



Safe and Secure City Cross-Functional Team *Update*

ITEM #5

City Council Work Session

March 28, 2022

El Paso Strong Resolution

Adopted: June 23, 2020

"El Paso Strong" resolution establishes new reporting to encourage elimination of racial disparities in arrests and other law enforcement resolution, calls for various methods for reporting use of force and deadly force incidents, the percent of officers with a history of sustained use of force incidents, and the number of complaints and provides report analyses prepared by City staff, adopting applicable recommendations and reforming policy in pursuit of racial justice.

Table of Contents

1. CFT Operations (Dionne Mack)

2. Team Lead Reports:

- **Composition and scope of the El Paso Discipline Review Board and the Shooting Review**
 - **Presenters:**
 - **Dionne Mack (City Manager's Office)**
 - **Eric Gutierrez (City Attorney's Office)**
 - **Samantha Singleton-Sherman (Border Network for Human Rights - Police Accountability Taskforce)**

El Paso Strong Resolution

6. The City Council directs the City Manager to research and study best practices for the composition and scope of the El Paso Discipline Review Board and the Shooting Review Board.

- The City Manager is directed to **work with the current composition of the Discipline Review Board and Shooting Review Board to implement strategies** and provide quarterly updates.
- These strategies and goals should be vetted and reviewed by the Internal Affairs Division (IAD) and the Risk Management Section of the El Paso Police Department.
- The **Discipline Review Board and the Shooting Review Board will provide recommendations to the Chief of Police** for additional or different metrics, improvements on existing metrics and reporting, data collection methods, or other analytical improvements to maintain the highest quality and accuracy of the analysis of progress toward this goal. Such recommendations may include, but are not limited to, reporting of race by those with whom EPPD officers interact as required by Federal and State law.

El Paso Strong Resolution

4. Utilize various methods for reporting use of force and deadly force incidents, the percent of officers with a history of sustained use of force incidents, the number of complaints; and
5. Recommendations on the implementation of best practices in policing, in comparison to no less than five (5) cities of similar size and demographics, and/or the top ten (10) safest cities, including progress on the dashboard of metrics and indicators, analysis of the alignment of strategies with policies implemented since the adoption of this resolution, and recommendations to prioritize strategies.
6. Research and study best practices for the composition and scope of the El Paso Discipline Review Board and the Shooting Review Board

El Paso Strong Resolution

1. Provide a detailed update on the current status of the Police Department and lead a discussion at several future City Council Work Sessions;
2. These updates should include implementation of best practices in policing in comparison to no less than five (5) cities of similar size and demographics, and/or the top ten (10) safest cities including tools for use in evaluating the policies and practices of each City department and their impact on equity, with a goal of informing the budgeting and policymaking processes to relieve racial and socioeconomic inequities; and
3. Continue reporting on racial profiling to encourage the elimination of racial disparities in arrests and other law enforcement actions; and

Team Organizational Chart

Tommy Gonzalez
Executive Champion

Dionne Mack
CFT Operations Team Lead

**Best Practices
+ Comparisons**
Denice
Sepulveda

**Training
Focus**
Cary Westin

**Racial
Profiling
Report**
Asst. Chief
Zina Silva

**El Paso Discipline
Review Board and
the Shooting
Review**
Dionne Mack

**Use of Force
and Deadly
Force Incidents
Reporting**
Claudia Lujan

What we will cover

Identified Opportunities for Improvement Update

Composition and Scope of the *El Paso Discipline Review Board* and the *Shooting Review Board*

- Review analysis of Shooting and Discipline Review Boards to include Police Oversight Models
- Review analysis of Training provided for Discipline Review Board Members
- Border Network for Human Rights Police Accountability Recommendations
- Recruitment Best Practices Model

Next Steps



Identified Opportunities for Improvement



- Officer Training program enhanced in areas of greatest community concern
- Develop new tools to expand ability to review quarterly Use of Force data
- Continue to update policies and procedures in alignment with best practices
- Enhance website to increase availability of policy and data for the public

- Enhance Discipline/Review Board member training
- Continue to look for innovative ways to recruit Discipline Review Board Civilian members
- Enhance community-wide volunteer recruitment efforts to ensure diversity/representation of varied demographics

RE-CAP and RESULTS

Short Term:

- Observation of Disciplinary Review Board (DRB) hearing – El Paso Case Study
 - Review written procedures of DRB hearing
 - Review discipline matrix and applicability
 - Actionable recommendations come directly from proceedings
 - Established database of comparative cities focused on Board Composition, Policy, and Citizen Participation
- Status: **Completed**

Mid Term:

- Comparative analysis of civilian oversight review boards
- Identified possible constraints with implementing citizen-led boards
- Legal analysis, and civilian training analysis
- Conferred with El Paso Police Association
- Status: **Completed**

Disciplinary Review Board

- Review administrative cases investigated and/or handled by Internal Affairs
- Recommended disposition and propose adjudication of each case to the Chief of Police.
- The boards may also offer insight to improve or review current organizational processes.

Shooting Review Board

- Convened when there is an officer related shooting
- Recommended disposition and propose adjudication of each case to the Chief of Police.
- The boards may also offer insight to improve or review current organizational processes.



Discipline/Shooting Review Board

	Review Board(s) Composition	Policy	Citizen Participation
Anaheim, CA	Department Leadership (No citizens)	Major Incident Review Team	None
Albuquerque, NM	5 Staff Voting Members SRB: None	Force Review Board SRB: Internal Review	None
San Antonio, TX	Citizen Advisory Board (6 Voting) & Police Advisory Board (5 Voting)	Complaint and Administrative Review Board	Yes
Tucson, AZ**	7 Staff Voting Members & 2 Citizen Voting Members*** SRB: Minimum 8 Voting Members – Includes Community Representatives	Sentinel Event Review Board SRB: Force Review Board***	Yes
Phoenix, AZ	5 Staff Voting Members & 2 Citizen Voting Members SRB: 3 Staff Voting Members & 3 Citizen Voting Members	Disciplinary Review Board SRB: Use of Force Review Board	Yes
Virginia Beach, VA	Comprised of all department captains*	Captain's Board SRB: Firearms Discharge Review Board	None
El Paso, TX	5 Uniformed Personnel, Assistant Chief, HR Director of PD Personnel and 6 civilians	Discipline Review Board Shooting Review Board	Yes

* The decision of the Captain's Board is advisory only

** Information updated 6/14/21

*** Community Police Advisory Review Board (CPARB) Chair serves on this Board. CPARB consists of a minimum of 10 community representatives

**** FRB membership may vary by incident in order to accommodate subject matter experts from relevant fields or representatives from important constituency groups.



Citizen Participation in Disciplinary Process

Citizen Participation	Citizen Selection	Board Term	Disciplinary Authority	Investigative Authority	Ordinance/ Policy	Legislative/ Contractual
<ul style="list-style-type: none"> • 6 civilians + 1 PDHR rep + 5 uniform personnel • Assistant Chief is a non-voting member • Quarterly Rotation of citizens and Assistant Chiefs 	<ul style="list-style-type: none"> • Fill out Background pamphlet through Volunteer Program • Background Check <ul style="list-style-type: none"> • Outstanding Warrant Check • Training – 4 hours <ul style="list-style-type: none"> • Use of Force Policy and Use of Force Case Law • Scenarios (Shoot/Don't Shoot, Decision-Making) • HICKS (Defensive Tactic Training) • Entered into board eligibility pool by Internal Affairs 	<p>No term limits</p>	<ul style="list-style-type: none"> • Majority vote based on the preponderance of the evidence • Citizens vote first then lowest ranking officer until reach commander • Recommendation to the Chief of Police 	<ul style="list-style-type: none"> • No investigative authority • Can request further investigation • Can request for accused officer(s) to be present • IA follows up 	<ul style="list-style-type: none"> • El Paso Police Department Procedures Manual <ul style="list-style-type: none"> • 903 Disciplinary Matrix and Penalty Table • 932 Discipline Review Boards 	<ul style="list-style-type: none"> • CBA <ul style="list-style-type: none"> • Article 14 • Article 21 • Article 30 • Texas Government Code, Title 6 • Civil Service Rules

August 12, 2020 Disciplinary Review Board (DRB)

- Members of CFT were able to observe an actual hearing
 - Process was well-defined and execution was consistent with written policy and procedure
 - Internal Affairs presented facts of the investigation
 - DRB Meetings are twice a month
 - Board comprised of 5 uniformed personnel, 1 PDHR rep, and 6 civilians
- **There are opportunities within the DRB that could be leveraged by Police Department**
 - Explore the application of additional training regulations (per current DRB members)
 - Explore the board composition, application process, regulations, and diversity

Training Comparison for Discipline Review Board/Shooting Review Board

City	Board	Length of Training
Anaheim, CA (Oversight)	Police Review Board	Training at commencement of new term (no set length of training) Annual thirty (30) hours of training
Albuquerque, NM (Oversight)	Civilian Police Oversight Agency Board	Training at commencement of new term (24 hours) Annual eight (8) hours of training
San Antonio, TX (DRB)	Complaint and Administrative Review Board The combined Citizen Advisory Action Board and Police Advisory Action Board	Training at commencement of new term (24 hours)
Tucson, AZ	Community Police Advisory Review Board (CPARB), Force Review Board (FRB) and Sentinel Event Review Board (SERB)	<u>Community Police Advisory Review Board (CPARB)</u> Training at commencement of new term (no set length of training) Annual forty-eight (48) hours of training
Phoenix, AZ	Disciplinary Review Board Use of Force Review Board	<u>No set training requirements for FRB and SERB</u> <u>Disciplinary Review Board</u> Training at commencement of new term (4 hours) Renews every three (3) years. <u>Use of Force Review Board</u> Training at commencement of new term (4 hours) Renews every three (3) years.
Austin, TX	Community Police Review Commission	Training at commencement of new term (3-4 days)
El Paso, TX	Disciplinary Review Board/Shooting	Training at commencement of new term (4 hours) PD RECOMMENDATIONS: Estimated training time would be sixteen (16) hours plus ride along between five to ten (5-10) hours (full shift)

City	Anaheim, CA (Oversight)	Albuquerque, NM (Oversight)	San Antonio, TX (DRB)	Tucson, AZ	Phoenix, AZ	Austin, TX	El Paso, TX
(ABQ Specific) DOJ Settlement Agreement Training		✓					
Bomb and SWAT						✓	✓
Civil Rights Training/4th Amendment		✓		✓	✓		✓
Crisis Intervention Team Training						✓	✓
Critical Decision Making Training			✓	✓			✓
Defensive Tactics Training				✓			✓
Equity and Cultural Sensitivity Training		✓		✓			✓
Firearms Simulation Training		✓	✓	✓		✓	✓
Internal Affairs Training	✓	✓	✓		✓	✓	✓
K-9 Use				✓			✓
Officer Involved Shootings						✓	✓
Police Association Presentation						✓	✓
Police Training Academy		✓	✓	✓		✓	✓

City	Anaheim, CA (Oversight)	Albuquerque, NM (Oversight)	San Antonio, TX (DRB)	Tucson, AZ	Phoenix, AZ	Austin, TX	El Paso, TX
Response to Resistance			✓		✓	✓	✓
Ride Alongs	✓	✓	✓	✓		✓	✓
Special Investigations Unit						✓	✓
Training on Board Expectations	✓	✓	✓		✓		✓
Training on State and Local laws		✓			✓		✓
Use of Force Training	✓	✓	✓		✓		✓
Video Forensics (Body Cameras)				✓			✓
Demonstrations and scenario role playing exercises				✓	✓		✓
What to consider when reviewing cases					✓		✓
Department De-Escalation Policy					✓		✓
Dynamics of Stress in Officer Involved Critical Incidents							✓

PD Civilian Training Expansion Recommendation

- Estimated total training time: 16 hours
 - **Estimated additional 12 training hours**
- **Additional 5-10 hours for ride along**
- All recommended trainings are relevant to potential board members
 - Trainings would need to be completed prior to sitting on the board
 - Multiple options for board members to attend the training
 - Utilized recently deployed robust workforce learning platforms to enhance and manage training efforts

Community Policing that fosters trust and communication

Current EPPD Programs

1. Communication and Transparency Strategies:

Neighborhood Watch Program

- Next Door App

Citizen Advisory Board

- Citizen and Youth Academy
- National Night Out
- Explorer Program

Code Watch

Social Media

New – Camera Registration Program

Volunteer Programs

- Victim Response Teams
- Disabled Parking Enforcers
- Chaplain Program
- Discipline Review/ Shooting Review Boards
- **New - Volunteers in Patrol (VIP)**
- Underage Drinking Initiative

Community Policing that fosters trust and communication

Across all 5 Top Cities

2. Focus on:

- Community Partnerships with Civic groups and Neighborhood associations
- Continuous and active engagement
- Adequately identifying issues/strategies of Collaboration

Innovative Strategies

3. Next Steps to Explore:

- [PD website with current Police Policies that affect PD contact with Public](#)
- Open Data Dashboard – detailing activity, race/ethnicity data

Border Network - El Paso Police Accountability Task Force

- Organizations:
 - Border Network for Human Rights (BNHR) | Paso del Sur | Border Agricultural Workers Project | Raza Organize | Chicano Pre-law Society at UTEP | Reform Immigration for Texas Alliance (RITA) | El Paso Chicano(a)x History Project | The El Paso Chapter, The Links, Incorporated | El Paso Young Democrats | UTEP M.E.Ch.A. | National Lawyers Guild- El Paso | Grupo Dignidad | El Paso Grassroots | Community First Coalition | Volar | League of United Latin American Citizens (LULAC) | Top Ladies of Distinction Incorporated | Prince of Peace Christian Fellowship
- Individuals:
 - Pastor Michael E. Grady, Diane Williams, Avemaria Smart, Carmen Rodriguez, Jose Rodriguez, Ouisa Davis
- Point of Contact: Samantha Singleton-Sherman, Coordinator

Border Network - El Paso Police Accountability Task Force

Ongoing meetings beginning October 2020.

- Topics: Discipline Review Boards (DRB), Officer Training Curriculum, Community Engagement, Communications strategies with Community groups and residents, and transparency of the Officer Involved Reporting Processes
- Ongoing discussion about current DRB board, feedback, and recommendations

Border Network members attended:

- ½ day *Use of Force/Stress Inoculation* training at PD Academy
- ½ day Observed Discipline Review Board session/ Q&A with Internal Affairs staff/ Q&A with Discipline Review Board members
- Northeast Regional Command Virtual Townhall Meeting
- City Council Meeting spoke in support of Body Camera funding and implementation

Border Network - El Paso Police Accountability Task Force

- **2 recommendations:** 1: Separate budget allocated for independent accountability commission; 2: recommendations to changes to current Discipline Review Board
- Reports of findings and recommendations
- Key items recommended:
 - Discipline Recommendation to Chief
 - *Revisiting/Updating current Disciplinary Matrix*
 - Community Input: 11 civilian board members (cannot currently or formerly be employed by EPPD or have immediate family employed by EPPD)

Limitations on DRBs

City Charter Article 6, Civil Service Commission

- City Manager establishes HR policies and procedures.
- City Manager may delegate to department directors the execution of the functions, duties, and responsibilities in this Article.

Civil Service Commission Rules, Rule 11

- Department Head may suspend, discharge or demote any employee for insubordination, for failure to comply with departmental rules and regulations, for failure to comply with the Rules of the Commission or for failure to obey any lawful order of a superior officer.

Police CBA (2019-2023), Article II, Section 2

- City has exclusive authority to discharge, suspend, demote, reprimand or otherwise discipline employees and to make such rules and regulations as may be necessary or desirable for the operation of the City.

Border Network For Human Rights' Recommendations



	Current DRB	BNHR Proposal	Recommendation
Board Composition	12: 6 citizens, 1 PDHR rep, and 5 uniformed officers	15: 11 citizens and 4 uniformed officers	Continue with current composition
Term Limit	No term limits	2 years	2 years or until replacement
Disciplinary Matrix	In place with current structure	Provided matrix to BNHR	Revisit with BNHR
Board Participation	Board can request additional investigation/follow-up, consider additional disciplinary action	Board can request additional evidence, consider additional disciplinary action	Consistent with Current Board
Civilian Training	16 hours (initial) + 12 hours (ongoing)	20 hours + suggested topics	16 hours (initial) + 12 hours (ongoing) + 10 hour ride-along + confirmed inclusion of suggestions
Board Selection	Chief of Police	City Council	City Management based on panel recs (see slide 19)

SAMPLE- STAFF RECOMMENDATION

Outreach

Print Media
Advertisements
Social Media
Other Tools



Application

Residents fill out online application



Review

3-4 Community Member Panel selected and approved by City Manager
Blind review of each applicant is conducted
Candidates scored based on evaluation tool



Interviews

Applicants selected for City Manager, City Leadership, and Community Leadership virtual interviews
Virtual interviews conducted



Selection

Interview Panel recommends finalists to the City Manager for appointment

RE-CAP and RESULTS

Short Term:

- Observation of Disciplinary Review Board (DRB) hearing – El Paso Case Study
 - Review written procedures of DRB hearing
 - Review discipline matrix and applicability
 - Actionable recommendations come directly from proceedings
 - Established database of comparative cities focused on Board Composition, Policy, and Citizen Participation
- Status: **Completed**

Mid Term:

- Comparative analysis of civilian oversight review boards
- Identified possible constraints with implementing citizen-led boards
- Legal analysis, civilian training analysis, and community collaboration
- Status: **Completed**

Next Steps:

- Continue to collaborate on improvement of recruitment strategy and implementation of training plan
- Continue to refine our internal process in terms of the best practices (collaboration/outreach)
- Status: **In Progress/Under Consideration**

Questions?

Mission

Deliver exceptional services to support a high quality of life and place for our community

Values

Integrity, **R**espect, **E**xcellence,
Accountability, **P**eople

Vision

Develop a vibrant regional economy, safe and beautiful neighborhoods and exceptional recreational, cultural and educational opportunities powered by a high performing government