



OFFICE OF INDEPENDENT REVIEW

**REPORT FOR THE PERIOD OF
OCTOBER 1, 2021, TO DECEMBER 31, 2021**

**John A. Gliatta
Independent Reviewer**

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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, strategies, and Internal Affairs (IA) investigations. The OIR operates independently of the FPD and provides City leaders and the public with an objective analysis of policing data, actions, and outcomes. The OIR analyzes complaints filed by the community and those initiated by the department to ensure they have been investigated fairly and thoroughly. Periodically, the OIR provides 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



*Please contact our office if you would like us to participate at your next community event.
Contact information can be found on the last page of this report.*

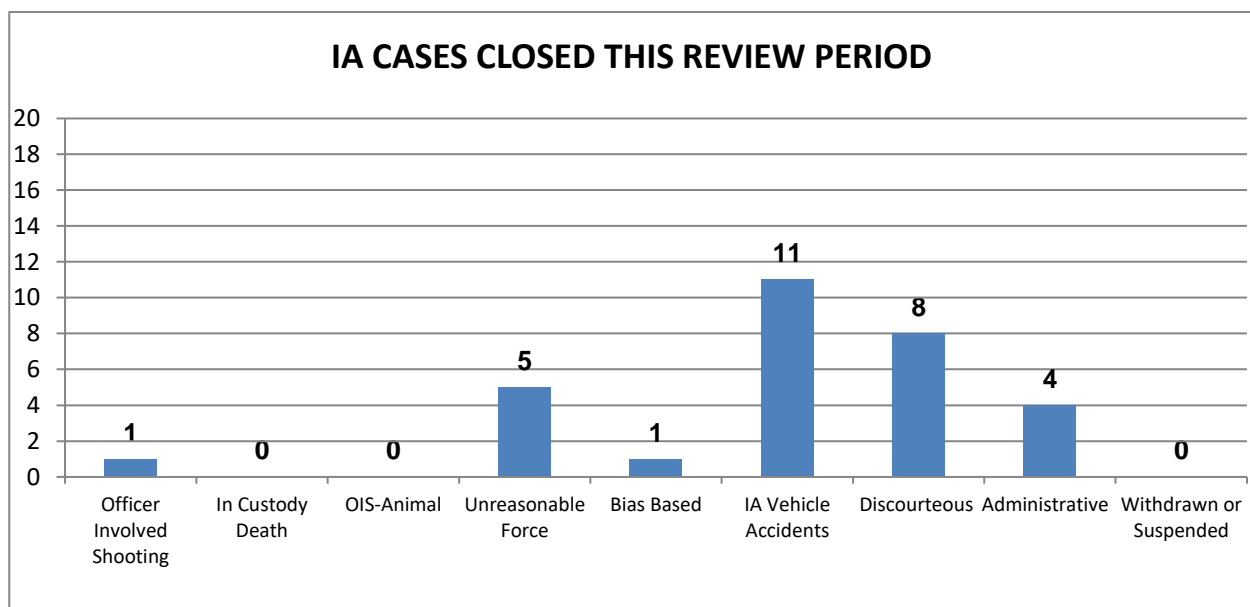
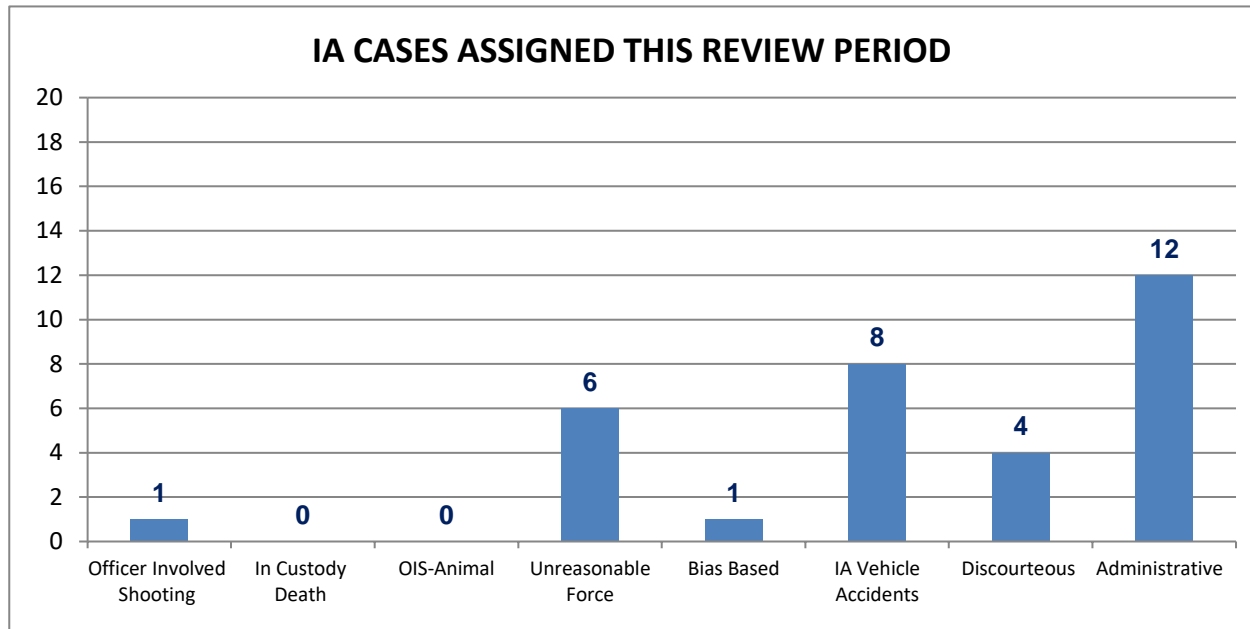
OIR REPORT FORMAT

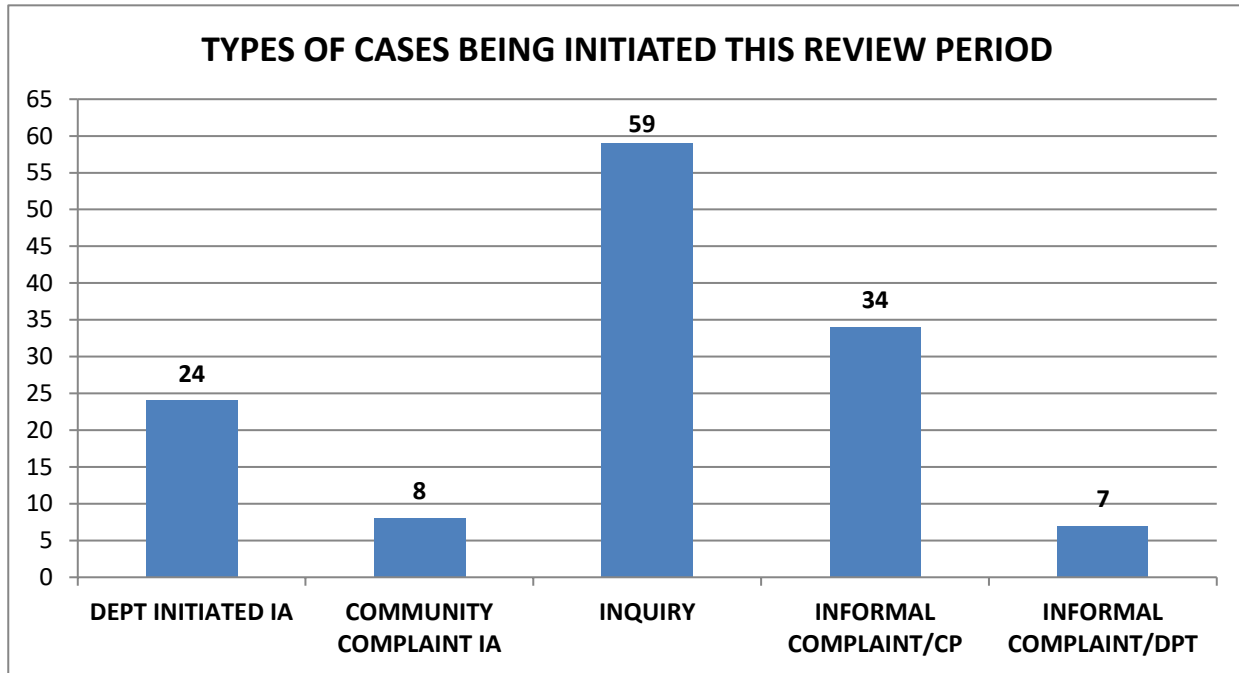
The OIR adheres to the following guidelines, format, and definitions in all quarterly reports:

- 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 Os, or 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.
- The report is previewed by Mayor Jerry Dyer, Assistant City Manager Francine Kanne, Assistant City Attorney Tina Griffin, and Chief Paco Balderrama, 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 before the summary.
- All FPD responses to OIR recommendations, to include if the FPD implemented policy change(s) in response to recommendation(s) listed in the previous quarterly report, will be addressed before 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 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.
- Officer Involved Shootings (OIS) involving an animal are listed in the OIS charts. Per FPD Policy 337.7.9, an officer is within policy to use deadly force to stop a dangerous animal, such as a dog.

REVIEW OF INTERNAL AFFAIRS INVESTIGATIONS

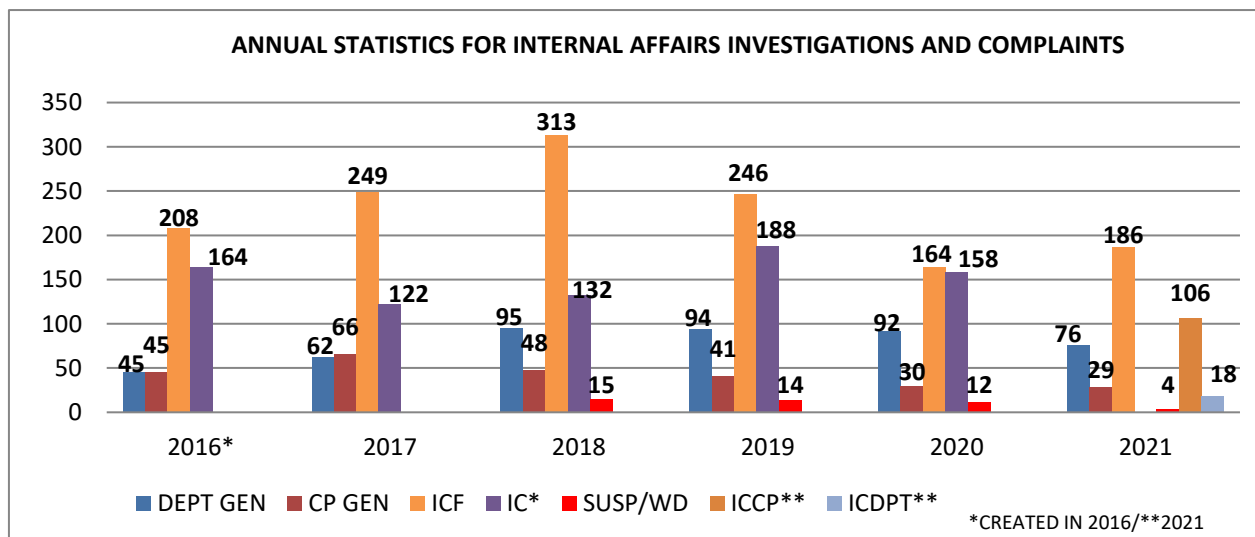
The following charts list the number and types of IA cases assigned and closed during the fourth quarter of 2021. For classification purposes, Discourteous Treatment also includes cases in which the officer was accused of conduct unbecoming of a police officer. The classification of Administrative Matters includes officers or employees accused of violating policies 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. As of January 1, 2021, the informal complaints will be categorized by the manner the complaint was initiated, either by the community (CP) or the department (DPT).



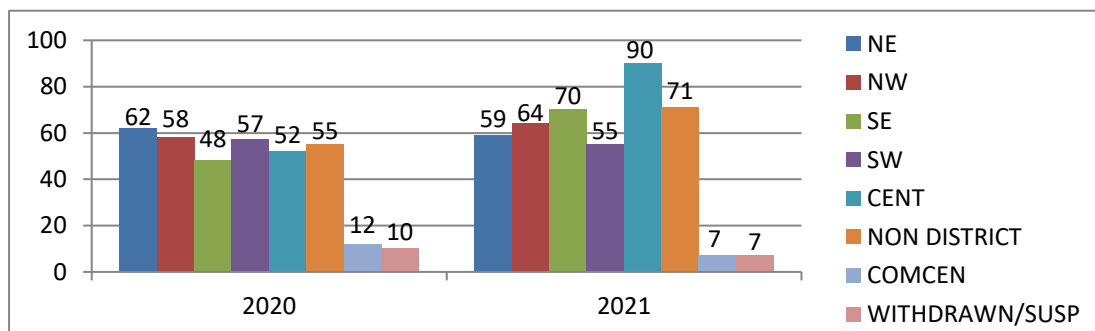
COMPLAINTS OR INQUIRIES ASSIGNED BY POLICING DISTRICT

The following charts reflect the complaints or inquiries assigned in each of the five policing districts for the fourth quarter of 2021, and a fourth quarter comparison between 2020 and 2021. Effective January 1, 2021, the district informal complaints are listed by the manner in which the complaint was initiated, community complaint (CP), or department generated (DEPT).

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

MATTERS ASSIGNED BY POLICING DISTRICTS FOR THE FOURTH QUARTER OF 2021									
ASSIGNED	NE	NW	SE	SW	CENT	NON DISTRICT	COMCEN	WITHDRAWN/ SUSPENDED	TOTAL
IA CASES	3	5	4	1	3	16	0	0	32
INFORMAL COMPLAINTS-CP	6	2	4	3	4	13	2	0	34
INFORMAL COMPLAINTS-DEPT	0	0	0	2	0	4	0	1	7
INQUIRIES	8	5	9	20	12	5	0	0	59
4th QTR TOTALS	17	12	17	26	19	38	2	1	132

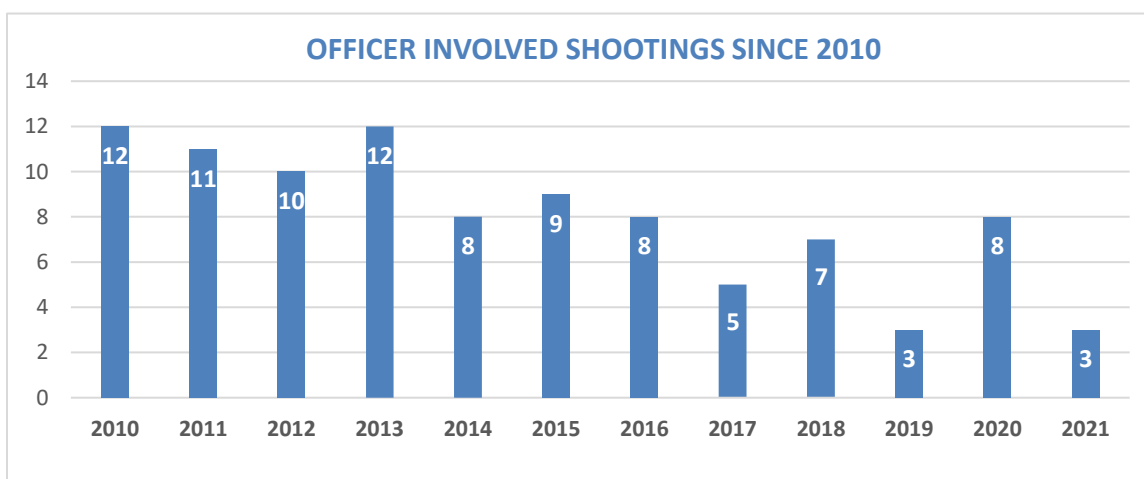
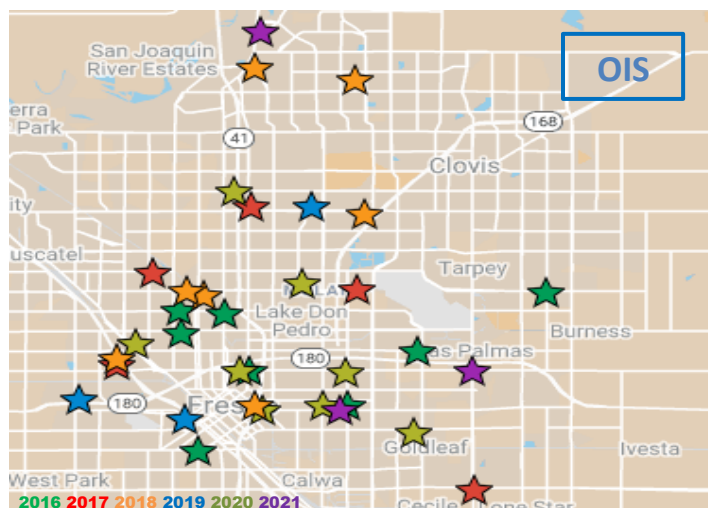
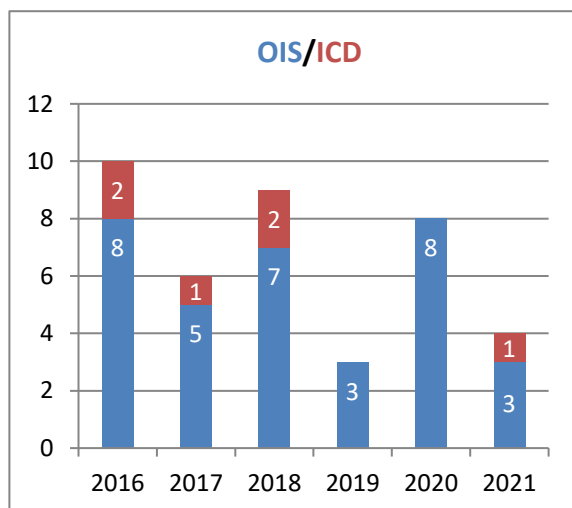
ANNUAL COMPARISONS OF MATTERS BY DISTRICT



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) 2016 THROUGH 2021



COMPLETED AND PENDING OFFICER INVOLVED SHOOTING INVESTIGATIONS

OFFICER INVOLVED SHOOTING (OIS) AND IN CUSTODY DEATHS (ICD)					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
21-0027	4/15/2021	11/18/2021	W/IN POL	W/IN POL	Os WERE FIRED UPON, RETURNED FIRE; NON-FATAL
21-0072	9/4/2021	P			SUBJECT APPEARED TO BE UNDER THE INFLUENCE AND RESISTED ARREST FOR ATTEMPTED MURDER, CARJACKING, AND KIDNAPPING. HE STOPPED BREATHING AND WAS PRONOUNCED DECEASED AFTER BEING TRANSPORTED TO THE HOSPITAL
21-0107	12/22/2021	P			SUBJECT CALLED 9-1-1 AND WHEN Os ARRIVED HE POINTED A REPLICA WEAPON AT THEM, NON-FATAL

During this period one new OIS case was initiated, and one case was closed and subsequently reviewed by this office. One ICD case, IA2021-0047, was previously listed within this category. Upon further review the case was reclassified and now can be found within the Unreasonable Force chart on page 13. The reclassification action and closed investigation was reviewed by this office and the review also appears following the Unreasonable Force chart.

OIS CASE SUMMARY

In order to determine if the actions of the officers were within the FPD's [Use of Force Policy 300](#), the policy was reviewed and the applicable sections are noted in the summary below. Readers are strongly encouraged to read the policy by using the embedded hyperlink above or accessing the policy manual online at: <https://www.fresno.gov/police/records-reports/> before reading the case summary.

IA2021-0027: On April 15, 2021, at approximately 8:50 PM, the FPD Communication Center received several 9-1-1 calls regarding a shooting which had just occurred in an apartment complex within the Northeast Policing District. The callers advised a male shot his wife and then fled the complex in a maroon SUV, possibly a Chevrolet Tahoe or Lincoln Navigator. Officers arrived on scene less than 90 seconds after being dispatched to the call and began coordinating first aid until EMS arrived. Officers identified the male, hereafter referred to as the subject, along with a clothing and vehicle description.

A dual officer patrol unit from the Southwest Policing District were refueling their marked vehicle near E Street and El Dorado when the bulletin was broadcast over the FPD radio. Using the patrol car's onboard computer they were able to view a booking photograph of the subject. As the officers were exiting the fueling station they observed a maroon Chevrolet Tahoe drive past them. Both officers activated their respective BWC. The officers began to follow the vehicle to conduct a traffic stop. The subject began increasing his speed and the officers activated their emergency equipment, lights and siren. The subject began to flee which then initiated a pursuit.

At one point during the pursuit the subject attempted to negotiate a turn at a high rate of speed which caused his vehicle to slide sideways. This allowed the officers to view the subject and confirmed it was the person suspected of the earlier shooting.

As the pursuit continued the subject made an abrupt left turn causing his vehicle to be nearly perpendicular to the pursuing FPD vehicle. At this point the subject fired one round at the pursuing officers. The BWC recording captured the moment the subject shot at the FPD officers and the image appears below (marked with a red arrow).



Fearing he posed an imminent threat to them, the public, and other officers if he was able to get away, the officers continued pursuing the fleeing subject and broadcasted he was firing at them.

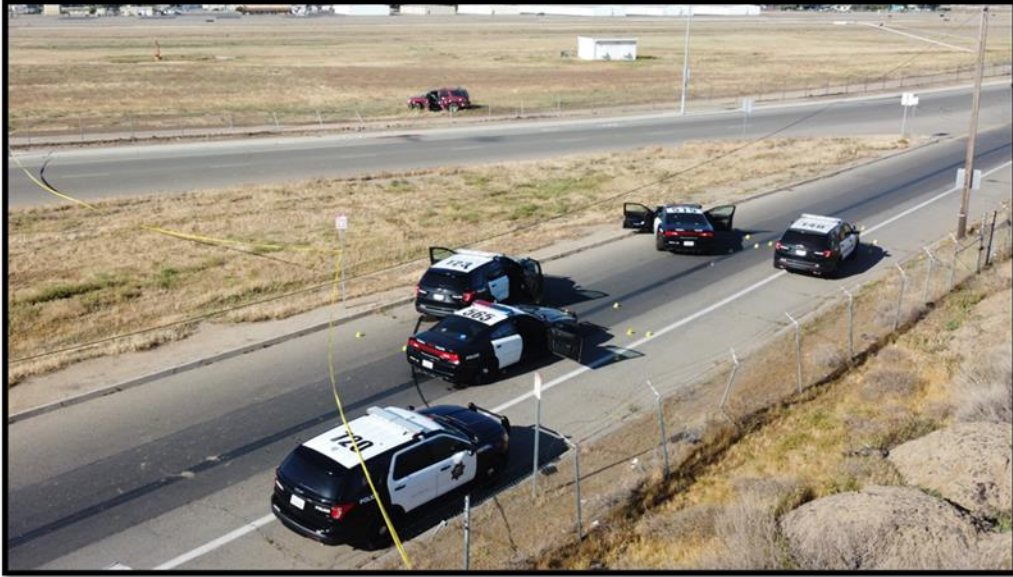
The pursuit continued until the subject lost control of his vehicle and left the roadway near West Amador Street and West Whites Bridge Avenue, along the northern fence line of the Fresno Chandler Executive Airport. The officers stopped and exited their patrol car approximately 60 yards from the subject's vehicle. The officers were then joined by a third officer who arrived on scene. The subject exited his vehicle and immediately fired at the officers. The shot was captured by one of the officers' BWC recording and the image appears on the next page (the flash of light just above the officer's extended handgun marked with a red arrow).



Prior to the second shot being fired at the officers by the subject the FPD officers had not returned fire. Once again fearing for their lives the officers began returning fire. The BWC recording also confirmed the officers had activated their emergency lights, which is evident by the red tone in the above frame, this clearly identified them as law enforcement. The reflection of the activated emergency lights was also captured in the BWC recordings during the vehicle pursuit. The officers took cover behind their respective vehicles, and it was believed the subject fired at least one more time at them. The subject changed from a standing position to a prone position while holding a rifle. The subject moved away from his vehicle and assumed a prone position in the adjacent field making it difficult to be viewed by the officers due to the terrain and ground cover.

The FPD helicopter arrived in the area and was able to provide updates on the location of the subject. Once it was determined the subject no longer presented a threat, officers proceeded to his location using a department canine and a ballistic shield for cover. The subject was then taken into custody and officers began administering first aid until EMS arrived. The subject suffered non-life-threatening wounds and was subsequently transported to the hospital. He declined to answer any questions when detectives attempted to interview him. The FPD officers were not injured during the OIS.

An aerial view of the FPD vehicles in respects to where the subject's vehicle came to rest in the field appears on the next page. The photograph was taken the following day to afford a better perspective of the distance between the vehicles since the OIS occurred at night.



The weapon used by the subject appears below and was recovered at the scene where he was taken into custody. An expended cartridge (already fired) was ejected from the weapon by FPD once it was recovered. The second photograph depicts the number of rounds loaded into the magazine which was inserted in the weapon. The subject was prevented from firing additional rounds at the officers because the weapon failed to eject the expended cartridge, thus causing the weapon to “jam.” If the weapon had functioned properly the subject could have fired 10 more high caliber rounds at the officers.





To promote transparency the following list represents the evidence which was reviewed in this OIS before arriving at a finding:

1. 9-1-1 calls received by FPD Call Center
2. Radio traffic originating at the scene of the initial shooting
3. Radio traffic from officers in pursuit of Davis
4. BWC recordings from the three officers involved in the OIS
5. BWC recordings from the officers who took the subject into custody
6. Recorded interviews of the officers involved in the OIS
7. Crime scene photos from the scene of the OIS
8. Toxicology reports for the subject
9. Recording of the attempted interview of the subject
10. District Attorney letter to FPD stating use of force was necessary and justified
11. Event log showing officers dispatched, arrival, and updated information
12. Internal Affairs Investigative Memo consisting of 65 pages
13. Personally responded to the OIS and officer interviews on April 15, 2021

The evidence supports the fact the officers were **within FPD Policy 300**, specifically sections 300.6, 300.8, along with Supreme Court cases *Graham vs Connor* and *Tennessee vs Garner*. The Fresno County District Attorney's Office also determined the level of force used was necessary and justified.

STATUS OF INTERNAL AFFAIRS INVESTIGATIONS BY CLASSIFICATION

UNREASONABLE FORCE					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
20-0036	3/31/2020	P			CP ALLEGED O USED UNREASONABLE FORCE
21-0029	4/26/2021	12/16/2021	SUS	NR	CP, A RESERVE O FROM ANOTHER AGENCY, ALLEGED O USED UNREASONABLE FORCE
			SUS	NR	DE ALLEGED O FAILED TO ACTIVATE BWC
			NS	NS	DEPT ALLEGED O PROVIDED FALSE INFORMATION
21-0032	4/26/2021	P			DEPT ALLEGED O USED UNREASONABLE FORCE ON AN ARRESTEE
21-0045	5/28/2021	12/1/2021	NS	NS	DEPT ALLEGED O USED UNREASONABLE FORCE ON AN ARRESTEE
21-0047	6/1/2021	12/1/2021	SUS X 2 SUS X 2 UNF X 3	NR/UNF NR UNF X 3	DEPT ALLEGED O1,2, & 3 FAILED TO ACTIVATE BWC DEPT ALLEGED O1 & O2 LACKED DISCRETION DEPT ALLEGED Os USED UNREASONABLE FORCE
21-0048	6/4/2021	10/20/2021	EX x 2	EX x 2	CP ALLEGED Os USED UNREASONABLE FORCE
21-0051	6/23/2021	P			DEPT ALLEGED O USED UNREASONABLE FORCE AFTER A REVIEW OF REQUIRED USE OF FORCE WAS COMPLETED
21-0052	6/24/2021	P			DEPT ALLEGED O1 USED UNREASONABLE FORCE DEPT ALLEGED SGT FAILED TO TAKE ACTION
21-0053	7/7/2021	P			DEPT ALLEGED O USED UNREASONABLE FORCE AND LACKED DISCRETION
21-0054	7/7/2021	P			DEPT ALLEGED O USED UNREASONABLE FORCE
21-0067	8/20/2021	P			CP ALLEGED Os USED UNREASONABLE FORCE AND KEPT HIS ID
21-0069	8/20/2021	12/16/2021	EX SUS	EX NR	CP ALLEGED O USED UNREASONABLE FORCE ON A RELATIVE DEPT ALLEGED O FAILED TO DOCUMENT MATTER
21-0087	10/15/2021	P			CP ALLEGED Os USED UNREASONABLE FORCE, DEPT ALLEGED Os FAILED TO ACTIVATE BWC & Os FAILED TO DOCUMENT UOF
21-0088	10/15/2021	P			DEPT ALLEGED O USED UNREASONABLE FORCE

UNREASONABLE FORCE					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
21-0090	11/4/2021	P			CP ALLEGED O USED UNREASONABLE FORCE DEPT ALLEGED O FAILED TO ACTIVATE BWC
21-0094	11/16/2021	P			CP ALLEGED O USED UNREASONABLE FORCE DEPT ALLEGED O FAILED TO ACTIVATE BWC DEPT ALLEGED O FAILED TO WRITE REPORT
21-0101	12/9/2021	P			DEPT ALLEGED O FAILED TO REPORT APPLICATION OF FORCE DURING ARREST
21-0105	12/13/2021	P			CP ALLEGED UNREASONABLE FORCE and VEHICLE WAS WRONGLY TOWED

IA2021-0047: The case was originally classified as an In Custody Death since the date of the incident on May 29, 2021. The subject was initially detained by a Fresno County Sheriff deputy when the subject ran out on to the roadway and laid across the road at approximately 9:50 PM as the deputy was driving through the area. The subject was then released to the FPD due to the location being within the city limits. The follow-up investigation determined the subject was subsequently released to paramedics and immediately transported to the hospital due to the belief he was under the influence of narcotics and was acting irrational.

A review of several officer's BWC recordings and documentation from EMS personnel revealed the subject's demeanor remained constant during the interaction with the FPD officers and then during transport to the hospital. Four hours after arriving at the hospital the subject was pronounced deceased. A forensic pathologist reviewed the BWC and determined the subject's death did not result from any action taken by the FPD officers. The case was then reclassified to determine if unreasonable force was applied during the detainment. The IA investigation did find two of the three responding officers in violation of the BWC policy for not immediately activating their BWC upon arrival at the scene although their cameras were activated once the subject began acting irrational. The same two officers were found to be in violation of the discretion policy based on comments made while controlling the subject. The IA investigation and the review by this office found the officers did not use unreasonable force detaining the subject while awaiting the arrival of EMS.

BIAS BASED					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
21-0066	8/19/2021	10/20/2021	NS SUS	NS NR	CP ALLEGED O MADE DISPARAGING COMMENTS ABOUT CP'S SEXUAL ORIENTATION (DISCRETION) DEPT ALLEGED O FAILED TO ACTIVATE BWC

BIAS BASED					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
21-0091	11/4/2021	P			CPs ALLEGED Os STOPPED THEM BASED ON RACE CPs ALLEGED Os USED UNREASONABLE FORCE

During the review period one new Bias Based investigation was assigned and one case investigation was completed. After a thorough review of the completed investigation this office reached the same finding as IA.

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
20-0097	10/12/2020	11/19/2021	SUS	NR	Os ALLEGED SGT HAS BEEN UNPROFESSIONAL
20-0113	12/9/2020	12/9/2021	SUS	NR	DEPT ALLEGED O WAS ARRESTED FOR POSSESSION OF CHILD PORNOGRAPHY
21-0012	2/19/2021	10/28/2021	SUS x 7	NR	CP ALLEGED O ASKED INAPPROPRIATE QUESTIONS DEPT ALLEGED: FAILED TO ARRIVE ON TIME, DID NOT COMPLETE WORK TIME ENTRIES ACCURATELY, ACCESSED COMPUTER DATABASE FOR PERS REASONS, VIOLATED MISD OR FELONY STATUTE, CONDUCT UNBECOMING OF AN OFFICER, LACKED INTEGRITY
21-0018	3/18/2021	P			DEPT ALLEGED O DID NOT PROPERLY HANDLE DV CALLS
21-0030	4/26/2021	11/19/2021	SUS	NR	CP ALLEGED O DID NOT DOCUMENT DELIVERY OF CASH
21-0034	4/29/2021	12/22/2021	SUS	NR	CP ALLEGED O PULLED HIM FROM RESIDENCE
21-0042	5/24/2021	P			DEPT ALLEGED FPD EMP CHALLENGED CITY EMP IN A SOCIAL MEDIA POST
21-0046	5/28/2021	11/22/2021	NS	NS	CP ALLEGED O USED POOR DISCRETION
			SUS	NR	DEPT ALLEGED O FAILED TO ACTIVATE BWC
			SUS	NR	DEPT ALLEGED O FAILED TO UPDATE LOCATION

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
21-0056	7/12/2021	P			CP ALLEGED O POSTED INAPPROPRIATE COMMENTS ON SOCIAL MEDIA
21-0059	7/23/2021	P			DEPT ALLEGED O WAS INVOLVED IN SEXUAL HARASSMENT OF OTHER Os
21-0061	8/3/2021	12/17/2021	NS	NS	DEPT ALLEGED O WAS INVOLVED IN AN OFF-DUTY DV MATTER WITH HIS WIFE
21-0062	8/3/2021	P			DEPT ALLEGED Os WERE INVOLVED IN A DISTURBANCE AT A LOCAL PUB
21-0063	8/5/2021	P			CP ALLEGED O WAS UNPROFESSIONAL AT TRAFFIC STOP
21-0064	8/12/2021	12/1/2021	UNF EX	UNF EX	CP ALLEGED ITEMS WERE MISSING FROM VEHICLE AFTER IT WAS TOWED DEPT ALLEGED O DID NOT PROPERLY SECURE VEHICLE
21-0068	8/20/2021	P			CP ALLEGED O USED FPD COMPUTER TO OBTAIN BACKGROUND INFORMATION ON CP
21-0076	9/21/2021	P			DEPT ALLEGED ESD WAS DISCOURTEOUS TO ANOTHER ESD
21-0084	10/14/2021	P			DEPT ALLEGED OFF-DUTY O WAS ARRESTED FOR DISORDERLY CONDUCT AND RESISTING ARREST
21-0085	10/14/2021	P			CP ALLEGED O MADE AN INAPPROPRIATE COMMENT DEPT ALLEGED O FAILED TO ACTIVATE BWC AND FAILED TO DOCUMENT THE DETENTION OF A PARENT
21-0097	11/22/2021	P			DEPT ALLEGED O WAS INVOLVED IN ON-DUTY UNBECOMING CONDUCT
21-0098	11/29/2021	P			CP ALLEGED O1 WAS DISCOURTEOUS CP ALLEGED O2 FAVORED THE OTHERS INVOLVED

During the fourth quarter eight investigations within the above category were completed and four new investigations were initiated. The same findings as IA were reached by this office in each of the completed investigations.

ADMINISTRATIVE OR PERFORMANCE MATTERS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
21-0033	4/27/2021	10/22/2021	SUS	NR	DEPT ALLEGED EMP REPEATEDLY USING PERS CELL WHILE WORKING
21-0040	5/19/2021	10/26/2021	SUS	NR	DEPT ALLEGED O DAMAGED FPD VEHICLE WHEN TESTING TASER
21-0057	7/12/2021	10/26/2021	UNF x 2	UNF x 2	DEPT ALLEGED Os FAILED TO TERMINATE PURSUIT WHEN INSTRUCTED TO DO SO BY SUPERVISOR
21-0077	9/24/2021	P			DEPT ALLEGED Os FAILED TO TERMINATE A PURSUIT
21-0078	10/4/2021	P			DEPT ALLEGED O POSTED A SELFIE ON SOCIAL MEDIA WHILE IN UNIFORM
21-0079	10/5/2021	P			DEPT ALLEGED EMP POSTED VIDEOS ON SOC MEDIA WHILE IN UNIFORM
21-0080	10/5/2021	P			DEPT ALLEGED EMP IS ABUSING LEAVE POLICY
21-0081	10/12/2021	P			SGT ALLEGED LT UNFAIRLY BERATED SGT
21-0086	10/14/2021	P			DEPT ALLEGED O SUBMITTED OT FOR PERSONAL TIME
21-0092	11/10/2021	P			DEPT ALLEGED FPD LABORER ADMITTED TO USING ILLEGAL NARCOTICS
21-0093	11/10/2021	P			DEPT ALLEGED O DID NOT OBTAIN OFF-DUTY WORK PERMIT
21-0095	11/19/2021	P			DEPT ALLEGED O FAILED TO SUBMIT AN ELECTRONIC PROBABLE CAUSE DECLARATION
21-0099	10/15/2021	12/1/2021	SUS	NR	CMO ALLEGED EMP FAILED TO COMPLY WITH COVID-19 EMERGENCY ORDER
21-0102	12/9/2021	P			CP ALLEGED EMP IS USING POSITION AT FPD TO OBTAIN INFORMATION REGARDING THE CP
21-0106	12/22/2021	P			DEPT ALLEGED Os FAILED TO DOC EVIDENCE DEPT ALLEGED Os FAILED TO ACTIVATE BWC
21-0108	12/29/2021	P			DEPT ALLEGED THE EMP OF THE FOLLOWING: EMP FAILED TO DEVOTE TIME TO WORK DUTIES UNAUTHORIZED USE OF DEPT EQUIPMENT DEPT COMPUTER USE UNAUTHORIZED POSSESSION OF DEPT PROPERTY

During the review period four investigations were completed and 12 new cases were initiated. One of the new case investigations was completed during the review period. In three of the four completed investigations the employee or officer was found to be in violation of a FPD policy.

As previously written in a prior quarterly report, a review of the 29 completed vehicle accident investigations completed by IA in 2020, found 27 were sustained, one was suspended, and only one was determined to be unfounded. The percentages of findings were similar for prior years. Therefore, it was determined based on the percentage of sustained findings, and the established OIR policy of not reviewing sustained findings, listing the individual vehicle accident cases provides minimal value to the reader or community. However, the quarterly reports will continue to include a summary of the number of vehicle accident cases assigned, completed, and their respective findings during the quarter. This office will continue to review all completed investigations where the findings are unfounded, exonerated, or not sustained.

During the fourth quarter 11 vehicle accident cases were completed. Each investigation resulted in a finding of sustained. During the same period eight new vehicle accident investigations were initiated and assigned, with one of new cases being one of the completed investigations.

4th QUARTER INFORMAL COMPLAINTS- COMMUNITY AND DEPARTMENT GENERATED				
INFORMAL COMPLAINT	DATE CLOSED	ALLEGATION(S)	FPD FINDINGS	DISTRICT
IC21-0073	10/5/21	DISCRIMINATION	UNF	COM CEN
IC21-0074	10/5/21	INFORMATION RELEASES	UNF	NE
IC21-0075	10/5/21	UNREASONABLE FORCE	EX	SW
IC21-0076	10/5/21	CONDUCT UNBECOMING	NS	NON-DISTRICT
IC21-0077	10/5/21	VEHICLE OPERATIONS	SUS	NON-DISTRICT
IC21-0078	10/5/21	INVESTIGATION HANDLING	NS	NE
IC21-0079	10/5/21	VEHICLE OPERATIONS	SUS	SE
IC21-0080	10/5/21	GENERAL RESPONSIBILITIES	UNF	SW
IC21-0081	11/5/21	UNREASONABLE FORCE	EX	SW
		GENERAL RESPONSIBILITIES		
IC21-0082	11/5/21	DISCRIMINATION	UNF	NON-DISTRICT

4th QUARTER INFORMAL COMPLAINTS- COMMUNITY AND DEPARTMENT GENERATED				
INFORMAL COMPLAINT	DATE CLOSED	ALLEGATION(S)	FPD FINDINGS	DISTRICT
IC21-0083	11/5/21	RACIAL/BIAS BASED PROFILING	UNF	NON-DISTRICT
IC21-0084	11/5/21	DISCOURTEOUS TREATMENT	UNF	NE
IC21-0085	11/5/21	GENERAL RESPONSIBILITIES	UNF	CE
IC21-0086	11/5/21	INVESTIGATION HANDLING	UNF	NON-DISTRICT
IC21-0087	11/5/21	GENERAL CALL HANDLING	UNF	SE
IC21-0088	11/5/21	GENERAL RESPONSIBILITIES	UNF	NON-DISTRICT
IC21-0089	11/5/21	DISCOURTEOUS TREATMENT	UNF	CENTRAL
IC21-0090	11/5/21	NON-FPD COMPLAINT	UNF	N/A
IC21-0091	11/5/21	GENERAL CALL HANDLING	UNF	NW
IC21-0092	11/5/21	GENERAL RESPONSIBILITIES	UNF	NE
		DISCOURTEOUS TREATMENT	UNF	
IC21-0093	11/5/21	HARASSMENT	UNF	CE
IC21-0094	11/10/21	NON-FPD COMPLAINT	UNF	NON-DISTRICT
IC21-0095	11/10/21	GENERAL CALL HANDLING	UNF	NE
IC21-0096	11/10/21	DISCOURTEOUS TREATMENT	UNF	NON-DISTRICT
IC21-0097	11/10/21	GENERAL CALL HANDLING	UNF	COM CEN
IC21-0098	11/10/21	DISCOURTEOUS TREATMENT	UNF	NON-DISTRICT

4th QUARTER INFORMAL COMPLAINTS- COMMUNITY AND DEPARTMENT GENERATED				
INFORMAL COMPLAINT	DATE CLOSED	ALLEGATION(S)	FPD FINDINGS	DISTRICT
IC21-0099	11/10/21	NON-FPD COMPLAINT	UNF	NON-DISTRICT
IC21-0100	12/2/21	DISCRIMINATION	UNF	NON-DISTRICT
IC21-0101	12/17/21	GENERAL RESPONSIBILITIES	UNF	NON-DISTRICT
IC21-0102	12/17/21	DISCOURTEOUS TREATMENT	UNF	CE
IC21-0103	12/17/21	DISCRIMINATION	UNF	NW
IC21-0104	12/17/21	DISCOURTEOUS TREATMENT	UNF	NE
IC21-0105	12/17/21	DISCOURTEOUS TREATMENT	UNF	SE
IC21-0106	12/17/21	FAILURE TO OBEY ALL LAWS	UNF	SE
ICDPT-0013	10/5/21	LOST DEPT KEYS	SUS	SW
ICDPT-0014	10/5/21	USED EXCESSIVE LEAVE	SUSP	COM CEN
ICDPT-0015	10/5/21	DISCRETION	SUS	NON-DISTRICT
ICDPT-0016	11/5/21	BWC ACTIVATION/REPORT PREP	SUS	NON-DISTRICT
ICDPT-0017	11/5/21	LOST DEPT PROPERTY	SUS	NON-DISTRICT
ICDPT-0018	12/17/21	EXCESSIVE LEAVE	SUS	NON-DISTRICT
ICDPT-0019	12/17/21	EXCESSIVE LEAVE	SUS	NON-DISTRICT

As of January 1, 2021, the informal complaints will be listed by who initiated the complaint, the community (CP) or the department (DEPT). This will allow the FPD to provide a more accurate method for tracking the informal complaints. During the fourth quarter, 34 community generated, and seven department generated complaint investigations were completed. The

completed investigations were reviewed by this office, and it was determined the FPD arrived at the appropriate findings.

IA INVESTIGATION RESULTS

Below are the totals for the allegation findings following the completed investigations and the levels of discipline issued, or options chosen by the officers/employees, who were determined to be in violation of a FPD policy. The findings table represents the results of 32 IA case investigations completed during the review period. As indicated in the respective charts on the preceding pages, a single investigation may include more than one possible FPD Policy violation and multiple officers.

FINDINGS FOR FORMAL IA INVESTIGATIONS (Based on Closed Date)	TOTAL OF FINDINGS FOR IA CASES CLOSED IN 4th QUARTER 2021			
	DEPT	CP	OIS	TOTALS
SUSTAINED	20	4	0	24
NOT SUSTAINED	2	0	0	2
UNFOUNDED	1	0	0	1
EXONERATED	0	2	0	2
WITHIN POLICY* *OIS-Person/OIS Dog/Firearm Discharge/Lethal Force	N/A	N/A	1	1
WITHDRAWN/CASE SUSPENDED	0	0	0	0
TOTAL FINDINGS	23	6	1	30

ANNUAL DISCIPLINES ISSUED	2015	2016	2017	2018	2019	2020	2021
TERMINATIONS	5	7	3	2	8	5	5
RESIGNED IN LIEU OF	0	0	1	0	4	8	3
RETIRED	0	0	0	0	4	3	0
DEMOTION	0	0	0	0	1	0	0
SUSPENDED	13	16	17	32	31	52	22
PAYMENT IN LIEU OF	0	0	0	0	4	1	0
FINES	1	0	0	0	0	0	0
MEDICAL SEPARATION	NA	NA	NA	NA	3	0	0
LETTERS OF REPRIMAND	11	9	10	15	17	15	25
LAST CHANCE AGREEMENT	N/A	N/A	N/A	N/A	N/A	N/A	4
TOTAL	30	32	31	49	72	84	59

FPD RESPONSE TO THIRD QUARTER RECOMMENDATION

The community has raised the question whether recommendations made by this office result in the FPD making changes to policies or training. As of the end of 2021 more than 80% of the recommendations made by this office since the third quarter of 2017 have resulted in changes to policies or training. The level of cooperation by the FPD warrants recognition by this office.

The third quarter report contained a recommendation following the review of IA2021-0021 and IA2021-0037. Below is the recommendation contained in the previous report followed by the response from the FPD.

Recommendation #1: The listed cases are not the first time these types of allegations have been made. Presently the BWC Policy 450 does not require BWC activation during arrestee's property inventory, or during the service of a search warrant. It is recommended consideration be given to amend the policy to address these areas. It is understood, and supported, an officer's safety is paramount when facilitating an arrest. Therefore, securing the arrestee in the patrol vehicle is a priority and having an arrestee remain outside of a patrol vehicle to witness the recording property inventory creates safety issues. The inventory can be documented with the prisoner secured in the vehicle and the officer conducting the inventory at their discretion, either while seated in the front seat or the exterior of the vehicle. Efforts should be made to memorialize the property inventory utilizing at a minimum the BWC audio in the presence of the arrestee. In respects to the service of search warrants, there are times the identities of the officers involved are to remain confidential due to the sensitive nature of their assignments. This should be taken into consideration if the BWC policy is amended in response to this recommendation.

FPD Response: The FPD has reviewed the recommended changes for the Body Worn Camera Policy. Policy 450.4(e) does currently require officers to record interactions including forced entries, search warrants and warrantless searches (including vehicles). We recognize the need to ensure transparency while conducting searches of a premises and inventorying personal property. The FPD is currently reviewing the policy to incorporate the recommendations.

SUMMARY

A collateral function of this office is to engage in community outreach. However, due to the ongoing COVID-19 pandemic, in-person group meetings and community events have been postponed. In an event to continue our outreach efforts we are 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](#), [Instagram](#), and [Twitter](#) page for the public to contact us or view our quarterly reports as they are released. In the event your group or organization resumes in-person meetings, gatherings, or events, we encourage you to contact us for a presentation or to set up an information booth at your event.

There are several ways to contact this office and it is our policy to return all correspondence within a 24-hour period except for communications received over the weekend.

The following are the various methods to contact us, to include utilizing the Services option on our Facebook page, [Fresno Review](#).

Services

Book an appointment or message to learn more.




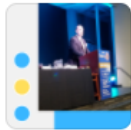
Request Staff Attend a Community Event

30 minutes and up · Free

The Independent Reviewer and staff are available to community organizations to set-up an informational...

 Book

 Message




Request a Presentation

30 minutes and up · Free

The Independent Reviewer and staff are available to community organizations for presentations or...

 Book

 Message




Complaint/Commendation Form Assistance

30 minutes and up · Free

The staff at the Office of Independent Review is available to assist the public, one on one with filing th...

 Book

 Message

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

Telephone: (559) 621-8617

Email: Maira.Aguilar@fresno.gov

John A. Gliatta
Independent Reviewer
Office of Independent Review