



City of San Antonio

Agenda Memorandum

File Number:20-6761

Agenda Item Number: 3.

Agenda Date: 11/17/2020

In Control: Audit and Accountability Committee

DEPARTMENT: Police Department

DEPARTMENT HEAD: William P. McManus, Chief of Police

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT:

Complaint & Administrative Review Board (CARB) Civilian Appointments

SUMMARY:

Briefing on Complaint & Administrative Review Board civilian appointments to fill existing vacancies.

BACKGROUND INFORMATION:

The San Antonio Police Department will brief the Public Safety Committee on the process of selecting five civilians to the Complaint & Administrative Review Board (CARB).

The CARB was established through the Collective Bargaining Agreement (CBA) between the City of San Antonio and the San Antonio Professional Police Officers Association (SAPPOA) and it functions in accordance with the CBA. The Board is responsible for reviewing allegations of police misconduct and submitting recommendations on disciplinary action to the Police Chief. The Board is comprised of 14 members (7 civilians and 7 sworn members).

Process to Apply and Requirements

Interested residents submit an application to the Office of the City Clerk. To be eligible, an applicant must be a San Antonio resident for at least two years and has not been indicted for a felony or a crime of moral turpitude, or officially charged with a Class A or B Misdemeanor.

Process to Appoint members

A four-member interview panel comprised of the Deputy City Manager, Chief of Police, Internal Affairs Captain and the City Attorney interviews all civilian applicants. Upon the selection of applicants, a letter listing the recommended applicants is sent to the San Antonio Police Officers Association (SAPOA) providing the Union with an opportunity to provide feedback prior to City Council consideration. The applicants are presented to the City Council for consideration and approval to serve a two-year term. Once confirmed by City Council, applicants are required to complete training which includes a ride along, an overview of the Internal Affairs Unit and presentation on the role of the CARB.

Civilian members serve at the pleasure of the City Council, which may remove them, or replace them at any time, with or without cause. If not removed or replaced, a member serves for a two (2) year period.

Sworn members interested in serving on the CARB submit their name for consideration to the Office of the Chief.

How it works

The CARB is administered by Internal Affairs and meets every two weeks. The civilian members serve two-year terms and actively serve a maximum of 180 days consecutively. The sworn members serve for 6-month terms. No appointee shall serve for more than two consecutive 180-day periods. The City Ethics ordinance applies to all members of the CARB.

A total of 14 civilians are appointed with seven civilians serving as alternates. The seven sworn members include a Deputy Chief serving as the chairperson, 1 Captain, 1 Lieutenant, 1 Sergeant, 1 Detective and 2 Patrol officers.

Roles/Responsibilities

- All members of the CARB shall be given the opportunity to review each case that will be presented for consideration
- The Chairperson shall be responsible for the maintenance of the confidentiality of all files submitted for review by the CARB.
- The Chairperson of the CARB, on recommendation from any member of the CARB may elect to hear testimony from complainants or responding Officers. Attendance to these boards meetings where testimony is requested are entirely voluntary and complainants or responding Officers may elect to remove themselves at any stage of the questioning by either board without fear of reprisal.
- The Chairperson shall determine the manner in which all meetings shall be conducted and shall be the determining factor as to the hearing of testimony or attendance by any person. No responding Officer or complainant shall have the right to be represented by counsel but may be accompanied by an observer.
- Each board (civilian and sworn) makes an independent recommendation to the Chief of Police. Such recommendations are advisory only and are not binding on the Chief. The CARB may not conduct a separate independent investigation but may recommend to the Chief of Police that further investigations should be undertaken.
- After a final ruling by the Chief of Police occurs, the Commander of the Professional Standards Section

notifies the Complainant(s) and accused Officer(s) as to the final disposition of the case within twenty-one (21) calendar days.

Number of cases reviewed

Over the last five calendar years, the CARB has reviewed an average of 127 cases per year. Below is the number of cases reviewed by calendar year.

2015	2016	2017	2018	2019
158	119	105	127	126

Interviews to fill five civilian vacancies were conducted on September 21 and September 23. The individuals recommended for these vacancies will be presented to the City Council on December 3 for approval.

RECOMMENDATION:

This briefing is for informational purposes only.