



MODESTO POLICE DEPARTMENT RESPONSES TO OIR AUDIT



Brandon Gillespie, Police Chief
Modesto Police Department



THE MODESTO POLICE DEPARTMENT

MISSION STATEMENT

- The mission of the Modesto Police Department is to drive down crime and the fear of crime and improve the quality of life in the City of Modesto.

VISION

- The City of Modesto is a safe place to live, work, and play
- The Modesto Police Department is a leader in intelligence led policing
- The Modesto Police Department is a learning organization



THE MODESTO POLICE DEPARTMENT

DEPARTMENT GOALS

- Reduce Crime and the Fear of Crime
- Increase Community Engagement
- Promote Organizational Excellence



THE MODESTO POLICE DEPARTMENT

ORGANIZATIONAL CLARITY STATEMENTS

WHY DO WE EXIST?

To Make Modesto Better

WHAT DO WE DO?

We Drive the Crime Rate and Improve
the Quality of Life

HOW DO WE BEHAVE? (VALUES)

- Servants Heart
- Courageous Spirit
- Relentless Drive

HOW WILL WE SUCCEED?

- Treating Citizens the Way We Would
Want Our Family Treated
- Strategically Utilizing our Resources
- Always Looking for Ways to Improve



THE MODESTO POLICE DEPARTMENT

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.



Alignment With OIR Annual Report Goals

- Increased **transparency** into MPD's process
- Increased **accountability** through outside scrutiny and MPD response
- Systemic **improvement** through recommendations regarding best practices



MPD RESPONSES TO OIR REPORT

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.
- When it is determined that corrective action is necessary, MPD employs a system of progressive discipline.
- Each matter is evaluated on a case-by-case basis, recognizing the unique circumstances and nuances of every incident.
- 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.



MPD RESPONSES TO OIR REPORT

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 its 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 RESPONSES TO OIR REPORT

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



MPD RESPONSES TO OIR REPORT

RECOMMENDATION 4:

- **MPD should help promote the accessibility of its complaint process through more prominent online options and readily available forms.**
- We agree with this recommendation. MPD will be implementing enhancements to our department's homepage to address this suggestion. We will add a prominently displayed “Complaints/Commendations” button.



MPD RESPONSES TO OIR REPORT

RECOMMENDATION 5:

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

We agree with this recommendation. 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."



MPD RESPONSES TO OIR REPORT

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.**
- We agree. 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.”



MPD RESPONSES TO OIR REPORT

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 RESPONSES TO OIR REPORT

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. MPD 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.



MPD RESPONSES TO OIR REPORT

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.



MPD RESPONSES TO OIR REPORT

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.**
- We agree with this recommendation and understand the significance of de-escalation techniques in modern policing. 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 .”



MPD RESPONSES TO OIR REPORT

RECOMMENDATION 11:

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



MPD RESPONSES TO OIR REPORT

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.**
- We agree with this recommendation and recognize 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.



Questions?



CITY OF
MODESTO
CALIFORNIA