

Minutes from Policy and Procedure Ad Hoc Group
11/10/2021

Welcome and Opening by Forward Together Chairperson, Will Kelly

Opening remarks by Chief and TJ

Discussion

Group reviewed all the questions that were generated in the work group meeting after the presentation from MPD. This included discussion on many items. More details are provided below.

General Focus Area	Question from presentation	Answer from MPD
Audits	Are the annual audits available to the public for review?	They are currently only posted on the Forward Together website. Generally they are only summarized in the Annual Report.
	Why does the chief request the audit? Who does the audit? What is their relationship?	The Chief is responsible for oversight of the department and reports to the City Manager and the Council. The Audits are always done by the Internal Affairs Department.
	<i>Additional notes on discussion</i>	<ul style="list-style-type: none"> • Audits: <ul style="list-style-type: none"> • Annual report is what is available to the public • The actual audits are not available to the public • Working on public facing dashboards that give updated information on complaints, and other data <p><i>How to the audits dovetail with the reports you have to give the DOJ:</i></p> <ul style="list-style-type: none"> • All the same complaints have to be reported to the DOJ - statistical data. A different format than what we provide to the community. • Internal Audits are always done by the Internal Affairs
Bias-Based Policing	How does police evaluate bias-based?	

	I think officers should also get 10 hours of civil rights training from a civil rights attorney.	Some of their newer training commitments will tend to this. (Like the Cultural Awareness Class)
	Has any consideration been given to do bias-based police training more frequently instead of every 5 years?	Yes - in many ways they do. Perhaps the policy doesn't actually reflect what they actually do.
Crisis Intervention	What judgement is used to determine when lights and sirens would not be used?	
	What "neighborhood intervention" do you try?	
	Why don't ALL cops have the post 40 hr & 24 hr trainings? (In crisis negotiation)	
	De-escalation Training. Post - Follow-up? Ongoing?	
	How often are officers reminded about de-escalation strategies?	
	How do you measure whether people are being policed as they want? They may be affected by things beyond their control. Where does it usually break down?	
	Why can't same considerations be made for more calls as for person in crisis? De-escalation - ie. Alternatives to force. Trauma is a factor for most people involved in an arrest.	
	Policy 470 - How many hours of training are mandatory?	
	Policy 470 - Who determines the person's internal ability? How often are they trained in body language?	
Harrassment/Discrimination	How long (in hours) is the City of Modesto Harassment and Discrimination Awareness Training that occurs every two years?	
	AB1825 -How many hours? Is there a test? Pass/fail style?	

Internal Affairs	Who is internal affairs? Does County do the investigation?	<p>Conversation turned to the retention of employee paperwork:</p> <p>MPD keeps records for 5 years. There are certain guidelines that might trigger a longer retention time. Now, with the decertification law, this policy has changed. When you get to more egregious allegations, there are policies and practices in place to insure they are kept as long as they are needed. Over time, MPD (and the profession) has adapted its policies around issues like this. The list of what we have to keep will likely grow.</p> <p>Everything is also tracked in their annual employee evaluation which is kept for the duration of employment.</p>
	How does someone get to be a part of internal investigations?	
Mental Illness	How do you determine mental illness vs. drug related issues?	They are trained to take in information about the situation based on what they can see (behavior, physiological responses, etc). The goal is always the same: peacefully resolve the situation.
	What do you mean 'gravely disabled?'	
	Updated procedures for interacting with disabled (Alzheimers, Autism)? Is it combined with mental health?	

	<p>Policy 418: Mental Illness. Officers MUST consider 5150.</p>	<p>There are policies in place that allow an MPD officer to place someone on a 72 hour hold. They are transported by ambulance to a local hospital. What happens after that they don't have jurisdiction over.</p> <p>Criteria: (better defined in 5008 WIC) Danger to yourself or others and/or gravely disabled (has to be underlying due to mental illness).</p> <p>MPD Officers have to consider when 5150 and engaging them in the mental health system is most helpful (vs when having them go through the judicial system might be the more helpful to the person). Sometimes there is cause to allow that person to get engaged in the judicial system so that treatment or other interventions can be mandated.</p>
Officer Involved Shootings	Unpaid leave from City budget? May there be an unpaid leave policy due to officer involved shooting?	
Personnel Complaints	Complaint data - where is it lodged? How is a complaint lodged? Where are formes online? In Spanish?	They are in English and Spanish online and in person. Complaints can be lodged formally and informally. Can even be in the form of an anonymous letter. The department is currently talking about the possibility of using the SMS (text) system to get feedback. If we see that someone confidently gets bad feedback, they can see that.
	How do you process a complaint of an officer who has multiple complaints especially same topic?	
	Website of public complaints and outcome of them?	
Policies & Procedures	How does the PD ensure that policies & procedures are being carried out?	
	What policies & procedures are most often offended?	
	Is there an anti-retaliation policy?	
Pursuits	How does one determine risk?	

	Is there a policy on pursuits? What are the specific policies and procedures that are used to assess risk?	They've gone to a "surround and call-out" strategy. Everyone knows we're there - however long it takes to do it safely.
Use of Force	How does the department determine when a carotid restraint or chokehold is appropriate?	They've never used a choke hold. Once the guidance came from the state, the policy was updated. It is permitted if someone's life is in danger and it's the only option they have - the carotid, to be specific.
	Page 21 - Were there more patrols on the street in 2020 comparison to 2018 & 2019? Race comparison?	
	Page 17 - Is the MPD and Sheriffs department bound to the same penal code and internal policies and procedures? If not, how do they differ?	
	Is self-harm data regarding use of force captured in any way?	
	Explain the uses of force within a 12 month period. After 12 months do prior uses go away/get erased?	
	Did MPD revise its use of force policy after AB 392 was enacted?	
Video/Audio	How much did this VR program cost the City?	
	When did MPD start virtual reality training equipment? How many officers have been through it?	
Misc	How do you test for knowledge on ongoing basis? How much? How well? Is anyone better off?	
	Policy? Conduct? Data re: lawsuits. Amount paid? By who?	
	Perks on air support. MPD single officer helicopter vs. sheriff?	

- **TRAINING**

- Annually they develop their training calendar for the year based on data

- Several comments on training and the need for more practice on the soft/relational skills
- How they are thinking about training
 - Integrated and not block training - historically their training has been done in isolated experiences vs being integrated throughout the months/years/everyday work
- They absolutely meet the minimum (Police Officer Standards and Training - POST - training requirements) and then some
- **BARRIERS:**
 - Time
 - Staffing
 - We have so many days a year they can use for training so if there is extra, it has to happen in briefing which means if it goes long - they are not on the streets, then calls for service stack up, etc
- **OTHER**
 - What is the relationship between dispatch and responding officers (how effectively do they relay helpful information to responding officers to best prepare them to respond to calls for service)?
- **Additional questions that arose:**
 - Can we get information about how the department evaluates the success of its trainings?
 - How much of their training is required by POST and how much is extra?
 - How much training is considered preventative?
 - Can you quantify how much training you think your officers are actually getting?
 - Where does the money come from to pay settlements? How much of what the county has paid is from MPD?

Next steps:

- MPD to work on getting more answers to questions
- Schedule a next meeting to keep working through the policies, procedures, and questions
- Begin tracking recommendations as they arise
- Josh Bridegroom to present at workgroup meeting

Adjourned at 8:00pm