



OFFICE OF INDEPENDENT REVIEW

**REPORT FOR THE PERIOD OF
JANUARY 1, 2022, TO MARCH 31, 2022**

**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, 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 speak to your group or participate at your next community event. Contact information can be found on the last page of this report.

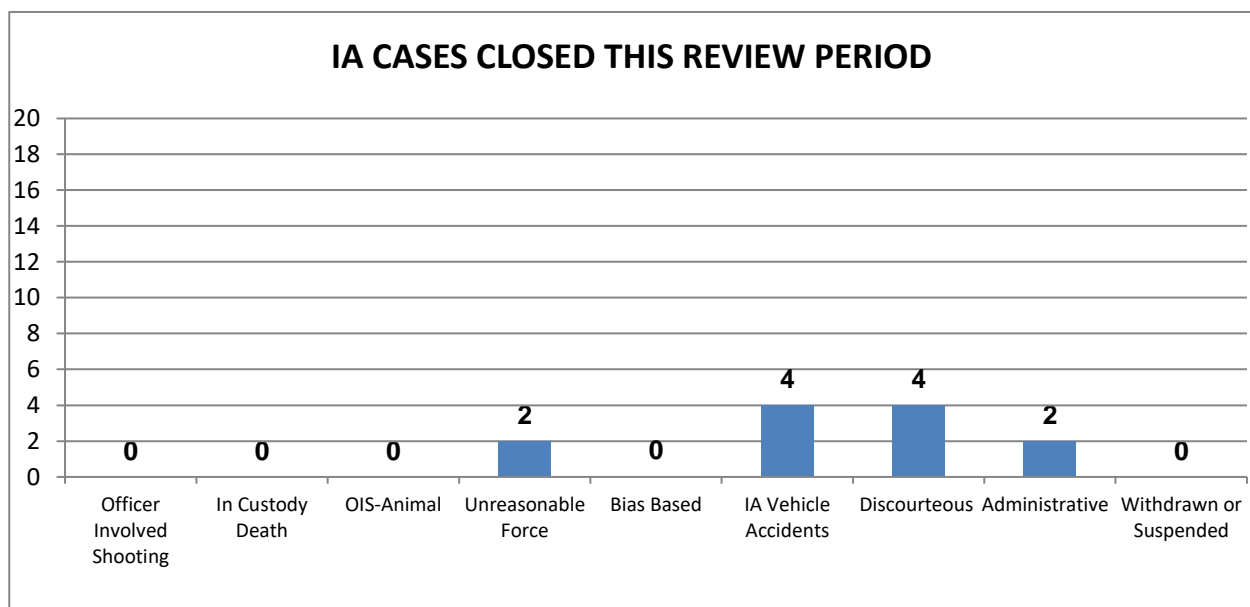
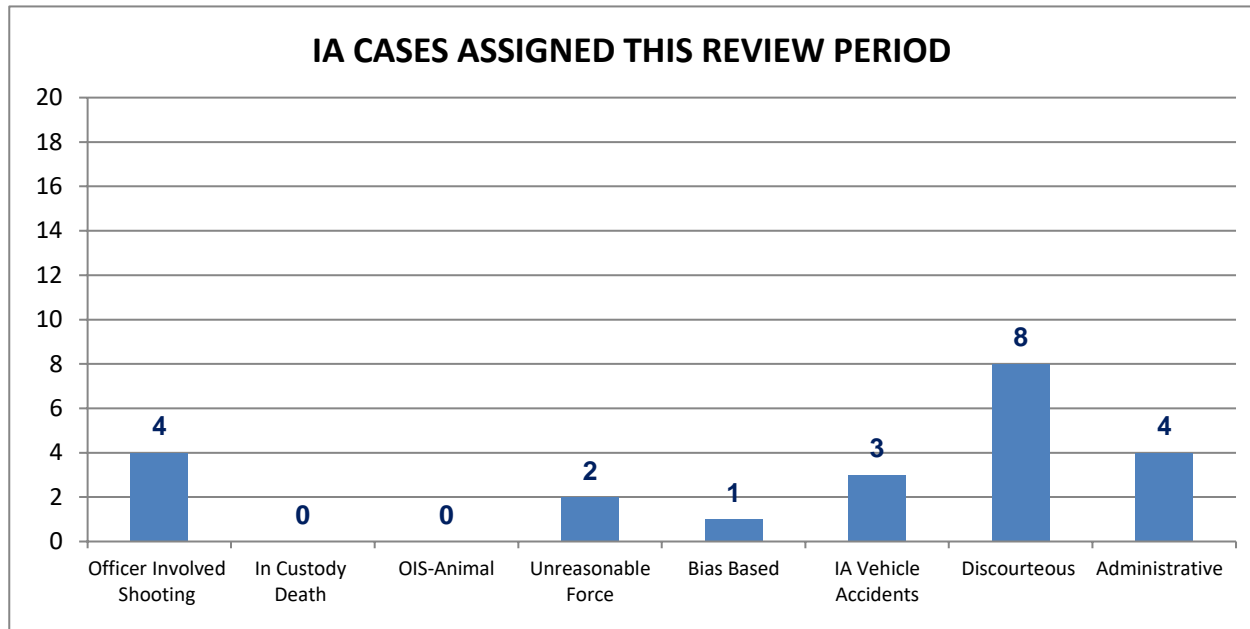
OIR REPORT FORMAT

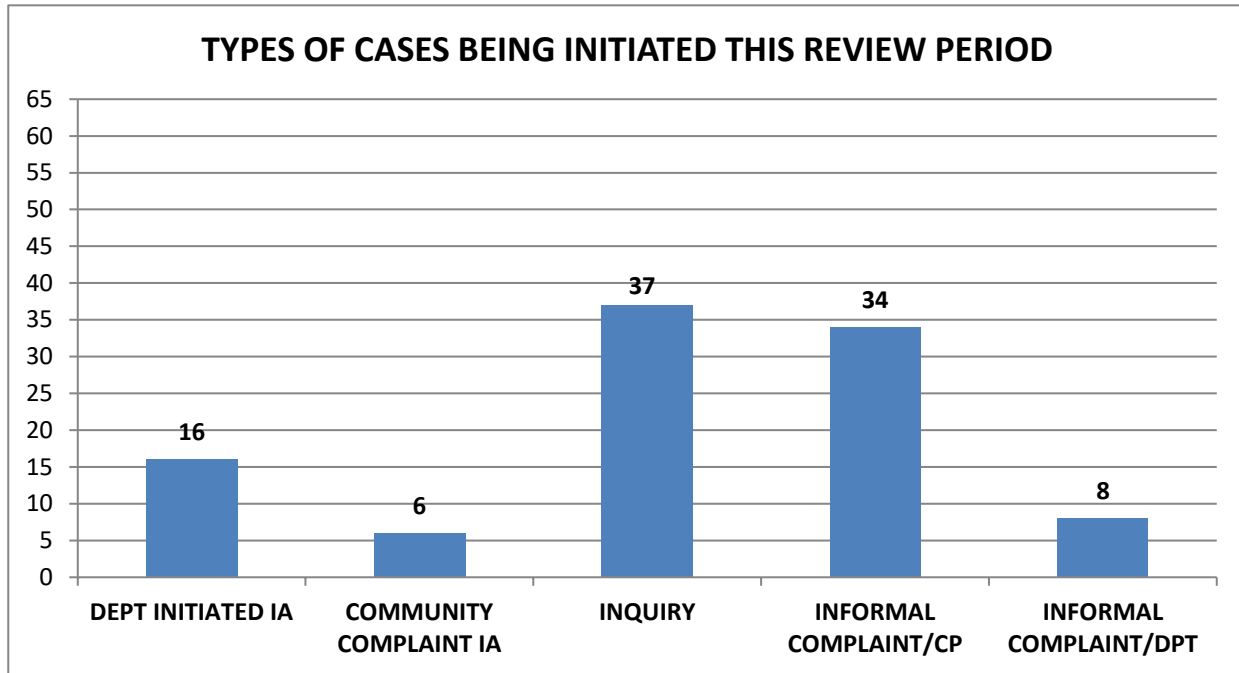
The OIR adheres to the following guidelines, format, and definitions in all quarterly reports:

- 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 determined the employee(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 the FPD and the OIR have not reached the same decision the OIR explanation will appear following the chart. Cases in which the FPD deemed employee(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 the FPD has completed their investigation and the case is classified as closed, 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, City Manager Georgeanne White, Chief 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 suggested by the OIR. The responses will appear before the summary.
- All FPD responses to OIR recommendations, to include if the FPD implemented a 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. *However, beginning no later than January 1, 2023, each law enforcement agency shall be responsible for the completion of investigations of allegations of serious misconduct by a peace officer, regardless of their employment status, per [Senate Bill 2](#), Section 13510.8.(9)(c)(1).*
- 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

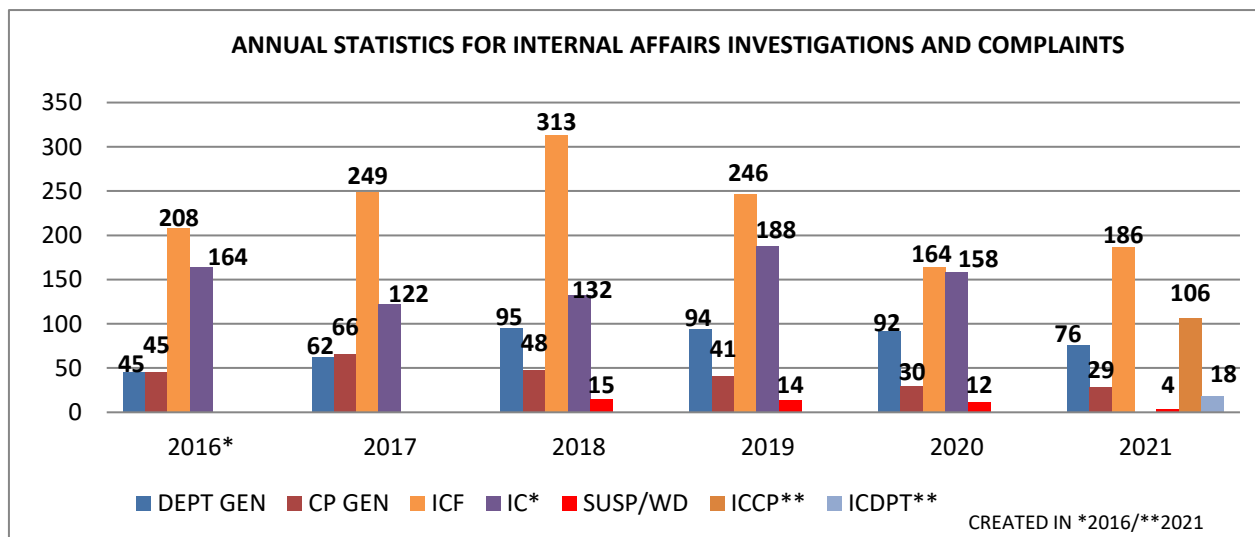
The following charts list the number and categories of IA cases assigned and closed during the first quarter of 2022. For classification purposes, Discourteous Treatment also includes cases in which the officer was accused of conduct unbecoming of a police officer. The classification of Administrative 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).



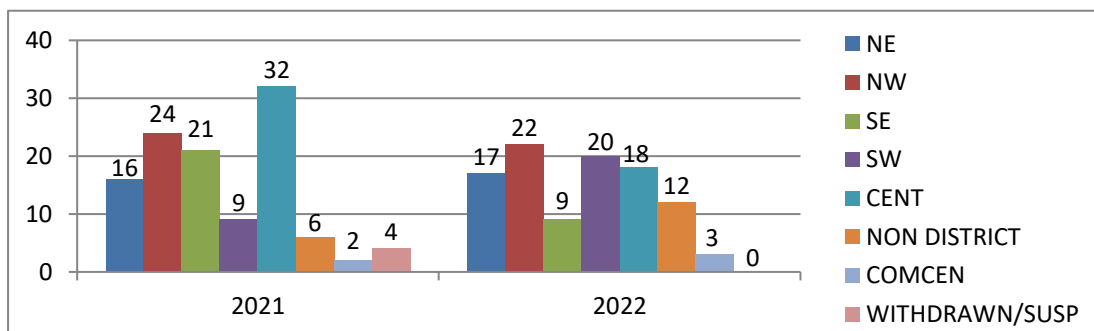
COMPLAINTS OR INQUIRIES ASSIGNED BY POLICING DISTRICT

The following charts reflect the complaints or inquiries assigned in each of the five policing districts for the first quarter of 2022, and a first quarter comparison between 2021 and 2022. 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 FIRST QUARTER OF 2022									
ASSIGNED	NE	NW	SE	SW	CENT	NON DISTRICT	COMCEN	WITHDRAWN/SUSPENDED	TOTAL
IA CASES	2	4	5	3	3	5	0	0	22
INFORMAL COMPLAINTS-CP	5	7	3	8	4	5	2	0	34
INFORMAL COMPLAINTS-DEPT	1	0	0	4	1	1	1	0	8
INQUIRIES	9	11	1	5	10	1	0	0	37
4th QTR TOTALS	17	22	9	20	18	12	3	0	101

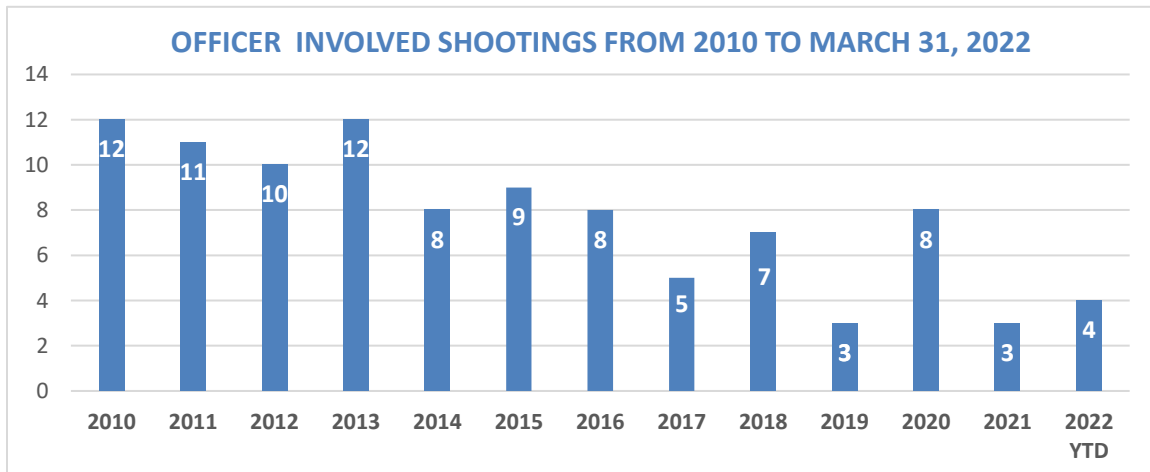
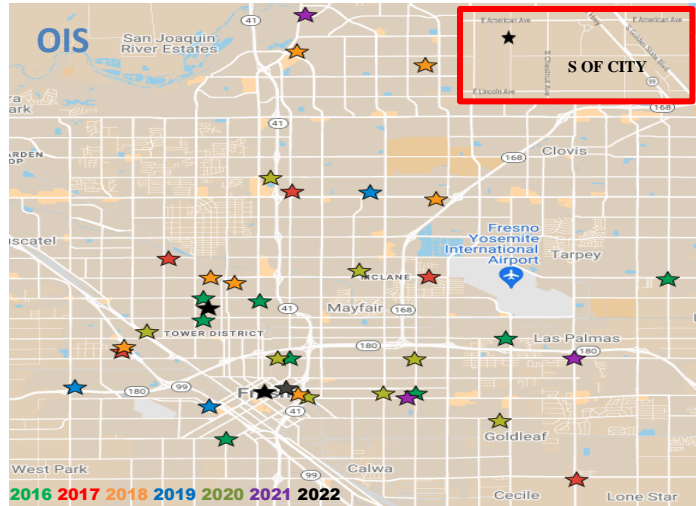
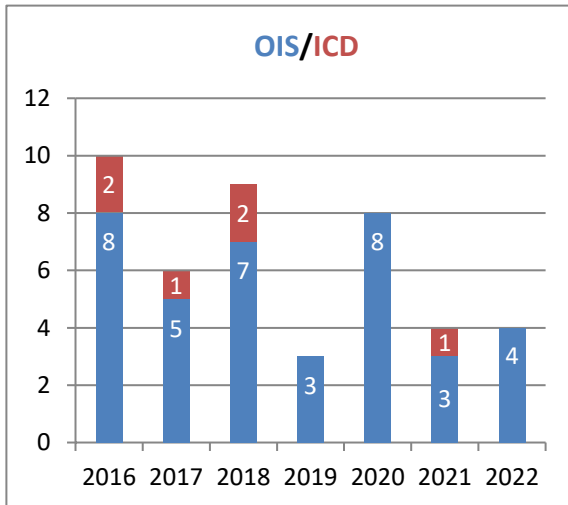
QUARTERLY COMPARISON OF MATTERS BY DISTRICT



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 TO MARCH 31, 2022



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
21-0072	9/4/2021	P			SUBJECT APPEARED TO BE UNDER THE INFLUENCE & RESISTED BEING DETAINED. SUBJECT WAS PRONOUNCED DECEASED AT THE HOSPITAL. SUBJECT ALLEGEDLY COMMITTED ATTEMPTED MURDER, CARJACKING, AND KIDNAPPING.
21-0107	12/22/2021	P			SUBJECT CALLED 9-1-1 AND WHEN OS ARRIVED SUBJECT POINTED A TOY WEAPON AT THEM, NON-FATAL
22-0001	1/2/2021	P			SUBJECT RESISTED ARREST THEN STABBED A FCSO K-9. SUBJECT WAS SHOT BY FPD OS, NON-FATAL
22-0006	1/13/2022	P			Os SHOT SUSPECT WHO RAISED A HAMMER AND CHARGED Os, FATAL
22-0012	3/6/2022	P			SUBJECT SHOT AT Os WHO RETURNED FIRE, NON-FATAL
22-0020	3/29/2022	P			O SHOT SUBJECT WHILE BEING ASSAULTED IN FPD ANNEX OFFICE, FATAL

During this period, four new OIS cases were initiated, and no cases were closed. Therefore, no cases were reviewed for this report. The OIR responded to the scenes and monitored the subsequent interviews for three of the four new OIS cases.

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
21-0032	4/26/2021	P			DEPT ALLEGED O USED UNREASONABLE FORCE ON AN ARRESTEE
21-0051	6/23/2021	1/21/2022	EX x 2	EX x 2	DEPT ALLEGED Os USED UNREASONABLE FORCE AFTER REVIEWING THE REQUIRED USE OF FORCE REPORT
21-0052	6/24/2021	P			DEPT ALLEGED O1 USED UNREASONABLE FORCE DEPT ALLEGED SGT FAILED TO TAKE ACTION

UNREASONABLE FORCE					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
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	3/21/2022	EX UNF	EX UNF	CP ALLEGED Os USED UNREASONABLE FORCE AND Os KEPT HIS ID
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
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
22-0005	1/12/2022	P			CP ALLEGED O USED UNREASONABLE FORCE
22-0018	3/29/2022	P			CP ALLEGED Os USED UNREASONABLE FORCE DURING ARREST

During the review period, there were two case investigations completed and two new cases were initiated. The OIR arrived at the same findings as the FPD following the review of each of the completed investigations.

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
22-0022	3/30/2022	P			CP ALLEGED Os CONTACT WAS BASED ON RACE

During the review period, one new Bias Based investigation was assigned and there were no case investigations completed.

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
21-0018	3/18/2021	3/25/2022	SUS (ALL)	NR	DEPT ALLEGED O FAILED TO TAKE ACTION ON DV CASE, VIOLATED FELONY DV ARREST PROCEDURE, VIOLATED DV REPORTING PROCEDURE, AND FAILED TO DILIGENTLY INVESTIGATE AND DOCUMENT DV INCIDENT AND FAILED TO PROTECT DV VICTIM
21-0042	5/24/2021	1/20/2022	SUS	NR	DEPT ALLEGED FPD EMP CHALLENGED CITY EMP IN A SOCIAL MEDIA POST
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
21-0062	8/3/2021	3/11/2022	NS UNF x 3	NS UNF x 3	DEPT ALLEGED O1 LACKED DISCRETION AND O2 & O3 WERE INVOLVED IN A DISTURBANCE AT A LOCAL PUB
21-0063	8/5/2021	1/11/2022	SUS SUS	NR NR	CP ALLEGED O WAS UNPROFESSIONAL DURING A STOP DEPT ALLEGED O FAILED TO ACTIVATE BWC
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 ALLEGES 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

DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
21-0098	11/29/2021	P			CP ALLEGED O1 WAS DISCOURTEOUS CP ALLEGED O2 FAVORED THE OTHERS INVOLVED
22-0004	1/12/2022	P			DEPT ALLEGED O WORKED AFTER USING A CONTROLLED SUBSTANCE ALLEGED O FALSIFIED RECORDS ALLEGED O VIOLATED MISD STATUTE O INVOLVED IN PREVENTABLE ACCIDENT O DID NOT POSSESS BWC O ENGAGED IN CONDUCT UNBECOMING
22-0008	1/25/2022	P			DEPT ALLEGED O CITED FOR OFF-DUTY CONDUCT
22-0013	3/9/2022	P			DEPT ALLEGES O TICKETED COURT STAFF AFTER O WAS ASKED TO MOVE O's VEH FROM COURT SPOT
22-0014	3/11/2022	P			DEPT ALLEGED O LACKED DISCRETION WHEN O ADVISED RES OF PENDING SW BEING SERVED
22-0015	3/14/2022	P			DEPT ALLEGED O DID NOT PROPERLY DOCUMENT A CASE AND CONDUCT AN INVESTIGATION
22-0016	3/14/2022	P			CP ALLEGED O CHALLENGED CP TO A FIGHT
22-0017	3/25/2022	P			DEPT ALLEGED O WAS ARRESTED FOR DUI
22-0021	3/30/2022	P			DEPT ALLEGED O DID NOT CONDUCT THOROUGH INVESTIGATION OF A POSS DV MATTER

During the review period, four case investigations were completed. In three of the four cases the FPD determined the officers were in violation of a FPD policy. The fourth completed investigation resulted in findings of Not Sustained and Unfounded which were the same findings reached by the OIR. Eight cases within this category were initiated during the review period.

ADMINISTRATIVE OR PERFORMANCE MATTERS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
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

ADMINISTRATIVE OR PERFORMANCE MATTERS					
IA CASE NUMBER	DATE ASSIGNED	DATE COMPLETED	FPD FINDING	OIR FINDING	SUMMARY
21-0079	10/5/2021	3/3/2022	SUS	NR	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	3/25/2022	SUS	NR	DEPT ALLEGED O FAILED TO SUBMIT AN ELECTRONIC PROBABLE CAUSE DECLARATION ON DV CASE
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
22-0003	1/5/2022	P			CP ALLEGED FPD FAILED TO CONDUCT A THOROUGH INVESTIGATION
22-0009	2/11/2022	P			DEPT ALLEGED CADET ACCIDENTALLY DISCHARGED A PISTOL
22-0011	2/23/2022	P			CP ALLEGED Os FAILED TO DOCUMENT VEHICLE ACCIDENT WITH INJURIES

During the review period, two investigations were completed with FPD reaching findings of Sustained in each of the cases. Two new investigations were initiated by FPD during this period.

During the first quarter, four vehicle accident cases were completed. Each investigation resulted in a finding of sustained. During the same period two new vehicle accident investigations were initiated and assigned. The chart listing each vehicle accident is no longer being included in view of the number of sustained findings averaging more than 90%. However, the results of the investigations will continue to be included.

INFORMAL COMPLAINTS-COMMUNITY GENERATED				
IC CASE NUMBER	DATE CLOSED	FPD FINDINGS	ALLEGATION(S)	DISTRICT
22-0001	1/13/22	EX	ABUSE OF AUTHORITY	NON-DISTRICT
22-0002	1/13/22	UNF	DISCOURTEOUS TREATMENT	NW
			RACIAL/BIAS BASED PROFILING	
22-0003	1/13/22	SUS	DISCOURTEOUS TREATMENT	SE
			MEDICAL ATTENTION-FAILURE TO PROVIDE	
22-0004	1/13/22	SUS	DISCOURTEOUS TREATMENT	SE
22-0005	1/13/22	NS	DISCOURTEOUS TREATMENT	NE
			GENERAL CALL HANDLING	
22-0006	1/13/22	UNF	INVESTIGATION HANDLING	NON-DISTRICT
22-0007	1/13/22	SUS	GENERAL RESPONSIBILITIES	SW
			PROPERTY - NOT DEPT OWNED-LOST/DAMAGED	
22-0008	1/13/22	UNF	DISCOURTEOUS TREATMENT	COMCEN
22-0009	1/13/22	SUS	DISCOURTEOUS TREATMENT	CE
22-0010	1/13/22	UNF	HARASSMENT	NW
22-0011	1/13/22	SUS	ARREST AUTHORITY/PROCEDURES	SW
22-0012	1/13/22	UNF	GENERAL CALL HANDLING	NE
22-0013	1/13/22	UNF	DISCOURTEOUS TREATMENT	SW
22-0014	1/13/22	UNF	DISCOURTEOUS TREATMENT	SW
22-0015	1/13/22	UNF	DISCOURTEOUS TREATMENT	NE
22-0016	1/13/22	UNF	DISCOURTEOUS TREATMENT	SW
22-0017	1/31/22	UNF	ARREST AUTHORITY/PROCEDURES	CE
22-0018	1/31/22	UNF	GENERAL CALL HANDLING	NE
22-0019	1/31/22	UNF	DISCOURTEOUS TREATMENT	NON-DISTRICT
22-0020	1/31/22	UNF	DISCOURTEOUS TREATMENT	NE
22-0021	1/31/22	UNF	DISCOURTEOUS TREATMENT	NON-DISTRICT
22-0022	3/2/22	UNF	DISCOURTEOUS TREATMENT	NW
22-0023	3/2/22	UNF	DISCOURTEOUS TREATMENT	NW
			GENERAL RESPONSIBILITIES	

INFORMAL COMPLAINTS-COMMUNITY GENERATED				
IC CASE NUMBER	DATE CLOSED	FPD FINDINGS	ALLEGATION(S)	DISTRICT
22-0024	3/2/22	UNF	DISCOURTEOUS TREATMENT	NW
22-0025	3/2/22	UNF	DISCOURTEOUS TREATMENT	CE
22-0026	3/2/22	UNF	SEARCH/SEIZURE ISSUES	SW
22-0027	3/2/22	UNF	DISCOURTEOUS TREATMENT	COMCEN
22-0028	3/2/22	UNF	DISCOURTEOUS TREATMENT	CE
22-0029	3/2/22	UNF	GENERAL CALL HANDLING	NW
			DISCOURTEOUS TREATMENT	
22-0030	3/2/22	UNF	GENERAL CALL HANDLING	SE
22-0031	3/2/22	UNF	GENERAL CALL HANDLING	SW
22-0032	3/2/22	UNF	DISCOURTEOUS TREATMENT	NW
22-0033	3/2/22	UNF	DISCOURTEOUS TREATMENT	SW
22-0034	3/2/22	UNF	FAILURE TO OBEY ALL LAWS	NON-DISTRCT

INFORMAL COMPLAINTS-DEPARTMENT GENERATED				
IC CASE NUMBER	DATE CLOSED	FPD FINDING	ALLEGATION(S)	DISTRICT
22-0001	1/14/2022	SUS	DISCOURTEOUS	Non District
22-0002	1/14/2022	SUS	DEPT PROPERTY	Non District
22-0003	1/14/2022	UNF	DISCOURTEOUS	CEN
22-0004	1/31/2022	SUS	ATTENDANCE	Non District
22-0005	1/31/2022	SUS	DEPT PROPERTY	SW
22-0006	1/31/2022	SUS	PERFORMANCE	SW
22-0007	2/1/2022	SUS	DISCOURTEOUS	ComCen
22-0008	2/1/2022	SUS	DEPT PROPERTY	NW

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 first quarter, 34 community generated, and eight 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 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 12 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 1st QUARTER 2022			
	DEPT	CP	OIS	TOTALS
SUSTAINED	8	1	0	9
NOT SUSTAINED	1	0	0	1
UNFOUNDED	0	0	0	0
EXONERATED	1	1	0	2
WITHIN POLICY* <small>*OIS-Person/OIS Dog/Firearm Discharge/Lethal Force</small>	N/A	N/A	0	0
WITHDRAWN/CASE SUSPENDED	0	0	0	0
TOTAL FINDINGS	10	2	0	12

ANNUAL DISCIPLINES ISSUED	2016	2017	2018	2019	2020	2021	1 st QTR 2022
TERMINATIONS	7	3	2	8	5	5	0
RESIGNED IN LIEU OF	0	1	0	4	8	3	0
RETIRED	0	0	0	4	3	0	0
DEMOTION	0	0	0	1	0	0	
SUSPENDED	16	17	32	31	52	22	2
PAYMENT IN LIEU OF	0	0	0	4	1	0	0
FINES	0	0	0	0	0	0	0
MEDICAL SEPARATION	NA	NA	NA	3	0	0	0
LETTERS OF REPRIMAND	9	10	15	17	15	25	4
LAST CHANCE AGREEMENT	N/A	N/A	N/A	N/A	N/A	4	0
TOTAL	32	31	49	72	84	59	6

FPD RESPONSE TO THIRD QUARTER 2021 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 40-plus recommendations made by this office since the third quarter of 2017 have resulted in changes to policies or training. It has been the policy of this office to print the changes made by the FPD in response to the recommendations. If the FPD elected not to adopt the OIR recommendation(s) the unedited response will also be printed in the subsequent report.

The third quarter 2021 report contained a recommendation following the review of IA2021-0021 and IA2021-0037. Below is the recommendation contained in the previous report. Although the FPD acknowledged a policy change was forthcoming, the official policy change had not been approved prior to the release of our fourth quarter report. In February the policy change was approved and provided to our office. The revised Body Worn Video Camera Policy, 450.4, appears following the below recommendation with the changes in blue font.

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.

450.4 GUIDELINES FOR CAMERA ACTIVATION

Officers shall record interactions including, but not limited to, the following:

- (a) Arrests and detentions, or situations where an officer reasonably believes they will effect an arrest or detention (to include traffic stops and consensual encounters made with the intent to develop reasonable suspicion to detain);
- (b) Officers assisting in an arrest or detention situation;
- (c) Confrontational interactions with citizens;
- (d) Vehicle and foot pursuits;
- (e) Forced entries, search warrants and warrantless searches (including vehicles);
 - 1) When entry is made with or without a warrant, all officers should activate their cameras prior to making entry and continue recording until the scene has been secured.
The search of the premises and seizure of evidence should also be recorded when it does not compromise officer safety or the identity of undercover units.
- (f) Suspect interrogations (including Miranda advisement) and generally, interviews of victims and witnesses.
- (g) Eyewitness identification(s) to comply with Policy §607 and PC §859.7.
- (h) When loading, unloading, or transporting subjects in the transportation wagons/vans.
- (i) During the inventory of an arrestee's property. (When safe and feasible efforts should be made to conduct the inventory in the presence of the arrestee)*

SUMMARY

A collateral function of this office is to engage in community outreach. Since November 2017, our Community Coordinator, Maira Aguilar, has been an outstanding ambassador for this office. She has worked tirelessly in arranging appearances by this office seven days a week and being responsive to all calls and emails, plus managing our social media platforms. Her exemplary work has been recognized resulting in a promotion to a different department within the City of Fresno. Efforts will be made to continue the policy of timely responses to all correspondences, but until the position is backfilled there may be a slight delay.

The OIR can be contacted by any of our social media platforms @FresnoReview, or by the following contact information.

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

Telephone: (559) 621-8617

Email: OIR@fresno.gov

John A. Gliatta
Independent Reviewer
Office of Independent Review