



OFFICE OF INDEPENDENT REVIEW

**REPORT FOR THE PERIOD OF
JULY 1, 2020 TO SEPTEMBER 30, 2020**

**John A. Gliatta
Independent Reviewer**

**Maira Aguilar
Community Coordinator**

ABOUT THE OFFICE OF INDEPENDENT REVIEW

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

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

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

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

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

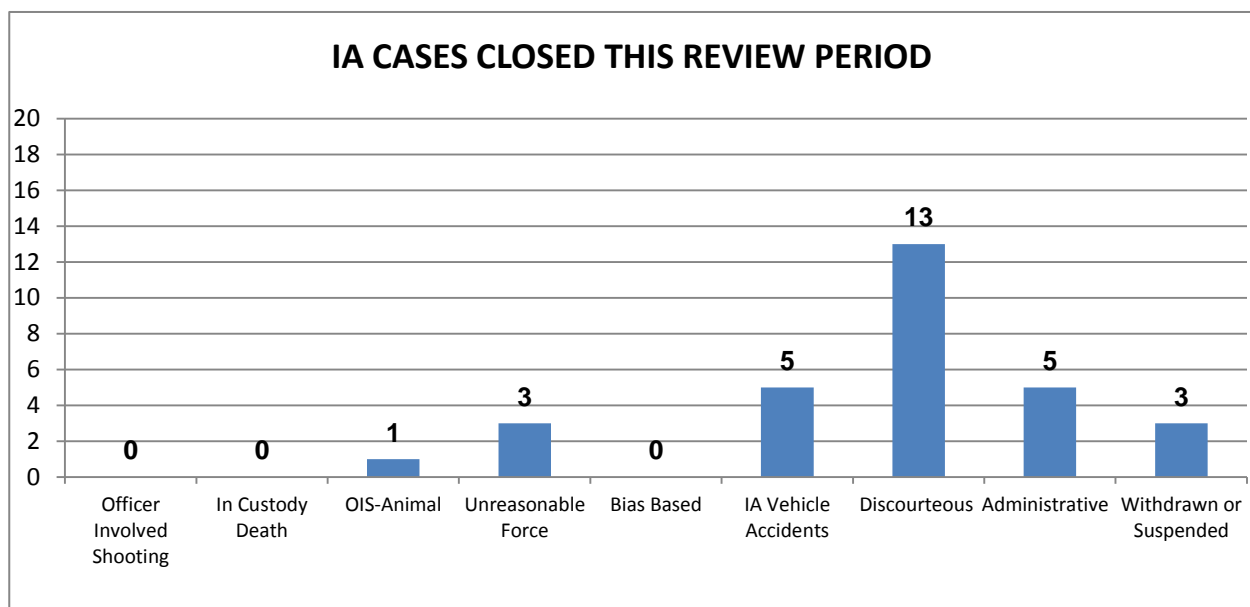
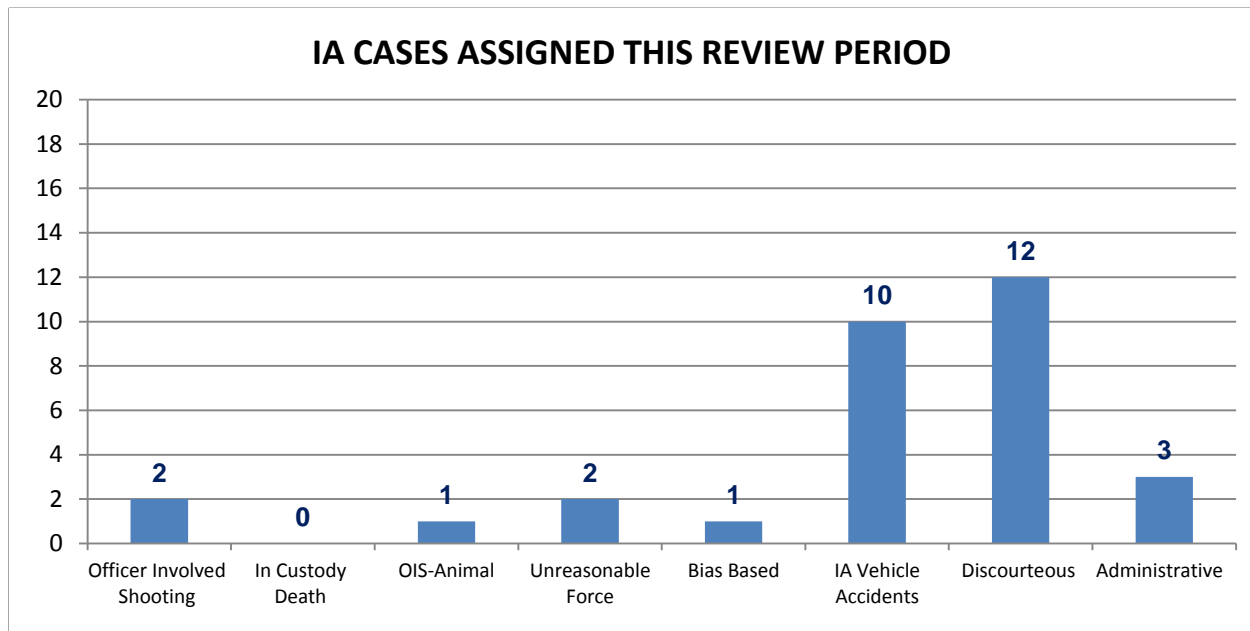
OIR REPORT FORMAT

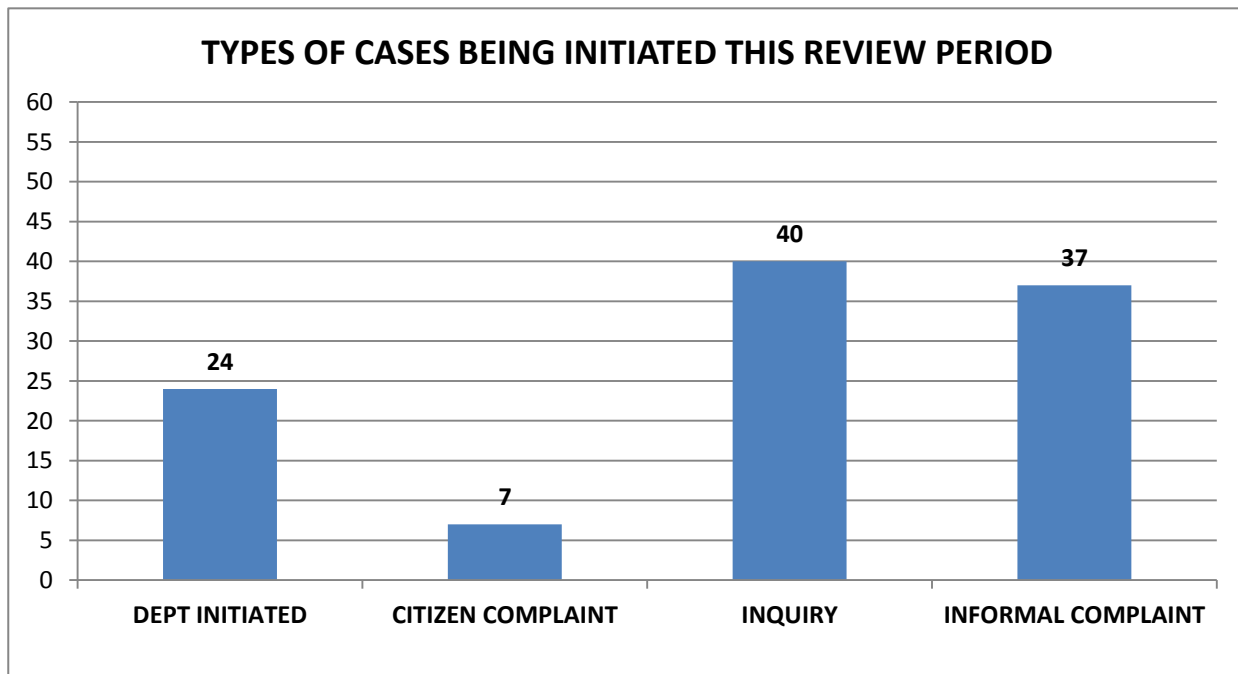
The OIR adheres to the following guidelines, format, and definitions in all quarterly reports:

- Definitions for the terms used are consistent with the definition of terms used in California Legislative documents and the FPD.
- Officers are referred to as “O” and where there is more than one officer involved they will be identified as O1, O2, and so on depending on the total number of officers.
- The charts are grouped by incident type and cases appear in order of case number.
- The incident type charts list all cases which were pending, assigned, or closed during the review period, and where applicable a Year to Date (YTD) chart will be listed.
- All cases in which the FPD IA determined the officer(s) was Exonerated, Unfounded, or Not Sustained are reviewed by the OIR. The findings reached by the OIR for these cases will also be listed. If IA and the OIR have not reached the same decision the OIR explanation will appear following the chart. Cases in which IA deemed officer(s) Sustained will not be reviewed by the OIR.
- All closed Informal Complaint cases, which were addressed by supervisors, are also reviewed by the OIR.
- Cases are not reviewed by the OIR until IA has completed their investigation and the case is classified as closed by IA, thus allowing for all information to be reviewed.
- In the event the OIR proposes a recommendation or corrective action, it will appear directly following the chart summarizing the cases within the specific incident type.
- Recommendations or corrective actions which are not directly related to a charted incident type will appear at the end of the report prior to the summary.
- Activities of the Board and Community Coordinator will appear before the summary.
- The report is previewed by Mayor Lee Brand, City Manager Wilma Quan, Assistant City Attorney Francine 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 are now listed in the charts on page four. Per FPD Policy 300.6.1(a) (c), an officer is within policy to use deadly force to stop a dangerous animal, such as a dog.

REVIEW OF INTERNAL AFFAIRS INVESTIGATIONS

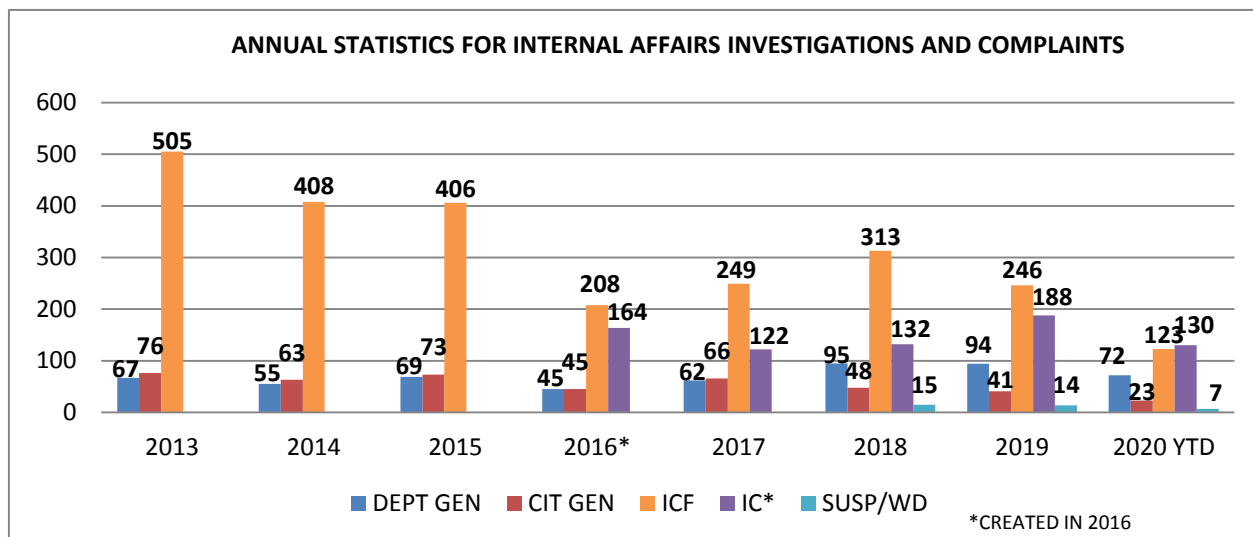
The following charts list the number and types of IA cases assigned and closed during the third quarter of 2020. For classification purposes, Discourteous Treatment also includes cases in which the officer was accused of conduct unbecoming of a police officer. The classification of Administrative Matters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





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

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



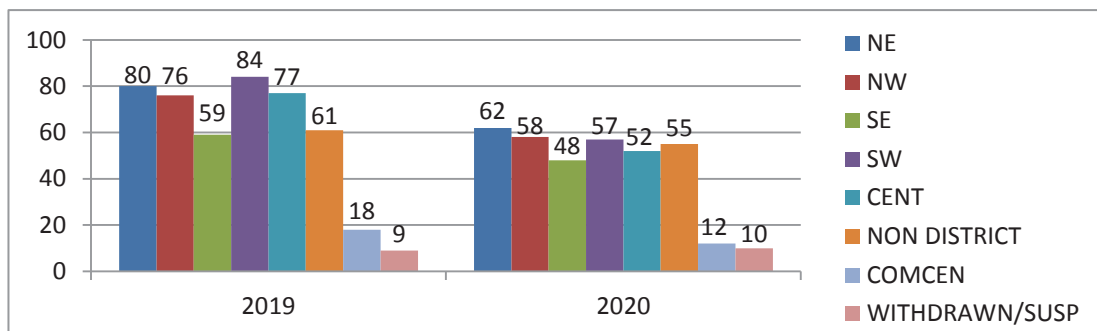
COMPLAINTS ASSIGNED BY POLICING DISTRICT

The following charts reflect the complaints assigned by policing district for the third quarter of 2020 and a quarterly comparison. The purpose of displaying the below is to show the public the level of transparency Mayor Brand and Chief Hall are working to achieve. Each of the districts experienced a reduction in complaints compared to the first three quarters of 2019.

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 THIRD QUARTER OF 2020									
ASSIGNED	NE	NW	SE	SW	CENT	NON DISTRICT	COMCEN	WITHDRAWN/SUSPENDED	TOTAL
IA CASES	6	6	9	3	3	5	0	2	33
INFORMAL COMPLAINTS	7	5	4	3	7	8	3	0	37
INQUIRIES	4	14	4	4	8	4	1	1	40
1 st QTR TOTALS	17	25	17	10	17	17	4	3	110

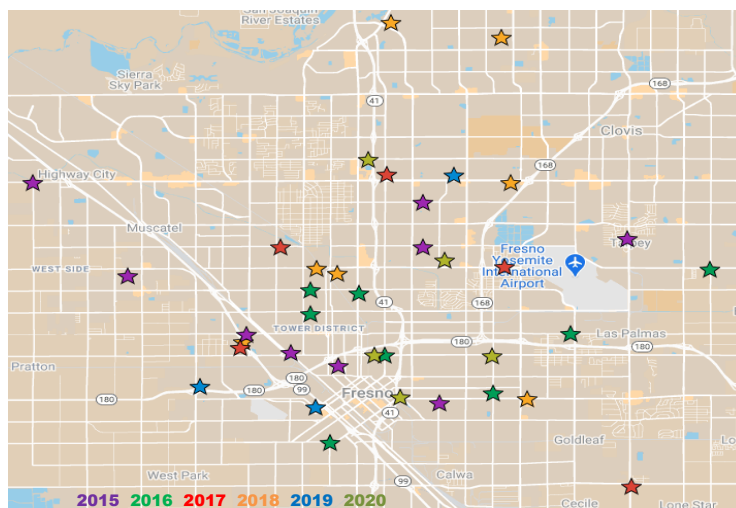
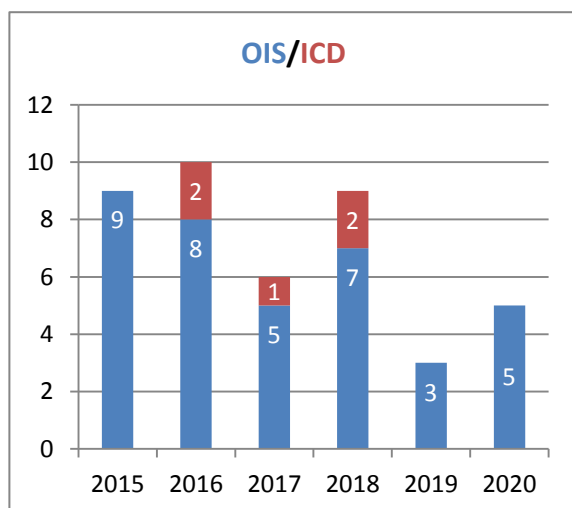
FIRST THREE QUARTER COMPARISONS OF COMPLAINTS BY DISTRICT



EXPLANATION OF TERMS AND ABBREVIATIONS

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

OFFICER INVOLVED SHOOTINGS (OIS) & IN-CUSTODY DEATHS (ICD) 2015 THRU SEPTEMBER 30, 2020



PENDING OFFICER INVOLVED SHOOTING INVESTIGATION

OFFICER INVOLVED SHOOTING (OIS) AND IN CUSTODY DEATHS (ICD)					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0135	11/22/2019	P			Os SHOT SUSPECT ARMED WITH A PISTOL, LATER DETERMINED TO BE A BB OR PELLET GUN
20-0031	3/22/2020	P			Os SHOT SUSPECT ARMED WITH A PISTOL LATER DETERMINED TO BE A PELLET GUN
20-0032	3/24/2020	P			Os RETURNED FIRE AT SUSPECT, NON-FATAL
20-0061	6/9/2020	P			Os SHOT AT SUSPECT WHO CALLERS STATED WAS POINTING A GUN AT PASSING CARS AND WHO ALSO FAILED TO COMPLY WITH Os COMMANDS

OFFICER INVOLVED SHOOTING (OIS) AND IN CUSTODY DEATHS (ICD)					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
20-0070	7/14/2020	7/14/2020	W/IN POL	W/IN POL	O SHOT ONE OF THREE DOGS THAT WERE ATTACKING A WALKER, NON-FATAL
20-0089	9/8/2020	P			Os SHOT SUSPECT WHO APPROACHED THEM WHILE HOLDING A REPLICA .45 HANDGUN, NON-FATAL
20-0093	9/19/2020	P			O SHOT SUSPECT WHO REFUSED COMMANDS AND REACHED FOR A WEAPON IN HIS WAISTBAND (REPLICA)

During the third quarter of 2020, one OIS investigation involving a dog was completed, and two new OIS investigations were assigned. There were no other OIS investigations completed, therefore no OIS reviews will appear in this report.

UNREASONABLE FORCE					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0116	10/18/2019	7/22/2020	EX	EX	CP ALLEGED Os USED UNREASONABLE FORCE
19-0148	12/31/2019	P			CP ALLEGED O USED UNREASONABLE FORCE
20-0009	1/17/2020	9/3/2020	UNF	UNF	CP ALLEGED O USED UNREASONABLE FORCE
20-0019	2/24/2020	P			CP ALLEGED O USED UNREASONABLE FORCE
20-0028	3/16/2020	P			DEPT ALLEGED O USED UNREASONABLE FORCE
20-0034	3/31/2020	P			CP ALLEGED Os USED UNREASONABLE FORCE
20-0036	3/31/2020	P			CP ALLEGED O USED UNREASONABLE FORCE
20-0037	3/31/2020	P			CP ALLEGED Os USED UNREASONABLE FORCE
20-0037	3/31/2020	P			CP ALLEGED Os USED UNREASONABLE FORCE
20-0039	4/15/2020	P			DEPT ALLEGED O USED UNREASONABLE FORCE
20-0059	6/2/2020	P			CP ALLEGED Os USED UNREASONABLE FORCE AFTER DOMESTIC DISTURBANCE
20-0063	6/18/2020	9/1/2020	EX UNF	EX UNF	DEPT ALLEGED O USED UNREASONABLE FORCE BODY CAMERA POLICY
20-0078	8/10/2020	P			CP ALLEGED O USED UNREASONABLE FORCE
20-0091	9/8/2020	P			CP ALLEGED Os USED UNREASONABLE FORCE

Three Unreasonable Force investigations were completed during the review period and it was determined the FPD reached the proper finding for each of the completed cases.

BIAS BASED					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
20-0074	7/24/2020	P			CP ALLEGED Os DISCRIMINATED AND USED UNREASONABLE FORCE

One Bias Based IA investigation was assigned during the review period based on complaint received from a complainant. This was the first bias based case assigned during 2020.

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0063	5/17/2019	P			DEPT ALLEGED O DID NOT HANDLE CALL CORRECTLY
19-0070	6/6/2019	7/9/2020	SUS	NR	CP ALLEGED Os MISHANDLED A DOMESTIC VIOLENCE (DV) MATTER
19-0095	8/23/2019	8/17/2020	SUS	NR	CP ALLEGED O1 REMOVED CURRENCY FROM VEHICLE
			SUS	NR	DEPT ALLEGED O1 ABUSED AUTHORITY
			SUS	NR	DEPT ALLEGED O1 WAS DISCOURTEOUS
			SUS	NR	DEPT ALLEGED O1 BODY CAMERA ISSUES
			SUS	NR	DEPT ALLEGED O1 PREPARED FALSE REPORT
			SUS	NR	DEPT ALLEGED O1 CONDUCT UNBECOMING
			SUS	NR	DEPT ALLEGED O1 WAS NOT CONSCIENTIOUS
			SUS UNF	NR UNF	DEPT ALLEGED O1 LACKED INTEGRITY
			EX	EX	DEPT ALLEGED O2 FAILED TO OBEY ALL LAWS
			UNF	UNF	DEPT ALLEGED O2 ABUSED AUTHORITY
			SUS	NR	DEPT ALLEGED O3 FAILED TO OBEY ALL LAWS
			UNF	UNF	DEPT ALLEGED O3 ABUSED AUTHORITY
19-0097	8/28/2019	8/3/2020	SUS SUS	NR NR	DEPT ALLEGED O4 FAILED TO OBEY ALL LAWS
19-0114	10/17/2019	7/9/2020	SUS	NR	DEPT ALLEGED O4 ABUSED AUTHORITY
19-0123	10/30/2019	7/10/2020	SUS	NR	FALSE STATEMENTS TO SUPERVISOR
19-0132	11/15/2019	P			DEPT ALLEGED O WAS CITED BY BODY CAMERA ISSUES
19-0133	11/15/2019	P			DEPT ALLEGED O WAS CITED BY ANOTHER DEPT
19-0136	11/25/2019	NOT IA; ICF			DEPT ALLEGED O LACKED DISCRETION ON MENTAL CALL FOR SERVICE
					CP ALLEGED Os MISHANDLED INCIDENTS
					FPD ESDs ALLEGED A CO-WORKER IS CAUSING A HOSTILE WORK PLACE
					CP ALLEGED SEXUAL ASSAULT WHILE BEING BOOKED

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0141	12/5/2019	9/3/2020	NS	NS	CP ALLEGED OFF-DUTY O IMPROPERLY TOUCHED HER
19-0145	12/12/2019	8/24/2020	EX SUS EX SUS	EX SUS EX SUS	CP ALLEGED O1 ABUSED AUTHORITY DEPT ALLEGED O1 FAILED TO ACTIVATE BWC CP ALLEGED O2 ABUSED AUTHORITY DEPT ALLEGED O2 FAILED TO ACTIVATE BWC
20-0003	1/9/2020	P			DEPT ALLEGED Os INVOLVED IN OUT OF POLICY PURSUIT
20-0004	1/9/2020	8/26/2020	SUS	NR	DEPT ALLEGED O WAS ON PHONE AND NOT MONITORING SUSPECT WHILE AT CRMC
20-0008	1/14/2020	7/10/2020	SUSP	NR	DEPT ALLEGED EMP WAS STOPPED FOR SPEEDING AND BECAME UPSET RESULTING IN AN ARREST
20-0010	1/28/2020	8/26/2020	SUS	NR	CP ALLEGED O LOST CELL PHONE AFTER ARREST
20-0013	2/10/2020	P			CP ALLEGED O CONTACTED HER ON A PERSONAL LEVEL
20-0015	2/13/2020	P			DEPT ALLEGED Os FAILED TO ACTIVATE BWC AND FAILED TO DOCUMENT PRISONER ESCAPE
20-0018	2/18/2020	8/10/2020	SUS	NR	DEPT ADVISED BY HSI OF O ORDERING ILLEGAL WEAPON
20-0020	2/24/2020	7/23/2020	SUS	NR	CP ALLEGED ESD LEAKED DV INFO TO THIRD PARTY
20-0023	2/27/2020	P			CP ALLEGED O REQUESTED CITY CREW PICK UP TRASH AT PERS RES OF O
20-0024	3/9/2020	P			DEPT ALLEGED O DID NOT OBTAIN CONSENT TO SEARCH
20-0025	3/10/2020	P			CP WAS UNHAPPY HOW O HANDLED HER DV CASE
20-0026	3/11/2020	P			DEPT ALLEGED EMPs WERE ENGAGED IN HEATED ARGUMENT
20-0029	3/20/2020	P			CP ALLEGED Os DAMAGED AND TOOK PROPERTY DURING SEARCH WARRANT
20-0030	3/20/2020	P			DEPT ALLEGED O IS CREATING A HOSTILE WORK PLACE
20-0054	5/13/2020	7/14/2020	SUS	NR	DEPT ALLEGED O LACKED DISCRETION WHEN CALLED TO A CODE ENFORCEMENT MATTER
20-0056	5/19/2020	P			DEPT ALLEGED MOTOR O INVOLVED IN OUT OF POLICY PURSUIT
20-0057	5/28/2020	P			DEPT ALLEGED O WAS INVOLVED IN AN OFF-DUTY DISTURBANCE/ASSAULT
20-0064	6/18/2020	P			DEPT ALLEGED Os LOST KEYS TO BUSINESSES

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
20-0065	7/8/2020	P			CP ALLEGED Os FAILED TO CONDUCT PROPER INVESTIGATION
20-0066	7/8/2020	P			CP ALLEGED O DROVE CITY VEHICLE TO A BAR
20-0067	7/8/2020	P			CP ALLEGED Os SEARCHED APT WITHOUT WARRANT
20-0072	7/17/2020	P			DEPT ALLEGED O WAS ARRESTED FOR OFF-DUTY DUI
20-0073	7/22/2020	P			CP ALLEGED Os MISREPRESENTED THE FACTS OF A TRAFFIC STOP AND ARREST
20-0074	7/24/2020	P			DEPT ALLEGED SUBMITTED INFORMANT PYMT DOCS LATE
20-0077	8/5/2020	P			CPs ALLEGED OFF-DUTY O WAS IN QUARANTINE BUT STILL ENGAGED IN RECREATIONAL ACTIVITIES
20-0080	8/12/2020	P			DEPT ALLEGED O DISPLAYED UNPROFESSIONAL CONDUCT
20-0083	8/17/2020	P			DEPT ALLEGED O ENGAGED IN OUT OF POLICY PURSUIT
20-0090	9/8/2020	P			DEPT ALLEGED Os WERE INVOLVED IN OUT OF POLICY PURSUIT
20-0092	9/18/2020	P			DEPT ALLEGED Os WERE INVOLVED IN OUT OF POLICY PURSUIT
20-0095	9/25/2020	P			DEPT ALLEGED O WAS INVOLVED IN OFF-DUTY UNBECOMING CONDUCT

There were 13 Discourteous or Conduct Unbecoming investigations completed during the review period. One case was also amended to an Informal Complaint and resolved. Although the allegation made by the CP appears to be egregious, the matter was quickly resolved by viewing the available video which disproved the complainant's account of the matter. During the review period 12 new cases within this category were assigned for investigation by IA.

ADMINISTRATIVE OR PERFORMANCE MATTERS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
20-0042	4/17/2020	8/21/2020	SUS	NR	DEPT ALLEGED CSI TECH FAILED TO ENTER EVIDENCE IN A TIMELY MANNER
20-0045	4/22/2020	9/1/2020	SUS	NR	DEPT ALLEGED SGT FAILED TO CONDUCT EVALS
20-0046	4/22/2020	9/18/2020	SUSP	NR	DEPT ALLEGED O WAS ABUSING SICK LEAVE POLICY
20-0047	4/22/2020	P			DEPT ALLEGED O FAILED TO LOCATE WEAPON IN REAR OF VEHICLE FOLLOWING PRISONER TRANSPORT

ADMINISTRATIVE OR PERFORMANCE MATTERS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
20-0048	4/23/2020	P			DEPT ALLEGED SGT WAS INSUBORDINATE AND LACKED INTEGRITY
20-0051	5/6/2020	8/14/2020	SUS	NR	DEPT ALLEGED CSI FAILED TO ADVISE SUPERVISOR OF PENDING LATENT VERIFICATION
20-0052	5/6/2020	8/3/2020	SUS	NR	DEPT ALLEGED O VIOLATED TAKE HOME VEH POLICY
20-0062	6/9/2020	P			DEPT ALLEGED FTO INSTRUCTED O TO DISREGARD NEG MIRANDA RESPONSE
20-0068	7/8/2020	P			DEPT ALLEGED O TEMPORARILY MISPLACED RIFLE
20-0082	8/12/2020	P			DEPT ALLEGED O FAILED TO COMPLETE REPORTS
20-0086	8/26/2020	P			DEPT ALLEGED Os FAILED TO DETECT FIREARM ON PRISONER

There were four Administrative or Performance Matter cases completed during the review period, and one case was placed in suspended status due to the employee was no longer with the FPD. During the same review period three new cases were assigned to investigators.

IA VEHICLE ACCIDENTS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
19-0077	6/21/2019	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
19-0125	11/7/2019	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0012	2/7/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0040	4/16/2020	8/17/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0041	4/16/2020	7/22/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0044	4/22/2020	9/1/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0049	4/24/2020	8/7/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0050	4/24/2020	8/21/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0053	5/11/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0058	5/28/2020	7/23/2020	SUS	NR	DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT

IA VEHICLE ACCIDENTS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
20-0060	6/4/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0069	7/8/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0071	7/15/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0076	7/28/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0079	8/11/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0081	8/12/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0084	8/18/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0085	8/20/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0087	8/31/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0088	9/4/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT
20-0094	9/24/2020	P			DEPT ALLEGED O INVOLVED IN AT FAULT ACCIDENT

Six Vehicle Accident investigations were completed during the third quarter in which all cases resulted in findings of sustained. Ten new Vehicle Accident cases were assigned to investigators during the review period.

INFORMAL COMPLAINTS				
INFORMAL COMPLAINT	DATE CLOSED	FINDINGS	ALLEGATIONS	DISTRICT
20-0094	7/3/20	UNFOUNDED	SEXUAL ASSAULT	SE
20-0095	7/15/20	UNFOUNDED	DISCRETION	CENTRAL
20-0096	7/15/20	UNFOUNDED	GENERAL CALL HANDLING	SE
20-0097	7/15/20	UNFOUNDED	UNREASONABLE FORCE	CENTRAL
20-0098	7/15/20	EXONERATED	DEPT PROPERTY - DAMAGED	NW
20-0099	7/15/20	EXONERATED	PERFORMANCE	COMCEN
20-0100	7/15/20	SUSTAINED	DEPT PROPERTY - LOST	SW
20-0101	7/15/20	UNFOUNDED	DISCOURTEOUS	NON-DISTRICT
20-0102	7/15/20	SUSTAINED	DEPT PROPERTY - LOST	NON-DISTRICT

INFORMAL COMPLAINTS				
INFORMAL COMPLAINT	DATE CLOSED	FINDINGS	ALLEGATIONS	DISTRICT
20-0103	7/15/20	NOT SUSTAINED	DISCOURTEOUS	NON-DISTRICT
20-0104	7/15/20	UNFOUNDED	ARREST AUTHORITY/PROCEDURES	NE
20-0105	7/15/20	UNFOUNDED	DISCOURTEOUS	NW
20-0106	7/15/20	UNFOUNDED	REPORT PREPARATION	CENTRAL
20-0107	8/5/20	UNFOUNDED	DISCOURTEOUS	NE
20-0108	8/10/20	UNFOUNDED	PERFORMANCE	NON-DISTRICT
20-0109	8/10/20	UNFOUNDED	DISCOURTEOUS	COMCEN
20-0110	8/10/20	EXONERATED	DISCOURTEOUS	CENTRAL
20-0111	8/10/20	UNFOUNDED	ARREST AUTHORITY/PROCEDURES	NE
20-0112	8/10/20	EXONERATED	ARREST AUTHORITY/PROCEDURES	CENTRAL
20-0113	8/10/20	SUSTAINED	BODY CAMERA ISSUES	NE
20-0114	8/10/20	UNFOUNDED	DISCOURTEOUS	NON-DISTRICT
20-0115	8/10/20	SUSTAINED	REPORT PREPARATION	NW
20-0116	9/2/20	SUSTAINED	DEPT COMPUTER USE	NON-DISTRICT
20-0117	9/2/20	SUSTAINED	DISCOURTEOUS & BODY CAMERA ISSUES	NE
20-0118	9/2/20	UNFOUNDED	GENERAL RESPONSIBILITIES	NE
20-0119	9/2/20	SUSTAINED	DEPT PROPERTY LOST	CENTRAL
20-0120	9/2/20	SUSTAINED	PRISONER'S PROPERTY LOST	SE
20-0121	9/2/20	NOT SUSTAINED	DISCOURTEOUS	NON-DISTRICT
20-0122	9/2/20	UNFOUNDED	ARREST AUTHORITY/PROCEDURES	NE
20-0123	9/2/20	UNFOUNDED	ABUSE OF AUTHORITY	SW
20-0124	9/2/20	UNFOUNDED	ARREST AUTHORITY/PROCEDURES	SE
20-0125	9/2/20	UNFOUNDED	ARREST AUTHORITY/PROCEDURES	CENTRAL
20-0126	9/18/20	NOT SUSTAINED	RACIAL/BIAS BASED PROFILING	SW
20-0127	9/18/20	NOT SUSTAINED	SUPERVISORY RESPONSIBILITIES	COMCEN
20-0128	9/18/20	UNFOUNDED	DISCOURTEOUS	NW

INFORMAL COMPLAINTS				
INFORMAL COMPLAINT	DATE CLOSED	FINDINGS	ALLEGATIONS	DISTRICT
20-0129	9/18/20	UNFOUNDED	FAILURE TO OBEY ALL LAWS DEPT PROP CARE/USE/DAMAGED	NON-DISTRICT
20-0130	9/18/20	EXONERATED	DISCOURTEOUS	NW

During the third quarter there were 37 Informal Complaint matters closed following an investigation by the FPD. A review of the closed cases by this office determined each case was properly classified as an Informal Complaint and the appropriate finding was reached by the FPD.

MATTERS NOT RELATED TO AN IA CASE INVESTIGATION

During the course of speaking to various groups or organizations regarding the mission of this office we will be asked for information not presently included in our quarterly reports. Several times the questions require research before responding and occasionally are deemed worthy of including the response in a quarterly report to be view by the public. Recently during a presentation we were asked for details on when FPD engages in use of force and the type of call they are responding to when force is used.

Below is the policy when FPD documents the use of reportable force, which is also posted on the department's public website:

300.9 REPORTABLE FORCE DEFINED

Reportable force has occurred when:

- (a) Members (including canines) use force and a person is injured, has expressed a complaint of pain, or has been rendered unconscious;*
- (b) Members strike a person with a body part (e.g., fist, foot, elbow, etc.) or any object (e.g., flashlight, clipboard, etc.); or*
- (c) Members use (not merely display) a Department issued weapon (e.g., baton, chemical agents, Taser™, less-lethal, shotgun, firearm, etc.) against another.*

When any member subjects someone to the use of reportable force, they shall immediately notify a supervisor. Supervisors should also be notified when an individual indicates the intent to pursue litigation, whether or not any force was used.

300.9.1 DOCUMENTATION OF REPORTABLE USE OF FORCE

Members shall document all of the following information when reportable force occurs:

- (a) Reason for the initial contact;*
- (b) Subject's behavior that required the use of force;*
- (c) Type of force used;*
- (d) If the initial force used was adequate or if repeated applications were required and level of resistance;*

- (e) If equipment functioned properly;
- (f) If the subject attempted to take control or took control of the officers' weapons;
- (g) If the officer/subject was injured;
- (h) Witness statements; and
- (i) If a supervisor was on scene when the reportable force was used.

Following an incident of reportable force, officers shall ensure the subject is photographed after any necessary medical treatment. Photographs should include any visible injuries or lack thereof.

The following table reflects the number of times reportable force was documented for the years of 2009 through 2019, and the number of times officers were assaulted during the performance of their duties. Also included in the table are the times the FPD applied the carotid restraint for the years the application was recorded by the department, 2018, and 2019.

USE OF FORCE APPLICATIONS					OFFICERS ASSAULTED
YEAR	CFS*	UOF**	PERCENT APPLIED	CAROTID RESTRAINT	
2009	419,090	476	0.11	*	331
2010	395,586	450	0.11	*	375
2011	388,632	467	0.12	*	415
2012	403,880	408	0.10	*	368
2013	396,555	380	0.096	*	444
2014	399,999	330	0.083	*	366
2015	418,806	276	0.066	*	337
2016	389,232	240	0.062	*	251
2017	418,340	295	0.071	*	158
2018	450,817	252	0.056	2	339
2019	423,487	289	0.069	3	376

*CFS: Calls for service **UOF: Use of Force

The following table reflects the application of reportable force in respects to the type of call for service the officers were dispatched to or when discovering an incident in progress.

APPLICATION OF FORCE BY TYPE OF CALL AND FREQUENCY OF APPLICATION*								
TYPE OF CALL FOR SERVICE	2014	2015	2016	2017	2018	2019	TOTAL FORCE APPLICATIONS	TOTAL CALLS FOR SERVICE
ASSAULT	104	97	81	91	89	98	560	36319
SUSPICIOUS ACTIVITY	72	73	54	86	72	68	425	532303
NARCOTICS	26	6	4	4	2	4	46	16430
VEHICLE THEFT	17	8	6	9	7	5	52	47906
HEALTH/SUICIDE	16	18	19	18	9	22	102	142645

APPLICATION OF FORCE BY TYPE OF CALL AND FREQUENCY OF APPLICATION*								
TYPE OF CALL FOR SERVICE	2014	2015	2016	2017	2018	2019	TOTAL FORCE APPLICATIONS	TOTAL CALLS FOR SERVICE
STRUCTURE BURGLARY	16	10	4	9	6	5	50	118599
TRAFFIC STOP	12	7	7	7	5	11	49	372830
WEAPONS OFFENSE	11	9	5	14	14	11	64	29583
UNCLASSIFIED CRIME ACT	8	2	0	2	0	8	20	8598
TRAFFIC COMPLAINT	5	6	4	2	3	1	21	83420
ROBBERY	5	12	13	6	7	12	55	8906
THEFT	5	0	4	4	2	3	18	53145
RESTRAINING ORDER VIOLATION	5	4	3	4	4	2	22	13807
WARRANT SERVICE	4	1	7	4	1	9	26	77496
DISTURBANCE	3	3	4	4	3	9	26	362300
ASSIST CITIZEN OR AGENCY	3	4	6	3	6	5	27	89032
VANDALISM	3	5	3	7	6	0	24	17309
ALCOHOL RELATED	2	3	1	2	4	3	15	13892
INJURY OR FATAL TRAFFIC COLLISION	2	0	0	1	1	0	4	6827
RAPE	2	0	2	2	0	2	8	6976
HOMICIDE	1	0	1	2	0	1	5	167
FRAUD/FORGERY	1	0	1	1	2	1	6	4306
STATE OFFENSE	0	1	0	0	3	2	6	12
NON-INJURY TRAFFIC COLLISION	0	1	1	2	0	0	4	23727
RECEIVING STOLEN PROPERTY	0	0	1	0	0	0	1	6
VICE CRIMES	0	0	1	0	1	1	3	1143
BOMB THREAT	0	0	0	0	0	1	1	18
ESCAPE	0	0	0	0	2	0	2	1
JUVENILE OFFENSE	0	0	0	0	0	1	1	373
TOTALS	330	276	240	295	252	289		

*Minor numeric discrepancies can be attributed to incorrect or the absence of a clearance code

When reviewing the application of force a factor to keep in mind is the increased number of calls for service for the past several years. However, even with the increased number of calls for service the percentage of when force was applied decreased since 2012 and has remained below 0.10% since then.

DISCIPLINARY RESULTS OF IA INVESTIGATIONS

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

DISCIPLINE ISSUED	2014	2015	2016	2017	2018	2019	2020
TERMINATIONS	3	5	7	3	2	7	3
RESIGNED IN LIEU OF	1	0	0	1	0	5	2
RETIRED	0	0	0	0	0	3	0
DEMOTION	0	0	0	0	0	1	0
SUSPENDED	14	13	16	17	32	29	28
PAYMENT IN LIEU OF	1	0	0	0	0	3	0
FINES	0	1	0	0	0	0	0
MEDICAL SEPARATION	NA	NA	NA	NA	NA	3	0
LETTERS OF REPRIMAND	7	11	9	10	15	19	7
TOTAL	26	30	32	31	49	70	40

SUMMARY

A collateral function of this office is to engage in community outreach. Since the creation of the Community Coordinator position in this office we have spoken to over 145 organizations, groups, businesses, and schools. However, due to the ongoing COVID-19 pandemic, group meetings and community events have been postponed. In an event to continue our outreach efforts we have begun offering to provide presentations via any of the virtual meeting platforms available, such as ZOOM, WebEX Meeting, and Microsoft Teams, to name a few. We have also recently created an [OIR Facebook](#) and [Twitter](#) page for the public to contact us or view our quarterly reports as they are released.

We recognize this is a very critical time regarding law enforcement accountability and community trust. There are several ways to contact this office and it is our policy to return all correspondence within a 24 hour period with the exception of communications received over the weekend. Our contact information is listed below.

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

Telephone: (559) 621-8617

Email: Maira.Aguilar@Fresno.gov

John A. Gliatta
Independent Reviewer
Office of Independent Review