

**GOVERNANCE CITY COUNCIL
COMMITTEE MEETING MINUTES
AUGUST 24, 2020 at 2:00 PM
VIDEOCONFERENCE**

Committee Present:	Mayor Ron Nirenberg, <i>Chair</i> Councilmember Adriana Rocha Garcia, <i>District 4</i> Councilmember Shirley Gonzales, <i>District 5</i> Councilmember Ana Sandoval, <i>District 7</i> Councilmember John Courage, <i>District 9</i>
Staff Present:	Erik Walsh, <i>City Manager</i> ; Maria Villagómez, <i>Assistant City Manager</i> ; Andy Segovia, <i>City Attorney</i> ; Liz Provencio, <i>First Assistant City Attorney</i> ; Shreya Shaw, <i>Assistant City Attorney</i> ; Tina J. Flores, <i>Acting City Clerk</i> ; William P. McManus, <i>Chief of Police</i> ; Melody Woosley, <i>Director, Department of Human Services</i> ; Patrick Steck, <i>Interim Assistant Director, Department of Human Services</i>
Others Present:	Councilmember Andrews-Sullivan, <i>District 2</i> Councilmember Manny Pelaez, <i>District 8</i>

CALL TO ORDER

Mayor Nirenberg called the meeting to order.

1. Approval of the Minutes from the Governance Council Committee Meeting of August 3, 2020.

Councilmember Courage moved to approve the Minutes from the Governance Council Committee Meeting of August 3, 2020. Councilmember Sandoval seconded the motion. The motion carried unanimously.

2. Briefing and possible action on a Council Consideration Request from Councilmember Peláez regarding hospice and palliative care for people experiencing homelessness. [Colleen M. Bridger, MPH, PhD, Assistant City Manager; Melody Woosley, Director, Human Services]

Melody Woosley reported that emergency housing shelters were unable to provide access to palliative and hospice care for homeless individuals. She stated that Haven for Hope and other emergency housing shelters had become experienced at attaching terminally ill homeless individuals to Medicaid, Medicare, or VA Benefits to transfer them to more appropriate facilities. She added that through the City's FY 2021 Budget and CARES Act funding, staff had developed a continuum of strategies and partnerships among host providers, criminal justice agencies, and health systems to improve private provider coordination, and expanded outreach.

Ms. Woolsey reported that active discussions were ongoing with Bexar County, Haven for Hope, South Alamo Regional Alliance for the Homeless, and faith-based organizations to identify and research best practices for activities of daily living (ADLs), palliative care and hospice care.

Councilmember Pelaez reported that the average expectancy for Texans was 80 years of age and for homeless individuals it was between 42 and 52 years of age. He stated that other cities had adopted programs that provided support services and case management, while local palliative care and hospital providers provided medical supervision, medications, and death-with-dignity hospice services.

Councilmember Courage asked if the City would be taking on the expense for providing such services. He asked if there were non-profit or for profit organizations that would provide further care. Councilmember Pelaez stated that a local facility called Abode provided advanced care for the homeless, but their wait list was very long and they had a limited number of beds. He added that the proposed CCR would ensure that advanced care was part of the City's homelessness strategy and included in housing and homelessness response efforts.

Councilmember Rocha Garcia observed that Medicare covered hospice support and noted that individuals at the end of their life needed stable housing. She asked if the strategy would focus specifically on housing. Ms. Woolsey reported that the CARES Act provided an enormous amount of rapid rehousing funding to place critically ill homeless into housing situations. She added that the strategic plan would include supportive services and case management to monitor and potentially move critically ill homeless to hospice at the very end of their days.

Councilmember Sandoval moved to accept the staff recommendation to develop a palliative and hospice care program for homeless individuals that were terminally ill. Councilmember Rocha Garcia seconded the Motion. The motion carried unanimously.

3. Briefing and possible action on the Council Consideration Request (CCR) from Councilmember Andrews Sullivan to ban the practice of the lateral vascular neck restraint (LVNR) within the San Antonio Police Department (SAPD). [María Villagómez, Deputy City Manager; William P. McManus, Chief of Police]

Chief McManus reported that de-escalation training was at the core of SAPD use of force training. He added that the core of an officer's responsibility when using force was to protect human life, protect the physical safety of the officer, and protect the safety of third parties. He stated that Officers were required to de-escalate tense situations to reduce the need for force through warnings, advisements, verbal persuasion, and tactics. He added that the current SAPD Policy was enacted in 2014 and banned any type of stranglehold unless deadly force would be necessary and justified, and deadly force was authorized only to protect the public or an officer from what was reasonably believed to be an immediate threat of death or serious bodily injury.

Chief McManus reported that the SAPD Chokeholds and Stranglehold Policy was adjusted early on to meet the Campaign Zero requirement of "cantwait." He stated that the current Policy was consistent with the U.S. Conference of Mayors Report. He emphasized that SAPD required all use of force incidents to be reported and reviewed through the Officer's Chain of Command

and thereafter forwarded to Internal Affairs. He explained that if the Use of Force Policy was violated, it was investigated by Internal Affairs and either corrective action was taken and/or the investigation was referred to the District Attorney's Office for criminal review.

Chief McManus reported that the Lateral Vascular Neck Restraint (LVNR) Policy was authorized for use only in situations where the use of deadly force would be justified. He stated that any officer who used an unauthorized LVNR or any unauthorized deadly force was subject to discipline and possible criminal sanctions. He stated that the current Policy met with the spirit of the Council Consideration Request (CCR).

Councilmember Andrews-Sullivan stated that the CCR banning the practice of LVNR within SAPD was drafted to avoid the possibility of deaths caused by Officers' use of deadly force similar to the recent cases of Sandra Bland, Eric Garner, and George Floyd that had greatly impacted communities nationwide. She cited a Texas Tribune analysis of SAPD data that Officer reliance on deadly force disproportionately affected African Americans in San Antonio. The data illustrated that African Americans made up 20% of the total number of people involved in 70 recorded incidents of officer use of deadly force between 2010-2015, yet African Americans only made up only 7% of the San Antonio population. She added that the CCR was drafted to close the exceptions and loopholes within the system for LVNRs and chokeholds and asked the City to become an example on how to properly de-escalate a situation without the use of these maneuvers.

Councilmember Gonzales asked what the distinction was between the ban on LVNRs and chokeholds and the City's previous policy on the use of deadly force tactics. Chief McManus stated that the City's previous policy banned the use of deadly force in all cases, except when deadly force was justified. He stated that the proposed CCR would ban the use of deadly force tactics across the board. He added that he believed it was a serious public safety issue, and an officer safety issue, to remove an officer's ability to do whatever it took to save a life by restricting an LVNR when otherwise deadly force was necessary.

Councilmember Rocha Garcia asked of the total number of hours of de-escalation and crisis intervention training that SAPD Officers went through. She asked how peer intervention was defined. She asked if Use of Force reports were posted on the City's website. She asked how warnings were issued before deadly force was used. Chief McManus replied that he was uncertain of the exact number of hours, but that de-escalation was incorporated into every block of training SAPD had. He added that de-escalation training would be added to monthly virtual training and education sessions. He stated that it was policy that if an Officer saw another Officer engaged in excessive use of force, they were required to intervene and then report it. He confirmed that Use of Force Reports were posted on the City's website. He added that Officers underwent 40 hours of Crisis Intervention Training while at the Police Academy and another 40 hours in additional training settings. He stated that warnings were issued prior to the use of deadly force and an officer could use any language that would inform an individual that deadly force was about to be used.

Councilmember Sandoval asked for the following available data to be presented to the Public Safety Committee meeting:

- The number of LVNRs or chokeholds incidents that an Officer used in a given year. She asked
- The number of times an Officer felt their life was in danger and the strategies they used to defend themselves
- The recommendations and observations of SAPD policies made by a hired SAPD consultant

Mayor Nirenberg noted the importance of public awareness of changes to the City's policies and procedures, most especially regarding the Use of Force Policy Review. He asked of the legal standard that determined the justification to use deadly force. He noted that Chief McManus had made the determination to ban the training and the use of deadly force for SAPD and asked how many deadly force incidents had been reported. He asked what happened if an Officer used deadly force that did not meet the legal standard nor the local standard. Chief McManus cited a 1989 Supreme Court decision, *Graham v. Connor*, which held that the justification for use of deadly force was what a reasonable Officer involved in that situation would do. He emphasized that the officer would be justified in doing whatever could be done to save their own life or someone else's. City Attorney Andy Segovia added that there were no different standards for different types of deadly force tools that were used. Chief McManus replied that deadly force incidents were so rare, that he could not recall exactly the last time an incident came across his desk. He stated that an Officer who used deadly force that did not meet the legal or local standards would be subject to discipline. He added that he could not state across the board that someone who used an LVNR was absolutely, positively going to be fired as he would have to fully understand the totality of the circumstances under which it was used before rendering such a decision.

Mayor Nirenberg asked what would happen to an Officer that witnessed another Officer using unjustifiable deadly force and failed in his duty to intervene. Chief McManus stated that an Officer who failed in his duty to intervene would be bought up on charges as well.

Councilmember Courage stated that the CCR banning the use of LVNRs and chokeholds was a no-win situation for anyone. He noted that such a ban would not stop an Officer from using any tool necessary if he thought it could save his life or the life of another. Chief McManus added that SAPD did not train Officers to use the LVNR.

Mayor Nirenberg referenced the New York case of Eric Garner who was killed in 2014 by the use of a prohibited chokehold placed on him by a New York Police Officer in the presence of 4 other Officers who did not intervene and noted that the CCR was intended to make sure that situation did not occur again.

Councilmember Andrews-Sullivan stated that the conversation would continue, and questions remained if there was justification for the use of deadly force by an Officer in fear for his own life or of a third person's life in the cases of Eric Garner, Sandra Bland, and George Floyd when their hands were tied behind their backs and they were already in a state of submission.

Councilmember Sandoval moved that the CCR to ban the practice of LVNRs be forwarded to the Public Safety Committee for further discussion. Councilmember Rocha Garcia seconded the Motion. The motion carried unanimously.

4. Briefing and possible action on the Council Consideration Request (CCR) from Councilmember Andrews Sullivan for the immediate documented discontinuation and banning of “No-Knock” warrants and procedures in the San Antonio Police Department (SAPD) Manual. [María Villagómez, Deputy City Manager; William P. McManus, Chief of Police]

Chief McManus reported that SAPD had two types of warrants: Arrest Warrants (AW) and Search Warrants (SW). He explained that AW were used for high risk offenders wanted for violent crimes and/or with a violent history involving the use of firearms; and SW were used for suspects who had a violent criminal history and/or access to firearms. He stated that the use of high-risk force entry warrants by SAPD had declined since 2017; and in June 2020, SAPD suspended the use of no-knock warrants for both AW and SW. He added that SAPD was currently revising its general manual policies to be amended by September 2020 to reflect the current ban.

Chief McManus reported that the procedure for serving AW would be the same de-escalation procedure used for barricaded suspects. He explained that a perimeter would be set up and de-escalation tactics would be used to persuade the individual to come out to be arrested without incident. He stated that the exception would be for exigent circumstances, such as if someone was being harmed or killed inside the premise during the serving of an AW; and in such cases, Officers would be required to make a forced entry.

Councilmember Courage asked if the Bexar County Sheriff’s Office (BCSO) had a similar ban on No-Knock Warrants policy. He asked if other law enforcement agencies had a similar ban policy. He asked of the process if ever a new Police Chief wanted to reinstate No-Knock Warrants. He stated that as long as the ban on serving AW and SW was part of the SAPD training manual and was taught to SAPD Officers, then it was enough to know that citizens were protected. Chief McManus replied that he did not want to speak for the Sheriff because he did not know for sure, but he was inclined to say that BCSO did not have a similar ban policy. He replied that if any SAPD Officers were part of a task force that were serving a No-Knock Warrant, then the SAPD Officers would not participate. City Manager Erik Walsh stated that if a new Police Chief wanted to make a change to the current ban on No-Knock Warrants, it would have to be done with the coordination of the City Manager who, in turn, would inform City Council. City Attorney Segovia added that it would be a significant change of culture and policy and he would also inform City Council of any such proposed changes to SAPD policy.

Chief McManus replied to a previous question and stated that SAPD Officers underwent 134 hours of de-escalation training.

Mayor Nirenberg stated that there needed to be a clear understanding of the exigent circumstances that would meet the standard for the use of deadly force and he looked forward to discussion at the next Public Safety Council Committee meeting.

City Manager Walsh stated that the discussions on the ban of LVNRs and No-Knock Warrants would be addressed at the Public Safety Council Committee meeting tomorrow. He added that a summarization of the items that the City was proactively dealing with would also be provided and would include the disclosure of SAPD disciplinary information on the City's website.

Councilmember Andrews-Sullivan thanked Chief McManus and City Council for their support and stated there were more things to be done to not only protect the community, but to protect those that protect and serve. She added that conversations with the community could continue if more training and more understanding of proper de-escalation techniques was needed. She recognized the collaborative efforts between the Chief of Police and City Council as they made strides to assure the community that they were here to listen and to do their best to make sure the policies worked for everyone.

Councilmember Sandoval moved that the CCR be forwarded to the Public Safety Committee for further discussion. Councilmember Rocha Garcia seconded the Motion. The motion carried unanimously.

ADJOURNMENT

There being no further discussion, Mayor Nirenberg adjourned the meeting at 11:23 pm.

ATTEST:



Ron Nirenberg, Mayor



Tina J. Flores, LPEC
Acting City Clerk