

## 2/17/2022 Minutes

### Ad Hoc Committee re: Accountability

1. Call to Order- Meeting was called to order by Will Kelly at 12:04 p.m.
2. Roll Call- Those present included:

**Will Kelly, Chair**

**Solange Goncalves Altman, Vice-Chair**

**Chris Adams, MPD**

**Leah Ashford**

**Tom Helme**

**Johnny Garcia**

**Brad Hawn**

**Matthew Mason**

**Dan Starr, President/MPD Sergeant, Modesto Police Officers Association**

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

3. Continuing Business

Will K – Wants to hear more from Anaheim Independent Auditor. Meeting Scheduled for 3/16 at 12:00 p.m. Meeting is to get more information and Report later. Anaheim and OIR presenting. Turns meeting over to Tom.

Tom H – Wanted to get more information regarding Independent Auditor from Officer unions. Are we close to knowing what recommendation to make? Wants to hear more from the stakeholders.

Matthew M – There has been no Accountability Ad Hoc since the 1/20/22 presentations by the four Consultants/Auditors.

Brad H – Surprised that are honing in on one model. He thought Sonoma would be a forced deal. He really trusts Rick Armendariz. Thinks we need to get to the next level next month. He would like to hear from Dan.

Dan S – He spoke with the Police Officers Association representative from Anaheim about their model. Several things need to be looked at, especially relationship, to make it work. He indicated he was against subpoena powers for officers.

Brad H – The model in Anaheim is working with an executive director who would have access to information.

Solange A – Explained that the subpoena power is for documents in addition to witnesses. If an officer with administrative/possible criminal action pending against him/her is subpoenaed s/he has the ability and probably would be advised by his/her attorney to exercise his/her 5<sup>th</sup> amendment right against self-incrimination and refuse to testify if subpoenaed. The subpoena power for documents is very important, so any reviewing board has the ability to see the entire record. Without subpoena power, who makes the determination about which documents are/aren't produced?

Dan S - He indicated that legal things could be redacted. They can get a random sampling. They have checks and balances. Anaheim model doesn't have subpoena power.

Will K – He feels we need more information on the subpoena power.

Matthew M – From what he understands they need two things with accountability Measures: buy in and teeth with whatever review board model is adopted. His question about Anaheim is whether that have a role on the board whether it meets with committee members.

Solange A – She would like to see the statistics to see if complaints regarding racial bias have increased since they implemented their board. Are people more comfortable making complaints because there is a review board? She would also like to know how board decisions compare with Internal Affairs. In Riverside, Frank Hauptmann, the Independent Consultant, indicated that the consultant's decisions agreed with those of Internal Affairs 95% of the time.

Dan S – In Anaheim the Chief has the ultimate say on discipline. He is against a board that would have the ultimate say. There are good things about the Anaheim model.

Tom H – ACLU support the 5<sup>th</sup> amendment and subpoena power. He has questions on how the subpoena power would work with the district Attorney's office. He noted that Anaheim doesn't have a permanent auditor. They contract out. He noted that the Independent Auditor doesn't have the power to discipline officers.

Solange A – She noted that she is "old and slow," and everyone else is young and smart. She doesn't understand how the data/programs (Internal Affairs, District Attorney and Attorney General dovetail/interconnect with each other. She would like to see a flowchart.

Brad H – Made a comment about the police board.

Will K – It would be a good idea to try to get measures regarding effectiveness. We should get the police manual, and contrast the procedures with those of the policies/procedures of the independent auditor/review board.

Matthew M – He feels that the goal of accountability is to ensure that police who do the wrong thing are held accountable for their actions; that they are not getting off.

Thomas H – He feels that the purpose of the review board/independent auditor is not to punish or discipline. The Review Board can second guess the Chief's decision. The end goal is to build better relations/more trust.

Brad H – He also feels the purpose of the review board is not about discipline. It's about building trust--- to make people more comfortable if they have a complaint and to prevent future incidents.

Solange A – Indicated again she would like a flow chart showing how cases are run through the system.

End of Meeting

Meeting adjourned around 12:20 pm.