

New Braunfels Police Department Policing Procedures Action Steps

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Introduction: According to Adegbile (2017),

Policing practices in America are under scrutiny. Video clips, protests, and media coverage bring attention and a sense of urgency to fatal police civilian incidents that are often accompanied by broader calls for reform. Tensions often run high after officer involved shootings of unarmed civilians, and minority communities, law enforcement, and politicians bring different perspectives to both the individual events and broader policy issues. Collaborative reform, however, can build upon stakeholder's common ground—a concern for public safety, liberty, and equality. Achieving this goal requires a symbiotic relationship between the people and the police, where the relationship is based upon trust, a concept that dates back to Sir Robert Peel's *Principles of Policing* and underlies many modern community policing principles. Identifying and embracing the common ground will only become a more important path for police reform where individual cities, departments and communities look to chart a more effective path. There is no perfect system of policing and no panacea capable of eradicating crime or the racial tensions that exist both within and outside of the policing context. However, we can seek to contribute to the national conversation on policing by considering how key stakeholders may move beyond an 'us versus them' dynamic and may instead identify common ground that can light a path toward effective models of policing. When stakeholders focus on their common goals, they will recognize that community-centered policing built on an earned mutual trust not only promises tangible benefits for the safety of the public and law enforcement officers, but also that this approach can positively affect the climate of police-community relations.

Adegbile, D. P. (2017 May). Policing through an American prism. *The Yale Law Journal*, 126(7), 1972-2259. Retrieved from <https://yalelawjournal.org/feature/policing-through-an-american-prism>

- 1) Creating an Organizational Profile:** Police departments must have an “identity” that reflects the values of the community they serve. This identity not only consists of policies, procedures, practices, training, and culture—but is ultimately defined by individual and systemic employee conduct. Any mismatch between the Department's expressed values and the experience of members of low-income communities and communities of color creates tension and mistrust that interferes with the Department's ability to achieve its mission. As an organization, we must commit ourselves to identifying patterns and practices related to police interactions with the public during investigative stops, searches, arrests, and use of force incidents; with the goal of identifying opportunities to improve trust and confidence in the police department.
 - In 2020, the NBPd established a dedicated Mental Health Unit to respond to crisis situations within our community. The Unit currently has two dedicated (full-time) officers who are certified as Mental Health Officers by TCOLE—who actively work in partnership with Hill Country/ Comal County Mental Health. In 2020, NBPd responded to over 888 mental health

calls, compared to 825 in 2019, and 707 calls in 2017. The officers assigned to the Mental Health Unit have been successful in addressing related calls for service and in working proactively to provide service to mental health consumers. This has also allowed patrol officers the ability to address other service demands. NBPd is currently working on an MOU for private ambulance providers—instead of officers—to transport mental health consumers who need treatment at a facility. **Completion Date:** *Establishment and funding MHU Completed; MOU and additional personnel May of 2022*

- *“The NBPd Chaplaincy Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families, and members of the public at the request of the Department. It is the policy of this department that the chaplain program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.”* The recommendation is to expand this program by providing the chaplains a departmental vehicle for both reactive and proactive utilization. **Completion date:** *Establishing program Completed; Approval of vehicle Completed*

2) Creating a Profile for Officer Conduct (Operational Goal): Officers must adhere to policies and training to avoid force during encounters with community members, and adherence to these policies must be consistently and proactively enforced by the Department. Department policies emphasize the sanctity of human life, procedural justice, and de-escalation. We must be vigilant in examining whether our officers’ conduct in the community uniformly adheres to these policies. In each use of force incident, we must look for individual and systemic actions that represent: a failure to de-escalate or conduct that escalates the confrontation; failure to wait for back-up or other tactical decisions that placed officers at heightened risk or that create the need to use force; failure of accountability systems to correct conduct that increases the need for use of force. De-escalation should be a core value for the Department and be uniformly applied by officers.

- Review and revise de-escalation policies and training to clarify that officers are required to use de-escalation and force avoidance tactics when appropriate; and that it is considered a significant policy violation when they fail to do so; *June of 2021*
- Strengthen the internal affairs and other accountability systems to ensure that the failure to de-escalate or avoid force when appropriate is both identified and addressed; *March of 2021*
- Increase the review of use of force incidents and improved force reporting; *March of 2021*
- Review current TASER policies and training; *Completed*
- Review and revise Internal Affairs practices to strengthen coordination between this function of the organization and the chain of command; *March of 2021*
- Expedite the implementation of an “early warning system” that will facilitate the identification of officers who may be at risk for misconduct; *Completed*
- Address potential deficiencies in the background check process for new officers—particularly around identifying implicit bias; *June of 2021* and
- Establish a permanent mechanism or protocol designed to analyze data in “real time” related to use of force, policies, and tactics. Ensure that this information, once analyzed, is part of the ongoing discussion of the command staff and police leadership. *March of 2021*
- Review lowering the standard of proof for Department of Justice investigations of police officers suspected of violating laws associated with the protection of civil rights. Research

will be conducted on current discussions and action being taken at the local (city, county, and state) level to influence these reforms on the federal level. *June of 2021*

- Strengthen racial profiling laws by developing a local policy establishing guidelines for protections to prevent police from intervening in civilian lives for no reason other than their “blackness” or other aspects of their identity. *June of 2021*

- 3) Creating a Chief’s Advisory Board:** The recently released *Final Report of the President’s Task Force on 21st Century Policing* emphasized the importance of citizen involvement in policing as a strategy to improve trust between law enforcement and the public. Within the study, citizen advisory boards or community involvement were specifically recommended as action items for local law enforcement, as well as support and collaboration with the federal government, training and education, improved technologies, and officer wellness and safety programs. Today, it is critically important for all police organizations to promote and cultivate citizen and stakeholder involvement with their agencies. However, implementing boards and commissions must be done thoughtfully and purposefully to establish a meaningful, effective relationship.
Completion Date: *May of 2021*

Membership

- New Braunfels Chief of Police—Keith Lane (Interim)
- Bishop Michael Franklin (President)—New Braunfels MLK Association
- Senior Pastor Ray Still—Oakwood Baptist Church
- NBPOA President—Sergeant Joe Tovar
- Comal County District Attorney—Jennifer Tharp
- Comal ISD/Black Student Union—Shalonda Davis (Founder/President)
- Comal Habitat for Humanity—Crystal Moore (Executive Director)
- New Braunfels LULAC Council #4217—Maria Saenz-Rodriguez (President)
- Eric Gonzalez (Executive Pastor)—Tree of Life Church
- Henry Ford (Vice President)—New Braunfels MLK Association
- Bryon McIntyre (Director)—New Braunfels MLK Association

Purpose/Mission

“Provide a forum for police-community interaction to address public safety and related issues to further enhance the quality of life in our community. The board is created to act as a community resource for the Chief in the formation of strategies, development of community policing concepts, and increasing public awareness. The Chief’s Advisory Board is not a review board of specific police actions, whether internal or external, but a forum for discussions concerning community concerns and leveraging the experience of persons outside of policing to benefit the Department and the community. The primary purpose of the Chief’s Advisory Board is to provide a forum with key stakeholders regarding law enforcement policies within the community and is comprised of a diverse cross-section of community leaders representative of the City of New Braunfels. The imagination of all members drives the board and reflects holistic views that serve as catalysts for the integration of community viewpoints into police department planning/strategies.”

Board Member Roles

- Act as a sounding board for the Chief of Police regarding community needs and concerns, as well as community response to proposed police programs, priorities, and policies.
- Apprise the Chief of Police directly of the community's need for police services.
- Assist in educating the community at large about the function and role of the New Braunfels Police Department.
- Attend meetings in even months that are held on the first Monday of each month, at 6:00 p.m. at the New Braunfels Police Department.
- Open discussion regarding emergent trends in law enforcement that affect the City of New Braunfels.
- The Board will have no input or discussion regarding specific employee personnel issues.
- This Board will act solely in an advisory capacity and will not be involved in Departmental decision making at any level.
- The Board is expected to provide input on topics the Chief of Police deems appropriate and timely. Each member of the Board will be expected to contribute.
- The Board will act as an alternative complaint system that would serve as an extension of the current system being utilized by the NBPD.

Additional References:

Fort Worth Police Department Expert Review Panel Status Report (2020 July 31), *Preliminary Observations and Recommendations Regarding Use of Force, Internal Affairs and Community Oversight*, Retrieved from <https://sgr.egnyte.com/dl/cOLhIWaFhQ/>

Fort Worth Police Department Expert Review Panel Status Report (2020 July), *Preliminary Observations and Recommendations Regarding Use of Force, Internal Affairs and Community Oversight: Executive Summary*, Retrieved from <https://sgr.egnyte.com/dl/TTkSTEklrC/>