

**PUBLIC SAFETY  
COUNCIL COMMITTEE MEETING  
DECEMBER 15, 2020  
2:00 PM  
VIDEOCONFERENCE**

<b>Members Present:</b>	Councilmember Melissa Cabello Havrda, <i>Chair, District 6</i> Councilmember Jada Andrews-Sullivan, <i>District 2</i> Councilmember Rebecca Viagran, <i>District 3</i> Councilmember Ana Sandoval, <i>District 7</i> Councilmember Clayton Perry, <i>District 10</i>
<b>Members Absent:</b>	None
<b>Staff Present:</b>	Erik Walsh, <i>City Manager</i> ; María Villagómez, <i>Deputy City Manager</i> ; Liz Provencio, <i>First Assistant City Attorney</i> ; William P. McManus, <i>Chief of Police</i> ; Charles N. Hood, <i>Fire Chief</i> ; Jim Kopp, <i>Assistant City Attorney</i> ; Craig Hopkins, <i>Chief Information Officer, ITSD</i> ; Robert Blanton, <i>Chief of Staff, SAPD</i>
<b>Others Present:</b>	Joe Gonzales, <i>Bexar County District Attorney</i>

**Call to order**

Chairwoman Cabello Havrda called the meeting to order.

**1. Approval of minutes from the Public Safety Committee meeting on November 17, 2020**

Councilmember Perry moved to approve the minutes of the November 17, 2020 Public Safety Council Committee Meeting. Councilmember Sandoval seconded the motion. The motion carried unanimously.

**Public Comment**

**Written Testimony**

Public Comments have been submitted through the eComment system and are attached to the Minutes.

**Live Testimony**

Jennifer Falcon called for the release of body camera footage of the police interaction with Darrell Zemault Sr. She noted that City Council protected SAPD but not the constituents.

Celeste Brown stated that body camera footage release should be applied retroactively. She noted that the language of the body camera policy was not in line with body camera policies of other large Texas cities.

Gina Cramer stated that State records demonstrated that more people were killed at the hands of police in 2020 than in 2019. She noted that City Council would be held accountable during the election in May 2020.

Lexy Garcia stated that body camera footage release should be applied retroactively. She noted that passing an Ordinance on cite and release would prevent 11,000 arrests per year.

Sofia Lopez stated that now was the time to act to ensure that families get the body camera footage they deserved.

Indira Jasso stated that she had lost trust in the police department and called for complete transparency of the police department.

Steve Huerta stated that an Ordinance was needed for cite and release instead of a Resolution. He noted that citizens needed more than words from Councilmembers.

Debra Hernandez stated that according to Sheriff Salazar, 300 inmates at the present time could have been cited and released. She spoke of the cost of incarceration to the tax payer.

Scott Kanski spoke of the importance of having a cite and release Ordinance and the danger of not having one to brown and black communities. He noted the financial impact of arrests made for offenses which were eligible for cite and release.

Carolina Canizales Ramirez stated that limiting the availability of body camera footage was not transparency. She noted that citizens deserved an Ordinance for cite and release.

Yaneth Flores stated that she was appalled by the lack of action by the City Council. She spoke in favor of a cite and release Ordinance.

Jacob Tucker stated the Texas had the highest incarceration rate in the U.S. with a disproportionate amount of black, brown, LGBTQ, and poor individuals incarcerated. He spoke in support of a cite and release Ordinance.

Katy Murdza requested a cite and release Ordinance and for the body-worn camera policy to be retroactive from January 2020. She called for a change to the entire criminal justice policy.

## **Items for Consideration**

### **2. Update on Police Services Review. [Maria Villagomez. Deputy City Manager]**

Deputy City Manager Maria Villagomez reported that the San Antonio Police Department (SAPD) was the largest of 15 police agencies to participate in the National 21<sup>st</sup> Century Policing Initiative. She stated that as a result, SAPD incorporated recommendations made by the initiative into the areas of building trust, community policing, crime reduction, and Officer training, safety, and wellness.

Ms. Villagomez stated that in August 2020, the City Manager introduced a framework to review and analyze police service response. She noted that the framework was focused on addressing foundational issues, community expectations of the department, and community input and service alternatives. She indicated that the City and SAPD had made improvements to enhance police response to calls for service. She highlighted the following policy updates accomplished since June 2020:

- Updated Use of Force Policy containing requirements that:
  - All use of force be reported

- Bans shooting at moving vehicles
- Warning before shooting
- Exhaust all alternatives before shooting
- Prohibiting Lateral Vascular Neck Restraint (LVNR) sometimes referred to as chokeholds
- Prohibiting No Knock Warrants for both search and arrest warrants
- Escalated Mental Health Crisis Call Protocol

Ms. Villagomez reported that in addition to the annual 40-hour training requirement, the Police Chief increased the training frequency beginning in October 2020 with short videos highlighting:

- De-escalation
- Arrogance of authority
- Escalated mental health crisis
- Procedural justice
- Duty to intervene
- Interactions with the LGBTQ community
- Dealing with sexual assault victims

Ms. Villagomez stated that Chief McManus reviewed the SAPD Body Worn Camera Policy and established a process for the Release of Critical Incident video and 9-1-1 recordings within 60 days. She indicated that the SAPD website was updated in August 2020 to provide easier access to:

- Officer Involved Shooting Reports
- Racial Profiling Annual Reports
- Internal Affairs Annual Reports
- Officer demographics
- Policies and procedures
- Arbitrations and Settlement Agreements

Ms. Villagomez presented the work to be accomplished in the upcoming months:

<b>Foundational Issues</b>			<b>Service expectations and response alternatives</b>		
Prioritize discipline changes for CBA negotiations	Enhance information provided to public (website)	3 <sup>rd</sup> party review of recruitment strategies aimed to increase racial and gender diversity	Determine expectations of community in regard to police encounters	Strengthen mental health response	Identify response continuum, non-Officer responders and funding sources

Ms. Villagomez stated that staff would work with the Public Safety Committee on the work plan and updates would be provided to the City Council from January-August 2021. She noted that as the City goes through the Budget process, staff would align recommendations and funding sources or funding requests associated with the review with the FY 2022 Budget. She indicated that in June 2020, Mayor Nirenberg charged the

Community Health and Equity Committee and the Intergovernmental Relations Committee with certain police-related topics and their work would be brought before the Public Safety Committee.

Ms. Villagomez reported that City Manager Erik Walsh had assembled a Senior Executive Team:

Assistant City Manager Dr. Colleen Bridger  
Assistant City Manager David McCary  
City Attorney Andy Segovia  
DHS Director Melody Woosley  
GPA Director Jeff Coyle  
Chief McManus

She indicated that the Team would be headed by herself and would be supported by other city staff.

Ms. Villagomez reported that the next steps included:

- Priorities for CBA negotiations-discussion with City Council
- Contract with Meadow Mental Health Policy Institute for assessment of mental health response and other alternative model
- Present to the Public Safety Committee:
  - Draft Community Survey
  - Detailed schedule of community meetings and stakeholder group meetings

Chairwoman Cabello Havrda asked of the strategies of the third-party review. Ms. Villagomez stated that the intent was to engage an expert to review the different practices of SAPD as it related to recruitment of women and minorities with a goal of increasing gender equity and racial diversity. Chairwoman Cabello Havrda asked if this would apply to SAFD. Ms. Villagomez replied that SAFD practices would be reviewed separately.

Councilmember Andrews-Sullivan asked of the plans for public engagement. Ms. Villagomez stated that plans for public engagement included community meetings with Homeowner Associations, COPS Metro, SAStands, the Texas Organizing Project (TOP), interfaith organizations, and business organizations.

Councilmember Viagran asked why the Team did not include a representative from the Office of Equity. Ms. Villagomez stated that Assistant City Manager David McCary provided oversight of the Office of Equity and the Office of Equity would be engaged in efforts.

Councilmember Sandoval asked how a culture shift could advance and be measured in SAPD. Chief McManus stated that the culture shift was increasing and provided recent examples of de-escalation techniques utilized by Officers.

Councilmember Perry asked if input would be gathered from the San Antonio Police Officers Association (SAPOA) Ms. Villagomez stated that there were plans to engage the Labor Relations Committee, which included SAPOA Members and Police Officers. Councilmember Perry requested a draft of the survey before it was distributed.

Chairwoman Cabello Havrda asked of the structure of the work of the three committees. Ms. Villagomez reported that the Community Health and Equity Committee would evaluate policing practices to help

promote race and gender equity in the community and review mental health de-escalation measures. Ms. Villagomez indicated that the Intergovernmental Relations Committee was charged with developing a legislative agenda which would address public safety unions, qualified immunity, and transparency. She noted that the Public Safety Committee was charged with reviewing and finalizing the “8 Can’t Wait” policies, reviewing community policing programs, the use of force policy, and crowd dispersal tactics. She added that she would coordinate the work of the committees.

Councilmember Andrews-Sullivan asked of enhancements on the website for the public. Ms. Villagomez stated that a dashboard could be utilized which would make it easier to access data and staff would work with the Information Technology Services Department (ITSD) to create that. She added that input would be gathered from the public on what data should be enhanced.

Councilmember Viagran suggested that a representative from the Office of Innovation be added to the Team.

Councilmember Sandoval suggested that stakeholders test the enhancements made to the website.

Item 4 was addressed at this time.

**4. Briefing and possible action on the Cite and Release Quarterly Report.** [Maria Villagomez, Deputy City Manager; William P. McManus, Chief of Police]

Bexar County District Attorney Joe Gonzales reported that in the first year of the Cite and Release Program, there were approximately 3,400 individuals who were cited and released. He stated that this resulted in savings to Bexar County of \$1.8 million in booking costs and approximately \$400,000 in court appointed fees. He indicated that the Program was a success due to the Officer’s ability to exercise discretion in making decisions about which individuals to cite.

Councilmember Andrews-Sullivan asked of the new process implemented by the District Attorney’s Office that dealt with equity. Mr. Gonzales reported that the new Civil Rights Division would review Officer-involved shootings and claims of excessive use of force to determine if there was probable cause to believe that a crime had been committed.

Councilmember Viagran noted that an increase in street racing had been seen in her community. She stated that of 25 arrests made, 17 were rejected. She spoke of violent crime in the community.

Councilmember Perry stated that he would send the District Attorney a letter addressing his questions. Mr. Gonzales invited Councilmember Perry to review the Bexar County dashboard for answers to some of his questions.

Ms. Villagomez stated that the reporting period for the Cite and Release 1<sup>st</sup> Quarter Report was from July 1, 2020 through September 30, 2020.

Chief McManus reviewed the four step process for cite and release:

1. Individual contacted by Officer and citation issued
2. Individual reports to the Bexar County re-entry center within 30 days
3. Individual enrolls in assigned program
4. Successful program completion

Chief McManus reported that there were 1,434 police encounters and of those encounters, 834 had outstanding warrants or multiple charges and were not eligible for cite and release. He noted that the remaining 600 encounters were eligible for cite and release and of those, 505 were cited and 95 were arrested.

Chief McManus stated that out of the 600 encounters which were eligible for cite and release, 66% were Hispanic, 18% were white, and 15% were African-American. He provided a comparison of arrests and citations for the first quarter in year one and two of the program:

<b>Arrests and Citations</b>	<b>Year 1 1<sup>st</sup> quarter 2019</b>	<b>Year 2 1<sup>st</sup> quarter 2020</b>
Arrests	975	929
Citations/release	534	505
<b>Total</b>	<b>1,509</b>	<b>1,434</b>

Chief McManus presented the percentage of arrests by age:

<b>Age Range</b>	<b>Qtr. 1 Offense 2019</b>	<b>Qtr. 2 Offense 2020</b>
<20	14.5%	15.2%
21 – 30	39.5%	38.3%
31 – 40	28.6%	26.4%
41 – 50	11.8%	13.9%
51 – 60	4.6%	4.6%
61 – 70	0.8%	1.4%
70+	0.2%	0.2%

Chief McManus reported that over 50% of total offenses were committed by individuals under the age of 30. He reviewed the offenses by gender:

	<b>Female</b>	<b>Male</b>
Total Offenses	26%	74%
Arrests	27%	73%
Citation/Other Release	24%	76%

Chief McManus reviewed the number of citations issued by service area, arrests by offense type, and the reasons for custodial arrest. He reported that the West Service Area had the highest percentage of citations issued at 41%. He stated that the majority of offenses were for possession of marijuana, Class A and Class B. He added that 89% of arrests were for outstanding warrants or for multiple charges.

Chief McManus reported that the largest reduction of Officer time spent on calls were for Class B Theft and possession of marijuana.

Chairwoman Cabello Havrda asked if there were any other offenses which would be recommended to add to the list of those eligible for cite and release. Chief McManus stated that he was not in favor of adding any offenses where victims were involved. Chairwoman Cabello Havrda stated that she would like to work with Chief McManus on expanding the number of offenses eligible for cite and release.

Councilmember Perry asked for the number of arrests presented to the Bexar County Magistrate which were released. Chief McManus replied that he would get that information from the District Attorney. Councilmember Perry asked for the number of repeat Offender arrests. Chief McManus replied that there were 74 repeat Offender arrests. Councilmember Perry requested a monthly update on crime statistics and fire incidents at the Public Safety Committee meetings.

Councilmember Sandoval asked of the limitations of passing an Ordinance for cite and release. First Assistant City Attorney Liz Provencio stated that cite and release specific to statutory provisions provided the ability to cite and release governed by State law and the City Charter provision places the operation of SAPD under the purview of the City Manager and the provision prohibited the City Council from directing personnel that were under the purview of the City Manager. She added that this would make it impossible to have an effective Ordinance for cite and release.

Councilmember Viagran requested an update by the Presiding Judge at a Public Safety Committee meeting.

Councilmember Andrews-Sullivan stated that she would like to see how the 74 repeat Offenders corresponded with the increase in violence. Chief McManus stated that he would provide that information.

### **3. Briefing on updates to the San Antonio Police Department Body Worn Camera Procedures.**

[Maria Villagomez, Deputy City Manager; William P. McManus, Chief of Police]

Chief McManus reported that in response to heightened public interest, SAPD completed a review of its Body Worn Camera (BWC) policies. He stated that SAPD completed a policy review of BWC policies of other major cities and existing State law. He noted that as a result of the review, SAPD revised its BWC policy to establish a procedure for releasing audio/video recordings of future critical incidents to enhance transparency.

Chief McManus stated that the City of Austin had a BWC release policy of 60 days; the City of Dallas had a BWC release policy of 72 hours; the City of Phoenix had a BWC release policy of from 45 -60 days; and the City of Sacramento had a BWC release policy where recordings could only be withheld during an active criminal or administrative investigation, and for no longer that 45 days. He added that as of October 1, 2020, the cities of Houston, Fort Worth, and El Paso did not have a written policy regarding release of BWC.

Chief McManus reported that the BWC policy revisions defined critical incidents as:

- Officer-involved shooting that cause serious bodily injury or death
- Use of force by an Officer that results in death or serious bodily injury
- Any other police encounter where the Chief of Police determines that release serves a law enforcement purpose

Chief Mc Manus added that the BWC policy revisions excluded incidents where domestic violence was involved or suspected, and incidents with juvenile subjects.

Chief McManus stated that the BWC policy revisions included a timeline for release in compliance with State law and presumed release on the SAPD website within 60 days following the critical incident. He indicated that the release could include the 9-1-1 call, witness statements, and a narrative. He noted that the Chief of Police could hold the release beyond 60 days but must state the reason(s) why such as to protect

the safety of the individuals involved, to protect the integrity of an active investigation, to protect confidential sources, and to protect the constitutional rights of the accused.

Chief McManus reported that 24 to 72 hours prior to release, notice would be given to:

- Officers depicted in the recording
- Subject upon whom force was used, or the subject's legal counsel, if applicable
- Next of kin, if subject was deceased
- City Manager
- City Attorney
- District Attorney's Office

Chief McManus added that the City Manager would notify the Mayor and City Council and the policy revisions would take effect on December 21, 2020 and would apply to all future incidents.

Chairwoman Cabello Havrda asked if the revised policies could be applied retroactively. Chief McManus replied that an effective date was set because releasing the BWC required staffing resources. Chairwoman Cabello Havrda stated that she would like to continue discussions on making the policy revisions retroactive.

Councilmember Sandoval asked if public input was gathered regarding the policy revisions. Ms. Villagomez replied that Chief McManus consulted with partners dealing with domestic violence.

Councilmember Viagran stated that the policy revisions should be retroactive to January 1, 2020. She asked of the context of what was released. Ms. Villagomez indicated that staff could come back to the Committee to explain how the procedure would work. Chairwoman Cabello Havrda requested that staff provide that information.

Councilmember Andrews-Sullivan asked of the steps to be taken by families to see the entire video. Chief McManus replied that the requestor should contact the Homicide Division and the request would be approved through the Police Chief's Office. He noted that the raw footage would have to be redacted by law. Councilmember Andrews-Sullivan requested a discussion on how the video was presented.

### **Consideration of items for future meetings**

There were no items considered for future meetings.

### **Adjourn**

There being no further discussion, the meeting was adjourned at 4:40 pm.

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*Melissa Cabello Havrda, Chair*

*Respectfully Submitted*

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*Denice F. Trevino, Office of the City Clerk*