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Agenda Date: 11/19/2020  
Council Meeting

2020 NOV 18 P 3:26  
CITY OF FRESNO  
CITY CLERK'S OFFICE

# FRESNO CITY COUNCIL



## Information Packet

### ITEM(S)

#### **File ID 20-001560 (1:00 P.M.)**

RESOLUTION- Accepting and approving the report from the Commission on Police Reform, and creating an ongoing committee to oversee implementation.

### **Contents of Supplement: PowerPoint: Police Reform Commission.**

### Item(s)

#### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

#### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

# Fresno Commission for Police Reform



## REPORT AND RECOMMENDATIONS



\*photo courtesy of Chris Schneider.

\*\*photo courtesy of Fresno Building Healthy Communities.

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On May 31, 2020, following the murder of George Floyd, more than 3,000 protesters peacefully gathered in front of the Fresno Police Department headquarters demanding City of Fresno (City) leaders take immediate action to reform policing and community safety in Fresno.

Mayor Lee Brand and the Fresno City Council announced the formation of the Fresno Commission for Police Reform (CPR or Commission).

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The Commission adopted bylaws and established four subcommittees to address and make recommendations in the following areas:

**Police Budget Subcommittee**

**Community Input Subcommittee**

**Community Development Subcommittee**

**Police Training, Tactics, Policies, and Philosophy (PTTP) Subcommittee**

Commission Outcomes Include:

- 73 recommendations
- All recommendations approved by majority
- Final report and recommendations received almost unanimous support

# Fresno

- Fresno has a long history of challenges with its police department going back 100 years
  - We are all aware of some of the saddest chapters in FPD's history, including federal indictments and convictions and large payouts to the families of those killed or injured by officers.
  - Fresno also has a celebrated Community Policing initiative
  - Fresno was unique in its recent response to other cities which experienced riots and property destructions.
  - Thousands of Fresno demonstrators held peaceful protests.
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## 2020 CPR Community Input Survey

The Community Input Subcommittee, in collaboration and consultation with the Sociology Department of California State University, Fresno, implemented four data collection strategies to derive community input about reforming the FPD:

- 1) An online survey that was disseminated in English, Spanish, Arabic, Punjabi, and Hmong
- 2) Focus group interviews
- 3) Direct email to the Commission and
- 4) A telephone survey of a sample of the Fresno population

| Race/Ethnicity                            | City Population | Online Respondents | Paper Survey Respondents |
|---|-----------------|--------------------|--------------------------|
| Hispanic                                  | 49.3%           | 29.9%              | 25.9%                    |
| White alone                               | 27.1            | 38.3               | 17.0                     |
| Asian alone                               | 13.5            | 4.7                | 5.4                      |
| Black alone                               | 7.2             | 7.9                | 39.0                     |
| American Indian alone                     | 0.5             | 1.6                | 5.4                      |
| Other race alone                          | 0.2             | 16.8*              | 3.4*                     |
| Native Hawaiian or Other Pacific Islander | 0.08            | 0.9                | 3.4                      |

## What Do Fresnans Want to See?

Over 4,000 community members responded to a survey on the Commission's police reform effort. Here are their top 5 priorities:

1

Review and update the Fresno Police Department Use of Force policy

2

Require officer training on implicit bias and de-escalation

3

Prioritize community-based solutions to public safety

4

Find alternative approaches to deal with non-threatening situations to minimize unnecessary workload for police officers

5

Reinvest general fund dollars from the Fresno Police Department budget back into the community through PARCS, City Development, and other direct services

***“The overall message should be ‘Pro-Community AND Pro-Police’. We should not have to choose only one side.”***

A blue-tinted background image showing hands holding puzzle pieces. The hands are positioned as if they are carefully placing or holding together several interlocking puzzle pieces. The overall scene is dimly lit, with the blue tint dominating the color palette.

# RECOMMENDATIONS

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# Ensuring that the FPD Reflects the Community it Serves

| Rank           | Total | Black # | Black % | SE Asian # | SE Asian % | API # | API % | Hispanic # | Hispanic % | Women # | Women % |
|----------------|-------|---------|---------|------------|------------|-------|-------|------------|------------|---------|---------|
| Recruits       | 22    | 1       | 4.5%    | 1          | 4.5%       | 0     | 0%    | 13         | 59.1%      | 5       | 22.7%   |
| Police officer | 637   | 35      | 5.5%    | 32         | 5.0%       | 10    | 1.6%  | 216        | 33.9%      | 72      | 11.3%   |
| Sergeants      | 97    | 8       | 8.2%    | 3          | 3.1%       | 3     | 3.1%  | 26         | 26.8%      | 8       | 8.2%    |
| Lieutenant     | 21    | 1       | 5%      | 0          | 0%         | 1     | 4.8%  | 5          | 23.8%      | 2       | 9.5%    |
| Captain        | 7     | 0       | 0%      | 0          | 0%         | 0     | 0%    | 3          | 42.9%      | 1       | 14.3%   |
| Total sworn    | 809   | 46      | 5.7%    | 36         | 4.4%       | 14    | 1.7%  | 304        | 37.6%      | 90      | 11.1%   |

## Recommendation #29:

The City should prepare an “Equity in Recruiting, Hiring, and Promotion Plan” to determine and adopt best practices for a diverse Police Department reflective of the Fresno Community. The Civilian Oversight Board should develop this plan in consultation with third-party experts and staff. The City should provide an appropriate budgetary commitment for contracting with a third-party expert to improve outreach and support efforts. The Civilian Oversight Board should measure the effective implementation of this plan using specific metrics included in the plan and include this analysis as a consideration in the evaluation of the police chief. Key plan components include:

- Demographically specific approaches to professional advancement;
- A 20-year data set that tracks women and men by race in police leadership positions relative to the police population as a whole in the FPD;
- Realistic 5-, 10-, and 15-year targets for shifting the composition of leadership based on the above data, compliant with state law; and
- Examination of evaluation tools and the process of hiring, evaluating, and promoting officers for movement in rank. (See examples of bias interrupters used in managerial positions.)



# Reduce and Reallocate the Responsibilities of the FPD

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## Recommendation #7:

Police officers should not be dispatched for calls relating to mental health or behavioral issues of a non-violent nature. The City should increase reliance on behavioral health and trained medical professionals to respond to such calls. The City Council should form a working group to use the remaining two years of the CIT contract to develop a new model for responding to calls with a behavioral or mental health component tailored to the particular needs and resources available in Fresno. The Commission further recommends that the City develop specific training for dispatchers to recognize calls with a mental or behavioral health component in coordination with the new crisis intervention approach. The Commission also recommends that the FPD's mental health and de-escalation training be expanded such that it include the same level of training currently being provided to members of the CIT.

# Police Culture: Morale, Standards of Conduct, Bias and Discrimination

## Recommendation #19:

The Department should improve its early intervention system (EAS) patterns of behavior by individual officers that suggest the need for intervention or additional training.

As explained in other sections of this report, it is imperative that Fresno's communities have faith in the FPD. Explicit and implicit bias is a real problem in police departments. President Obama's Task Force on 21st Century Policing recommend that law enforcement agencies adopt policies prohibiting profiling and discrimination based on race, ethnicity, national origin, religion, age, gender, gender identity/expression, sexual orientation, immigration status, etc., and discipline officers who violate such policies.

## Recommendation #21:

The City should clarify and provide for a robust process by which members of the public can make complaints of discrimination against police officers.

# Use of Force

## **Recommendation #12:**

Law enforcement officers of the FPD shall only use physical force when no other viable option is available. In all cases where force is used, only the minimum degree of force which is necessary shall be employed. The minimum degree of force is the lowest level of force within a range of what is objectively necessary or reasonable to effect an arrest or achieve a lawful objective. To further the aim of minimal reliance on force, all law enforcement officers must, at all times, carry on their person at least one less-lethal weapon.

## **Recommendation #14:**

The use of force policy should state that deadly force may be used only for the protection of human life.

# Improve Police Oversight

## A Return to Basic Principles of Oversight

The Commission was nearly unanimous in finding the need for stronger police oversight, and a greater role for civilians in the oversight process. In general, the Commission's goals for a new oversight process include the following:



- 1** |  Improved visibility/usability/trust by the public in the oversight process;
- 2** |  Greater civilian input in oversight, reflecting both lay and professional opinions;
- 3** |  Citizen oversight reflective of the geographic and demographic diversity of the City;
- 4** |  The need for more robust OIR authority;
- 5** |  The need for better integration between the OIR and a citizen oversight board;
- 6** |  The need for better metrics to measure the fairness of policing and the diversity of the FPD itself; and
- 7** |  The need to ensure both OIR and a citizen's oversight board can compel the production of information and conduct interviews and independent investigations.

# Recommendations

## Recommendation #2:

The Civilian Oversight Board will consist of 11–13 voting Members, able to set aside bias, and serve a 3-year term. Half of the initial COB Members will serve a 2-year term to provide staggered membership changes.

Nominees may be recommended by community-based organizations, fellow residents, or by self-application.

The COB must be representative of the racial, ethnic, and socio-economic diversity of the City to the greatest extent possible.

## Recommendation #3:

The functions of COB shall include the following:

- Review of OIR Complaint Intakes
- Review of Department and OIR use of force determinations
- Review of disciplinary actions related to the use of force and other public complaints
- The authority to make budget recommendations
- Review of reports from OIR on hiring and promotions to ensure diversity and to make procedural recommendations
- Provide input on the hiring of future police chiefs
- Review and make recommendations based upon community surveys of Fresno residents regarding policing
- Review and make recommendations based upon surveys of attitudes and concerns of FPD employees
- Receive input and make recommendations regarding the efficacy of special units within the Department
- Receive reports from OIR regarding police training, and make recommendations regarding changes in training where appropriate to ensure safe, community-oriented policing
- Conduct reviews of FPD policies and practices either at COB's behest or the request of the OIR or Department
- Produce at least one public report annually
- Engage in community outreach to ensure the community is aware of avenues to redress complaints against officers or the Department

# FPD Fiscal Management: Ensuring the Effective Stewardship of Public Funds



**1.189 Billion**  
City of Fresno  
Budget

**485.1 million**  
General Fund  
Share

**174.6 million**  
Police Department  
Share of General Fund

## Fresno Police Department Organizational Structure

The Department consists of six (6) Divisions: The Office of the Chief, Administrative Services, Patrol Division, Support Services, Investigations Division, and Grants. Each Division consists of different Sections. The Department's budget is allocated by Division and Section. The following are the appropriations for each of the Division budgets:

|                              |              |
|------------------------------|--------------|
| Office of the Chief          | \$8,278,300  |
| Administrative Services      | \$41,416,700 |
| Patrol Division              | \$79,865,500 |
| Support and Special Services | \$29,591,300 |
| Investigations Division      | \$28,998,800 |
| Grants                       | \$14,810,100 |

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## Recommendation #40:

The FPD should conduct a staffing analysis to determine how much non-productive time is lost due to various leaves of absences for both sworn and civilian personnel in each Division and Section, including any other tasks (e.g., training, court appearances) that reduce the total number of hours needed to adequately support the core functions of each Division and/or Section. Based on this analysis, the FPD can determine the cost-effectiveness of hiring permanent staff rather than continuing its reliance on overtime, which can also lead to fatigue and potentially a higher number of workers' compensation claims and costs.

## Recommendation #47:

The City should evaluate the function and overall effectiveness of all Special Unit assignments to determine the extent to which they are necessary, potentially duplicative, and their cost-benefit ratios. Specialized units similar in scope and function should be merged and/or eliminated. Remaining Special Units should have clearly outlined functions, goals, and measurable metrics. Special Units to be evaluated include but are not limited to the following:

- SWAT
- Vice
- CCATT
- Street Violence Unit
- MAGEC
- ACT Team
- Robbery Unit
- Felony Assault Unit
- HIDTA Unit
- Neighborhood Safety Unit



# Partnership with Community-Based Organizations

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## Recommendation #55:

The City should support a partnership with a local community-based organization. The cost of this new partnership would be about \$230,000 annually. The City and the selected CBO will convene a team responsible for developing and initiating a comprehensive and strategic plan to improve the overall safety, health, and wellbeing of the community, leading to the prevention of issues such as Family Violence, Gang Violence, and Sex Trafficking.

## Recommendation #56:

Disband the Homeless Task Force and reallocate resources to social services and community-based organizations that provide services to the City's homeless population.

# Community-Based Prevention Efforts

## Recommendation #70:

The Commission recommends the City implement juvenile diversion strategies as follows:

- The City should contract with the Community Justice Center (CJC) to provide additional restorative justice services for low-level juvenile offenders to resolve the criminal behavior using trained mediators and mentors “pre-arrest” without referral to juvenile court;
- The Department should work collaboratively with CJC to divert juvenile offenders into the restorative justice programs and to participate in the intervention sessions for those impacted by harm;
- The success of the CJC Program should be evaluated as an evidence-based practice utilizing comparative recidivism and re-offense rates as one matrix of success; and
- CJC should be expanded to other high school campuses and support additionally trained mentors from grassroots organizations that are culturally appropriate and culturally sensitive, to conduct a minimum of 250 CJC Restorative Justice interventions per year.

## Recommendation #71:

The Commission recommends the City increase available funding and resources for counseling and/or restorative healing circles for children, youth, adults, and families that have experienced trauma.

In 2020, there has been a 180 percent increase in gun violence in Fresno. Community-based strategies led by leaders who have built trust in key neighborhoods are needed to turn the cycle of violence. Evidence suggests that violence prevention through community social control and collective efficacy are significant protective factors for gang violence, youth violence, and domestic violence.

# Conclusion

It is the belief of the Commission that embracing these recommendations will serve as the first step toward reconciliation, and more importantly, in creating a new vision of community safety which provides greater opportunities for all residents to prosper and feel safe.



# Fresno Commission for Police Reform

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REPORT AND RECOMMENDATIONS



## LIST OF RECOMMENDATIONS:

**Recommendation #1:** A new Civilian Oversight Board (COB) should be created to replace CPSAB.

**Recommendation #2:** The Civilian Oversight Board will consist of 11–13 voting Members, able to set aside bias, and serve a 3-year term. Half of the initial COB Members will serve a 2-year term to provide staggered membership changes.

Nominees may be recommended by community-based organizations, fellow residents, or by self-application.

The COB must be representative of the racial, ethnic, and socio-economic diversity of the City to the greatest extent possible.

Members will be appointed by the Mayor and confirmed by a supermajority (2/3) vote of the Fresno City Council.

- Members:
  - Must be a resident of the City of Fresno;
  - Must not be a current elected official in the City or County of Fresno; and
  - Must not be an employee of the City of Fresno.
- One member should be selected from each of the seven (7) Council Districts. Council members may recommend selections to the Mayor.
- Every iteration of the Board should also include the following:
  - One member should be a former public defender;
  - One member should be a professor of criminology, sociology, or a related discipline;
  - One member should be a former police officer; and
  - One member should be under the age of 21.
- There should be two (2) other at-large members (no professional affiliations required).

- A misdemeanor or felony conviction will not automatically disqualify an applicant from serving on the Board.
- Members of the Board must be fair and impartial and perform their duties in strict accordance with the law governing the performance of quasi-judicial functions, including appropriate requirements for the avoidance of conflict of interest, preservation of confidentiality when required, Form 700 reporting, and ex parte contacts regarding quasi-judicial matters.
- COB members should be reasonably compensated.

**Recommendation #3:** The functions of COB shall include the following:

- Review of OIR Complaint Intakes
- Review of Department and OIR use of force determinations
- Review of disciplinary actions related to the use of force and other public complaints
- The authority to make budget recommendations
- Review of reports from OIR on hiring and promotions to ensure diversity and to make procedural recommendations
- Provide input on the hiring of future police chiefs
- Review and make recommendations based upon community surveys of Fresno residents regarding policing
- Review and make recommendations based upon surveys of attitudes and concerns of FPD employees
- Receive input and make recommendations regarding the efficacy of special units within the Department
- Receive reports from OIR regarding police training, and make recommendations regarding changes in training where appropriate to ensure safe, community-oriented policing
- Conduct reviews of FPD policies and practices either at COB's behest or the request of the OIR or Department
- Produce at least one public report annually

- Engage in community outreach to ensure the community is aware of avenues to redress complaints against officers or the Department

**Recommendation #4:** Except as provided by state law, COB meetings will be open to the public, and community engagement will be encouraged through active advertising of upcoming meetings and decisions. Documents reviewed by the COB must be made publicly available and accessible, to the extent permissible by law. The COB will be required to seek input from the community as to its effectiveness and operations. Pursuant to the California Peace Officers Bill of Rights, any discussion of disciplinary actions will occur in closed session. Police officers may waive the right to have their matters heard in closed session.

**Recommendation #5:** The City should change and reinforce the bodies that currently provide oversight to the Department.

**Recommendation #6:** The Office of Independent Review should be strengthened and should include the following functions and responsibilities:

- Review of IA investigations;
- Involvement in ongoing investigations;
- Leadership of the COB; the IR should serve as the Executive Director of the COB;
- Independently initiated investigations;
- Attend interviews of complainants, public witnesses, and sworn officers with ability to ask questions;
- Have full access to investigation files;
- Evaluate whether an investigation is complete, thorough, and objective;
- Ability to compel interviews and documents from FPD; and
- Assist the COB in carrying out its functions.

**Recommendation #7:** Police officers should not be dispatched for calls relating to mental health or behavioral issues of a non-violent nature. The City should increase reliance on behavioral

health and trained medical professionals to respond to such calls. The City Council should form a working group to use the remaining two years of the CIT contract to develop a new model for responding to calls with a behavioral or mental health component tailored to the particular needs and resources available in Fresno. The Commission further recommends that the City develop specific training for dispatchers to recognize calls with a mental or behavioral health component in coordination with the new crisis intervention approach. The Commission also recommends that the FPD's mental health and de-escalation training be expanded such that it include the same level of training currently being provided to members of the CIT.

**Recommendation #8:** American Ambulance, Fresno's paramedics provider, has developed a concept that is consistent with the foregoing recommendation to rely on medical and mental health professionals to respond to mental health calls in lieu of a law enforcement response. The City should work with Fresno County Behavioral Health to certify specially trained paramedics to write Welfare and Institutions Code section 5150 holds on people that meet applicable criteria.

**Recommendation #9:** The Commission recommends that the City invest in critical bed space for behavioral treatment facilities for juveniles and adults that respond to community needs.

**Recommendation #10:** The Commission recommends identifying a dedicated stream of funding for mental health professionals.

**Recommendation #11:** The preamble to the use-of-force policy should state that its purpose is to prevent unnecessary force, ensure accountability and transparency, and ensure the community's trust and confidence in the FPD's ability to protect and serve. It shall be the utmost priority and mission of the FPD to protect and serve all individuals of Fresno and to respect the inherent life, liberty, dignity, and worth of all individuals by preserving human life, minimizing physical harm and reliance on use of force and conducting its duties without prejudice. The FPD Policy Manual, in particular 300 Use of Force, and other force provisions and related training, should be updated to reflect these concepts.



**Recommendation #12:** Law enforcement officers of the FPD shall only use physical force when no other viable option is available. In all cases where force is used, only the minimum degree of force which is necessary shall be employed. The minimum degree of force is the lowest level of force within a range of what is objectively necessary or reasonable to effect an arrest or achieve a lawful objective. To further the aim of minimal reliance on force, all law enforcement officers must, at all times, carry on their person at least one less-lethal weapon.

**Recommendation #13:** The Use of Force Policy 300 should be modified to require the use of de-escalation techniques, as specified in SB 230.

**Recommendation #14:** The use of force policy should state that deadly force may be used only for the protection of human life.

**Recommendation #15:** The level of resistance faced by the officer, and the extent to which it is treated, should be weighed in determining the application of the use of force. With respect to the conduct of the subject, the use of force should also be based on whether the subject is:

- compliant;
- passively resistant;
- actively resistant; or
- assaultive, aggressive, or combative.

**Recommendation #16:** The FPD Police Policy Manual should be amended to provide that an officer's use of deadly force will be assessed in light of the officer's tactical conduct and decisions leading up to the use of force. Where possible, a verbal warning or verbal warnings shall be given before the use of deadly force.

**Recommendation #17:** The existing use of force section regarding moving vehicles, section 300.8.4, does not prohibit officers from reaching into moving vehicles. The Commission recommends that the provision be revised to include this prohibition. Reaching into a moving vehicle invites a situation in which the officer's life is endangered, and therefore, the use of force may be required.

**Recommendation #18:** Recommend that the COB develop surveys and other means of assessing the culture of the FPD and attitudes of individual police officers in a way that is objective, accurate, and credible. The survey should:

- Use some metrics that were used in past surveys to allow for comparative data analysis;
- Use a third-party expert(s) to assist in the development of additional tools and measurements/metrics for evaluations;
- Attitudes towards police officers should also continue to be measured on an ongoing basis. Such surveys should also continue to elicit input regarding the appropriate role of policing in the community; and
- Analysis of the above studies should be conducted with a recognition of the underlying societal difficulties that police are asked to address.

**Recommendation #19:** The Department should improve its early intervention system (EAS) patterns of behavior by individual officers that suggest the need for intervention or additional training.

**Recommendation #20:** All corrective action should be documented in an employee's personnel file.

**Recommendation #21:** The City should clarify and provide for a robust process by which members of the public can make complaints of discrimination against police officers.

**Recommendation #22:** The City's workplace discrimination policy should be amended to provide victims of discrimination the same protections that witnesses are afforded.

**Recommendation #23:** Eliminate all references to "misunderstanding or lack of communication" in Policy 328.

**Recommendation #24:** Investigations should be completed within six months unless the incident is of a complex or difficult nature that would require additional time to be investigated.

**Recommendation #25:** Documented reprimands should remain in the employee file for three years and be removed thereafter. The decision to remove them from the file should not be discretionary.

**Recommendation #26:** Policies regarding the investigation of discrimination and harassment complaints should be updated to emphasize the need to complete such investigations in a timely manner. The use of outside investigators should be considered where there is a reasonable concern regarding impartiality or conflict.

**Recommendation #27:** Collective bargaining agreements should include a morality and behavior clause that limits the City's liability for behavior deemed inappropriate and improper for officers to engage in.

**Recommendation #28:** Fresno Patrol Officers should not:

- Respond to low-risk non-criminal calls;
- Respond to victims of property-related crimes where the crime occurred more than 24 hours before the call; or
- Respond to routine calls (i.e., non-violent) to homeless encampments or involving unhoused individuals

**Recommendation #29:** The City should prepare an "Equity in Recruiting, Hiring, and Promotion Plan" to determine and adopt best practices for a diverse Police Department reflective of the Fresno Community. The Civilian Oversight Board should develop this plan in consultation with third-party experts and staff. The City should provide an appropriate budgetary commitment for contracting with a third-party expert to improve outreach and support efforts. The Civilian Oversight Board should measure the effective implementation of this plan using specific metrics included in the plan and include this analysis as a consideration in the evaluation of the police chief.

Key plan components include:

- Demographically specific approaches to professional advancement;
- A 20-year data set that tracks women and men by race in police leadership positions relative to the police population as a whole in the FPD;
- Realistic 5-, 10-, and 15-year targets for shifting the composition of leadership based on the above data, compliant with state law; and
- Examination of evaluation tools and the process of hiring, evaluating, and promoting officers for movement in rank. (See examples of bias interrupters used in managerial positions.)

**Recommendation #30:** If there are conditions or requirements at the FPD that tend to deter female applications or discriminate against females, they should be remedied.

**Recommendation #31:** The City should continue to work with California State University, Fresno, Fresno City College, and other local educational institutions to expand the appeal of policing with the Department as a career path.

**Recommendation #32:** The Civilian Oversight Board should conduct a review of all aspects of the hiring process and make appropriate public recommendations on conditions and obstacles that may prevent otherwise qualified applicants from joining the force.

**Recommendation #33:** The Civilian Oversight Board should review the promotional process to ensure diversity throughout the ranks of the organization.

**Recommendation #34:** Appropriate officials should, (including the City Council and the Mayor), urge state and federal legislators to make a formal recommendation that Congress revise the doctrine of Qualified Immunity.

**Recommendation #35:** The City should expedite the installation/conversion of its financial reporting software to provide all City departments, and more importantly the public, with a level of financial information that can be used to evaluate operational efficiencies in a manner that is easily understood to improve the level of transparency and accountability to the public.

**Recommendation #36:** The City should engage in a participatory budgeting process to determine community priorities.

**Recommendation #37:** The Commission suggests mitigating the influence of the FPOA on the City budget and administrative decisions.

**Recommendation #38:** In the interim, and to capture at an hourly rate that reflects these costs, the Department should develop internal financial reports in which worker's compensation, liability, and fleet expenses are expensed by Division, and in some cases at the Section level (e.g., worker's compensation, liability) rather than allocating these costs within the Administrative and Grants Division budgets.

**Recommendation #39:** The FPD should semi-annually disclose up-to-date disaggregated financial data through an accessible online database that allows community members to download, search, and analyze its expenditures and clearly identify trends and use of taxpayer dollars.

**Recommendation #40:** The FPD should conduct a staffing analysis to determine how much non-productive time is lost due to various leaves of absences for both sworn and civilian personnel in each Division and Section, including any other tasks (e.g., training, court appearances) that reduce the total number of hours needed to adequately support the core functions of each Division and/or Section. Based on this analysis, the FPD can determine the cost-effectiveness of hiring permanent staff rather than continuing its reliance on overtime, which can also lead to fatigue and potentially a higher number of workers' compensation claims and costs.

**Recommendation #41:** The City and the FPD should evaluate the overall effectiveness of its current workers' compensation and wellness programs to increase the number of available work hours and reduce the costs in workers' compensation related expenses.

**Recommendation #42:** The City and the Department should evaluate the type of calls and/or work that is currently performed by sworn personnel and determine if utilizing Community Services Officers (CSO) could be used to perform some of this work. Further, whether the job requirements associated with the CSO classification should be amended to provide additional flexibility in the type of work performed by a CSO. The City and the Department should evaluate the function and overall effectiveness of each special unit to determine the extent to which specialized units are effective in their goals and their cost-benefit ratio. Specialized units should have precise unduplicated functions and metrics, and these should be reported on an annual basis through an accessible database that allows the public to assess special unit trends, related expenditures, and outcomes.

**Recommendation #43:** The City should not enter into contracts for policing with school districts. The City should encourage school districts to engage in investments that will provide a more positive experience leading to positive outcomes for students.

**Recommendation #44:** The City should not enter into grants that do not contemplate the sustainability of funding once the grant terminates.

**Recommendation #45:** The City and Fresno school districts should prioritize the use of tax dollars to increase safety in schools and surrounding neighborhoods by investing in neighborhood development and improvements, such as installing and repairing sidewalks, streetlights, home improvement programs, after-school programs, and youth job creation to create long-term neighborhood safety.

**Recommendation #46:** The City of Fresno should transfer the following functions and associated budgets to other City departments whose core missions are better aligned with the intended functions and outcomes:

- Fresno Area Express (FAX) Unit;
- Graffiti Unit;
- Violence Intervention and Community Services;
- Homeless Task Force; and
- Recycling Task Force

**Recommendation #47:** The City should evaluate the function and overall effectiveness of all Special Unit assignments to determine the extent to which they are necessary, potentially duplicative, and their cost-benefit ratios. Specialized units similar in scope and function should be merged and/or eliminated. Remaining Special Units should have clearly outlined functions,

goals, and measurable metrics. Special Units to be evaluated include but are not limited to the following:

- SWAT
- Vice
- CCATT
- Street Violence Unit
- MAGEC
- ACT Team
- Robbery Unit
- Felony Assault Unit
- HIDTA Unit
- Neighborhood Safety Unit

**Recommendation #48:** The Department should integrate respectful, consistent, and meaningful community engagement and input into all functions of the Department. All officers and personnel should be trained to work with citizens to identify and implement long-term solutions to quality of life issues.

**Recommendation #49:** The current contract hourly rate for Fresno and Central unified school districts SRO contracts is \$67.86 per hour, which does include the incremental cost for workers' compensation related expenses but does not include other costs such as liability or fleet-related expenses (e.g., fuel, maintenance). The contract hourly rate paid by local businesses and other entities is \$58.52, which is 13.8% lower and does not include any costs noted above. Therefore, in the interim, prior to the adoption of a Cost Allocation Plan, the Department needs to present an amendment to the City's Master Fee Schedule to the City Council so that all contract hourly rates are consistent.

**Recommendation #50:** The FPD should develop and consistently utilize a systemic approach to physical asset management throughout the entire lifecycle. This monitoring should include tracking assets by assignment and costs to operate, maintain, and replace.



**Recommendation #51:** The City needs to commission a study to calculate the lifecycle and replacement costs of all City-owned assets, with the priority on the Police and Fire Departments, to determine the cost of bringing these assets into a good state of repair as well as the ongoing cost of properly maintaining these assets over their expected life. The commission should identify potential funding sources to adequately address this need. No further FPD capital investments should be made unless they include lifecycle and future replacement costs, as well as the source of funds used to address these costs.

**Recommendation #52:** The City should evaluate the means by which liability costs are allocated, including an evaluation of individual officer liability insurance versus the self-insurance approach currently used by the City.

**Recommendation #53:** An assessment of each of the cases that resulted in a claim that was paid by the City on behalf of the Department should be conducted to determine if trends in behaviors, units, officers, or other relevant factors are present that result in a liability to the City. The City should implement necessary changes to Department policies to require further mandatory psychological testing of officers involved in incidents in addition to testing for drugs, alcohol, anabolic steroids, and any other substances which may cause impairment after a critical incident.

**Recommendation #54:** The cost of liability claims should be assigned by Division, Section, and Special Units where possible.

**Recommendation #55:** The City should support a partnership with a local community-based organization. The cost of this new partnership would be about \$230,000 annually. The City and the selected CBO will convene a team responsible for developing and initiating a comprehensive and strategic plan to improve the overall safety, health, and wellbeing of the community, leading to the prevention of issues such as Family Violence, Gang Violence, and Sex Trafficking.

**Recommendation #56:** Disband the Homeless Task Force and reallocate resources to social services and community-based organizations that provide services to the City's homeless population.

**Recommendation #57:** The City should redirect various grant funds toward community-based programs and interventions efforts that increase community safety through preventative approaches and weigh the impacts on FPD's service capacity.

**Recommendation #58:** The City should consider shifting the use of SLESA funds to implement community crime prevention and juvenile justice programs as allowed and defined under Government Code section 30062.

**Recommendation #59:** The City should advocate to the County that Assembly Bill 109 funds are allocated to support community violence prevention programs such as Advance Peace, and youth mentoring, employment, community-based substance use treatment, and other similar programs.

**Recommendation #60:** The City should shift the use of Justice Assistance Grant (JAG) funds to support community-based programs and services such as family violence prevention and intervention services, human trafficking, restorative justice, and similar programs.

**Recommendation #61:** The City should reallocate Tobacco Grant funds fully to Code Enforcement and focus its efforts on conducting business training, education and compliance activities.

**Recommendation #62:** The City should evaluate the services provided by the Fresno Police Chaplaincy program to determine if there is any duplication and clearly outline how funding is being used, the cost-benefit of the programs, and clearly articulate and track measurable

outcomes. Based on this assessment, the City of Fresno should determine if services should be expanded, decreased, or eliminated.

**Recommendation #63:** The Commission recommends that the City explore additional opportunities to establish joint/shared use agreements with community groups to ensure that young people have safe places to be during non-school hours by supporting maintenance for parks and playgrounds (e.g., well-maintained parks and playgrounds provide safe spaces for kids and families for community and sports activities and builds a sense of pride in the neighborhood), and Community Center community services programs (e.g., tutoring, career/job fairs, science, math or reading times, exercise and dance classes, business/idea development, computer literacy training and coding classes, youth empowerment through entrepreneurial development, education resources for adults seeking ongoing education, etc.).

**Recommendation #64:** The City should invest in a pilot program that will help deter graffiti, overseen by the PARCS Department, funded by \$100,000 from the Graffiti Abatement budget. The Commission also recommends that the City take the following actions:

The City should enter the contract by July 2021;

The City should identify areas of high graffiti and strive to identify mural locations based on these locations;

The City should have 10 murals by July 2022; and

The City should measure the effectiveness of the program by comparing calls received for graffiti clean-up.

**Recommendation #65:** The Commission recommends that the City incorporate a social equity component in the City's shared mobility policy that requires at least 30 percent of all

shareable transportation (e.g., e-scooters, e-bicycles) to be located in high poverty neighborhoods that lack adequate transportation. This antecedent should include reduced ridership rates for users in the specified areas. Racial and economic equity should also be central to the deployment of any rideshare program.

**Recommendation #66:** The Commission recommends the City assemble and implement a Poverty Action Plan to:

- Support disadvantaged youth;
- Design effective mentoring programs;
- Address the academic barrier to higher education;
- Expand apprenticeship opportunities;
- Improve employment outcomes;
- Provide disadvantaged workers with skills to succeed in the labor market; and
- Address homelessness.

**Recommendation #67:** The Commission recommends the City invest more in extra-curricular activities, mentorship programs, and work programs, introducing students to new experiences and innovative career opportunities.

**Recommendation #68:** The Commission recommends that the City fund a pilot program that provides opportunities for heads of households and primary caregivers to achieve the next level of education, with a primary focus on high school diplomas and AA degrees.

**Recommendation #69:** The Commission recommends implementing an integrated public safety model that coordinates all safety components, including Fire Rescue, Emergency Medical Services, and Law Enforcement Services, into one Department, the Department of Public Safety (DPS).

**Recommendation #70:** The Commission recommends the City implement juvenile diversion strategies as follows:

- The City should contract with the Community Justice Center (CJC) to provide additional restorative justice services for low-level juvenile offenders to resolve the criminal behavior using trained mediators and mentors “pre-arrest” without referral to juvenile court;
- The Department should work collaboratively with CJC to divert juvenile offenders into the restorative justice programs and to participate in the intervention sessions for those impacted by harm;
- The success of the CJC Program should be evaluated as an evidence-based practice utilizing comparative recidivism and re-offense rates as one matrix of success; and
- CJC should be expanded to other high school campuses and support additionally trained mentors from grassroots organizations that are culturally appropriate and culturally sensitive, to conduct a minimum of 250 CJC Restorative Justice interventions per year.

**Recommendation #71:** The Commission recommends the City increase available funding and resources for counseling and/or restorative healing circles for children, youth, adults, and families that have experienced harm.

**Recommendation #72:** The Commission recommends the City support community-based violence prevention and the sustainability of Advance Peace through multi-year funding. The City’s efforts should include the following objectives:

- Reducing gun violence by 50%;
- Building Advance Peace Fellows to lead community-based violence prevention; and
- Begin multi-year support at the end of the current grant cycle in September 2023

**Recommendation #73:** The City should partner with other agencies to develop and implement a more effective process for allocating resources needed to address homelessness in Fresno to provide additional resources, such as more social workers, rather than expecting the FPD to address an issue that they are not trained or equipped to manage.