

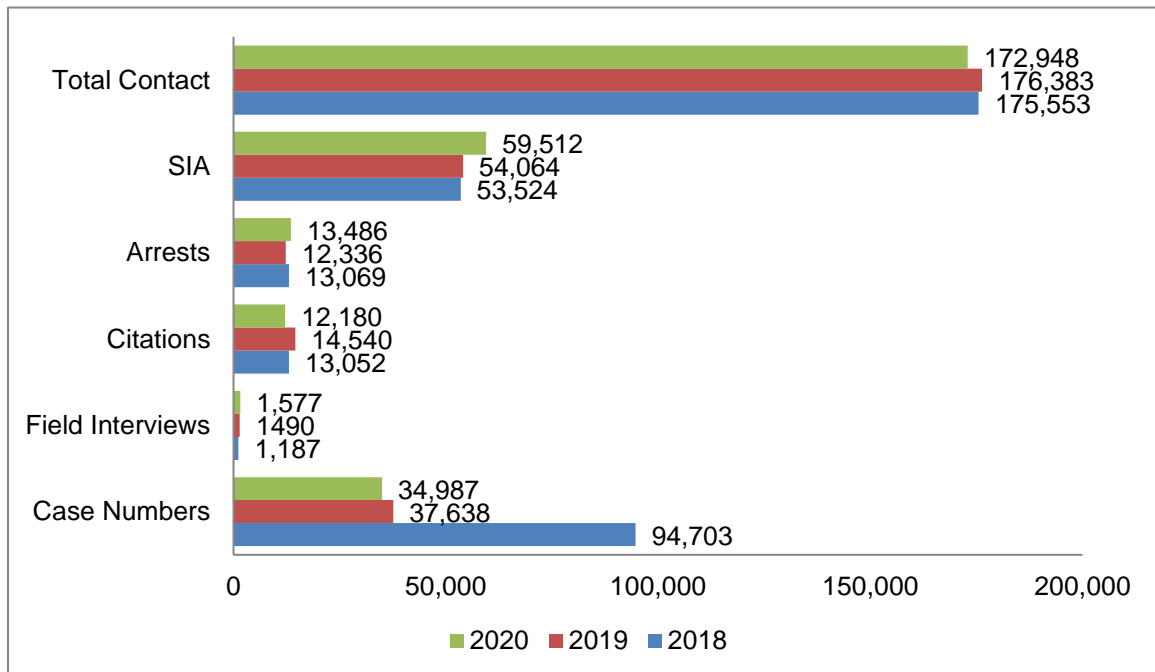


memo

Date: July 8, 2020
To: Brandon Gillespie, Interim Chief of Police
From: Aaron Tait, Lieutenant, Internal Affairs Unit
Re: 2020 Bias Based Policing Audit

This audit is not an exhaustive study that meets social science standards. The complexity in measuring whether or not all contacts between the police and the community are racially biased and considers a number of different factors not included in this audit. This audit is solely intended to compare the Modesto Police Department's (MPD) demographic report of adult and juvenile arrests, citations, and field interviews to the City's actual population demographic percentages. The most recent census done by the U.S. Census Bureau's (USCB) was in 2010 therefore, the numbers represented for the City of Modesto's population for this report is of USCB 2019 projections. All other statistics gathered were obtained from the MPD Records Management System (RMS).

2018-2020 Annual Statistics



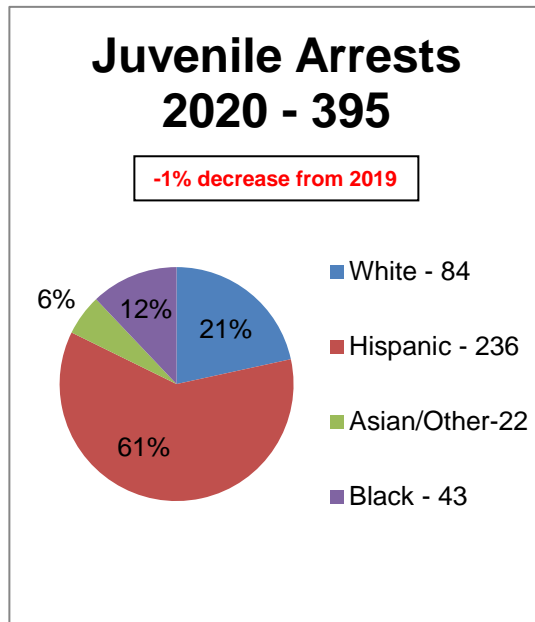
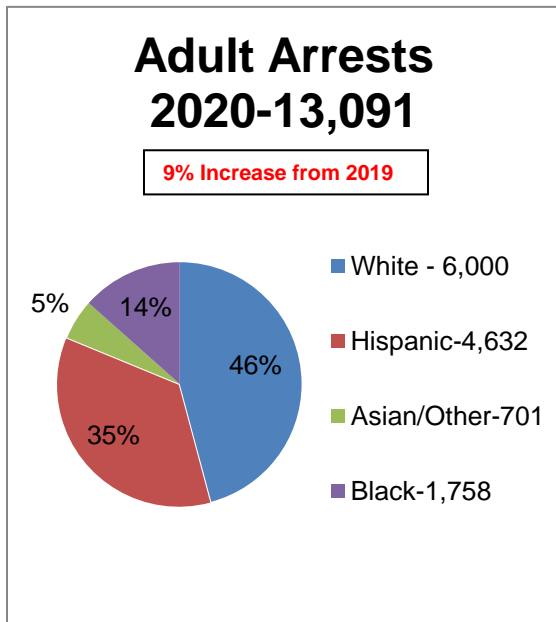
| | 2018 | 2019 | 2020 | Change 2019 to 2020 | Change % |
|--------------------------|---------|---------|---------|---------------------|----------|
| Calls for Service | 175,553 | 176,383 | 172,948 | 3,435 | -2% |
| CASE NUMBERS | 94,703 | 37,638 | 34,987 | 2,651 | -7% |
| ARRESTS | 13,069 | 12,336 | 13,486 | 1150 | 8% |
| UOF INCIDENTS | 144 | 192 | 241 | 49 | 25% |
| TRAFFIC CITATIONS | 13,052 | 14,540 | 12,180 | 2,360 | -16% |
| FIELD INTERVIEW | 1,088 | 1,187 | 1,577 | 390 | 33% |
| SIA* | 53,524 | 54,064 | 59,512 | 5,448 | 10% |
| OIS | 0 | 1 | 5 | 4 | 80% |

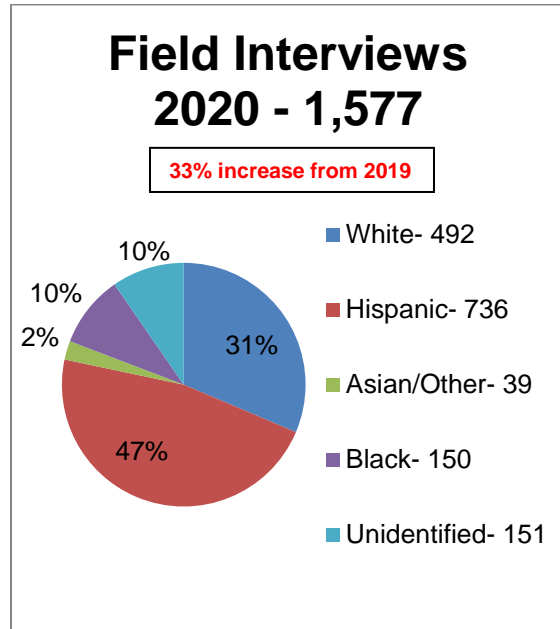
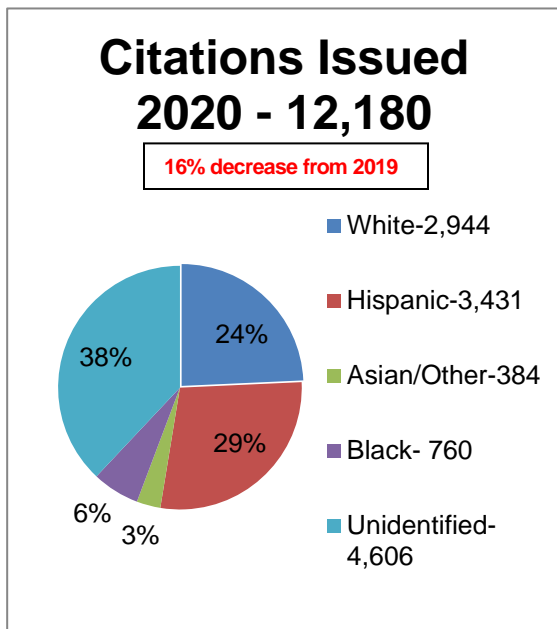
* Denotes the percentage of time officers used force to affect an arrest for each listed year. SIA's were added this year to the audit to accurately capture all SIA enforcement action.

| 2020 Modesto Police Department (196) Sworn Personnel Ethnicity Data | |
|--|---------------------|
| RACE | % POPULATION |
| White: | 63% |
| Hispanic: | 19% |
| Asian/Other: | 5% |
| Black: | 4% |
| Not Specified | 6% |

*Denotes that ethnicity information is optional for employees and the data was received from Human Resource

| 2019 U.S. Census Bureau Data (Population Estimates) 215,196 | |
|--|---------------------|
| RACE | % POPULATION |
| White: | 44.2% |
| Hispanic: | 40.2% |
| Asian/Other: | 7.1% |
| Black: | 4.7% |





POLICY REQUIREMENTS:

California Penal Code § 13529.4 defines racial or bias-based profiling as an inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

MPD Policy 402 pertains to racial or bias-based policing. The policy requires personnel to enforce the law and provide services equally without discrimination toward any individual or group. MPD Policy 402 clearly prohibits racial or bias-based profiling and requires personnel to be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

Policy 402 requires sworn personnel to attend California Peace Officer Standards and Training (POST) approved training on the subject of racial or bias-based profiling, and every five years thereafter in accordance with state law. Pending scheduling of such training, employees are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

Policy 402 also requires supervisors to monitor employees under their command for any behavior that may conflict with the purpose of the policy and to handle any alleged or observed violation of the policy in accordance with the Personnel Complaints Policy. This monitoring includes periodic review of MDC data and other available resources to document contact between officers and the public. Supervisors should also ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial or bias-based profiling.

TRAINING:

The MPD Training Unit prepares training bulletins and legal updates for employees of the MPD. MPD Policy 402 requires all sworn employees of the department to attend POST approved training regarding bias based policing and to complete a refresher course every five years. During department wide training days in 2020, training was provided on the following:

- Ethics Department Training Days
- Ethic Training Bulletin 20-05
- Racial Profiling Training Bulletin 20-03

Training will be provided again during the 2022 department training days.

FIELD TRAINING PROGRAM:

Cultural Diversity and Awareness is one of the segments instructed to police officer and community service officers during their field-training program. Officers are required to demonstrate knowledge of cultural differences in the community before beginning duty as a solo police officer or community service officer.

P.O.S.T. CRIMINAL JUSTICE TRAINING:

POST requires 24 hours of academy instruction on Cultural Diversity and Discrimination and Principled Policing in the Community. The training is mandatory for all police recruits.

NEW EMPLOYEE ORIENTATION PROGRAM:

The City of Modesto (COM) requires all new employees to attend New Employee Orientation. During the orientation all new employees are provided with the COM policies on harassment and cultural diversity. The COM also trains all personnel, new managers, and supervisors on Harassment and Discrimination awareness every two years, in accordance with AB1825.

INTERNAL AFFAIRS UNIT:

Any citizen complaint alleging members of the MPD did not equally enforce the law and/or service was not provided in an equal manner based solely upon the person's race, color, creed, religion, political affiliation, gender, sexual orientation, age or physical or mental disability are investigated by the Internal Affairs Unit (IAU). Executive staff members, including the Chief of Police, conduct a thorough review of each completed investigation and determine a proper disposition.

In 2020, MPD had a total of 59,512 enforcement contacts (defined as arrests- 13,486, citations- 12,180, and field interviews- 1,577). In addition in 2020, MPD issued 34,987 case numbers, a 8% increase from 2019. Officers used force to effect an arrest, overcome resistance, and prevent escape (PC § 835a) 244 times or .9% of all arrests or .4% of all mentioned contacts in 2020¹. It should be further noted that there were a total of 172,948 CFS, which resulted in use of force being used .1%

ANALYSIS AND RECOMMENDATIONS:

- The MPD does comply with regulations that prohibit bias based profiling.
- The MPD does provide employee training with respect to bias based profiling issues and legal aspects.

¹ MPD had a total of 59,512 enforcement contacts (defined as arrests- 13,486, citations- 12,180 and field interviews- 1,577).

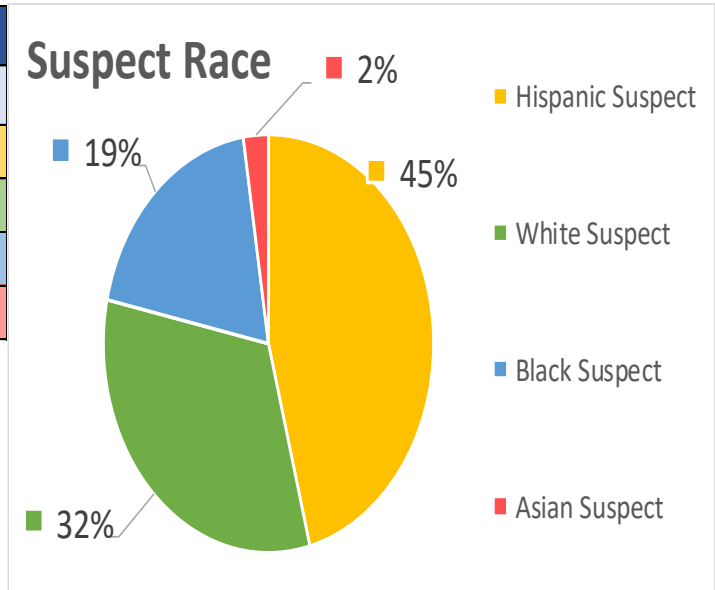
- The MPD does identify corrective measures needed if/when bias based profiling occurs.

The following charts and statistics represent the victim's ethnicity and the victim(s) that identified the ethnicity of the suspect(s) in **Part 1 Violent Crimes during 2020**.

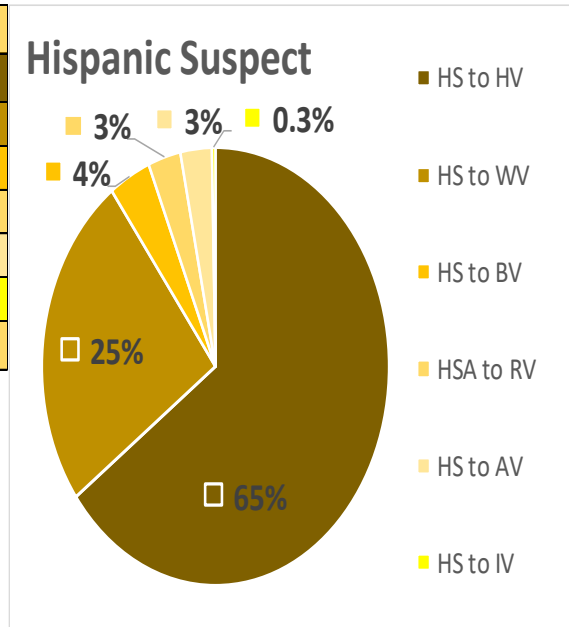
Part 1 Violent Crime Suspect Race by Victim Race

| Top Suspect Races | | |
|-------------------|-------|-----|
| Suspect Race | Total | % |
| Hispanic Suspect | 956 | 45% |
| White Suspect | 674 | 32% |
| Black Suspect | 399 | 19% |
| Asian Suspect | 51 | 2% |

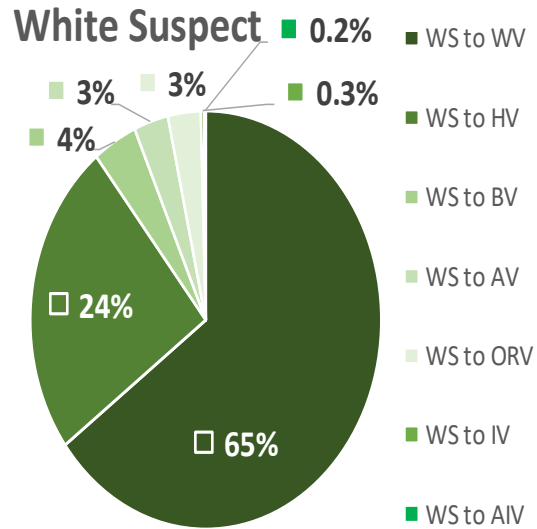
**races below 2% of the total were not included



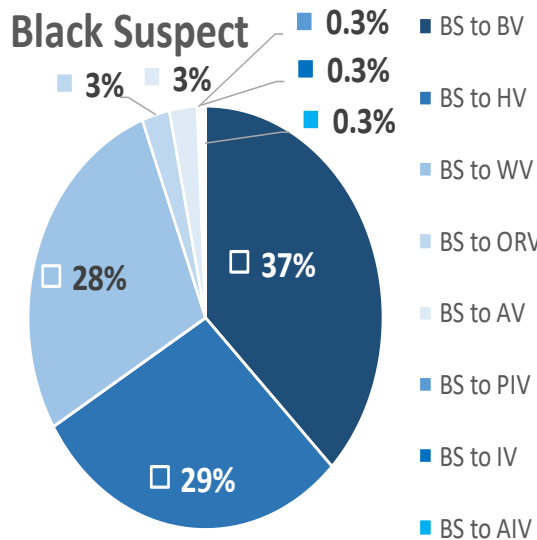
| Hispanic Suspect | Total | % |
|--|------------|------|
| Hispanic Suspect Against Hispanic Victim | 598 | 65% |
| Hispanic Suspect Against White Victim | 230 | 25% |
| Hispanic Suspect Against Black Victim | 36 | 4% |
| Hispanic Suspect Against Other Race Victim | 28 | 3% |
| Hispanic Suspect Against Asian Victim | 27 | 3% |
| Hispanic Suspect Against Indian Victim | 3 | 0.3% |
| Grand Total | 922 | |



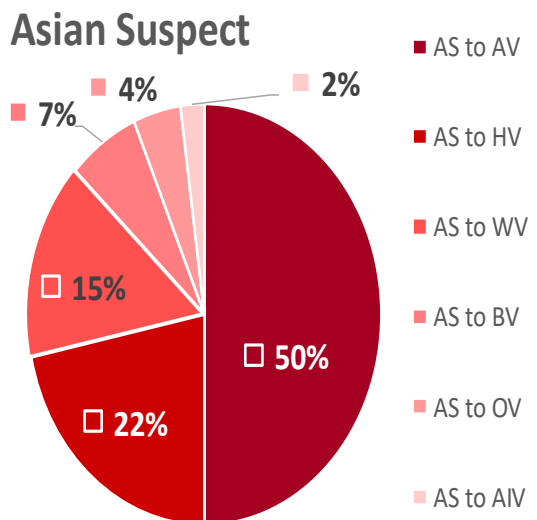
| White Suspect | Total | % |
|--|------------|------|
| White Suspect Against White Victim | 429 | 65% |
| White Suspect Against Hispanic Victim | 162 | 24% |
| White Suspect Against Black Victim | 27 | 4% |
| White Suspect Against Asian Victim | 21 | 3% |
| White Suspect Against Other Race Victim | 20 | 3% |
| White Suspect Against Indian Victim | 2 | 0.3% |
| White Suspect Against American Indian Victim | 1 | 0.2% |
| Grand Total | 662 | |



| Black Suspect | Total | % |
|---|------------|------|
| Black Suspect Against Black Victim | 148 | 37% |
| Black Suspect Against Hispanic Victim | 115 | 29% |
| Black Suspect Against White Victim | 110 | 28% |
| Black Suspect Against Other Race Victim | 10 | 3% |
| Black Suspect Against Asian Victim | 10 | 3% |
| Black Suspect Against Pacific Islander Victim | 1 | 0.3% |
| Black Suspect Against Indian Victim | 1 | 0.3% |
| Black Suspect Against American Indian Victim | 1 | 0.3% |
| Grand Total | 396 | |



| Asian Suspect | Total | % |
|--|-----------|-----|
| Asian Suspect Against Asian Victim | 23 | 50% |
| Asian Suspect Against Hispanic Victim | 10 | 22% |
| Asian Suspect Against White Victim | 7 | 15% |
| Asian Suspect Against Black Victim | 3 | 7% |
| Asian Suspect Against Other Race Victim | 2 | 4% |
| Asian Suspect Against American Indian Victim | 1 | 2% |
| Grand Total | 46 | |



| Unknown Victim | Total |
|---|--------------|
| Hispanic Suspect Against Unknown Victim | 34 |
| White Suspect Against Unknown Victim | 12 |
| Black Suspect Against Unknown Victim | 3 |
| Asian Suspect Against Unknown Victim | 5 |
| Pacific Islander Suspect Against Unknown Victim | 1 |

| Unknown Suspect | Total |
|---|--------------|
| Unknown Suspect Against Hispanic Victim | 88 |
| Unknown Suspect Against White Victim | 46 |
| Unknown Suspect Against Black Victim | 28 |
| Unknown Suspect Against Unknown Victim | 15 |
| Unknown Suspect Against Other Race Victim | 8 |
| Unknown Suspect Against Asian Victim | 3 |
| Unknown Suspect Against Indian Victim | 2 |
| Unknown Suspect Against Pacific Islander Victim | 1 |
| Unknown Suspect Against American Indian Victim | 1 |

I recommend that MPD staff continue to comply with regulations, provide employee training, review and maintain policy, and compare department demographic information with the City's population.

Respectfully submitted,



Aaron Tait, Lieutenant
Internal Affairs Unit