significant role in the reduction in these types of complaints.

The goal of the FPD and the OIR is to significantly reduce complaints in all of areas listed in this report. In an attempt to achieve this goal the OIR will continue to thoroughly review all complaints filed and make recommendations to the FPD when warranted.

The OIR also achieved success in making improvements in various areas in 2019. Our Community Coordinator, Maira Aguilar, and I provided an overview of the functions and responsibilities of this office to more than 53 organizations, groups, and community events in 2019. This is a 35 % increase over the number of presentation made in 2018. The goal is to inform as many members of the community of the OIR and the process in place when a member does have a concern with a member of the FPD. In addition to the 53 outreach presentations, monthly meetings were held with Chief Hall and the Fresno Peace Officers' Association. I was also requested to provide an overview of the OIR in a local podcast and one statewide podcast.

Also, in October I was requested to be one of 80 participants nationwide to attend the De-Escalation Summit coordinated by the California Commission on Peace Officer Standards and Training (POST). POST was established by the California Legislature in 1959 to set minimum selection and training standards for all California law enforcement. The participants were selected by POST to bring together law enforcement professionals, industry experts, and education and community members, to discuss the components of de-escalation. The objective of the event was to contribute to the creation of a publication that will include guidelines and best practices in four areas; Education and Training, Policy Development, Communication and Tactics. The need for this summit and publication was in response to recently enacted laws directed at law enforcement in California. Attendees included the Seattle Police Department, Chicago Police Department, professors from University of Washington, University of Alabama, public defenders, a police auditor, and numerous other professionals from within California and across the United States.

During 2019, the OIR forwarded seven recommendations to the FPD regarding policies, procedures, training, or briefing reminders. After reviewing the recommendations, the FPD implemented changes to address six of the seven recommendations. The FPD did provide a response to the seventh recommendation which detailed the tactical need to adhere to their present policy. The response provided was an acceptable explanation of the FPD's position thus negating the recommendation.

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

If you would like the OIR to speak to your group or organization please contact our office at the number or email listed below. Residents are once again reminded there is a process in place to review, and if warranted, initiate an investigation. Also, answers to questions regarding this process can be found on the OIR website, or by contacting the OIR directly at the following telephone number or email address:

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

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