
City of Modesto

Community Police Review Board

First Annual Report

August 2024



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First Annual Report

This is the first annual report of the Community Police Review Board of the City of Modesto as required by Modesto City Council Ordinance No. 3753-C.S., adopted by the City on December 13, 2022. The ordinance established both a Community Police Review Board, comprised of Modesto residents appointed by the City Council, and an Independent Police Auditor. This report covers the period June 2023 through December 2023.

Background

In establishing civilian oversight of the Modesto Police Department, the City Council acted on the recommendations of the Forward Together working group, which was established in response to calls for police reform intensifying across the country and here at our local level, following several high-profile incidents of Modesto police officers' use of deadly force.

On June 8, 2021, the City Council created the Forward Together working group to research specific themes relating to policing and to engage the broader community in the process, with the goal of making a series of recommendations to the Council to improve police-community relations in the City of Modesto. After extensive study of both MPD's accountability procedures as well as the many forms of civilian oversight that have been implemented in other jurisdictions, the Forward Together working group recommended that the City Council implement a hybrid oversight system combining features of the independent auditor and review models. The Working Group believed that trust between MPD and the community would be improved by the right balance of professional oversight and transparency of an auditor-focused model along with the community engagement and participation of a review-focused model.

On December 13, 2022, the City Council adopted Ordinance No. 3753-C.S., establishing the Community Police Review Board. A diverse pool of over 70 applicants subsequently applied to serve on the CPRB. Nine community residents were appointed to the CPRB by the City Council in April of 2023, and the OIR Group was selected by the City Council as the Independent Police Auditor. The first CPRB meeting was held on June 15, 2023.

The nine members of the CPRB are:

Brad Hawn, Chair



Brad is a structural engineer who leads a firm located in Modesto. He is a lifelong resident of Modesto and has served on the Citizen Advisory Redevelopment Commission, Board of Zoning Adjustment and 2 terms as a city council member. He is committed to making Modesto a better place to live. His more recent activities include Homelessness buy chairing the Stanislaus Homeless Alliance, Modesto Neighborhoods and Focus on Prevention directing efforts on Strengthening Families, and Housing Loan and Land Bank to address the lack of affordable housing in Stanislaus County. His goal as the chairman of the Citizen Police Review Board is to build solid relationships between the community and the Modesto Police Department so that the MPD will be known as the best police department in the nation.

Nico Solorio, Vice Chair



Nico currently serves as Secretary for Modesto's First Federal Credit Union. He completed the Latino Leadership Initiative in 2021 and serves on the Ableworks advisory committee. Being an active member of these boards is a way that he intends to fulfill his calling to support bringing financial education to Stanislaus County. Nico has a passion for a transparent and accountable police force paired with a desire to establish greater trust between police and citizens. His pursuit for these values began through being a part of the Forward Together Work group member. Lastly, he is a co-host for the Better Modesto Show, an entrepreneur and small business owner. Nico volunteers his time to spread valuable resources and information to underserved and minority groups as a community advocate. Nico has lived in Modesto for over 25 years and is passionate about serving Modesto to achieve a greater community.

Latricia Beasley-Day



Latricia has been a dedicated Community Organizer for Faith in the Valley for the past 5 years, passionately advocating for housing, environmental, and transformative justice in Modesto, and the Central Valley. Led by her faith, she champions social justice issues such as Social Housing for All as a basic human right, as well as environmental and transformative justice for marginalized communities. Her commitment to service is also reflected in her 21 years at Victory in Praise Church of Modesto, where she has served as an Associate Pastor for 15 years. Driven by a desire to foster a community where everyone belongs, Latricia joined the Modesto Community Police Review Board to be the voice for her community regarding policing issues and to improve

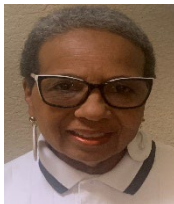
community relations between the Modesto Police Department and the people they are sworn to serve and protect.

Kenneth Bryant



Kenneth was born in Modesto and has resided here most of his life. He has been involved in community-based volunteer organizations his entire adult life. He retired from the Modesto Fire Department after 30+ years of public service. He was a member and President of the Modesto City Firefighters Association whose members were very sensitive regarding community trust and confidence in their actions and conduct. This sensitivity resulted in all members holding each other to a very high standard of conduct. Kenneth’s last position was as Battalion Chief which required him to be the incident commander on many emergencies. As incident commander he often coordinated actions with MPD and other local law enforcement agencies. His public safety background provides a unique perspective on the CPRB not offered by his fellow board members. His expectation as a board member is to see the same high standard of conduct expectations embraced by all members of the MPD.

Wendy Byrd



Wendy Byrd retired from Modesto Junior College as Director of Student Development and Campus Life specializing in student leadership development. Byrd developed a passion for working with underserved youth after conducting the 1990 Modesto Youth Study that led to the creation of numerous prevention and intervention programs for at-risk youth. She served as Teen Services Supervisor for the City of Modesto for 10 years. Byrd has been a strong civil rights and social justice advocate while serving as president of the Modesto/Stanslaus National Association for the Advancement of Colored People (NAACP) on multiple terms totaling 8 years. She was part of a grassroots coalition of community groups advocating for the establishment of a Citizen’s Review Board that would include an independent auditor. Byrd was a member of the City of Modesto’s Forward Together Work Group and is currently a member of the Community Police Review Board. Her interest is in policy change and criminal justice reform at large.

Trish Christensen



Trish became the President & CEO of the Greater Modesto Chamber of Commerce in December 2019. Since taking the reins the Modesto Chamber of Commerce has evolved into a strong, refreshed, and relevant, broadly reaching business and community support organization. Prior to the Chamber, she ran her own consulting business which involved supporting mostly

non-profits focused on youth, victims, and special needs programs. She is a long-standing volunteer for Kiwanis Club of North Modesto and has volunteered on community events and committees such as the Amgen Tours of California and SKUSA Kart races with the City's Local Organizing Committee (LOC), and Forward Together. Trish is proud to sit on the Boys and Girls Clubs of Stanislaus County Executive Board, the Stanislaus County Partners in Education Executive Board, The Warrior Entrepreneurship & Innovation Advisory Board, and the Community Police Review Board

Frank Damrell



Frank Damrell is a fourth generation Modesto resident after graduating from Santa Clara University, Frank returned to Modesto, where he has worked and raised a family for the past 30 years. More recently, Frank was the senior district representative for State Senator Cathleen Galgiani, providing constituent services to city and county agencies, business and civic organizations, and individuals throughout the region. Frank has previously served on numerous committees related to local youth with United Way, Boys & Girls Club of Stanislaus, and Doctors Medical Foundation.

Austin Grant



Austin Grant is an emergency preparedness analyst and community advocate. Austin has served on numerous city and county boards to garner an understanding of government and provide citizens with a voice at the table. Austin serves as the United black student Union of California Central Region, a member of the NAACP, and much more. His interest in serving on the Modesto Community Police Review Board was prompted through his passion for civilian advocacy, African American rights when it comes to interactions with the police department, police department policy changes and beyond.

Nancy Smith



Nancy Smith is a retired attorney who spent her legal career as a deputy public defender in the Stanislaus County Public Defenders' Office, a staff attorney and directing attorney at California Rural Legal Assistance (CRLA) in Modesto, a program providing legal services to low-income residents of Stanislaus County, and as a deputy solicitor and an administrative law judge at the state Agricultural Labor Relations Board. Smith has been interested in social justice issues throughout her legal career and in improving legal access to underserved communities in Stanislaus County. Her interest in serving on the Modesto Community Police Review Board was prompted by the 15 years she spent in the Public Defenders' Office.

The duties of the CPRB are to:

- Conduct monthly public meetings to promote community engagement and to afford the public regular opportunities to provide feedback and receive updates.
- Review the independent auditor's annual report and analysis of completed administrative investigations; departmental use of force incidents; and critical incidents such as officer involved shootings, in-custody deaths, and other events resulting in a Major Incident Review.
- Review the Modesto Police Department's (MPD) response to the independent auditor's report recommendations.
- Prepare and submit an annual report to the City Manager and City Council outlining the CPRB's activities and any recommendations related to all the CPRB's review of information including but not limited to officer-involved shootings, use of force, and complaints.
- Receive complaints from members of the public and directly refer those complaints to the City Manager for investigation by MPD.
- Receive timely notification on major incidents; the Chair or designee is authorized to visit the location of certain critical incidents which result in the involvement of MPD's Major Incident Response Team (MIRT) (e.g., an officer involved shooting).
- Receive access to relevant information to enable the CPRB to carry out its duties and responsibilities, as allowable by law.
- Participate in community meetings hosted by MPD following major incidents and be provided the opportunity to explain the role of the CPRB, as necessary.
- Conduct regular community engagement and outreach, with each member required to participate in events which raise awareness of the CPRB, and those focused on youth and improving police/community relationships.
- Participate in training provided by MPD and other sources regarding police practices, operations, and functions.

The CPRB meets the third Wednesday of each month at 5:30 p.m. in the City Council chamber, located at 1010 Tenth Street Place, Basement Level, Modesto. Materials relating to the meeting, including agendas, minutes, and reports to the CPRB are available to the public online 72 hours prior to the meeting (See *City of Modesto.gov* Community Police Review Board) and at the meetings. Members of the public are invited and encouraged to attend. There is an opportunity for public comment at the start of the meeting and in response to information provided and of reports discussed during the meeting.

The CPRB is organized into three subcommittees which focus on the policy goals set out in the Forward Together Recommendations Report, which the Board prioritized at its September meeting. The subcommittees' role is to evaluate and research these policies, bringing them back to the full Board for discussion. The subcommittees are focusing on (1) reviewing MPD use of force policies; (2) looking at ways to improve relations between the community and MPD; and (3) considering ways to reduce youth arrests, particularly among Latino youth.

Mission Statement

The purpose of the CPRB is to promote community engagement and participation in the oversight of the Modesto Police Department in order to increase community trust in the Modesto Police Department and increase accountability to the community; to that end, the CPRB conducts monthly public meetings; receives community concerns and complaints, and works closely with the Police Department, the Independent Auditor (OIR Group), and the City to ensure transparency and community trust.

Training

CPRB members were required to participate in an initial 20-40-hour training program provided by the Modesto Police Department and other sources regarding police practices, operations, and functions, as well as ethics training. Training over the first six months of the CPRB's operation included the following topics:

- Forward Together History and Recommendations
- Review of meeting laws e.g. Brown Act and Public Records Act requirements and meeting procedures, e.g. Robert's Rules.
- MPD Critical Incident Overview
- MPD Complaint Process Overview
- Background and expertise of the Independent Police Auditor (OIR Group)
- Race and Cultural Relations Training for MPD
- Ethnicity and Language Skills Demographics for MPD and Efforts to Increase Diversity in MPD
- MPD Hiring and Psychological Evaluation Overview
- Overview of MPD's Alternate Response Programs: Mobile Crises Emergency Response Team (MCERT); Community Health and Assistance Team, Park Rangers, and the Homeless Engagement and Response Team (HEART).

All Board members additionally toured MDP facilities and received information about MPD organization and operations and participated in multiple simulations at that time.

REPORT FROM THE 2024 NACOLE CONFERENCE FROM VICE CHAIR NICO SOLORIO

To the Community, City, and to the Board, I want to say thank you for the amazing opportunity to attend this year's National Association for Civilian Oversight of Law Enforcement conference in Chicago. NACOLE brings together people from throughout and outside of the United States to discuss ways to make oversight of law enforcement as effective and meaningful as possible.

I learned so much from all the sessions I attended. Two of the topics that touched me are the issue of trauma and the importance of data. First, trauma – the conference shed light on the trauma resulting from the use of force to not only the victim but also to the officer. At the conference, we examined statistics regarding the impact of trauma on law enforcement officers. They have a higher risk of sudden cardiac death, higher rate of depression, PTSD, and alcohol use disorder. They are more likely to die from suicide than in the line of duty. Lastly, police officers forfeit seven to ten years of their life for their vocation.

We also looked at collective trauma, something that can affect the community with shared psychological and emotional trauma. Collective trauma is not the same as individual trauma. Collective trauma can result in changed attitude, mental distress, and transgenerational effects. There is also betrayal trauma, which occurs when the people or institution on which a person depends for survival significantly violate that person's trust or well-being. We also looked at institutional betrayal, which refers to wrongdoings perpetrated by an institution upon individuals dependent on that institution, including failure to prevent or to respond supportively to wrongdoings within the institution. It is important to stay trauma-informed if we are to combat trauma. Realizing the widespread effects of trauma, recognizing the signs, responding by integrating that knowledge into policies and seeking to resist re-traumatization are all ways to combat such trauma.

Data is very important in being able to learn what is truly going on in our own community. Although nationwide data does matter, our job is to focus on our community and Modesto's police department. Some data points we need to investigate include (1) a breakdown of each complaint of use of force, whether sustained or not; (2) a determination of whether there are recurring patterns of unreasonable force, and (3) a look at who is stopped, why, and where are these stops being made geographically. We need to investigate settlement data and how each one of our officers is connected to that, and the cost of those settlements to not only the city but to the community.

Another thing we need to shed light on is how politics and collective bargaining impact oversight. We need to truly understand what our police union contract includes. It is important that the police union works with OIR regularly to create trust between those two entities. We need to know how the union is reporting to our officers, are they helping build the trust between us, the board, and the community?

An additional subject that interested me was the conversation we had around Peace Officer Standards & Training (POST). POST requirements differ around the country. This is due to our emphasis on local policing. In California, local police policies only need to meet the minimum requirements of the California Commission on POST. MPD can and does in some instances create higher standards. In the end, the future of policing is not federal, it is local. We must continue with what we are doing and work together. The more we understand each other and understand also that we all care deeply about what has been happening around the world and here in our own home of Modesto, the more we will be able to work together. You, the community of Modesto, and the nine members of Modesto's Police Review Board are here to provide oversight of the public safety system we have.

Another thing I have come to understand is that our police chief, Brandon Gillespie, is doing really well in working with us on this process, and I would like to personally thank him and give him that credit. During Forward Together, he saw where we were going with the committee and jumped on recommendations before we even had them accepted by the city council. I am thankful to be a part of this process and to continue doing the work we are doing. We still have work to do and a lot of it, so again I ask the community to continue showing up, engaging with the process, and holding everyone accountable, including this Board. Email us, meet with us and lastly, work with us as much as you can while we all work to understand and improve the system and where needed to change it to reflect the wants and needs of our community.

Summary of the CPRB's Meetings June 2023-December 2023

At its initial meeting, the CPRB members received information about the Forward Together process and the group's work and recommendations to the Modesto City Council, which led to the city ordinance creating the CPRB and the hiring of the Independent Police Auditor, the OIR Group. The Board met Michael Gennaco and Stephen Connolly, from OIR Group and learned of their background and expertise in civilian oversight of policing. The Board also reviewed meeting laws and procedures with the Modesto City Attorney and its own by-laws.

In subsequent meetings, the Board received information about MPD's complaint process, ethnicity and language skills demographics within MPD, and the application process for hiring MPD sworn personnel. The presentation by Chief Gillespie and Michael Baldwin of

MBS Consultants on MPD's Race and Cultural Relations Training Program provided valuable information about this training program and its efficacy in educating the MPD officers and community members alike who participated in the training cohorts. There were 18 training sessions, with each one being a four-hour block. At the time of our presentation there had been four cohorts that participated in the training. The training is still ongoing.

Of particular interest to Board members were presentations on MPD's alternative response programs: the Mobile Crisis Response Team (MCRT), which provides for mental health clinicians responding with patrol officers when the need is indicated; the Community Health and Assistance Team (CHAT), which responds in lieu of a sworn officer and whose members have a social services background and provide a range of services to link individuals to other available social services and case management services; the Park Rangers, also nonsworn personnel, who monitor city parks and respond to calls regarding illegal activity in the parks; and the Homeless Engagement and Response Team (HEART) which attempts to address vagrancy issues by building partnerships between the criminal justice system and social/medical services.

Board members are also notified by the MPD of any critical incidents that occur. Examples of these are an officer involved shooting, an in-custody death, a police action that results in death or a serious injury, or the death or serious injury of an MPD employee in the line of duty. During these first six months, Board members were notified of and briefed on one such incident, an officer involved shooting, before a statement and the MPD body camera footage were released to the public by MPD.

At the monthly meetings, community members had an opportunity to raise issues and concerns relating to the items on the Board's agendas and in the public comment period. A question was raised several times about the inability of community members to participate in the Board's monthly meetings by zoom.

RECOMMENDATIONS

One of the Board's key functions is to make formal recommendations to MPD. In this way, the Board brings a fresh perspective and occasionally fresh challenges to the Department's way of doing things. This year's recommendations arose from incidents and issues that we encountered during our regular monthly meetings between June 2023 and December 2023.

The Board recommends that the Police Department review and consider adopting the following recommendations:

Transparency Issues:

1. Consider providing monthly updates to the Board on progress, conclusions or impacts to the Department regarding Major Incident Review Team cases presented to Board members, as well as regarding other sensitive cases of particular interest to the public. Such updates would enable Board members to respond to questions from members of the public and would provide the most current information available to community members who attend our meetings or follow them on Zoom.
2. Consider imposing escalating disciplinary consequences for officers with repeated violations of the body-worn camera policy. This recommendation is based on the IPA report and recommendations which included a description of an incident in which an MPD officer turned off her body camera during an arrest of a person who later filed a complaint against the officer. It was not the first violation of the Department's body camera policy by that officer.
3. Consider providing settlement data for all lawsuits to the Board and the public regarding alleged officer misconduct, including economic data and changes, if any, in MPD policy prompted by such settlements.
4. Consider providing monthly updates to the Board on complaints made regarding officer conduct and of any related incidents of violations of the body-worn camera policy.
5. Consider notifying the Board of policy and procedure changes to MPD's Policy Manual.

De-escalation Techniques

6. Consider expanding both the CHAT and MCERT programs, by actively seeking additional resources and funding from government and private sources. Based on information presented to the Board by MPD, these programs have a track record of success in our community and have the potential for addressing issues that have arisen between individuals facing mental health crises and MPD officers and in reducing the burden on sworn officers as well as achieving positive results for community members.

Employment Issues

7. Consider including questions in the pre-hire polygraph of recruits/applicants designed to identify racial bias. Although such questions are included elsewhere in the application process, they are not included in the polygraph examination and the Board thinks that would be helpful in assessing applicants.
8. Consider revising the department's use of force policy to consider use of force incidents that trigger an alert and further review in a rolling 18-month period, rather than 12-month period.
9. Consider further revisions to the department's use of force policies to ensure that prior use(s) of deadly force by the same officer, even outside of the 12-month rolling period is/are considered in the evaluation of the officer's conduct.

10. Consider continuing Race and Cultural Relations training for all officers and consider making such training mandatory for all newly hired recruits and officers. Such training appears to have increased awareness of both MPD officers and community members of their different perspectives and life experiences.
11. Consider the possibility of reinstating the Pellet B examination (Post Entry-Level Law Enforcement) in the hiring process for all sworn applicants, rather than waiving the requirement for applicants with degrees. If degrees were earned years before the application, then the Board suggests that the Pellet B exam would be appropriate.

Community Relations

12. Together with the City, sponsor a Know Your Rights Training for the community semi-annually to enhance relations and understanding between MPD officers and the community and to educate community members regarding their rights during encounters with law enforcement officers.

The Board had agreed with various recommendations made by OIR Group in their annual report and considered including some of those recommendations in this report, but this was unnecessary given MPD's acceptance of many of those recommendations.

Recommendations to the City of Modesto

The Board recommends that the City permit Zoom participation at the Board's monthly meetings and that the City provide sponsorship and funding for semi-annual Know Your Rights Training for the community, in conjunction with MPD sponsorship and with the participation of community groups in planning the training.

Topics for Future CPRB Focus in 2024

The Board recommends that the following topics be included for the Board's consideration in the remaining months of 2024. Some of these are based on the Forward Together materials and others arose from public comments at the Board's meetings and discussions in the subcommittee charged with drafting the initial first annual report:

1. A review of several MPD policies as suggested during the Forward Together Process, starting with the following policies: **Policy 300.3.3** to add examples of how an officer knows if compliance with pain techniques has been achieved; **Policy 310.7** to require mandatory drug and alcohol screening for all officers involved in a shooting or death. [Note, the Board recognizes that such a requirement would have to be negotiated with MPOA, as testing without reasonable suspicion or probable cause would likely violate officers' constitutional rights]; **Policies 418.10 and**

470.11 to include more specificity as to what this training will consist of and how such training will be coordinated with “the mental health community and appropriate stakeholders.” Such a review could determine whether, in the future, the Board would recommend that MPD consider such amendments.

2. Consider whether MPD should notify families, if it does not already do so, when there is a death resulting from an officer-involved fatality **prior** to the questioning of family members by MPD officers and whether MPD should include such a requirement in MPD Policies.
3. Consider whether there is a way for the Board to be made aware of contract negotiations between the City and the Modesto Police Officers Association and for the Board to have some input into the City’s negotiating positions.
4. Ask MPD for a presentation regarding the data provided to the California Department of Justice pursuant to the Racial and Identity Profiling Act of 2015 (RIPA) and information as to whether MPD publishes that data in a manner accessible to the community.

CONCLUSION

The Board especially wants to commend MPD and Chief Gillespie for initiating the alternative response teams and the expansion of those teams, as well as initiating the Race and Cultural Relations training. The Board has appreciated the openness of the Department in answering questions and providing access to information and training during these initial six months of the Board’s operations.