



# **OFFICE OF INDEPENDENT REVIEW**

**REPORT FOR THE PERIOD OF  
OCTOBER 1, 2022, TO DECEMBER 31, 2022**

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

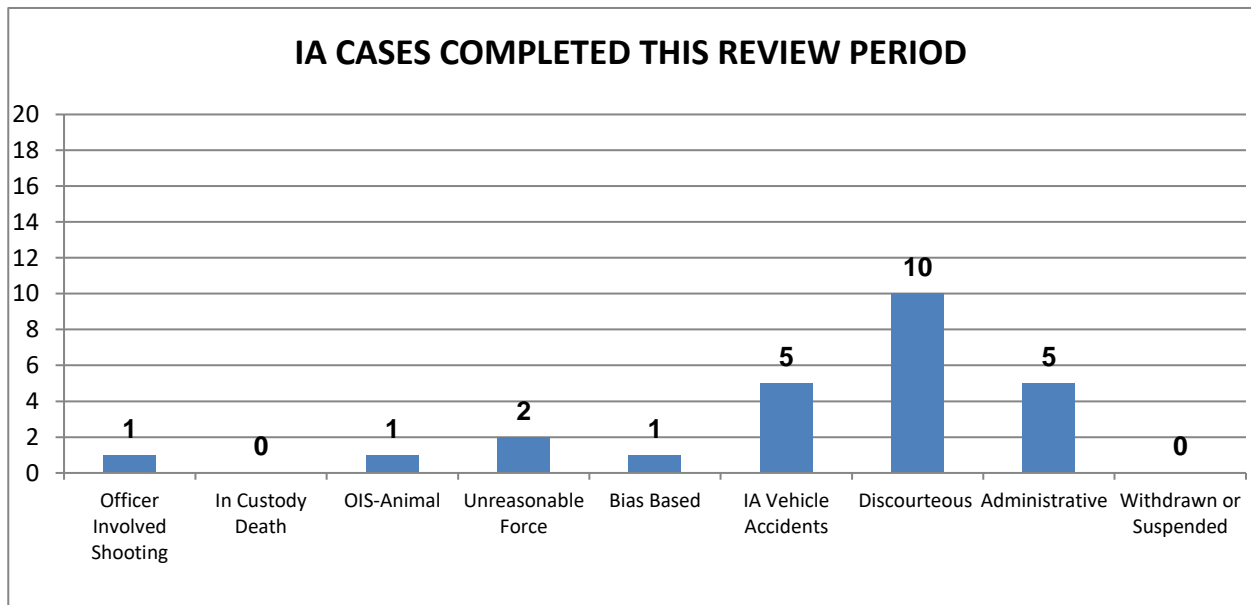
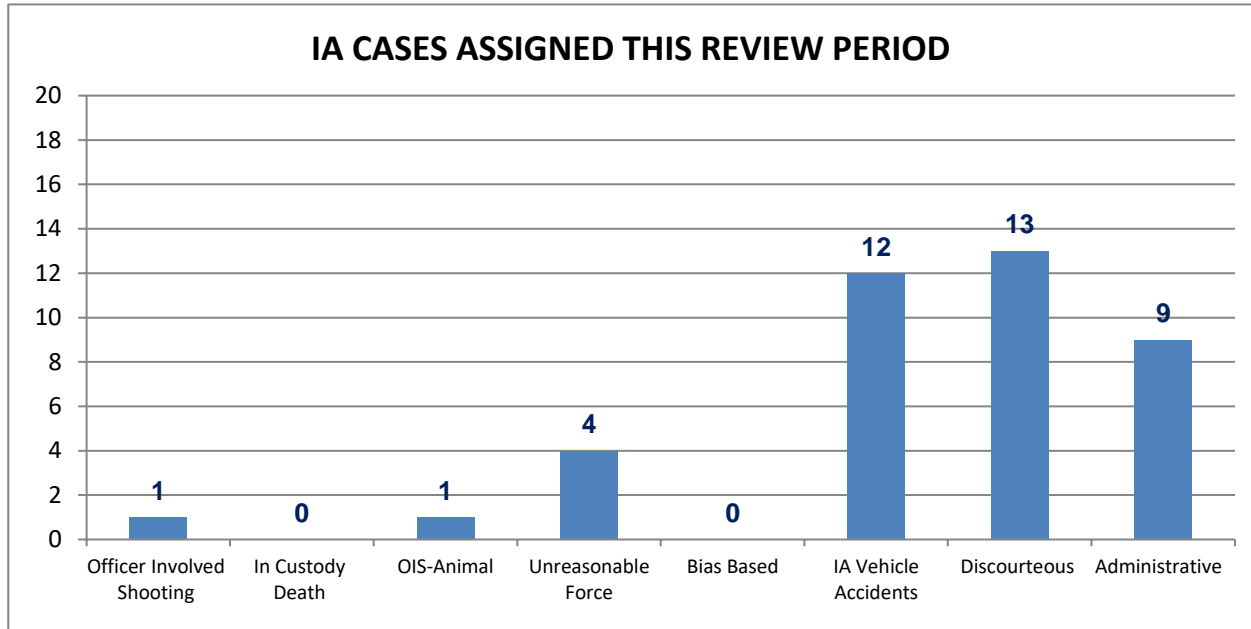
## OIR REPORT FORMAT

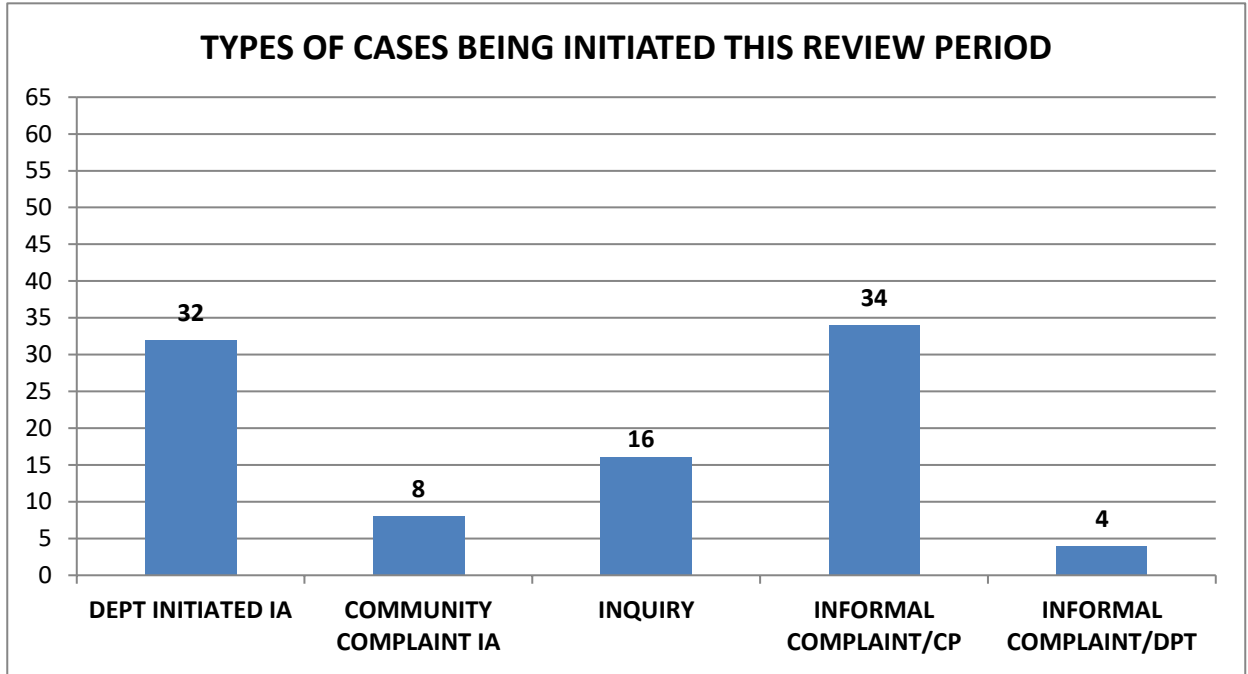
The OIR adheres to the following guidelines, format, and definitions in all quarterly reports:

- 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 IA 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 IA and the OIR have not reached the same decision the OIR explanation will appear following the chart. Cases in which IA 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 IA has completed their investigation and the case is classified as closed by IA, thus allowing for all information/evidence 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, 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 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, as of 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

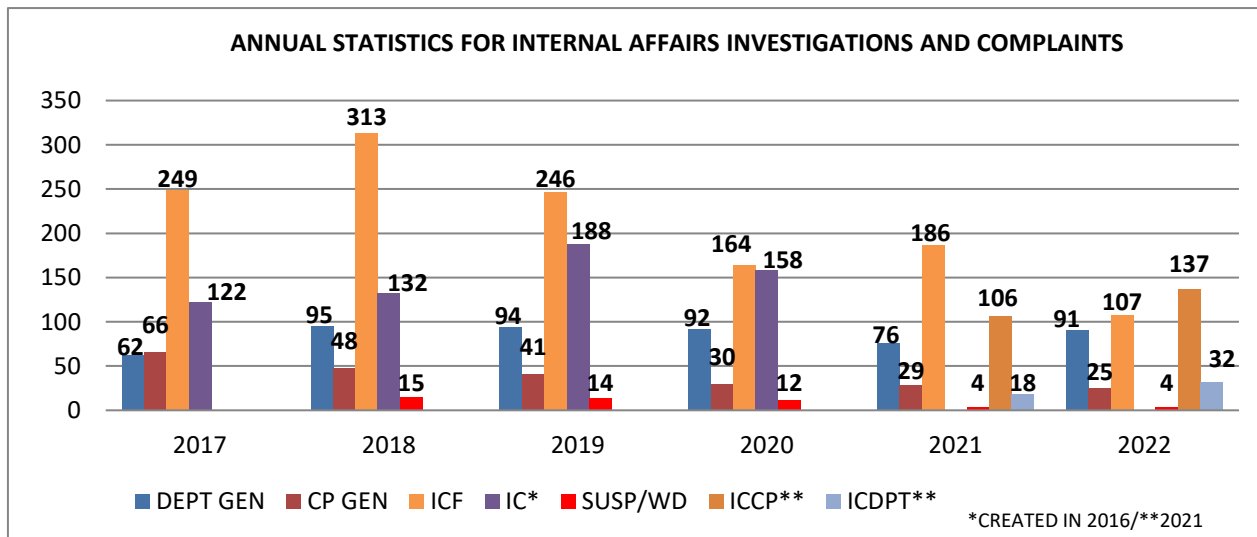
The following charts list the number and types of IA cases assigned and closed during the fourth quarter of 2022. For classification purposes, Discourteous Treatment also includes cases in which the officer was accused of conduct unbecoming of a police officer. The classification of Administrative Matters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



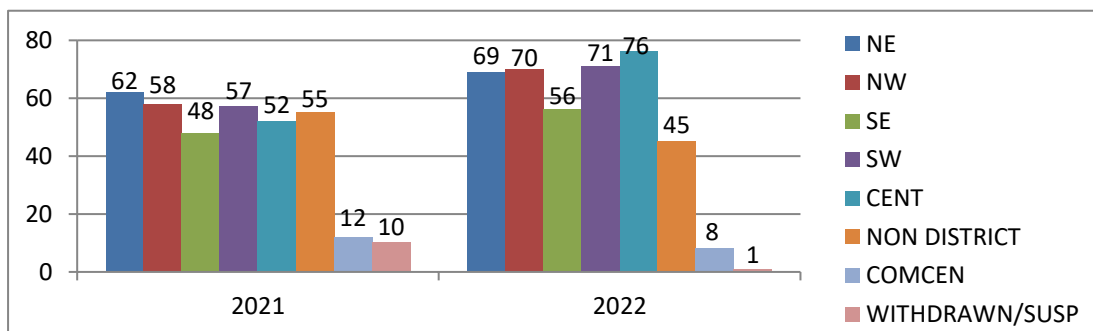
## COMPLAINTS OR INQUIRIES ASSIGNED BY POLICING DISTRICT

The following charts reflect the complaints or inquiries assigned in each of the five policing districts for the fourth quarter of 2022, and an annual comparison between 2021 and 2022. The informal complaints are listed by the manner in which the complaint was initiated, community complaint (CP), or department generated (DPT).

| 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 2022 |    |    |    |    |      |              |        |                     |       |
|---|----|----|----|----|------|--------------|--------|---------------------|-------|
| ASSIGNED  | NE | NW | SE | SW | CENT | NON-DISTRICT | COMCEN | WITHDRAWN/SUSPENDED | TOTAL |
| IA CASES  | 7  | 5  | 6  | 9  | 5    | 6            | 2      | 0                   | 40    |
| INFORMAL COMPLAINTS-CP  | 7  | 3  | 7  | 7  | 8    | 0            | 2      | 0                   | 34    |
| INFORMAL COMPLAINTS-DPT   | 1  | 0  | 0  | 1  | 1    | 1            | 0      | 0                   | 4     |
| INQUIRIES   | 4  | 1  | 1  | 4  | 6    | 0            | 0      | 0                   | 16    |
| 4TH QTR TOTALS  | 19 | 9  | 14 | 21 | 20   | 7            | 4      | 0                   | 94    |

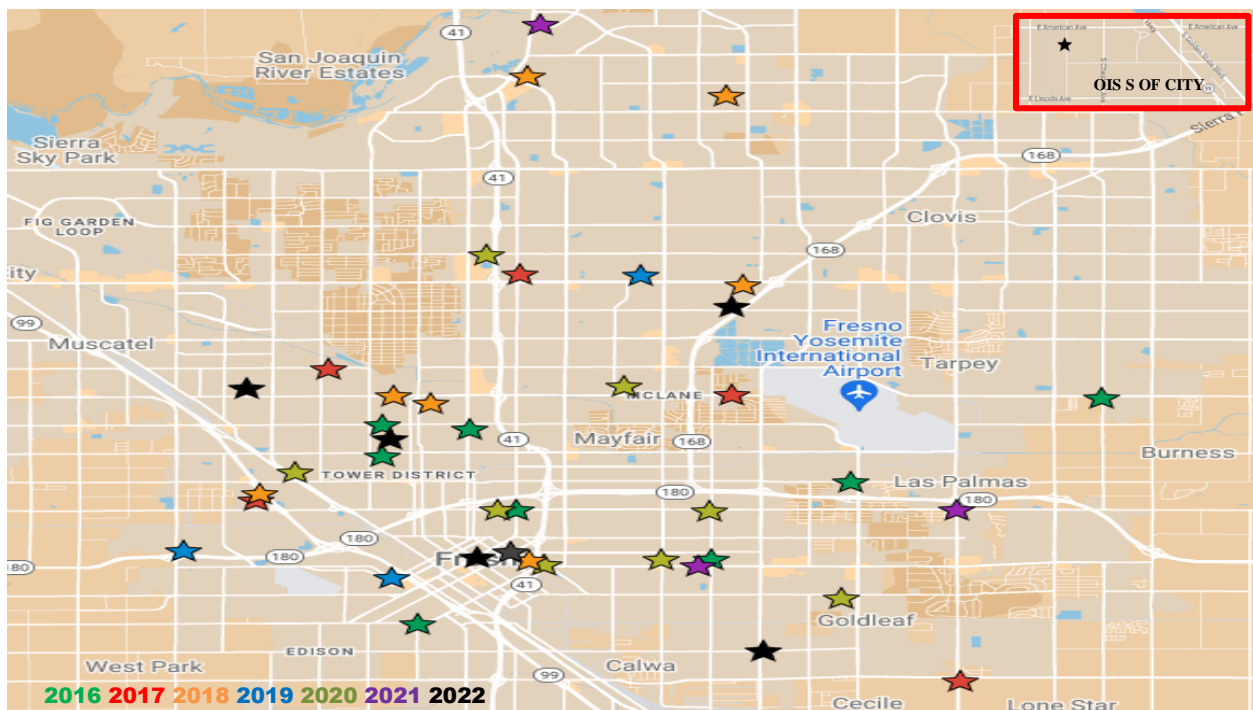
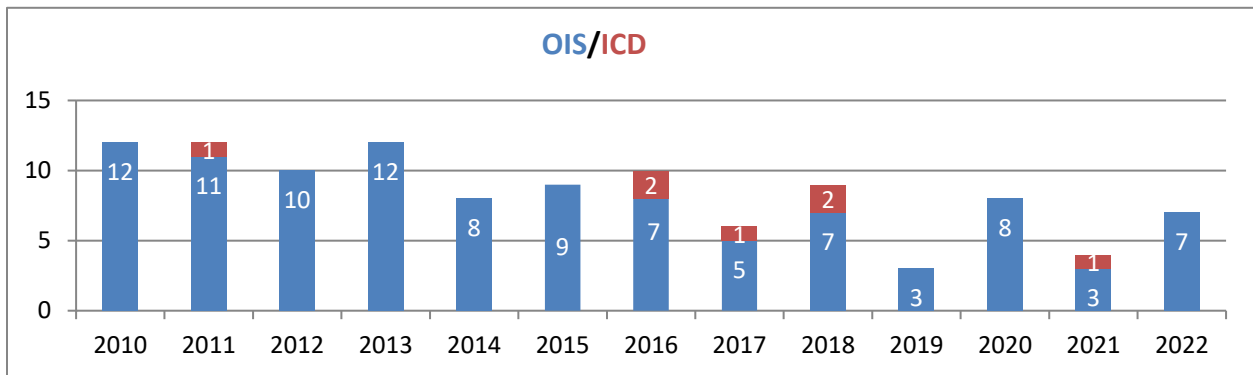
### ANNUAL COMPARISONS OF MATTERS BY DISTRICT



## EXPLANATION OF TERMS AND ABBREVIATIONS

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

### OFFICER INVOLVED SHOOTINGS (OIS) & IN-CUSTODY DEATHS (ICD) 2010 THROUGH 2022 (OIS 2016 TO 2022 MAPPED BELOW)



## 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   |
| 22-0012   | 3/6/2022      | 11/10/2022     | W/IN POL    | W/IN POL    | 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   |
| 22-0033   | 5/19/2022     | P              |             |             | O SHOT SUSPECT WHO POINTED A REPLICIA WEAPON AT RESPONDING Os, FATAL  |
| 22-0039   | 6/18/2022     | P              |             |             | Os SHOT SUSPECT WHO REFUSED TO DROP WEAPON, FATAL   |
| 22-0085   | 10/11/2022    | 10/11/2022     | W/IN POL    | W/IN POL    | DOG: O RESPONDED TO A POSSIBLE SUICIDE AND WAS MET BY AN AGGRESSIVE DOG WHEN TRYING TO REACH THE PERSON. ONE ROUND FIRED, NON-FATAL |
| 22-0119   | 12/23/2022    | P              |             |             | SUBJECT WAS SHOT AFTER REFUSING TO COMPLY AND DROVE TOWARDS THE O, NON-FATAL  |

During the review period there were two OIS investigations completed, which included the OIS of a dog, and one OIS investigation initiated. The OIR review of the OIS of a person appears below.

**IA2022-0012:** On Sunday, March 6, 2022, at 2:18 AM, a 9-1-1 call was received from the residents of an apartment in the 500 block of East Weldon Avenue. The caller advised gun shots were heard coming from the adjacent apartment and what appeared to be bullet holes were found in the wall which separated the two apartments. The room sustaining damage in the caller's apartment is where their children sleep. Responding officers did confirm 11 bullet holes in the caller's apartment which were fired from the adjacent apartment. Initially officers were unable to get a response from the adjacent apartment. The residents of the caller's apartment were evacuated and officers conducted a surround and call-out of the adjacent apartment.

Over the course of the next one hour and 25 minutes the apartment was illuminated with spotlights and repeated Public Service System announcements were made. The resident of the adjacent apartment, hereafter referred to as the subject, did exit the apartment after six minutes of the initiation of the announcements. However, after making an offensive gesture and directing profanity at the officers the subject went back inside the apartment. A short time later the subject yelled out he did not think the officers were real and he was not going to exit the apartment. The officers requested a department negotiator in view of the defiance displayed by the subject. Forty-eight minutes after the officers began the announcements, the subject broke out a window from inside the apartment near the front door. Seven minutes later the subject fired a large caliber weapon in the direction of the officers. Two officers returned fire in the direction of the

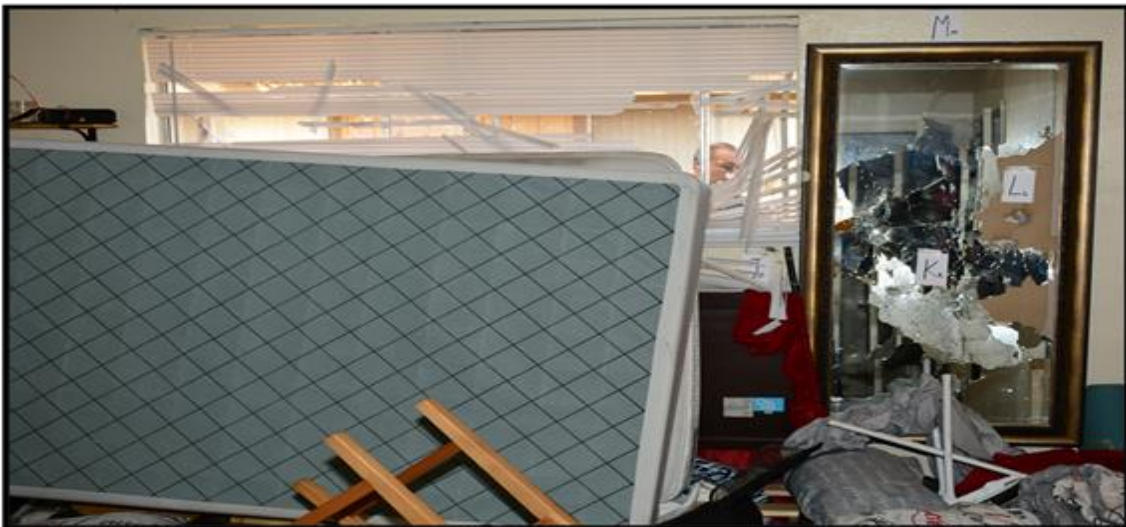


subject. The subject fired again at officers a short time later. FPD SWAT was then requested to respond to the location, along with having EMS stage nearby.

Eleven minutes later the subject exited the apartment but was not carrying a weapon and then went back inside the apartment. Approximately 15 minutes later the subject exited the apartment once again and threw a bottle in the direction of the patrol cars and demanded officers leave the area. At this time the subject began to follow the commands of the officers and was taken into custody. EMS was requested to respond to the scene to render medical aid for a wound suffered by the subject.

Once officers were able to safely enter the subject's apartment they found he had placed mattresses against the window from where he was firing his weapon. A total of 40 expended shell casings were also found within the area next to the broken window. The subject was interviewed after receiving medical treatment and admitted to using several different narcotics before the incident. He did not recall shooting into the adjacent apartment and stated he never had a disagreement with the residents. The subject then voluntarily wrote letters of apology to the neighbors and responding officers

The following photos depict the inside of the subject's apartment along with the assault rifle he was firing during the incident.



It should be noted all of the officers exhibited significant use of force restraint by not firing at the subject when he exited the apartment unarmed more than once, even after he had fired at them. Based on the totality of circumstances, it was reasonable for the officers to believe the subject posed an imminent threat of death or serious bodily injury to anyone of the seven officers positioned around the apartment, or residents of the other apartments. Therefore, the use of deadly force by the two officers was determined to be within department policy.

### STATUS OF INTERNAL AFFAIRS INVESTIGATIONS BY CLASSIFICATION

| BIAS BASED     |               |                |             |             |   |
|----------------|---------------|----------------|-------------|-------------|---|
| IA CASE NUMBER | DATE ASSIGNED | DATE COMPLETED | FPD FINDING | OIR FINDING | SUMMARY   |
| 22-0036        | 6/3/2022      | 10/12/2022     | UNF<br>EX   | UNF<br>EX   | CP ALLEGED O WAS BIASED AND USED UNREASONABLE FORCE |

**Bias Based:** During the review period there were no new Biased Based investigations initiated and one investigation was completed. The FPD determined the allegations were unfounded and exonerated which were confirmed by the OIR review.

| UNREASONABLE FORCE |               |                |                              |             |  |
|--------------------|---------------|----------------|------------------------------|-------------|--|
| IA CASE NUMBER     | DATE ASSIGNED | DATE COMPLETED | FPD FINDING                  | OIR FINDING | SUMMARY  |
| 21-0094            | 11/16/2021    | 12/15/2022     | EX X 3<br>SUS X 2<br>SUS X 1 | NR          | CP ALLEGED Os USED UNREASONABLE FORCE<br>DEPT ALLEGED Os FAILED TO ACTIVATE BWC<br>DEPT ALLEGED O FAILED TO WRITE REPORT |
| 22-0050            | 7/20/2022     | P              |                              |             | CP ALLEGED Os USED EXCESSIVE FORCE DURING THE ARREST OF THE CP   |
| 22-0058            | 8/19/2022     | P              |                              |             | DEPT ALLEGED O USED UNREASONABLE FORCE<br>DEPT ALLEGED O DIRECTED PROFANITY AT SUBJ                                      |
| 22-0061            | 8/22/2022     | 12/28/2022     | EX<br>UNF                    | EX<br>UNF   | CP ALLEGED O USED UNREASONABLE FORCE<br>DEPT ALLEGED O FAILED TO DOC USE OF FORCE  |
| 22-0069            | 9/9/2022      | P              |                              |             | CP ALLEGED Os USED UNREASONABLE FORCE<br>CP ALLEGED Os WERE DISCOURTEOUS<br>CP ALLEGED O FAILED TO PROVIDE ID            |
| 22-0074            | 9/14/2022     | P              |                              |             | CP ALLEGED O USED UNREASONABLE FORCE   |

| UNREASONABLE FORCE |               |                |             |             |  |
|--------------------|---------------|----------------|-------------|-------------|--|
| IA CASE NUMBER     | DATE ASSIGNED | DATE COMPLETED | FPD FINDING | OIR FINDING | SUMMARY  |
| 22-0097            | 11/9/2022     | P              |             |             | CP ALLEGED O USED UNREASONABLE FORCE & TOOK CURRENCY FROM CP               |
| 22-0098            | 11/10/2022    | P              |             |             | CP ALLEGED Os USED UNREASONABLE FORCE                                      |
| 22-0102            | 11/18/2022    | P              |             |             | DEPT WAS CONTACTED BY NURSE WHO REPORTED PATIENT WAS VICTIM OF ALLEGED UOF |
| 22-0103            | 11/28/2022    | P              |             |             | CP ALLEGED Os USED UNREASONABLE FORCE & STOLE CASH DURING ARREST           |

**Unreasonable Force:** Two investigations were completed and four new cases were initiated during the review period. This office concurred with the findings reached by FPD in 22-0061. The FPD did determine the other case was sustained for failing to activate a BWC and not completing a report, but not for the allegation of unreasonable force.

| DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER |               |                |             |             |   |
|--|---------------|----------------|-------------|-------------|---|
| IA CASE NUMBER   | DATE ASSIGNED | DATE COMPLETED | FPD FINDING | OIR FINDING | SUMMARY   |
| 21-0059  | 7/23/2021     | 12/13/2022     | SUS         | NR          | DEPT ALLEGED O DISPLAYED BEHAVIOR, ACTIONS, AND/OR OTHER CONDUCT RELATED TO SEXUAL HARASSMENT OF OTHER Os |
| 21-0084  | 10/14/2021    | 12/15/2022     | SUS         | NR          | DEPT ALLEGED OFF-DUTY O WAS ARRESTED FOR DISORDERLY CONDUCT AND RESISTING ARREST                          |
| 22-0008  | 1/25/2022     | 11/8/2022      | SUS         | NR          | DEPT ALLEGED O CITED FOR OFF-DUTY CONDUCT   |
| 22-0013  | 3/9/2022      | 12/28/2022     | SUS         | NR          | DEPT ALLEGES O TICKETED COURT STAFF AFTER O WAS ASKED TO MOVE O's VEH FROM COURT SPOT                     |
| 22-0014  | 3/11/2022     | 12/15/2022     | SUS         | NR          | DEPT ALLEGED O LACKED DISCRETION WHEN O ADVISED RES OF PENDING SW BEING SERVED                            |
| 22-0015  | 3/14/2022     | 11/8/2022      | SUS         | NR          | DEPT ALLEGED O DID NOT PROPERLY DOCUMENT A CASE AND CONDUCT AN INVESTIGATION                              |
| 22-0027  | 5/6/2022      | 12/16/2022     | SUS         | NR          | DEPT ALLEGED O FAILED TO INVESTIGATE A REPORTED FELONY DOM VIOLENCE INCIDENT                              |
| 22-0029  | 5/16/2022     | P              |             |             | CP ALLEGED Os ENTERED HOME ILLEGALLY AND ALSO REMOVED CURRENCY FROM HOME                                  |

| DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER |               |                |             |             |   |
|--|---------------|----------------|-------------|-------------|---|
| IA CASE NUMBER   | DATE ASSIGNED | DATE COMPLETED | FPD FINDING | OIR FINDING | SUMMARY   |
| 22-0030  | 5/16/2022     | P              |             |             | DEPT ALLEGED Os ARRESTED A SUSPECT WHO DISCARDED A FIREARM IN THE TRANSPORT AMBULANCE     |
| 22-0031  | 5/16/2022     | P              |             |             | CP ALLEGED Os REMOVED CURRENCY FROM CP'S WALLET AFTER BEING ARRESTED                      |
| 22-0038  | 6/9/2022      | 12/28/2022     | SUS         | N           | CP ALLEGED Os FAILED TO USE SEAT BELT ON CP DURING TRANSPORT RESULTING IN INJURY          |
| 22-0042  | 7/12/2022     | P              |             |             | CP ALLEGES O GAVE CP's PETS TO AN INDIVIDUAL WITHOUT CP's PERMISSION SUBSEQUENT TO ARREST |
| 22-0045  | 7/18/2022     | P              |             |             | CP ALLEGED O WAS INAPPROPRIATE DURING POST ARREST SEARCH OF CP'S PERSON IN 2013           |
| 22-0048  | 7/20/2022     | P              |             |             | DEPT ALLEGED AN EMP WAS ARRESTED FOR DUI  |
| 22-0049  | 7/20/2022     | 12/19/2022     | NOT AN IA   | NR          | DEPT ALLEGED OFF-DUTY O WAS DETAINED FOR HAVING WEAPON IN CARRY-ON AT AIRPORT             |
| 22-0052  | 7/25/2022     | 10/12/2022     | SUS         | NR          | CP ALLEGED O's OFF-DUTY CONDUCT AT SOCCER GAME WAS UNBECOMING                             |
| 22-0059  | 8/19/2022     | P              |             |             | CP ALLEGED O FAILED TO DOCUMENT A DV CASE   |
| 22-0060  | 8/19/2022     | P              |             |             | CP ALLEGED O WRONGLY DISCARDED CP's PROPERTY  |
| 22-0063  | 8/23/2022     | P              |             |             | DEPT ALLEGED Os WERE DISCOURTEOUS TO EACH OTHER   |
| 22-0072  | 9/12/2022     | P              |             |             | DEPT ALLEGED O WAS ARRESTED FOR DV MATTER   |
| 22-0073  | 9/14/2022     | P              |             |             | DEPT ALLEGED O WAS UNPROFESSIONAL WHILE HANDLING A CALL FOR SERVICE                       |
| 22-0076  | 9/21/2022     | P              |             |             | DEPT ALLEGED O WAS UNDER THE INFLUENCE OF ALCOHOL WHILE ON DUTY                           |
| 22-0078  | 9/21/2022     | P              |             |             | DEPT ALLEGED O WAS ON DUTY WHILE UNDER THE INFLUENCE OF ALCOHOL                           |
| 22-0081  | 10/6/2022     | P              |             |             | DEPT ALLEGED O WAS ARRESTED BY ANOTHER AGENCY FOR PUBLIC INTOXICATION                     |
| 22-0082  | 10/7/2022     | P              |             |             | CP ALLEGED O HAD AN ON-DUTY SEXUAL ENCOUNTER WITH FPD NON-SWORN                           |

| DISCOURTEOUS TREATMENT OR CONDUCT UNBECOMING OF A POLICE OFFICER |               |                |             |             |   |
|--|---------------|----------------|-------------|-------------|---|
| IA CASE NUMBER   | DATE ASSIGNED | DATE COMPLETED | FPD FINDING | OIR FINDING | SUMMARY   |
| 22-0084  | 10/10/2002    | P              |             |             | DEPT ALLEGED Os DID NOT DOCUMENT A DV CASE  |
| 22-0090  | 10/13/2022    | P              |             |             | DEPT ALLEGED O NEGLIGENTLY FIRED DEPT RIFLE WHILE CONDUCTING WEAPONS CHECK AT STATION                   |
| 22-0091  | 10/20/2022    | P              |             |             | DEPT ALLEGED ESD WAS DISCOURTEOUS TO SEVERAL CPs IN SEPTEMBER   |
| 22-0094  | 10/27/2022    | P              |             |             | DEPT ALLEGED O LEFT ARRESTEE'S CELL ON ROOF OF PATROL CAR, LOST DURING DRIVE TO JAIL                    |
| 22-0099  | 11/10/2022    | P              |             |             | DEPT ALLEGED Os REMOVED CASH FROM SW EVIDENCE   |
| 22-0100  | 11/14/2022    | P              |             |             | CP ALLEGED Os HARASSED CP AND ACTED AS IF THEY WANTED TO FIGHT  |
| 22-0106  | 12/1/2022     | P              |             |             | DEPT ALLEGED O VIOLATED A MISD OR FELONY STATUTE  |
| 22-0107  | 12/1/2022     | P              |             |             | CP ALLEGED O ENGAGED IN SEXUAL CONTACT TO AVOID ISSUING A TRAFFIC CITATION TO CP                        |
| 22-0108  | 12/1/2022     | P              |             |             | DEPT ALLEGED O WAS SMOKING ON DUTY, IMPROPERLY DISPOSED OF SUBJ PROPERTY, AND MISSTATED FACTS ON REPORT |
| 22-0112  | 12/14/2022    | P              |             |             | DEPT ALLEGED O WAS INVOLVED IN OFF-DUTY DISTURBANCE   |
| 22-0115  | 12/19/2022    | P              |             |             | CP, A FPD O, ALLEGED RECRUIT IS MAKING DISPARAGING REMARKS ABOUT O                                      |

**Discourteous:** During the review period 10 case investigations were completed and 13 new investigations were initiated. Of the 10 completed investigations nine were deemed as sustained resulting in some form of disciplinary action. The remaining case was determined not to be an IA matter once the facts were obtained.

| ADMINISTRATIVE OR PERFORMANCE MATTERS |               |                |             |             |   |
|---------------------------------------|---------------|----------------|-------------|-------------|---|
| IA CASE NUMBER                        | DATE ASSIGNED | DATE COMPLETED | FPD FINDING | OIR FINDING | SUMMARY   |
| 22-0003                               | 1/5/2022      | P              |             |             | CP ALLEGED FPD FAILED TO CONDUCT A THOROUGH INVESTIGATION                 |
| 22-0023                               | 4/5/2022      | 10/12/2022     | SUS         | NR          | DEPT ALLEGED EMP USED SIGNIFICANT SICK LEAVE WITHOUT PROPER DOCUMENTATION |

| ADMINISTRATIVE OR PERFORMANCE MATTERS |               |                |             |             |   |
|---------------------------------------|---------------|----------------|-------------|-------------|---|
| IA CASE NUMBER                        | DATE ASSIGNED | DATE COMPLETED | FPD FINDING | OIR FINDING | SUMMARY   |
| 22-0026                               | 5/3/2022      | 11/8/2022      | SUS         | NR          | CP ALLEGED O LOST CP's PROPERTY AFTER BEING ARRESTED  |
| 22-0028                               | 5/16/2022     | 10/12/2022     | SUS         | NR          | DEPT ALLEGED O FAILED TO ATTEND MANDATORY DV TRAINING   |
| 22-0034                               | 6/2/2022      | P              |             |             | DEPT ALLEGED O COPIED AND DISSEMINATED A SENSITIVE DOCUMENT WITHOUT APPROVAL  |
| 22-0041                               | 7/11/2022     | P              |             |             | CP ALLEGES WEAPONS WERE SEIZED AND IMPROPERLY DESTROYED FOLLOWING A SEARCH WARRANT  |
| 22-0043                               | 7/13/2022     | 11/22/2022     | SUS         | NR          | DEPT ALLEGES O LEFT OFF-DUTY WEAPON IN PUBLIC RESTROOM  |
| 22-0044                               | 7/14/2022     | P              |             |             | DEPT ALLEGES O IMPROPERLY USED SICK LEAVE   |
| 22-0046                               | 7/20/2022     | P              |             |             | DEPT ALLEGED O DID NOT COMPLETE DUI REPORT IN A TIMELY MANNER   |
| 22-0047                               | 7/20/2022     | 11/8/2022      | SUS         | NR          | DEPT ALLEGED O NEGLECTED SEVERAL REQUIRED DUTIES AS A PATROL OFFICER  |
| 22-0054                               | 8/8/2022      | P              |             |             | DEPT ALLEGED EMP IS ABUSING LEAVE POLICY  |
| 22-0056                               | 8/17/2022     | P              |             |             | DEPT ALLEGED RECRUIT O DID NOT PROPERLY SEARCH DETAINED SUBJ AND A WEAPON WAS LATER FOUND IN PATROL VEH WHERE SUBJ WAS PLACED |
| 22-0057                               | 8/18/2022     | P              |             |             | DEPT ALLEGED Os FAILED TO REVIEW REPORTS<br>DEPT ALLEGED OS FAILED TO SUPERVISE   |
| 22-0062                               | 8/22/2022     | P              |             |             | DEPT ALLEGED O ENGRAVED FPD LOGO ON DUTY WEAPON WITHOUT DEPT APPROVAL   |
| 22-0071                               | 9/12/2022     | P              |             |             | DEPT ALLEGED Os FAILED TO PERFORM DUTIES  |
| 22-0079                               | 9/27/2022     | P              |             |             | DEPT ALLEGED O FAILED TO COMPLETE REPORTS   |
| 22-0080                               | 9/27/2022     | P              |             |             | DEPT ALLEGED O CONDUCTED IMPROPER PURSUIT   |
| 22-0083                               | 10/10/2022    | P              |             |             | DEPT ALLEGED EMP IS ABUSING LEAVE POLICY  |
| 22-0092                               | 10/26/2022    | P              |             |             | DEPT ALLEGED O HAD A NEGLIGENT DISCHARGE WHILE CONDUCTING THE SEARCH OF AN APT  |
| 22-0101                               | 11/18/2022    | P              |             |             | DEPT WAS INFORMED BY O OF ALLEGATIONS OF OTHER Os VIOLATING POLICIES  |

| ADMINISTRATIVE OR PERFORMANCE MATTERS |               |                |             |             |  |
|---------------------------------------|---------------|----------------|-------------|-------------|--|
| IA CASE NUMBER                        | DATE ASSIGNED | DATE COMPLETED | FPD FINDING | OIR FINDING | SUMMARY  |
| 22-0104                               | 11/29/2022    | P              |             |             | DEPT ALLEGED CADET FAILED TO DISCLOSE TRUE IDENTITY OF SUBJECT PROCESSED UNDER ALIAS |
| 22-0105                               | 11/29/2022    | P              |             |             | DEPT ALLEGED O FAILED TO COMPLETE 27 REPORTS   |
| 22-0109                               | 12/9/2022     | P              |             |             | DEPT ALLEGED ESD ACCESSED & DISSEMINATED SENSITIVE INFORMATION TO FAMILY             |
| 22-0113                               | 12/14/2022    | P              |             |             | DEPT ALLEGED O FAILED TO CONDUCT FOLLOW-UP INVESTIGATION ON SEVERAL FELONY CASES     |
| 22-0114                               | 12/14/2022    | P              |             |             | DEPT ALLEGED O SHARED CONFIDENTIAL INFORMATION WITH ANOTHER O                        |
| 22-0118                               | 12/27/2022    | P              |             |             | DEPT ALLEGED Os VIOLATED PURSUIT POLICY  |

**Administrative:** Five case investigations were completed during the third quarter. The FPD determined the allegations were sustained in all of the completed investigations resulting in various levels of discipline. There were nine cases initiated during the same period.

**Vehicle Accidents:** There were five case investigations completed during the review period. In all five cases the officers were found to be in violation of a department policy. During the same period 12 new investigations were initiated.

### IA INVESTIGATION RESULTS

Below are annual totals for the discipline issued, or option chosen by the officers/employees, who were determined to be in violation of a FPD policy. During this quarter one officer was terminated, eight officers were suspended a total of 190 hours, and one officer was required to attend additional training.

| ANNUAL DISCIPLINES ISSUED | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 |
|---------------------------|------|------|------|------|------|------|------|
| TERMINATIONS              | 7    | 3    | 2    | 8    | 5    | 5    | 6    |
| RESIGNED IN LIEU OF       | 0    | 1    | 0    | 4    | 8    | 3    | 5    |
| RETIRED                   | 0    | 0    | 0    | 4    | 3    | 0    | 2    |
| DEMOTION                  | 0    | 0    | 0    | 1    | 0    | 0    | 0    |
| SUSPENDED                 | 16   | 17   | 32   | 31   | 52   | 22   | 28   |
| PAYMENT IN LIEU OF        | 0    | 0    | 0    | 4    | 1    | 0    | 0    |
| FINES                     | 0    | 0    | 0    | 0    | 0    | 0    | 1    |
| MEDICAL SEPARATION        | NA   | NA   | NA   | 3    | 0    | 0    | 0    |
| LETTERS OF REPRIMAND      | 9    | 10   | 15   | 17   | 15   | 25   | 12   |
| LAST CHANCE AGREEMENT     | N/A  | N/A  | N/A  | N/A  | N/A  | 4    | 4    |
| TOTAL                     | 32   | 31   | 49   | 72   | 84   | 59   | 58   |

## SUMMARY

Our new Community Coordinator, Arlene Medina, has been busy attending numerous community events since coming on board late last quarter. She welcomes the opportunity to inform the community about the role of our office in enhancing the trust, transparency, and public confidence of our Fresno Police Department.

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. Below are several ways you can reach our office. We look forward to hearing from you!

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

Telephone: (559) 621-8617

Email: [OIR@fresno.gov](mailto:OIR@fresno.gov)

John A. Gliatta  
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