

**PUBLIC SAFETY
COUNCIL COMMITTEE MEETING
SEPTEMBER 11, 2020
1:00 PM
VIDEOCONFERENCE**

Members Present:	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>
Members Absent:	None
Staff Present:	Andy Segovia, <i>City Attorney</i> ; Liz Provencio, <i>First Assistant City Attorney</i> ; María Villagómez, <i>Deputy City Manager</i> ; William P. McManus, <i>Chief of Police</i> ; Jim Kopp, <i>Assistant City Attorney</i>

Call to order

Chairwoman Cabello Havrda called the meeting to order. She led the meeting in a moment of silence to remember the 2,977 individuals who died on September 11, 2001, with many responding as Firefighters and Police Officers.

1. Approval of minutes from the Public Safety Committee meeting on August 25, 2020

Councilmember Perry moved to approve the minutes of the August 25, 2020 Public Safety Council Committee Meeting. Councilmember Viagran seconded the motion. The motion carried unanimously.

Public Comment

Chairwoman Havrda called upon the citizens registered to speak.

James Dykman requested that the Committee discuss options for obtaining public records on votes made by the Complaint and Administrative Review Board (CARB) to increase transparency.

Ananda Tomas stated that SAPD should ban the use of any chokeholds, strangleholds, bloodholds, use of military-grade equipment, and no-knock warrants. She noted that SAPD should establish an early intervention system to correct Police Officers who use excessive force. She stated that SA Stands had requested that City leaders pass a Cite and Release Ordinance since 2018 which would prevent an average of 11,000 arrests per year.

Celeste Brown noted that the CARB was advisory in nature and was meant to pacify without enacting change. She requested that the City fund areas which meant the most to residents.

Written Testimony

Public comments have been submitted through the eComment System and are attached to the minutes.

Items for Consideration

2. Briefing on the SAPD Use of Force Policy [Maria Villagómez, Deputy City Manager; William P. McManus, Chief of Police]

Chief of Police William McManus reported that de-escalation training began in 2014 and had evolved ever since. He stated that Police Officers were required to de-escalate tense situations to reduce the need for force through: 1) Warnings; 2) Advisements; 3) Verbal persuasion; and 4) Tactics. He noted that the San Antonio Police Department (SAPD) required that all use of force be reported. He indicated that it was then reviewed through the Police Officer's chain of command and submitted to Internal Affairs. He stated that if the Use of Force Policy was violated, it would be investigated by Internal Affairs and corrective action would be taken. He added that when applicable, the use of force violation would be sent to the District Attorney's Office and a civil rights violation would be sent to the Federal Bureau of Investigation (FBI).

Chief McManus presented the Use of Force Continuum:

	Compliant (Cooperative)	Passive resistant	Active Resistant	Imminent assault (Bodily injury)	Imminent serious bodily injury/death
Officer's presence	√	√	√	√	√
Verbal communications	√	√	√	√	√
Open/empty hands control		√		√	√
Physical force			√	√	√
Intermediate weapon			√	√	√
Deadly force					√

Chief McManus clarified that the Use of Force Continuum did not have to occur in that order. He reported that the Police Cadet curriculum included 84 training hours on de-escalation, crisis intervention, communication skills, public interaction, and multiculturalism. He added that SAPD was implementing monthly virtual training for Police Officers to focus on key topics.

Chief McManus stated that in 2016, SAPD implemented the Body Worn Camera (BWC) Program. He noted that Police Officers were required to turn on their BWC to record public interactions related to official police duties. He indicated that supervisory officers must review BWC videos

for each Police Officer quarterly. He stated that corrective action was taken when a Police Officer was not in compliance with the BWC mandate.

Chief McManus reviewed the use of force incidents and violations from 2015-2019 and noted that both had declined. He stated that SAPD was awaiting the results of the four “8 Can’t Wait” recommendations submitted to Campaign Zero which were: 1) Exhaust all alternatives before shooting; 2) Require all use of force be reported; 3) Ban shooting at moving vehicles; and 4) Require warning before shooting. He reported that in June 2020, SAPD enhanced its use of force reporting requirements, refined its policy on shooting at moving vehicles, expanded its policy on warning before shooting, and expanded its policy on exhausting all alternatives before shooting.

Chief McManus stated that in September 2020, SAPD commissioned a review of the Use of Force Policy and Robert Stewart of Bobcat Consulting reviewed it and changed some of the language to provide more clarity. He noted that Mr. Stewart concurred with the policies as written.

Chief McManus reviewed the “8 Can’t Wait” recommendations. He reported that in 2014, SAPD banned the use of chokeholds and in September 2020, the use of a Lateral Vascular Neck Restraint (LVNR) was prohibited and there were no exceptions to that.

Chief McManus stated that the requirement for de-escalation was incorporated into the SAPD General Manual in 2014. He indicated that Police Officers and Police Cadets received extensive training on de-escalation techniques to ensure that Police Officers were able to effectively interact with victims, offenders, and individuals in crisis. He added that all Police Cadets received de-escalation and crisis intervention training.

Chief McManus stated that the duty to intervene mandated Police Officers to step in and stop any case where they witness what they know to be excessive force or any other abuse of a suspect or arrestee. He indicated that Police Officers must immediately report observations to a supervisor.

Chief McManus stated that Police Officers must exhaust all alternatives before shooting. He noted that SAPD placed greater value on human life than personal property and deadly force would be used with great restraint. He indicated that deadly force would be used as a last resort only when the level of resistance warranted its use and use of deadly force was not allowed in order to protect property interests.

Chief McManus reported that Police Officers were required to issue a verbal warning before use of deadly force, including shooting. He noted that deadly force was to be used with great restraint and as a last resort when the level of resistance or threat warranted it.

Chief McManus stated that SAPD required that all use of force be reported. He noted that any use of force greater than open/empty hand control technique and any force used by a Police Officer causes injury to an individual, an individual’s report of injury, injury that required medical treatment, pointing of a firearm at any individual, and caused death to an individual must be reported.

Chief McManus reported that SAPD banned shooting at moving vehicles unless action was necessary for self-defense or to protect another person.

Chief McManus stated that SAPD finalized revisions to the Operations Manual on September 4, 2020 with the updated policy which prohibited no-knock warrants for the execution of search warrants and prohibited the execution of no-knock arrest warrants.

Chief McManus reported that an Escalated Mental Health Crisis Call Protocol was put in place last week and applied to calls where weapons were involved, and violence was occurring or had occurred. He indicated that the main objective was to limit the likelihood that the encounter would escalate further and to provide a peaceful resolution to the call. He stated that discussions had begun between the City Manager, Bexar County, and University Health System (UHS) regarding how they could work together to provide a mental health response group to help families in these situations. He added that other partners would be included in the discussions.

Chairwoman Cabello Havrda stated that the COVID-19 Pandemic had exposed various social needs that had been underfunded and undiscussed for too long. She recognized the community groups that she had worked with. She noted that she hoped that the steps SAPD took to prohibit no-knock search and arrest warrants and LVNR made everyone safer.

Councilmember Perry asked if State policies aligned with the SAPD policy on deadly force and the use of chokeholds. City Attorney Andy Segovia stated that he was not aware of any position taken by the State. He indicated that local jurisdictions developed their own policies and procedures related to the use of force. He added that SAPD policies on the use of force were aligned with many major cities.

Councilmember Sandoval asked of the process for submitting a use of force violation to the District Attorney. Chief McManus stated that if a use of force violation was deemed criminal it would be sent to the District Attorney for review and it would be up to his office to determine whether criminal behavior occurred. Councilmember Sandoval requested information on how a complaint by a citizen was processed.

Councilmember Viagran asked what corrective action would be taken against a Police Officer for not turning on their BWC. Chief McManus replied that for the first violation the Police Officer would be counseled and for the second violation the Police Officer would receive a reprimand.

Councilmember Andrews-Sullivan asked what programs could be put in place to distinguish veterans returning from war. City Attorney Segovia stated that there were no such programs but the City could investigate that. Councilmember Andrews-Sullivan asked if the City could work with the Bexar County Veteran Affairs Office and/or the Texas Department of Public Safety to identify war veterans.

Chairwoman Cabello Havrda asked if early intervention was performed for Police Officers who have shown a propensity for excessive use of force. Chief McManus replied that there was a program for that.

3. Briefing on the Cite and Release Annual Report [Maria Villagómez, Deputy City Manager; William P. McManus, Chief of Police]

Chief McManus stated that the Police Officer would confirm whether or not the offense would qualify for cite and release. He noted that the Police Officer would then determine whether to make a custodial arrest or to cite and release based on observed circumstances and past participation. He added that if an individual was cited, the ticket would instruct the individual to report to the Re-entry Center within a set timeframe.

Chief McManus reported that 4,143 arrests were made from July 1, 2019 to June 30, 2020 and 2,304 citations were issued during the same time period. He presented the total citations and arrests by race/ethnicity:

	San Antonio Demographics	Total (July 2019-June 2020)	Percentage
Hispanic	64.2%	4,498	69%
White	24.8%	952	15%
African American	6.9%	1,017	16%
Other	4.1%	52	1%

Chief McManus reviewed the release rate, the arrests and citations by age, citations and arrests by gender, citations and arrests by service area, citations and arrests by offense type, and the reasons for custodial arrests. He presented the reduced Officer time on calls:

Offense	Citation	Average reduction	Annual hours reduced
Contraband in Correctional Facility	0	N/A	0
Criminal mischief \$100 to \$750	9	N/A	0
Driving without a valid license	11	1:10	33.8
Class B theft \$100 to <\$750	144	1:57	1,345.5
Class B theft of service \$100 to <\$750	1	0:14'	1.6
Possession of Marijuana 0-2 oz.	333	1:52	2,732.8
Possession of Marijuana 2-4 oz.	15	0:32	22.4
Possession schedule 2A controlled substance < 2 oz.	15	1:03	113.4
Possession schedule 2A controlled substance 2-<4 oz.	0	N/A	0
Total hours reduced			4,249.6

Chief McManus reported that the basis for the Cite and Release Program was saving time for Police Officers and getting them back on duty. He indicated that he was considering pulling criminal mischief from the list of offenses eligible for cite and release.

Chairwoman Cabello Havrda asked if data was collected regarding racial congruency of the arresting Officer and the suspect. Chief McManus stated that it was not. Ms. Villagómez stated

that she would look into that and noted that the majority of Police Officers were minorities. Chairwoman Cabello Havrda noted that the data was worth recording.

Councilmember Andrews-Sullivan asked if the citations issued during the COVID-19 Pandemic were included in the data. Ms. Villagómez replied that they were as the data included activity from July 1, 2019 to June 30, 2020.

Councilmember Viagran requested data for those arrested with multiple charges in certain service areas. Chief McManus stated that the data was not collected but he would look into that.

Councilmember Sandoval suggested that the new Data Analysts pull the data requested at the meeting. She asked of the process when the reason was not provided for an arrest. Chief McManus replied that they would get that information from the arresting Officer. Ms. Villagómez noted that the current Record Management System (RMS) was dated but the new RMS would go live in November 2020 and would provide more flexibility regarding data that could be captured.

Councilmember Perry agreed that criminal mischief should be pulled from the list of offenses eligible for cite and release. He requested data on repeat offenders and those cited who went on to commit a more serious crime. Chief McManus stated that the District Attorney's Office could provide the data.

4. Briefing on the Complaint and Administrative Review Board (CARB) [María Villagómez, Deputy City Manager; William P. McManus, Chief of Police]

First Assistant City Attorney Liz Provencio reported that the discipline process for the San Antonio Police Department (SAPD) was regulated by the Collective Bargaining Agreement (CBA) and Texas Local Government Code Chapter 143. She noted that complaints were received from the community and from the department. She stated that formal complaints were investigated by the Internal Affairs Unit (IAU).

Ms. Provencio stated that the IAU was comprised of one Captain, one Lieutenant, 12 Sergeants, one Police Officer, and two civilian support personnel. She indicated that IAU received and investigated complaints against Police Officers. She noted that IAU collected facts and conducted interviews. She reported that IAU would take sworn statements, examine medical records if appropriate, physical evidence would be gathered, and photographs may be taken. She stated that those involved may be required to take a polygraph examination. She noted that once the investigation was completed, the case would be forwarded to the Complaint and Administrative Review Board (CARB). She noted that an internal or line complaint would be reviewed by a supervisor/Captain and if appropriate, the Police Officer would be disciplined and the Police Officer would either accept the discipline or it would be referred to the IAU. She added that either of the two processes must begin and be completed within 180 days of the incident or the date that the conduct transpired.

Ms. Provencio reported that the CARB was authorized by the CBA and would hear investigations completed by the IAU on complaints against Police Officers and would provide disciplinary

recommendations to the Police Chief. She stated that the CARB was comprised of seven uniformed Officers and seven civilians. She noted that the CARB included two components: the civilian portion and the uniform portion. She indicated that the civilian members completed training with the IAU. She stated that from 2017-2019, 95% of the Police Chief's disciplinary actions were within the CARB's recommended range.

Ms. Provencio stated that an individual could become a member of the CARB through the application process in the Office of the City Clerk. She indicated that the applicant must have resided in the City of San Antonio for at least two years and could not have been formally charged for any offense above a Class C Misdemeanor. She noted that the applicant would interview with the Chief of Police, City Attorney, and the Deputy City Manager. She added that recommendations would be brought before the City Council for consideration and following appointment the CARB Member would complete Internal Affairs CARB training.

Ms. Provencio reported that there were currently 13 members and one vacancy on the CARB, comprised of seven women and six men. She stated that the Police Chief would review the investigation and the CARB recommendation. She noted that the Police Chief would then determine whether or not to issue contemplated discipline and the Police Officer would be given notice of the potential discipline. She indicated that a Loudermill hearing would be held with the Police Officer and the Police Chief. She stated that at the hearing, the Police Officer could provide exculpatory or mitigating facts in support of lesser discipline. She added that the Police Chief would serve the final discipline and the Police Officer could appeal the discipline in writing to the Human Resources Department within 15 days.

Chairwoman Cabello Havrda asked what the average case load was for CARB members. Chief McManus replied that it varied and time spent on each case depended on the complexity of the case. Chairwoman Cabello Havrda expressed concern that members were overloaded and suggested adding members to the CARB. She asked if public records from the CARB could be disclosed. Ms. Provencio stated that the records would only be released if discipline was issued.

Councilmember Perry asked if public records of discipline issued were posted somewhere. Chief McManus reported that the public records of discipline issued were posted on the SAPD website. Councilmember Perry asked what the success rate was for cases which went to arbitration. Ms. Provencio stated that she would provide that information.

Councilmember Sandoval asked if CARB members received compensation for their service. Chief McManus stated that CARB members did not receive compensation for their service but Police Officers could receive compensatory time.

Councilmember Viagran asked if there was a timeline associated with a line complaint. Chief McManus reported that a supervisor had 21 days to finalize a line complaint and if it was finalized after the 21 days it would be brought to Internal Affairs. She requested data on the number of cases where the offender rejected the discipline on a line complaint.

Councilmember Andrews-Sullivan expressed concern regarding the arbitration process in that Police Officers had been reinstated through arbitration. Chief McManus stated that he would provide a fact sheet to the Committee with the number of arbitrations won and lost.

5. Briefing and Possible Action on a San Antonio Police Department grant award in an amount not to exceed \$900,000.00 for the Comprehensive Selective Traffic Enforcement Program (STEP) Grant from the Texas Department of Transportation [María Villagómez, Deputy City Manager; William P. McManus, Chief of Police]

Chief McManus stated that the purpose of the Comprehensive Selective Traffic Enforcement Program (STEP) grant was to enhance the department's efforts to combat DWI, speeding, distracted driving, intersection-related violations, and traffic infractions and promote occupant protection through enforcement activity, community education, and outreach. He indicated that STEP grant funds had been awarded to SAPD annually for over 20 years.

Chief McManus reported that since 2019, SAPD had participated in outreach events to promote traffic safety:

- 3,300 individual contacts
- 54 presentations
- 26 community events
- 830 personnel hours

Chief McManus stated that in 2019, there were 177 DWI arrests. He presented data for other violations:

Type	Citations	Warnings
Speeding	3,176	7,046
Texting	1,329	3,607
Seatbelt	771	1,180
Child restraint	199	162

Chief McManus stated that the grant period was from October 1, 2020 to September 30, 2021 and the grant provided \$900,000 in grant funds, a cash match of \$265,000, and an in-kind match of \$77,500. He added that acceptance of the grant award was scheduled for City Council consideration on October 1, 2020.

6. Briefing and Possible Action on a grant not to exceed \$500,000.00 from the Federal Motor Carrier Safety Administration (FMCSA) grant titled High Priority-Commercial Motor Vehicle (HP-CMV) program [Maria Villagómez, Deputy City Manager; William P. McManus, Chief of Police]

Chief McManus stated that the purpose of the Ticketing Aggressive Cars and Trucks (TACT) grant was to build awareness and educate passenger and commercial drivers on safe driving behaviors. He noted that TACT would utilize a combination of high visibility messaging and enforcement activities in high risk traffic areas. He reported that the program scope included:

- Crash data analysis to determine enforcement locations
- Conduct high visibility traffic enforcement for aggressive driving
- Conduct commercial vehicle safety inspections
- Work in collaboration with area law enforcement agencies
- Launch public education campaign via social media

Chief McManus presented the program results for 2015:

Highway enforcement	Citations
Speeding	2,929
Aggressive driving	1,189
Failure to signal	798
Following too closely	295
Unsafe lane change	294
Vehicle inspections	
Commercial vehicle inspections	837
Vehicles out of service	230

Chief McManus reported that the grant period was from September 1, 2020 to September 30, 2022 and the grant included funds of \$600,000 and an in-kind match of \$88,301. He added that acceptance of the grant award was scheduled to be brought before the City Council for consideration on October 1, 2020.

Councilmember Viagran motioned to recommend and forward the acceptance of a grant award for the STEP and TACT grants to the City Council for consideration on October 1, 2020. Councilmember Perry seconded the motion. The motion carried unanimously.

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 2:25 pm.

Melissa Cabello Havrda, Chair

Respectfully Submitted

DRAFT