



Forward Together Working Group Recommendations

Presented for final approval on June 15, ~~XXXX-XX~~, 2022

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I. Executive Summary

The Forward Together working group was created by the City Council on June 8, 2021, and tasked with researching the themes of the Forward Together initiative and returning to Council with recommendations. These themes were determined by Council based in large part on community input collected at the May 22, 2021 Forward Together listening session. They are:

- **Policies and Practices** – that support safety, fairness and equity throughout the department and the community.
- **Alternate Response Models** – that ensure the right type of response and resources are applied to a situation.
- **Accountability** – for police conduct, decisions and how they impact the Modesto community.

Due to the complexity and importance of this subject matter the City sought participation from a broad and diverse group of stakeholders who agreed to commit the time and effort necessary to make thoughtful recommendations. After roughly a year of research and deliberation we are ready to present a set of recommendations that we believe are significant and impactful, responsive to the goals of the Forward Together initiative, and areas of broad consensus among relevant stakeholders.

I.A Process and Timeline

The Forward Together working group met for the first time on July 20, 2021. Our first task was to establish the procedures and structure that would be necessary for completing our work. As directed by Council, the working group received applications from community members and appointed four additional members to serve on the working group (for a total of 27 members, see Table 1 below). The working group also elected a chair and vice chair and ~~assigned members to~~ created three ad hoc groups corresponding to the three themes of our work, Policies and Practices, Alternate Response Models, and Accountability. Working group members appointed themselves to one or more of the ad hoc groups based on their interests and availability. This organizational structure was largely developed and put in place over the course of our first three work group meetings in July, September, and October of 2021.

The next phase of our work consisted of a series of four educational meetings that were meant to provide the workgroup with foundational knowledge in each of our three areas of focus: Policies and Practices (October), ~~Alternative~~ Response Models (November), and Accountability (December and January). These meetings featured presentations from the Modesto Police Department, Stanislaus County Behavioral Health and Recovery Services, and a panel of experts on civilian oversight and review. After each of these meetings the associated ad hoc group began holding meetings to review the information from the presentations, collect additional information, and begin developing recommendations. Several members of the

Name	Affiliation
Thomas Helme (Acc. Ad Hoc Chair)	ACLU of Northern California
Austin Grant	Black Student Union
Leah Ashford (AR Ad Hoc Chair)	City Ministry Network
Jonathan Grammatico	Central Valley Pride Center (CVPC) MoPride
Solange Altman (Vice-Chair)	Community Member
Terhesa Gamboa	Community Member
Marian Martino	Community Member
Nico Solorio	Community Member
Josh Bridegroom	Downtown Modesto Partnership
Alvaro Ramirez	El Concilio
Adriana Garcia	Hispanic Chamber of Commerce
Aaron Anguiano	Latino Community Roundtable
Trish Christensen	Modesto Chamber of Commerce
Tim Zearley	Modesto City Schools
Darius Crosby	Modesto Clergy Council
Brad Hawn	Modesto Neighborhoods, Inc.
Aaron Tait	Modesto PD Internal Affairs
Dan Starr (P&P Ad Hoc Chair)	Modesto Police Officers Association (MPOA)
Wendy Byrd	NAACP Modesto/Stanslaus
Linda Mayo	National Alliance on Mental Illness
Will Kelly (Chair)	Stanislaus & Tuolumne Central Labor Council
Ruben Imperial	Stanislaus County Behavioral Health
Birgit Fladager	Stanislaus County District Attorney
Matthew Mason	Stanislaus County Interfaith Council (SCIC)
Jennifer Jennison	Stanislaus County Public Defender
Jeff Dirkse	Stanislaus County Sheriff's Department
Perfecto Munoz	West Modesto Community Collaborative

Table 1. Forward Together Working Group Members

working group engaged in additional learning by participating in the Department's force option simulator and officer ride-along programs.

Once the ad hoc groups began to align on recommendations in their respective subject areas, they reported back to the full work group to share their thinking and receive feedback from the rest of the workgroup and members of the public. These presentations were given during our February and March work group meetings. With this feedback the ad hoc groups began drafting their final reports and recommendations. Draft recommendations were presented and reviewed at our April work group meeting. After reviewing the draft recommendations as a working group, we received additional feedback at community meetings sponsored by local organizations including the Stanislaus NAACP, the West Modesto People of Action Council, Faith in the Valley, the Stanislaus ACLU, and Valley Improvement Projects (feedback and insights

from these meetings are summarized in section III below). Final revisions were made based on feedback from the workgroup and the community and the final recommendations were presented for final approval at our **June TBD** meeting.

I.B Summary of Recommendations

Here we give a summary of our key recommendations. Additional background and motivation and further recommendations are provided in the ad hoc group reports in section II below.

Policies and Practices

A common theme that emerged in all three ad hoc groups is the need for ongoing community engagement, and this was particularly true in the policies and practices ad hoc group. Members of this group had numerous, wide-ranging discussions on a range of issues including juvenile arrest rates, use of force, and accountability, and examined several particular policies in detail. Each of these discussions required significant learning from the group members and openness



from the department. We are proud of the depth and breadth of these conversations and feel they can serve as a model for future community engagement efforts.

In the ad hoc group report below (section II.A below) we present a wide range of policy ideas and proposals that are the result of months of education, consideration, and deliberation. While we did not reach consensus on all of these proposals, our recommendation is that the City further consider and develop these ideas, and that this process utilize the auditor and review board described in our accountability recommendations.

Alternate Response Models

The alternate response ad hoc group was formed to address the needs voiced by our community in finding response models that reduce the risk of severe injury and lethal outcomes when responding to individuals with severe mental illness and are in crisis, individuals experiencing homelessness or substance abuse, and other situations that may be possible to address without a police response.

In ~~the alternate response model~~ this ad hoc group we found almost immediate alignment between all stakeholders on the concept and need for increased alternate response capacity. With this broad agreement our work very quickly turned to understanding the details of existing programs and the logistics of growing these programs.

A helpful guidepost in our discussion is an analysis of 2020 calls for service presented by Chief Gillespie at the November working group meeting. This analysis identified 19,238 calls for service (roughly 11% of all calls that year) as pertaining to unhoused individuals and/or individuals suffering from some form of mental illness. Of these calls 6,945 were identified as having some indication of a safety risk for the responding officer and 12,293 did not have an identified safety risk. The calls without an indication of safety risk were identified as good candidates for the City's Community Health and Assistance Team (CHAT) program and the calls with a safety risk indication were identified as good candidates for the Mobile Crisis Emergency Response Team (MCERT) program. It was also communicated to the ad hoc group that this call analysis is preliminary and that the true level of need for alternate response could be significantly greater.

Our first recommendation is that the City scale up the CHAT and MCERT programs to at least the capacity needed to handle the call volume identified in the 2020 analysis. In a subsequent ad hoc group meeting Chief Gillespie presented a preliminary plan for scaling up the CHAT program to this level. This plan called for 11 full-time staff and had an initial cost of approximately \$1,153,568 and an ongoing cost of approximately \$1,012,000 per year. ~~We had a somewhat less detailed discussion about growing the MCERT program, but it was suggested that \$500,000 per year would serve as a rough estimate for the ongoing cost~~ We were also



advised that initial estimates of the annual cost for basic 24/7 coverage from the MCERT program were approximately \$1.6M per year and that this program could potentially be partially funded through grants and partnerships with other public agencies.

While these costs are not insignificant (~~about~~ about 1-2% of the 2021-22 general fund budget) we feel this should be a priority among priorities for the City. We believe that these programs will provide better services to the community when they are utilized, allow MPD to ~~make better use of limited policing resources, and will be highly cost effective.~~ make better use of limited policing resources, will be highly cost effective, and, most importantly, have the potential to save lives.

Another advantage of this approach is the relative availability of qualified staff. At an ad hoc group meeting we received an informal and preliminary report that suggested the city had received an abundance of high quality applications for the current CHAT program vacancies. This is particularly encouraging at a time when cities and counties across the country struggle to fill vacant police officer and mental health clinician positions. We recommend the City seize this opportunity to ~~grow the CHAT program~~ grow the MCERT and CHAT programs in particular and prioritize worker retention, especially considering the demanding nature of the work and the possibility for burnout.

While state and federal grant funds are and should be utilized as much as possible, we recommend that the city make a commitment to take whatever actions are needed to secure the kind of long-term stability that is needed to grow these programs.

We further recommend that the city continue to use a data-driven approach to identify additional need for alternate response programs and scale up capacity accordingly. We also recommend that the Modesto Police Department continue to work closely with Stanislaus County Behavioral Health and Recovery Services on the development of these programs and seek greater community engagement from stakeholder groups to oversee and make recommendations related to these programs.

Accountability

The accountability ad hoc group had the formidable task of understanding both the Modesto Police Department's current accountability procedures as well as the many forms of civilian oversight that have been implemented in other jurisdictions. To this end the working group received presentations from MPD (at our December meeting) as well as a panel of experts with experience working in different oversight systems (at our January meeting).

A common and useful classification system divides oversight models into four categories, (1) review-focused models that rely primarily on a community advisory board, (2) auditor-focused models that employ a professional auditor to oversee department-led investigations, (3)



investigation-focused models that conduct wholly independent investigations, and (4) hybrid models that combine features of different model types.¹

After significant research and discussion we are recommending that the City implement a hybrid oversight system combining features of the auditor and review models of oversight, and that the City of Anaheim's oversight system be used as a reference.

We are making this recommendation because we believe that trust between MPD and the community would be improved by the right balance of the professional oversight and transparency of an auditor-focused model along with the community engagement and participation of a review-focused model (while avoiding the much greater expense and significant difficulties of implementing an investigation-focused model) and we believe that the city of Anaheim has done an admirable job of achieving this balance.

In designing this program it will be essential that the independent auditor is someone who can earn the trust of both the community and law enforcement. To that end we recommend that a diverse group of stakeholders be included in the selection process; that the auditor have the ability to receive complaints and full access to police records and evidence relevant in internal affairs investigations; and that the auditor be empowered to make public reports of their work to the extent allowable by law.

It will also be important that the review board is able to raise community concerns to the City, as well as to help disseminate information back to the community. We believe that our work on this working group provides a blueprint for what this could look like and we encourage the city to build on this model to create a long-term structure for community engagement.

II. Ad Hoc Group Reports

We now provide more detailed reports on the work and results of each of the ad hoc groups and a complete description of our recommendations.

II.A Policies and Practices

The Policies and Practices ad hoc group began with a vast amount of information to review and process. This information included department policies and procedures, various reports, audits, and surveys as well as relevant state legislation.² At our October working group meeting we received an educational presentation from the department that provided an overview of this information and we collected questions from the full working group. These questions covered a

¹ see for example, [Civilian Oversight of Law Enforcement | Assessing the Evidence](#), De Angelis, Rosenthal, and Buchner, OJP Diagnostic Center and National Association for Civilian Oversight of Law Enforcement (NACOLE)

² At the time of writing all of these documents are available on the Forward Together website: modestogov.com/2733/Documents-Presentations



broad range of topics and helped to identify areas of interest for the work group and we spent most of our November ad hoc group meeting reviewing them.

Over our next four monthly ad hoc group meetings (December through March) we continued to educate ourselves and had numerous in-depth discussions that covered a broad range of policies and practices.

Between our March and April meetings we collected written policy proposals from group members based on our prior discussions. These proposals were grouped according to policy goals and reviewed at our April meeting. While we did not reach consensus on all these proposals, and some proposals may need to be further studied and developed, we feel that we have important policy questions that the City should consider:

- 1) **Policy Goal:** Improve relations between the community and the department
 - a) Increase community involvement across all demographics, with an emphasis placed on minority populations. This proposal was inspired in part by an observation that Latinos were underrepresented in some department surveys.
 - b) Consider additional bias-based policing training and refreshers.
- 2) **Policy Goal:** Protect community members' civil rights during interactions with police
 - a) Consider additional civil rights training for police officers
 - b) Sponsor community "Know Your Rights" trainings
- 3) **Policy Goal:** Reduce youth arrests, particularly among Latino youth
 - a) Collaborate with community groups to focus on reducing youth crimes, especially given what appears to be a disproportionate number of Latino youth arrests
 - b) Ensure equity and fairness in officer interactions with youth, especially Latino youth, and consider developing or expanding programs that offer alternatives to youth arrest and prosecution when appropriate
- 4) **Policy Goal:** Improve MPD officers' access to mental health treatment
 - a) Consider providing more frequent access to mental health treatment, possibly including mandatory treatment for officers involved in critical incidents
- 5) **Policy Goal:** Improve accountability and transparency
 - a) Ensure that the department maintains a record of all police stops
 - b) Consider increasing the review period in the Personnel Management and Review System (PMRS) beyond 12 months (see department procedure 1000.2)
 - c) ~~Consider increased drug testing for police officers, possibly including mandatory administrative drug testing after a critical incident and/or random drug~~

~~testing~~ Consider reviewing the drug testing policy for police officers, including testing after a critical incident and/or random drug testing

- d) Consider increasing record retention for complaints and investigations beyond five years
 - e) Implement the recommendations of the Accountability ad hoc group
- 6) **Policy Goal:** Improve officer training
- a) Continue to utilize and expand scenario training
 - b) Direct independent auditor and review board (recommended by accountability ad hoc group) to review and audit department training
- 7) **Policy Goal:** Review and clarify policy language
- a) Clarify frequency of periodic training in policy 300.8
 - b) Review and clarify standards for use of pain compliance techniques in policy 300.3.3
 - c) Provide clarity on supervisor's responsibility to respond in policy 300.7
 - d) Clarify policy language related to training and community engagement in 418.10 (Mental Illness Commitments) and Policy 470.11 (Crisis Intervention Incidents)
 - e) Consider an outright ban on on-duty political activity (see policy 340.5.8(g))
 - f) Consider requiring internal affairs to annually review their efforts and submit a public report (current language in procedure 402.6 states that internal affairs "should" submit a report to the chief of police)
 - g) Consider modifying carotid control hold policy (300.3.4) to clearly state that carotid control holds are prohibited
- 8) **Policy Goal:** Review use of force policy to minimize likelihood of death resulting from use of force³
- a) Conduct risk assessment and review use of force policy in response to knives or non-blade weapons
 - b) Clarify that force should only be used to prevent flight or evasion (including in a vehicle) when there is a serious and immediate threat of harm
 - c) Consider policy changes to require officers to call for assistance (and whenever possible wait for assistance) in situations where there is a possibility of using lethal force
 - d) Consider policies that mandate the use of a taser as an alternative to shooting in appropriate situations
 - e) Review and strengthen department "stop-shooting protocols" to require officers to stop shooting as soon as possible
 - f) Review and strengthen the medical consideration policy (300.6)
 - g) Develop policies to support and incentivize use of de-escalation tactics

³ This set of proposals were largely inspired by: *When police kill*, Franklin Zimring (2017), see Chapter 11 in particular



Several of these proposals overlap with current department policies and practices and ongoing initiatives and in those cases we recommend the department continue this work. We also recommend that the review board recommended by the accountability ad hoc group be involved in developing these proposals further.

II.B Alternate Response Models

The Alternative Response Model Ad Hoc group began to meet in December of 2021 and is made up of a diverse group from the Modesto community.

The group includes community members who represent families and organizations that are highly interested in finding alternate ways the police can respond to non-violent disturbance calls and mental health crisis calls. The members come from the National Alliance for the Mentally Ill (NAMI), the ACLU, the Stanislaus Tuolumne Central Labor Council, City Ministry Network, the Chamber of Commerce, the Modesto Police Officers Association, and Stanislaus County Behavioral Health and Recovery Services. Police department and city staff were also present to help answer questions and provide information.

At our first meeting, the team discussed the presentation on Alternative Response Models that had been shared at a Forward Together meeting. We asked additional questions of Chief Gillespie regarding the alternative models already in place in Modesto (HEART – Homeless Engagement and Response Team, & CARE – County Assessment Response Engagement team) as well as the research that had been done to discover models in other cities – such as the CAHOOTS model in Eugene, OR.

~~It was confirmed that a CHAT team (Community Health and Assistance Team) was already being formed by the Modesto Police Department and that parts of this program were modeled after the CAHOOTS program. The CHAT Program consists of two outreach workers who respond to calls for service that do not present a significant safety risk. The City was also in the process of reviving the MCERT (Mobile Crisis Emergency Response) program that pairs a police officer with a mental health clinician to respond to mental health crisis calls for service. It was confirmed that a CHAT team (Community Health and Assistance Team) was already being formed by the Modesto Police Department and that parts of this program were modeled after the CAHOOTS program. The CHAT Program consists of two outreach workers who respond to calls for service that do not present a significant safety risk.~~

The City was also in the process of reviving the MCERT (Mobile Crisis Emergency Response) program that pairs a police officer with a mental health clinician to respond to mental health-related 911 emergency calls for service to assess the needs of individuals and provide direct treatment and crisis interventions services. The MCERT MHC works with Behavioral Health specialists (Case Managers) and Peer Support Specialist to provide a full range of



access services in addition to crisis intervention, which includes triage, screening, crisis assessment, de-escalation, resolution, peer support, coordination with medical and behavioral health services, crisis planning, and follow-up to ensure access to treatment service and community supports. A licensed mental health professional will oversee the program, in accordance with Welfare and Institutions Code §5848.7.

The ad hoc group was highly supportive of researching and confirming various ways of supporting the police in using alternative responses to mental health crisis situations. Several of the ad hoc group members shared their knowledge of when crisis calls had been handled poorly. The police also shared how they previously felt their only options had been to use either the emergency room, jail, or a “5150 hold” to handle individuals causing a disturbance as they aren’t qualified to assess a possible mental impairment and instead could only hold the individual for 72 hours until they could be seen by a mental health clinician. In researching several models, it became clear that having teams of clinicians, or a team with a police officer and clinician paired together, would be better equipped to handle those calls in a more immediate and effective manner.

The Chief shared data which identified that in 2020 there were 19,238 calls for service related to unhoused individuals and/or individuals suffering from some form of mental illness. Of these calls 6,945 were identified as having some indication of a safety risk for the responding officer, but 12,293 did not have an identified safety risk. The calls without an indication of safety risk were identified as good candidates for the CHAT program and the calls with a safety risk indication were identified as good candidates for the MCERT program. It was also communicated to the ad hoc group that this call analysis is preliminary and that the true level of need for alternate response could be significantly greater.

The data also indicated that the amount of time typically logged for each mental health call indicates that a team could handle 13 calls in 8 hours. And these calls come in at all hours, requiring the availability of clinicians on a 24/7 basis. So in order to handle the volume of calls needed, and be available 24/7, the CHAT and MCERT teams would need to be scaled up. A preliminary plan shared is that the CHAT team should include additional full-time outreach staff along with several supervisors and that the MCERT program be scaled up as well. We were also informed that many highly qualified individuals have applied for the current two open positions on the CHAT team, which is a positive indication that staff could be found to scale up this program.

For the MCERT program, it was recommended that several mental health clinicians be hired to each be paired with an officer to handle emergency crisis calls.

In addition, the team also discussed and collected information on the following:



- Whether the alternative response program should be under the police department or set up as a separate non-profit (as CAHOOTS is)
 - Based on the fact that the alternative response teams would be responding to 911 calls, some felt that it should be under the MPD. However, an ad hoc member from the ACLU shared that their organization felt strongly that these teams should be governed separately from the police, so they aren't at risk of being eliminated if there is a change in police leadership.
- Whether basic information could be shared between police and mental health crisis responders in order to provide the appropriate response. A team member volunteered to research how other cities respond to this need. We found existing law allows pertinent information to be shared when police and a mental health worker are responding together on a crisis call. This would provide informed collaboration to better support community members experiencing mental health crises.
- What training police officers currently receive to recognize and handle calls that involve a person struggling with mental health. It was confirmed that this training has been minimal in the past, but a 40-hour crisis intervention training will be conducted over the next few months for all police department staff that will include de-escalation training, and mental health response training with role playing, as well as the opportunity to learn from those with a family member who struggles with mental health.
- Funding sources for the alternate response program. After learning that the CHAT team is funded by a HUD grant, we debated whether using grant funding for an alternative response program is the best way to go, and if these programs could be made part of the city budget as we see it as an important part of how our community is kept safe. In doing research it was found that some other cities are funding these programs directly through the city budget.
- Whether there should be an oversight panel created to review monthly or quarterly how each mental health call was handled by the police during that time period.

After much discussion and research, the Alternative Response Model Ad Hoc group would like to recommend that the City take the following steps:

- 1) **Support the launch or scaling up of alternative response programs**, to include the following for our community, in order to handle the call volume identified in the 2020 data, and provide support for mental health crisis calls on a 24/7 basis. We also recommend that the City continue to assess and respond with additional programs as emerging needs are confirmed, in coordination with BHRS.
 - a) CHAT – Pairs two Outreach/Health workers together to respond to non-safety-related 911 calls.

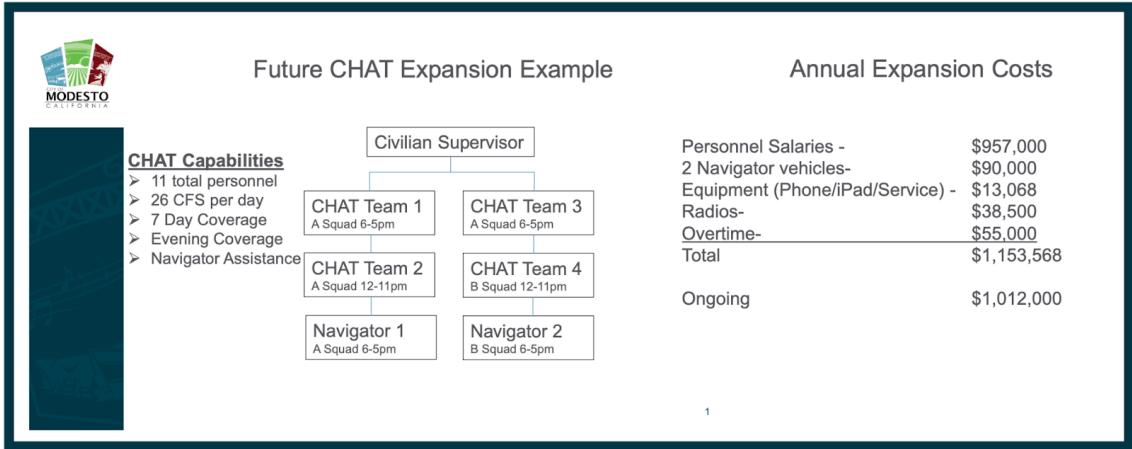


Fig 1. Estimated staffing plan and budget for CHAT program expansion provided by MPD

- b) MCERT – Pair Mental Health Clinicians with officers to respond to mental health emergency 911 calls.
 - c) M&M – Pair two Mental Health Clinicians to respond to mental health crisis calls.
 - d) Clinician on-call – have a Mental Health Clinician available to consult with any team/officer on a call that is deemed to need a mental health consult.
- 2) **Allocate funding to launch/scale up these programs** and commit to securing long-term, sustainable funding so these programs don't disappear when grant funds run out. ~~An initial start-up cost of approximately \$1.1 million was outlined by MPD for the expanded CHAT program, with an on-going cost of approximately \$1 million per year (see Fig.1 above). It was also suggested that the MCERT program would need approximately \$500k per year of ongoing cost.~~ The total cost of these programs could be supported in part by leveraging additional long-term funding sources from recent state and federal funds specifically earmarked for mental health crisis response. We believe that these programs will provide better services to the community when they are utilized, allow MPD to make better use of limited policing resources, and will be highly cost effective, without reducing the current number of police officers.
- 3) **Create a Crisis Response Stakeholder Group** – to include local mental health organizations, hospitals, health insurance providers, school counselors, families & law enforcement – to strengthen the crisis services response in our community, and provide more coordinated on-going care plans for those experiencing a mental health crisis.
- a) **We recommend this stakeholder group develop a collaborative education seminar/handout for the Community on how to access services and navigate the system** when a family member has a mental health crisis, especially for those for whom English is a second language, and info on assisted outpatient treatment programs (Laura's law).



- 4) **Require 40 hours of Crisis Intervention training** for all law enforcement personnel – to include de-escalation training, mental health response training, with actual role-playing practice required. This training would also be required within the first year for any new officer and/or they would be paired with an FTO who has been through this training.
- 5) **Allocate funding to support an upgrade in technology by the MPD** to better support the tracking of data and outcomes on alternate response calls, so we have a better understanding of the true need and effectiveness of these alternative response models.
- 6) **Ensure on-going community oversight is conducted regarding how police are handling calls related to mental health crises.** This could be combined with the panel being recommended by the Accountability group. But we would like to ask that any mental health calls handled by the police or an alternate response team be reviewed on a monthly or quarterly basis to determine if they were handled appropriately.

It is our belief that implementing these recommendations will make our community a safer place for those experiencing a mental health or non-violent crisis in our city.

II.C Accountability

We begin with a brief summary of the four ad hoc group meetings and two Forward Together Working Group meetings dedicated to Accountability:

- December 20, 2021: Full working group meeting on the Modesto Police Department's existing Accountability processes in hiring, complaints, discipline, use of force and officer-involved shooting review, body and car cameras, internal affairs, audits, personnel records, racial/identity profiling, release of records, and state laws.
- January 19, 2022: Accountability Ad Hoc meeting where we discussed the upcoming presentation on Exploring Accountability models and debated whether we should have such a presentation, how to ensure it was educational/unbiased, and what additional perspectives needed to be included in our research.
- January 20, 2022: Full working group meeting on Exploring Accountability/Oversight models used in other jurisdictions including the Sonoma County Independent Office of Law Enforcement Review and Outreach, City of Riverside Community Police Review Commission, Sacramento Community Police Review Commission/Office of Public Safety Accountability, and the Anaheim Police Review Board/Office of Independent Review.
- February 2, 2022: Accountability Ad Hoc meeting where we all agreed that in order to implement a successful local Accountability/Oversight model we have to have buy-in and support from all stakeholders involved as well as trust in any review board and/or



independent auditor from both LE and community members. We also focused on the City of Anaheim's Accountability model and agreed to hear more from them.

- February 17, 2022: Accountability Ad Hoc meeting where we further discussed the Anaheim Accountability model, debated the necessity of subpoena power, and the authority to discipline officers.
- March 16, 2022: Accountability Ad Hoc meeting where we had a presentation from Steve Connolly, an attorney with the OIR Group (the Independent Auditors contracted by the City of Anaheim) and Anaheim Police Dept. Deputy Chief Rick Armendariz, who also worked for the Modesto Police Department for 24 years. We discussed a "Hybrid Model" that incorporates both the community outreach involved in having a civilian review board as well as the expertise and professionalism that an Independent Auditor/Investigator brings to the process. We also affirmed our view that what is most important in any model is buy-in, trust, transparency, and improving the relationship between community members and local law enforcement.
- March 23, 2022: Full working group meeting where the Accountability Ad Hoc group presented our tentative recommendation: Implement a Hybrid Civilian Oversight Model that includes a review board and an independent auditor/investigator.

Through this process we learned about Modesto Police Department's existing Accountability processes in hiring, complaints, discipline, use of force and officer-involved shooting review, body and car cameras, internal affairs, audits, personnel records, racial/identity profiling, release of records, and state laws. We learned about the various accountability and oversight models that exist in numerous cities and counties, their components, as well as their successes and failures. Most importantly we learned that these models vary tremendously from jurisdiction to jurisdiction, many have worked, others haven't, and in some places it's too early to tell. There is no "one size fits all" model and we have to find out what works best for Modesto.

Throughout these conversations we identified several important questions that guided our work and that we feel will be important moving forward in implementing and evaluating our recommendations:

- Do we feel an Independent law enforcement Accountability/Oversight model would improve relations between community members and local law enforcement?
- What documents/evidence does an Independent Auditor, Review Board, etc., have access to?
- What access does an Auditor, Board, etc., have to the Police Department?
- What is the Police Officer's Associations (POA) access to the Auditor, Board, etc.?
- What has worked in the implementation of the various models we've learned about? What hasn't?
- What would participants/stakeholders change if they could?



- We've heard from officers and independent auditors from Anaheim; what do members of the Review Board and other community members think about the city's hybrid model and how it operates? Has it improved community-police relations?
- How do we ensure all stakeholders agree on how to move forward?
- How do we ensure any oversight board members and/or independent auditors are trusted and respected by all stakeholders?

We recommend that the City of Modesto begin to implement a hybrid audit/review oversight model that includes a civilian review board and an independent auditor/investigator, using the city of Anaheim's model as a reference. The process of creating and appointing a civilian review board should involve significant community input and could be similar in some ways to the Forward Together process. The city of Anaheim's model utilizes Independent Auditors hired as third party contractors. The important components of the Anaheim's Hybrid model and their purposes are:

- 1) Civilian Oversight Board (COB) made up of community members:
 - a) Conducts monthly public meetings
 - b) Receives community concerns and complaints
 - c) Produces annual reports
 - d) Works closely with the police department, independent auditor, and the city to ensure transparency and community trust
- 2) Independent External Auditor
 - a) Provides Critical Incident Review and Analysis (officer-involved shootings, uses of force, internal investigations)
 - b) Evaluates and makes recommendations related to training
 - c) Reviews and makes recommendations related to Department Policy
 - d) Reviews and receives complaints and reviews internal investigations
 - e) Provides Discipline System Integrity Assessment
 - f) Works closely with COB and police department to ensure transparency and community trust
 - g) Work products are, whenever possible, public and easily accessible⁴
 - h) Provide an annual report which identifies and explains changes made to training practices and policies and procedures, that summarizes outcomes of complaints and provides information regarding lawsuits pending and settled and sources of settlement, i. e. general fund or insurance.
- 3) Major Incident Review Team (MIRT):
 - a) Stakeholders review major incidents with the goal of improving training, tactics, equipment, policy, and discipline

⁴ see <https://www.anaheim.net/4802/Police-Review-Board>



We believe that developing and implementing a similar system, tailored to the needs of the City of Modesto, will be the best path forward to improving transparency and accountability and ultimately building trust between the community and the City.

III. Final Reflections and Conclusions from the Forward Together Facilitators

[This section will be written by the facilitators after collecting additional feedback from the working group and the community and revising the draft as needed]

DRAFT