



Investigation and Discipline of Police Conduct Officer Training Police-Community Relations

City Council "B" Session
June 10, 2020



LEGAL FRAMEWORK

Investigation and Discipline
of Police Conduct

Parameters of Employment of San Antonio Police Officers

Texas Local
Government
Code
Chapter 143

Texas Local
Government
Code
Chapter 174

Collective
Bargaining
Agreement

Texas Local Government Code Chapter 143

- Provides Civil Service protections to fire and police employees
- Sets out requirements for hiring, promotion, terms of employments, discipline and termination
- San Antonio voters adopted Act in 1947
- May be repealed by election upon petition

Texas Local Government Code Chapter 174

- Enables police officers and firefighters to collectively bargain
- San Antonio voters adopted Act in 1974
- May be repealed by election upon petition
- City of San Antonio has been collectively bargaining with San Antonio Police Officers Association (SAPOA) since 1974



COLLECTIVE BARGAINING AGREEMENT

- Negotiated between SAPOA and the City
- May alter terms of Chapter 143 by agreement
- Current contract expires in September 30, 2021
- If parties cannot come to agreement, negotiations may be subject to mediation and/or arbitration

City Discipline Priorities in last CBA

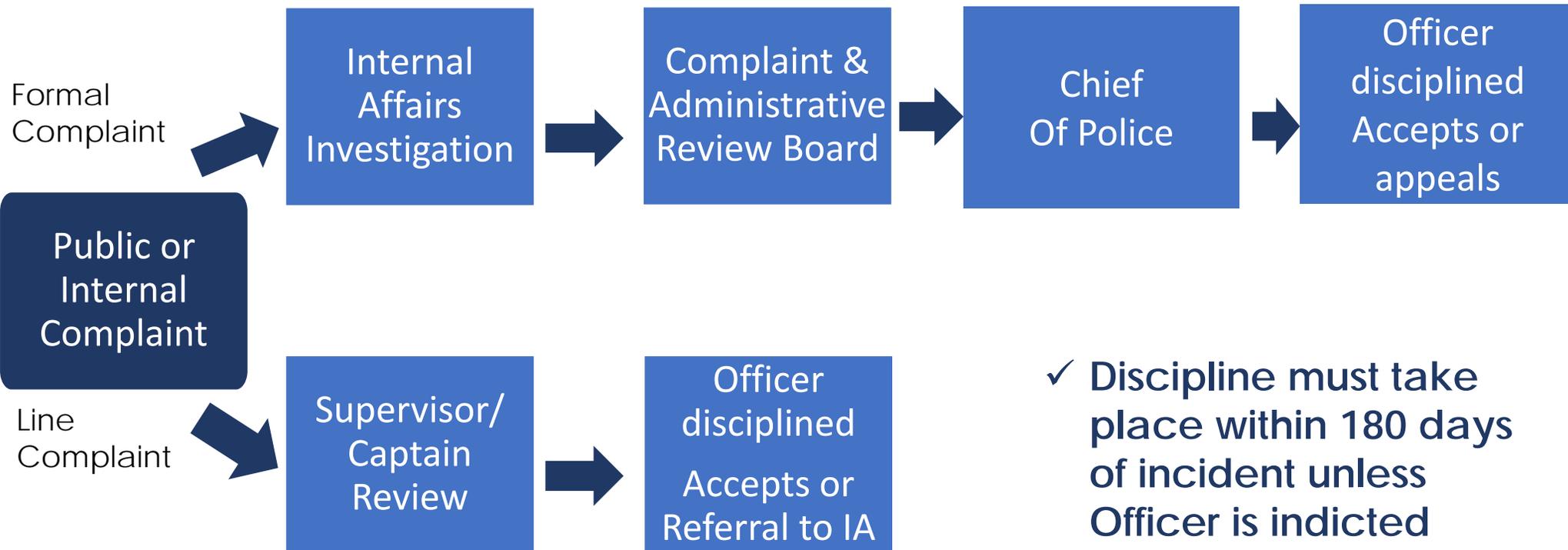
- 1** Prior Officer Misconduct
- 2** Eliminate 180 Day Limitation
- 3** Remove Requirement to Reduce Agreed Short Suspensions to Reprimands
- 4** Internal Affairs Procedures and Investigation of Discipline Cases
- 5** Eliminate Officers Forfeiture of Leave Time to Satisfy Suspension
- 6** Officers Charged with Crimes
- 7** Back Pay for Disciplined and Indicted Officers

Discipline Process

- Regulated by CBA and Chapter 143
- Discipline starts with complaints from the community and from the Department
- Formal Complaints are investigated by Internal Affairs



Complaint Process



CBA Provides a Police Officer.....

48 Hour Notice
prior to contact
by Internal
Affairs

Attorney, Supervisor,
or Union
Representative
during questioning

View all
evidence prior
to questioning

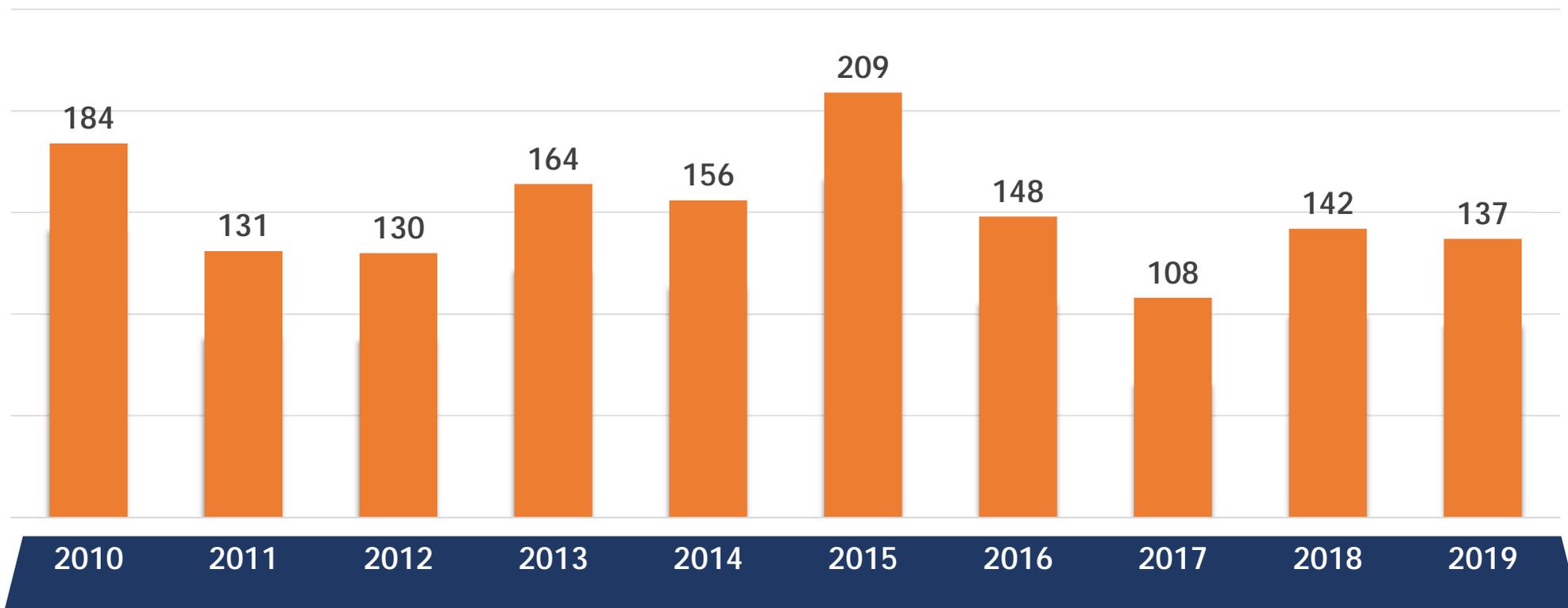
Meet with Chief
to discuss
contemplated
discipline

Appeal Chief's
decision to an
Arbitrator

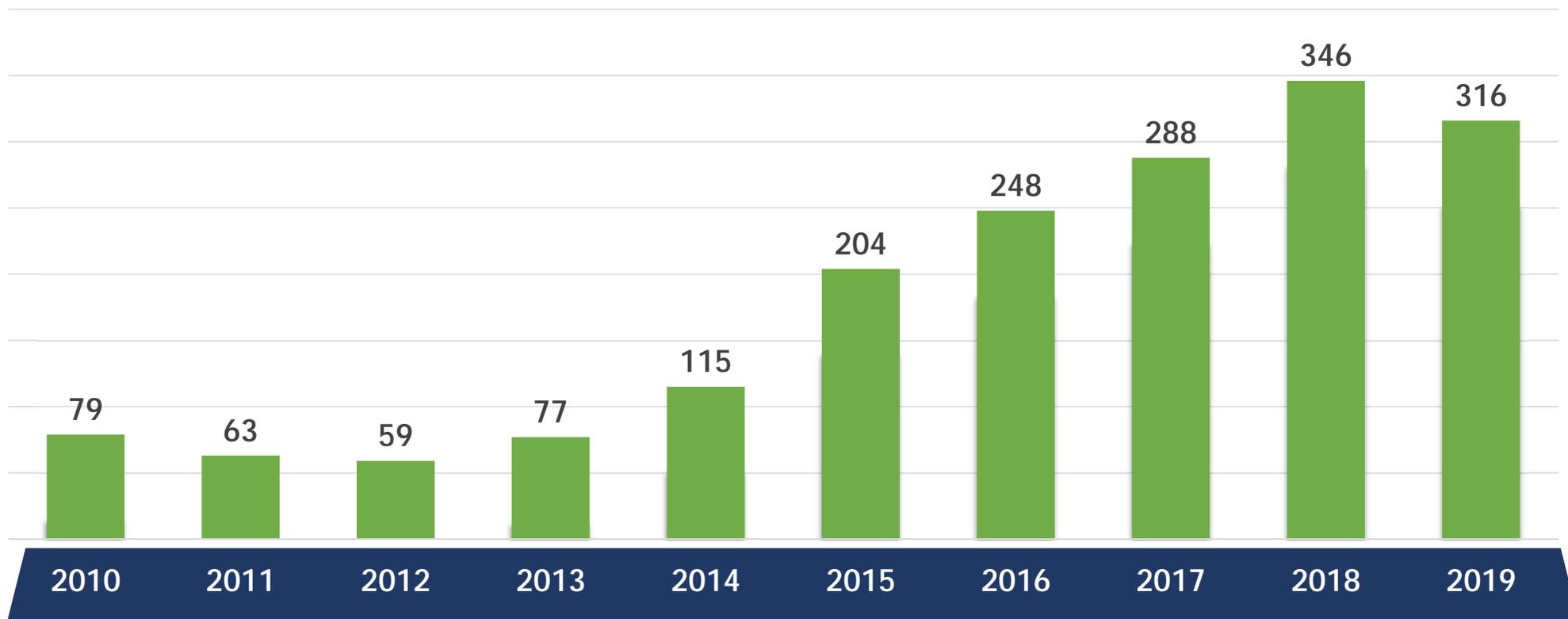
Internal Affairs Unit

- Comprised of 1 captain, 1 lieutenant, 12 sergeants, 1 officer and 2 civilian support personnel
- Receives and investigates complaints against police officers
- Collects facts and conducts interviews
 - Takes sworn statements
 - When appropriate, medical records are examined, physical evidence is gathered, and photographs may be taken
 - Those involved may be required to take a polygraph examination
- Once investigation is completed, the case is forwarded to the Complaint and Administrative Review Board

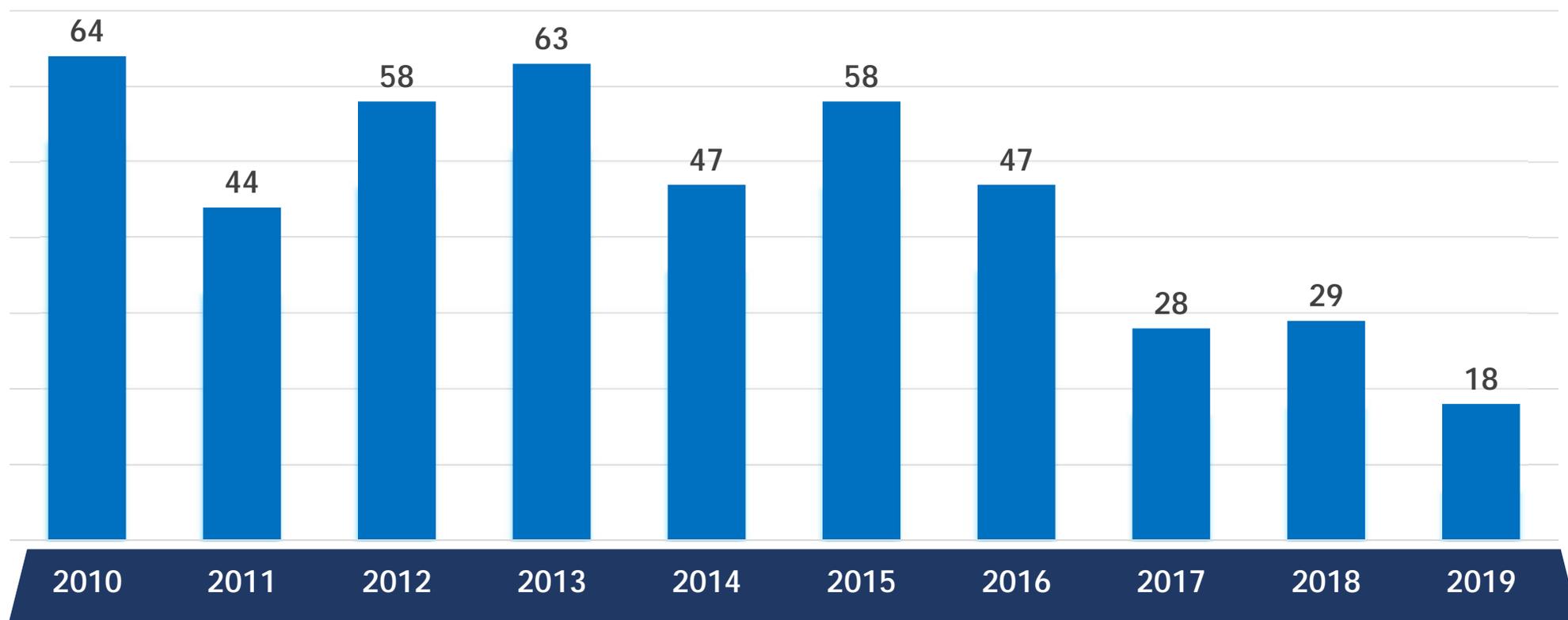
Formal Investigations & Administrative reviews conducted by Internal Affairs



Line Complaints Received and Reviewed



Use of Force Complaints Received & Investigated

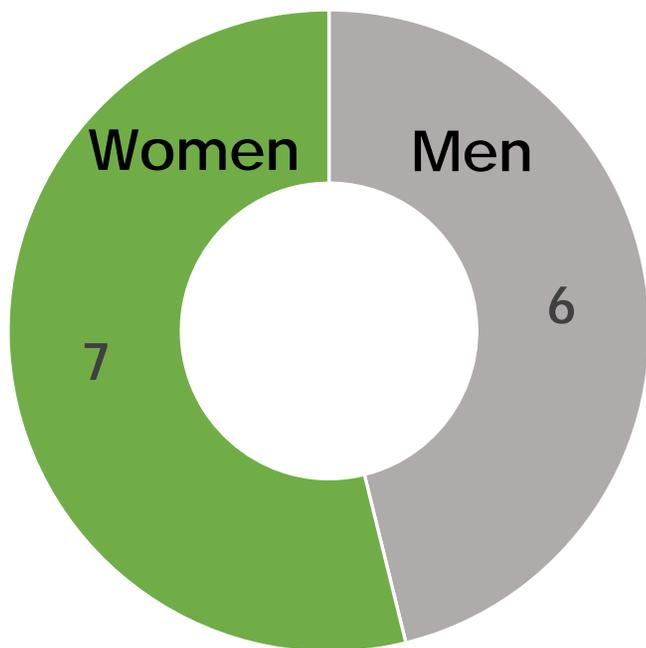


Complaint and Administrative Review Board (CARB)

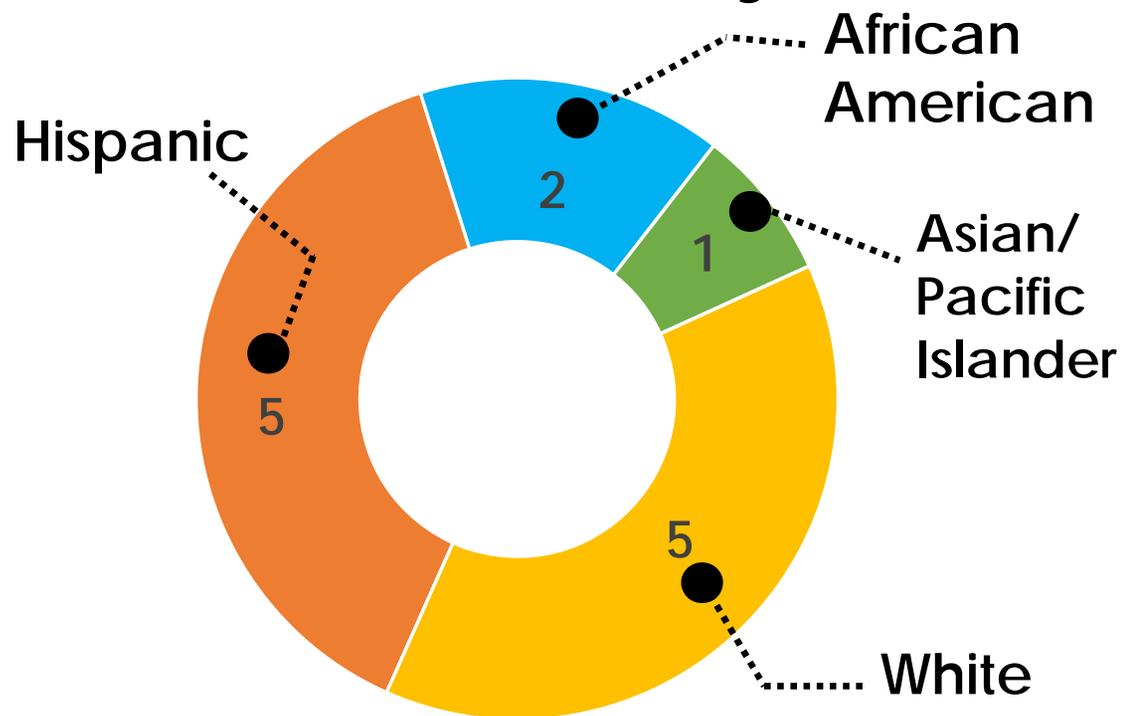
- Comprised of Seven Civilians and Seven Police Officers
- Authorized by CBA, hears investigations completed by Internal Affairs on complaints against police officers
- Makes Disciplinary recommendation to Police Chief

Civilian Board Members Demographics: 13 Members

Gender



Race/Ethnicity



Police Chief Issues Discipline

Reviews Investigation
and CARB
recommendation



CBA Limits how far
back Chief can rely
on prior misconduct



If Issue Contemplated
Discipline Officer
allowed due process
through "Loudermill"
hearing



At Loudermill Hearing
Officer provides
exculpatory or
mitigating facts in
support of lesser
discipline



Chief serves final
discipline



Officer May appeal
discipline in writing to
Human Resources
Department within 15
days

Officer Appeal Process

- Arbitrator is selected by City and Union from a list of Seven AAA Arbitrators
- CBA Allows for limited discovery process
- City has burden of proof
- Police Officers often use “comparators” (discipline issued to other officers)
- City is generally limited in bringing evidence of prior bad acts
- CBA allows Arbitrator to impose discipline for any amount of time deemed just by Arbitrator
- City’s appeal of Arbitrator’s award are strictly limited

Reinstatement of Police Officer

Officers deemed unsuitable to return to service in the field are assigned to administrative positions with little to no interaction with the public

8 Can't Wait Police Recommendations

Major Texas City Policy Comparison

City	8 Can't Wait Score	EXHAUST ALL ALTERNATIVE BEFORE SHOOTING	REQUIRE ALL USE OF FORCE BE REPORTED	BAN CHOCKHOLDS & STRANGLEHOLDS	ESTABLISH USE OF FORCE CONTINUUM	REQUIRE DE-ESCALATION	DUTY TO INTERVENE	BAN SHOOTING AT MOVING VEHICLES	REQUIRE WARNING BEFORE SHOOTING
San Antonio	4			✓	✓	✓	✓		
Dallas	4	✓	✓		✓	✓			
Austin	3				✓		✓		✓
Houston	3		✓		✓		✓		
El Paso	3	✓			✓				✓

Source: www.8cantwait.org

8 Can't Wait Recommendations

Exhaust All Alternatives Before Shooting



Current SAPD Use of Force Policy

- Deadly force is authorized only to protect an officer or another person from what is reasonably believed to be an immediate threat of death or serious bodily injury.
- Use of Force Continuum

8 Can't Wait Recommendations

Require all Use of Force be Reported

Current SAPD Use of Force Policy

The image shows a screenshot of a San Antonio Police Department (SAPD) Police Report form. The form is titled "POLICE REPORT" and includes the SAPD logo. It contains various fields for case information, including "Offense Code #", "OFFENSE TYPE", "SAPD DIVISION", "OFFENSE", "SAPD DATE REPORTED", "REPORT END TO - \$1,000", "SAPD TIME REPORTED", and "SAPD DATE REPORTED". The form also includes sections for "Suspect Information", "Victim Information", "Witness Information", and "Officer Information". A large blue box with white text "Current SAPD Use of Force Policy" is overlaid on the form.

- All use of force is reported in the officer's Departmental report; and
- Additional report required if:
 - Greater than empty hand control
 - Injury which requires medical treatment
 - Causes death to an individual
 - Discharging a firearm to an individual
 - Use of an intermediate weapon
 - When Police dog bites individual

8 Can't Wait Recommendations

Ban Shootings at Moving Vehicles



**Current SAPD Use of
Force Policy**

- SAPD prohibits officers shooting at a moving vehicle except as the ultimate measure of self-defense or defense of another

8 Can't Wait Recommendations

Require Warning Before Shooting



Current SAPD Use of Force Policy

- De-escalation policy requires officers to de-escalate tense situations to reduce the need for force through:
 - Warnings
 - Advisements
 - Verbal Persuasion
 - Tactics



Serving San Antonio

Officer Training

SAPD Promotes Accountability

Accountable for all official acts of its officers

Holds officers to a high standard of conduct and discipline

Strives to achieve trust and confidence with San Antonio residents

This is how we promote Accountability



- Cadet Training & In-Service Officer Training
 - Cultural Diversity & Implicit Bias
 - De-escalation & Crisis Intervention
 - Use of Force and Tactics
 - General Manual and Rules and Regulations
- Body-worn camera
- Policy updates
- Supervisory oversight
- Community Engagement

Officer Wellness and Support

Recognized as National Model by Department of Justice

- Psychiatric Services
- Performance Recovery Optimization
- Officer Concern Program



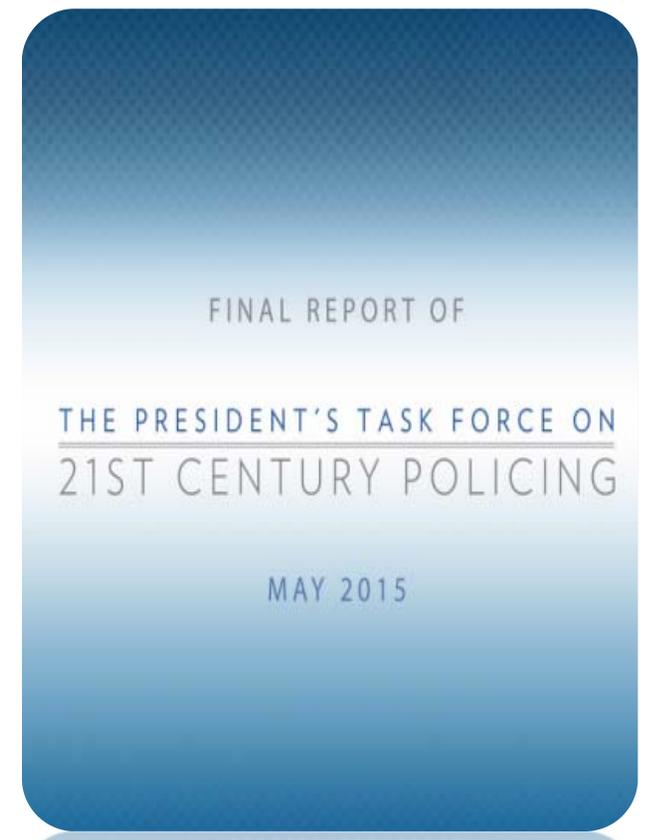


Serving San Antonio

21st Century Policing

President's Task Force on 21st Century Policing

- Created by President Obama to strengthen police –community relations
- Task force identified 76 recommendations
- Law enforcement agencies encouraged to implement recommendations
- Subcommittees comprised of officers and community leaders reviewed SAPD policies



21st Century Policing Pillars

**Building
Trust &
Legitimacy**

**Technology &
Social Media**

**Training &
Education**

**Policy &
Oversight**

**Community
Policing &
Crime
Reduction**

**Officer
Wellness &
Safety**



Advancing 21st Century Policing Initiative

- Meets or exceeds recommendations within Presidential Commission on Advancing 21st Century Policing Report (73 of 76 recommendations)
- Largest of 15 police agencies selected to participate in initiative
- Recognized as a national model for community policing, officer wellness and training





Serving San Antonio

Community
Engagement

Public Safety Roundtables



Community Engagement Citizen Engagement Group

- Meets quarterly to discuss public safety issues and collaborate on various outreach projects and solicit input from community stakeholders

- ✓ San Antonio Chamber
- ✓ Hispanic Chamber
- ✓ LGBTQ+ Community
- ✓ San Antonio Apartment Association
- ✓ UTSA Office of the President
- ✓ Alamo Colleges Office of the President
- ✓ Education Service Center Region 20

- ✓ NAACP
- ✓ Family Violence Prevention Services
- ✓ San Antonio Children's Shelter
- ✓ Northwest Neighborhood Alliance
- ✓ Marco Barros Management
- ✓ Business Owner – N. Main Strip

Community Engagement Team



Proactively establishes contact with individuals in high crime areas in an effort to facilitate delivery of support services and to prevent criminal activity

Violence
Intervention

Victim
Advocacy

Community
Engagement

Community Outreach

**Success Through
Respect**

**Handle
with Care**

**SAISD Community
First Responders
Program**

**Student
Community
Leadership Mentor
Program**

**Archdiocese
Outreach**

**Apartment
Community
Outreach**

**NAACP Quarterly
Executive Board
Meeting**

**Neighborhood
Crime Prevention
Program**

Next Steps

- ✓ City Council Public Safety Committee Listening Sessions
- ✓ FY 2021 SAPD Equity & Gender Diversity Training
- ✓ Coordinate and finalize review of outstanding 8 can't wait policies
- ✓ Maintain Officer Accountability
- ✓ Continue to Benchmark Policies with Best Practices
- ✓ Establish CBA and State Legislative Priorities



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