

## 3/15/22 Minutes

### Ad Hoc Committee re: Policy & Procedures

1. Call to Order- Meeting was called to order by Chairman Will Kelly shortly after 5:30 p.m.
2. Roll Call- Forward Together Committee Members present by Zoom or in person included:

Solange Goncalves Altman, Vice-Chair  
Terhesa Gamboa  
Tom Helme  
Marian Martino  
Matthew Mason  
Nico Solorio  
TJ Moffett, MPD  
Dan Starr, MPD, MPOA  
Ivan Valencia, MPD

Staff/facilitator present included: Edgar Garcia, Modesto City Manager's office and Michael Baldwin, Facilitator, who was present to observe.

3. Continuing Business

Will indicated he wanted draft language to present by 4/13 for three different groups. 4/20 meeting is being moved to 4/13. He then turned meeting over to Dan.

Dan indicated he tried to keep his presentation to the full work group brief.

There was discussion about Use of Force, Blood Draw, Juvenile Arrest Rates, Bias Based Policing Complaints, Internal Affairs Investigation process and disposition confusion, Dept. Staffing.

Key takeaways: Collaborate with community groups to reduce youth crime. Continue to support best practices and how to broaden community input after Forward Together.

Ivan indicated that he had reached out to Modesto City Schools for relevant information regarding the increased rate of arrest for Latino juveniles. Latino youth now comprise about 60% of Modesto City Schools population, so increase in juvenile youth statistics is consistent with the increased demographic trend.

Dan asked if everyone was okay with using the previous Policies & Procedures PowerPoint with update. Members asked to see it again, and it was shared.

Someone observed (Nico?) that policy/procedure changes discussed in previous Ad Hoc meeting had not been made a part of the PowerPoint (because minutes of 2/15 Ad Hoc meeting were not typed up prior to the presentation). It was requested that those items which included the following also be made a part of the updated PowerPoint.

Possible policy changes that could prevent civilian death cited by Frank Zimring in his book When Police Kill , (some of which already may have been implemented by MPD) include the following:

- 1) Make Tasers a credible substitute for lethal force.
- 2) Prohibit shootings by lone officers with limited exceptions. Requiring officers to request assistance will lessen the use of lethal force.
- 3) Prohibit use of deadly force in response to knives and non-blade weapons with very few exceptions.
- 4) Carefully review outcome of car chases to limit them as much as possible.
- 5) Prohibit gunfire in pursuit of a fleeing suspect unless there is a credible and specific threat that the suspect will kill if not apprehended.
- 6) Support stop shooting protocols to prevent police officers from continued shooting when alone or in groups when the immediate threat to an officer or to innocent civilians has been resolved.

Solange indicated that MPD was going to review their policies and provide language to show that some of these changes have already been made. Solange indicated she received an email from MPD that she thought was a response to this request, but it required a password and she was unable to open it.

Nico indicated that MPD computer system had been hacked, and that email was bogus.

Solange asked if there were other memoranda or directives issued that provided additional information regarding interpretation and implementation of policy and procedures.

Dan responded that the policies and procedures are updated on a monthly basis. There usually are 5-10 policy change each month. The policies are distributed to all staff. Officers have to acknowledge that they received and read the changes.

Question was asked about the carotid chokehold that was outlawed by the State of California recently. MPD prohibited this before the state did. A new policy was not written. There was language added to the existing chokehold policy indicating that it was no longer acceptable.

Dan stressed that policies are amended only by new written policies. They are not amended or interpreted by memorandum or other directives issued by the Chief. The union wants policies in writing, and wants input on changes.

Process of how policies are written was discussed. MPD relies on Lexapro to provide the baseline practices that are consistent with existing law. The policies provided by Lexapro are then tailored on practices in different geographical area. There are sergeants/lieutenants who oversee specific policy areas and monitor changes. When changes occur they are reviewed by staff, captain's, Chief G.

AC Ivan – Lexapro is always keeping track of changes. Every year they send draft changes that are redlined with changes made by the state. The policies are blue-lined for areas that can be tailored by individual police departments. After the recommendations are reviewed and

tailored they go before the Chief, Asst Chief, Captains and head of Internal Affairs. After they are finalized they are circulated to all personnel. Major policy changes, like use of force, are discussed with staff in a briefing.

Dan said he wanted to pinpoint areas of consensus.

Matthew asked if he was asking what our recommendation going to be. He is concerned about the rate of Hispanic juvenile arrest. He would like more community engagement, more elimination of race bias training. He wants to see MPD develop techniques to increase community involvement. He asked what we are doing now?

T.J. responded.

Michael indicated that we could draft a recommendation to create a community group to allow dialogue on policies and procedures.

Dan noted that we can only provide recommendations. It is up to the City Council to implement the recommendations.

Michael suggested that it could be recommended that we want a community group to address racial bias/use of force complaints.

Matt: The biggest gap he sees in policy. If there are high arrest rates in Hispanic community, how do we rectify that. He would like another meeting.

Nico- He has a couple of more policies.

Tom: He is down for another meeting. He wants a Forward Together type committed to be an ongoing thing.

Terhesa – She would like there to be more civil rights training. Once every five years isn't enough.

Michael – He wants people to write down their suggestions, so they can be part of the agenda.

Nico listed the policies he would like to see changed:

300.33 – Pain compliance techniques. He would like to see the verbiage changed.

310.55 – After an officer involved shooting officers should be mandated to meet with a licensed psychotherapist. It should not be voluntary.

310.7 – Blood draws from officers involved in a shooting should be required.

402.7 – There should be more bias based prevention training.

418 – Mental Illness. There should be more than a 24 hour course. The training should be increased.

470 – Crisis intervention training is not very descriptive.

Solange indicated there should be a policy that provides for points for salary increases, promotion for officer who use de-escalation techniques.

Matt: Asked if Nico's suggestions were in digital format that could be emailed to everyone. They should be sent to Dan and Michael and Tom will write up.

Tom asked for there to be another Google Poll to set another meeting.

Solange suggested that group submit their policy proposals by 3/18.

End of Meeting at 7:00 p.m.