



MODESTO POLICE DEPARTMENT

Mission - Vision - Values

**Response to OIR Group Independent Review
March 2024 Report**

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—BRANDON GILLESPIE, CHIEF OF POLICE

To Our Modesto Community,

The Modesto Police Department remains steadfast in its commitment to working in partnership with you, our community, to reduce crime and improve the overall quality of life in our city. We are dedicated to providing exceptional public safety services to all Modesto residents, business owners, and visitors, achieving this through robust community relationships, proactively addressing crime, and striving for excellence in all we do.

As your Chief of Police, I am deeply committed to fostering innovation while upholding the highest standards of transparency, accountability, and inclusivity. I am proud of our robust community engagement efforts, exemplified by initiatives such as our Youth Explorer Program, 10K With a Cop program, Healthy Room Project, Modesto Clergy Council, Cultural Relations Coaching Cohorts, and the significant expansions in our Alternative Response Unit which now includes additional C.H.A.T. specialists, Park Rangers, and Code Enforcement. These programs, along with our innovative approaches like the Real-Time Crime Center and Air Support Unit are integral in illustrating our policing philosophy here in Modesto.

Our commitment to transparency and accountability has never been stronger. We conduct in-depth reviews of every use of force incident, provide critical incident community briefings, and ongoing evaluations by our Major Incident Review Team. Additionally, our cooperations and openness with the Community Police Review Board and the Office of Independent Review are a testament to our dedication to self-assessment and continuous improvement. This report plays a part in this important work. There are few police departments more devoted to self-critique than ours.

It is important to remember that our foundation of trust is built through consistent, daily interactions. Every day, our officers engage with community members, enhancing trust through professional and compassionate service. Our successes in reducing crime and enhancing community safety are not just our achievements but are accomplishments we share with you, our community partners.

I am humbled to serve as your Chief of Police and am immensely proud of the dedication shown by our officers and staff daily. Their commitment to our mission enables us to make significant strides towards making Modesto a safer place to live, work, and play.

Thank you for your continued support and partnership.

Respectfully,

BRANDON GILLESPIE
CHIEF OF POLICE

INTRODUCTION

In the dynamic landscape of public safety, the Modesto Police Department steadfastly upholds its mission as first responders. Our profession is inherently challenging, requiring us to restore order in chaos, shield the vulnerable, and provide solace to those in distress. Our officers often find themselves in critical situations where split-second decisions can mean the difference between life and death. These decisions, made under immense pressure, are intensely scrutinized, underscoring the high stakes of policing—a reality that has been amplified by recent nationwide events from the global pandemic to significant social and political upheavals.

At the Modesto Police Department, we view scrutiny and accountability as foundational to our profession, which carries a significant level of trust and authority. We are dedicated to continuous self-assessment and improvement, ensuring that our responses to incidents comply with policies and contribute valuable insights for advancing training, tactics, procedures, and community relations.

Our commitment to effective policing is anchored in selecting the right personnel and building trust with the community we serve. Transparency is not merely a policy but a cornerstone of our operations. Our Community Police Review Board (CPRB) and the Office of Independent Review (OIR) serve as our oversight mechanisms, the first of its kind in Stanislaus County. These entities not only provide a forum for public education and engagement but also ensure that community concerns and complaints are thoroughly addressed. The OIR rigorously reviews our use of force and critical incidents, while the CPRB plays a vital role in fostering dialogue and enhancing public understanding of our operations.

In responding to the OIR's recommendations, we reaffirm our role as a learning organization committed to the safety and well-being of our community. We remain focused on enhancing our operational effectiveness and community relations through thoughtful engagement and the application of best practices in policing.

Guided by the insights gained from our past achievements and challenges, we are proud of our progress, including significant reductions in crime rates and the strengthening of community ties through proactive initiatives.

As we present our responses to the OIR's recommendations, we invite our community members, city officials, and all stakeholders to review our efforts and join us in ongoing dialogue to further enhance public safety and trust. Together, we are dedicated to ensuring that Modesto remains a safe, welcoming place for all who live, work, and visit.

RESPONSE TO RECOMMENDATIONS

RECOMMENDATION 1:

MPD should re-evaluate its current approach to consequences for violations of policy, particularly when a past history of similar performance issues is relevant.

The Modesto Police Department (MPD) will take this suggestion into consideration as part of our ongoing efforts to enhance our disciplinary processes.

MPD is dedicated to maintaining the highest standards of professionalism and integrity among its members. In doing so, MPD adheres to the guidelines set forth by the California Peace Officer Bill of Rights, ensuring that the rights of its officers are protected while also holding them accountable for their actions. Furthermore, MPD is committed to respecting employee rights as outlined in city administrative regulations and the memoranda of understanding (MOUs) with employee associations. These frameworks provide a comprehensive basis for addressing any allegations of policy violations, ensuring that all actions taken are both fair and legally sound.

When it is determined that corrective action is necessary, MPD employs a system of progressive discipline. This approach is designed to address and correct behavior in a manner that is proportional to the nature of the violation and takes into account the individual's disciplinary history. Progressive discipline may range from counseling letters, which serve as an initial step to correct behavior, to a written reprimand, to more severe measures such as suspension, demotion, and even termination of employment in cases where such actions are warranted. Additionally, MPD also utilizes training as a tool for correcting behavior. This approach ensures that officers not only understand the consequences of their actions but are also provided with the resources and education necessary to improve their conduct and prevent future violations.

Each matter is evaluated on a case-by-case basis, recognizing the unique circumstances and nuances of every incident. This ensures that any imposed discipline is not only appropriate to the specific case but also serves the dual purpose of correcting behavior and holding the employee accountable. Moreover, MPD's disciplinary process aims to deliver the right message to both the individual involved and the department as a whole, reinforcing MPD's commitment to high ethical and professional standards.

RECOMMENDATION 2:

MPD should evaluate and address low-level issues of discourtesy or poor communication, even when they do not rise to the level of a formal policy violation.

MPD will take this recommendation into consideration in our ongoing pursuit to maintain and strengthen public trust, ensuring that our practices reflect the high standards expected of department personnel. This recommendation will be included as part of our in-depth look at MPD's current practices around handling informal complaints as referenced in our response to recommendation #7.

MPD takes all complaints and concerns raised by the public very seriously. MPD strives to ensure that every case is investigated thoroughly and completely, adhering to the highest standards of integrity and accountability. OIR's report acknowledges that MPD has been generally diligent in its investigations. It also highlights that MPD investigators have been meticulous in capturing citizens' concerns in their allegations, a testament to MPD's dedication to understanding and addressing the issues brought forward by members of the community.

MPD recognizes there is always room for improvement. Instances of discourtesy or poor communication, even if they do not constitute a formal policy violation, can erode public trust and confidence in the department.

RECOMMENDATION 3:

MPD should dispense with its "questionnaire" protocol in favor of formal interviews with officers whose testimony is needed to address evidentiary gaps in complaint cases.

MPD agrees with this recommendation. Although this was an uncommon practice used for minor allegations, MPD will no longer use questionnaires as an investigative technique.

RECOMMENDATION 4:

MPD should help promote the accessibility of its complaint process through more prominent online options and readily available forms.

MPD agrees with this recommendation. MPD agrees with the importance of making the process of filing complaints and commendations as straightforward and accessible as possible. MPD understands the value of ensuring that our community members can easily express their concerns or share their positive experiences with our department.

MPD will be implementing enhancements to our department's homepage to address this suggestion. We will add a prominently displayed "Complaints/Commendations" button. This addition is designed to streamline access, making it straightforward for community members to find and utilize the forms needed to submit either complaints or commendations related to the conduct of our personnel.

RECOMMENDATION 5:

MPD should consider new options for intake interviews of complainants who come to the Department to complain in person.

MPD agrees with this recommendation. MPD understands the importance of creating a welcoming and confidential environment for individuals bringing forward complaints. Recognizing that some individuals may not feel comfortable being interviewed in a private room alone with a complaint taker, the MPD will amend policy 1020 - Personnel Complaints, section 1020.4.2 to include the following provisions:

"Furthermore, to maintain confidentiality and comfort, every effort will be made to accommodate the preferences of the complainant regarding the location of the initial interview. This includes offering the option of being interviewed in a private room/location or conducting the interview in a more open, but still private space where privacy is preserved without the feeling of isolation."

RECOMMENDATION 6:

MPD should ensure that intake interviews should prioritize listening and understanding the complainant's perspective, while keeping explanations or justifications to a minimum.

MPD agrees with this recommendation and recognizes that every individual who comes forward with a complaint has taken a step that requires courage and trust in our department's ability to address their concerns fairly and respectfully. Regardless of the initial assessment of the complaint's validity, whether it appears to be a procedural misunderstanding, a valid concern, or even if it seems frivolous at first glance, it is crucial that we fully engage with and understand the complainant's perspective.

In response to this recommendation MPD will modify section 1020.4.2 of policy 1020-Personnel Complaints to state in part:

"In instances where a complainant chooses to file a personnel complaint in person, a supervisor will make every attempt to meet with the complainant at the time the complaint is filed. This meeting aims to achieve a clear comprehension of the complaint details and the complainant's perspective. While it may sometimes be necessary to explain police procedures and policies, such explanations or justifications shall be kept to a minimum during the initial intake interview. The primary focus must remain on hearing and understanding the complainant's concerns."

RECOMMENDATION 7:

MPD should balance a complainant's personal wishes about process with its own obligation to objectively document and address allegations of possible misconduct.

MPD will take this recommendation into consideration and, in response to this recommendation, MPD will be taking an in-depth look at our current practices around handling informal complaints. This review will include evaluating our existing policies to ensure they clearly define the criteria for handling complaints informally versus initiating a formal investigation. This will include guidelines on how to assess the seriousness of a complaint and the discretion afforded to supervisors in deciding the course of action.

MPD will also provide training for all personnel involved in the complaint intake process to reinforce the importance of impartially assessing each complaint, regardless of the complainant's

initial wishes. This training will emphasize the importance of critical thinking and decision-making in determining the most appropriate response to each complaint.

MPD understands the importance of engaging with our community in a manner that is responsive and considers the wishes of those who bring forward complaints. This approach aligns with our commitment to providing excellent customer service and fosters a sense of trust and transparency between MPD and the community we serve. MPD recognizes that allowing complainants to express their desired outcomes can play a valuable role in resolving concerns effectively and efficiently, particularly in instances where the issues raised are minor and can be addressed informally to the satisfaction of all parties involved.

However, MPD also recognizes the critical need to ensure that our commitment to customer satisfaction does not impede our responsibility to investigate serious allegations of misconduct comprehensively and impartially. MPD understands that the desire to resolve complaints informally and quickly should never compromise our duty to uphold the highest standards of accountability and integrity within our ranks.

MPD appreciates OIR's insights regarding our approach to handling complaints, particularly the balance between adhering to complainant-driven approaches and our obligation to conduct thorough, objective investigations into allegations of misconduct. Our objective when handling complaints is to assess and identify best practices that will allow us to strike the right balance between providing good customer service—allowing supervisors the opportunity to resolve minor complaints in line with the wishes of the complainant when appropriate—and ensuring that allegations of serious misconduct or patterns of ongoing minor complaints are fully investigated and addressed.

By carefully evaluating our approach to handling complaints, we aim to reinforce our commitment to accountability, transparency, and building stronger relationships with the community we are privileged to serve.

RECOMMENDATION 8:

MPD should review its notification letters in order to enhance the personalized nature of the discussion and give additional insight into the basis for the decisions in each case.

MPD accepts this recommendation and acknowledges and agrees with the importance of enhancing the personalized nature of our communications with complainants. We recognize that there is always room for improvement in our efforts to strengthen community relations and trust, and we are committed to making these improvements wherever possible.

OIR's report highlights a crucial aspect of our complaint investigation process—that of striking a balance between fulfilling our legal obligation to inform complainants of the outcomes of their complaints and respecting the privacy rights of our officers as mandated by state law. MPD

understands the slight tension that exists between these requirements and the importance of navigating this carefully to maintain transparency and accountability.

We appreciate OIR's recognition of MPD's efforts to go beyond the minimum requirements by starting our notification letters with specific details about the complaint dates and summarizing the complainant's concerns. This practice underscores our commitment to ensuring that complainants feel heard and understood in a manner that is individualized and respectful.

We will review our notification letters to enhance the personalized nature of these communications. MPD is dedicated to improving our communication with complainants, recognizing that transparency and clarity can significantly impact a complainant's perception and trust in our investigative process.

RECOMMENDATION 9:

MPD should continue to prioritize, promote, and reinforce the professionalism and effective communication styles of its officers, particularly in the context of force encounters.

MPD is in full agreement with this recommendation and recognizes the paramount importance of such practices not only in enhancing the safety and well-being of our community members but also in ensuring the integrity and effectiveness of our law enforcement efforts. We appreciate OIR's recognition of the commendable levels of professionalism and restraint exhibited by MPD officers in the force incidents reviewed. This feedback reaffirms our commitment to the continuous training and development of our officers to maintain high standards of professionalism and communication.

To uphold and further enhance these high standards, MPD maintains its level of professionalism and effective communication through our focus on constant, high-quality training. This regular training is meticulously designed to develop our officers into highly competent critical thinkers who excel in various crucial aspects of law enforcement. By focusing on developing our officers' abilities in areas such as de-escalation, defensive tactics, problem-solving, and effective communication, we ensure they are not only highly knowledgeable but also exceptional communicators. This comprehensive approach to training enables our officers to handle the myriad of situations they encounter with the utmost professionalism and skill, particularly in the context of force encounters.

MPD is committed to continuing to prioritize, promote, and reinforce the professionalism and effective communication styles of its officers. Through our unwavering dedication to high-quality training and development, we aim to ensure that all members of our department are equipped to serve our community with distinction, uphold public safety, and foster trust and respect between law enforcement and our community.

RECOMMENDATION 10:

MPD should require officers who use force to incorporate a discussion of de-escalation efforts into their description of the incident, even if it is to note the reasons for its lack of applicability to the circumstances.

MPD agrees with this recommendation and understands the significance of de-escalation techniques in modern policing. De-escalation is not only a critical aspect of officer training but a key component of our commitment to safeguarding both public and officer safety while minimizing the need for force. Additional language will be added to Policy #300.3.2, under Alternative tactics – De-Escalation, which states:

“Officers who use force should describe in their report whether any de-escalation strategies were deployed or attempted prior to the application of force. If not used, explain why de-escalation was not feasible.”

RECOMMENDATION 11:

MPD should make the overt, documented consideration of de-escalation a standardized element in its regular force review process.

MPD agrees with the recommendation and will incorporate this recommendation into policy 300.7, section f, under Supervisor Responsibility, which will be modified to state:

“Conduct a use of force investigation for all use of force incidents and review and approve all related reports. The investigation should include a review and documentation of de-escalation tactics or attempts pursuant to this policy.”

RECOMMENDATION 12:

MPD should focus managerial attention on the goals and techniques of effective subject interviews by supervisors in the aftermath of a use of force incident.

MPD agrees with this recommendation and recognizes the importance of such interviews as a critical component of our force review process. Policy 300.7, section c, under Supervisor Responsibility, will be modified to state in part:

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. Supervisors conducting the interviews should ensure questions are framed to elicit factual, unbiased responses. Examples of appropriate starting questions include, "Can you tell me what happened?" or "How did the situation escalate to the use of force?"

Conclusion

The Modesto Police Department is grateful for the comprehensive review and insightful recommendations provided by the Office of Independent Review. As a learning organization committed to continual improvement, we embrace these opportunities to enhance our practices. This review affirms the dedication and hard work of the men and women of MPD, whose steadfast commitment to duty is integral to our success. Our thorough responses to these recommendations reflect our unwavering dedication to excellence, accountability, and transparency. As we implement these changes, we maintain the integrity of our department and strengthen the trust placed in us by the community we serve. We remain focused on enhancing the safety and quality of life for all residents of Modesto. We deeply value our ongoing partnerships with the community and other stakeholders, recognizing them as crucial to fulfilling our mission of providing a safe, fair, and respected police service.