



# Mr. Policeman: Community Policing Trends and Best Practices

Presented by:

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# Summer of 2022

- Post George Floyd ... and many others
- Don't expect to hide the things that have not been visible in the past
  - Dash Cam
  - Body Cam
  - Security Cameras and Smartphones
- Black Lives Matter
- Police incidents with and without racial context
- Blue Lives Matter
- "Best Practices" and Expert Witnesses
- Accreditation
- Follow your own rules
- Become a learning organization
- Empower your leaders



# What do you want?

Compliance & Compliant

Oath of Office

Law Enforcement must obey the law

Professionalism ... top to bottom, career success for your officers and their families

Law Enforcement must know what they are doing, NOT in a 1980's world

Avoid the consequences of unnecessary police authority or action ... slow, deliberate where possible

- Citizens involved
- Officers
- Officer's families
- Community at large
- De-escalation and alternative mission tools

Actually treat citizens with respect and serve them

Avoid unfair criticism and COMPELLED changes

# Who are you?

What do we have in common?

What do we believe in? About law enforcement?

What do we know about

- Police law
- Police policy and professionalism
- Police in Schertz

What do you have in common with your community?

What do your officers have in common with your community?

What parts of your community lack

- Commonality and common experience
- Common expectations
- Trust
- Access

# Breonna Taylor

- Louisville officials agreed to pay \$12 million to settle a wrongful-death lawsuit brought by Ms. Taylor's mother and to institute reforms aimed at preventing future deaths by officers.
- Mr. Walker later told the police he feared it was Ms. Taylor's ex-boyfriend trying to break in.
- Officer Hankinson was indicted
- Statements by the police officers and forensics reports showed that the raid was compromised by poor planning and reckless execution, and that the entry was no properly announced
- The release of the recordings came after one of the grand jurors filed a court motion that asked for the proceedings to be made public; the juror also accused Kentucky's attorney general, Daniel Cameron, of using the jurors "as a shield to deflect accountability and responsibility." Mr. Cameron has insisted that jurors were given "all of the evidence."





# Sandra Bland



- Encinia demanded she put out a cigarette and she refused. Dash-cam footage, which was released later that month, showed the trooper escalating the situation until Bland left her car under threat of the Taser and was eventually arrested.
- In his probable cause statement, Encinia said “my safety was in jeopardy at more than one time.” But a grand jury later found the trooper had lied. He “removed Sandra Bland from her vehicle because he was angry she would not put out her cigarette.” The jury recommended perjury charges, which were filed in January 2016; Encinia was fired later that year.
- Prosecutors dropped Encinia’s perjury charge in 2017 in exchange for him giving up his credentials and agreeing never to work as a police officer again.
- Bland’s family sued the Texas Department of Public Safety and Waller County and reached a \$1.9 million settlement.

## El Paso

Claim: EPPD's "Emergency Detention" policy in effect at the time of the shooting governing mental health arrests is facially unconstitutional because it directs officers to make warrantless mental health arrests on less than probable cause. Second, the EPPD deliberately chose not to implement a mental health unit.

The Court decided that a jury could conclude that the written policy affirmatively sanctioned the warrantless emergency detention of a mentally ill individual without probable cause. The Court also concluded that a jury could decide that failure to implement a broader CIT program could have caused the death and set the case for trial.

# GRITS FOR BREAKFAST

WELCOME TO TEXAS JUSTICE: YOU MIGHT BEAT THE RAP, BUT YOU WON'T BEAT THE RIDE.

WEDNESDAY, NOVEMBER 18, 2020

## Sunset recommendation for a 'blue-ribbon panel' on Texas police licensing agency: Grits wonders what's left to study?

The new [Sunset Commission report](#) for the Texas Commission on Law Enforcement came out earlier this month: A once-every-12-years review of agency functions and practices. The good news: They didn't short sell the problems. (See [more background here](#).)

Their issue #1 stated flatly that "Texas' Approach to Regulating Law Enforcement is Ineffective," an observation with which Grits wholeheartedly agrees. They described a "fragmented, outdated system with poor accountability, lack of statewide standards, and inadequate training."

What's more, "The state's regulatory model, bifurcated between state and local government, creates significant gaps that undermine the purpose of statewide licensure, and does not best ensure public safety or law enforcement accountability and transparency."

This one is close to Grits' heart and familiar to long-time readers of this blog: "TCOLE's minimum training standards are outdated and ultimately do not meet the evolving needs of law enforcement personnel in Texas." Training was outdated, they found, and continuing education requirements insufficient. The same was true not just for cops but jailers and 911 operators.

Further, Sunset staff opined, "the state's regulation of law enforcement is, by and large, toothless." In particular, "Regulatory agencies should be able to hold licensees accountable for administrative violations, violations of standards of conduct, and criminal violations. However, state law only allows TCOLE to hold licensees accountable for criminal convictions or deferred adjudications, and violations of TCOLE statute and rule, including continuing education requirements."

GFB WRITER BIOS



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FEATURED POST

[Want to improve police oversight? Settle in for the long haul](#)

# Grits for Breakfast





# Upgrading Professionalism in Smaller Departments

Compelled and Court Ordered Change

Costly litigation, settlement and liability

Legal standards are changing in the courts and the legislature

Your citizens have a different attitude about police conduct and misconduct ... and juries do too

TCOLE is not ENOUGH

Tools and resources exist and they work

## A Few of the Towns We've Worked

Bruce Mills & Max Westbrook – Public Safety Solutions, LLC

Uvalde, Eagle Pass, Del Rio, Rollingwood, Schertz, Orange, Jonestown, Sealy, Dublin, Coleman, Hico, Jourdanton, Bandera, Fair Oaks Ranch, Bee Cave, Boerne, Kilgore, Castroville, Hamilton, Cross Roads...

# Examples of Common Problems



Challenges: Laissez faire  
Chief – Council ok with status  
quo



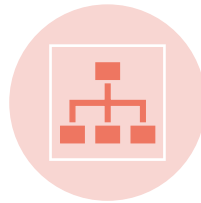
Result: Missing \$, Negligent  
retention, poor training,  
outdated budget



Challenges: Lack of property  
room controls and oversight,  
outdated department  
policies, missing evidence



Result: FBI investigation, loss of  
public trust, DA  
Brady/Michael Morton list



Challenges: Business  
practices not matching  
policy, inconsistent oversight  
and accountability under  
policies



Result: Public criticism and  
loss of trust, faulty and  
incomplete IA investigation




All of this starts with competence  
and accountability:

**Questions of the day!**

How do we hold our police chiefs  
accountable?

How do we prevent a closed  
system?

How do we promote positive  
change?



What  
Questions  
Should  
Council  
Members ask  
their Police  
Chiefs?

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Is our police department accredited? If not—why, and what do you need to make that happen?

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When was the last time the property room was inventoried —100%?

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What training are you doing that goes beyond the minimum required by TCOLE?

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Are all police policies reviewed at least annually?

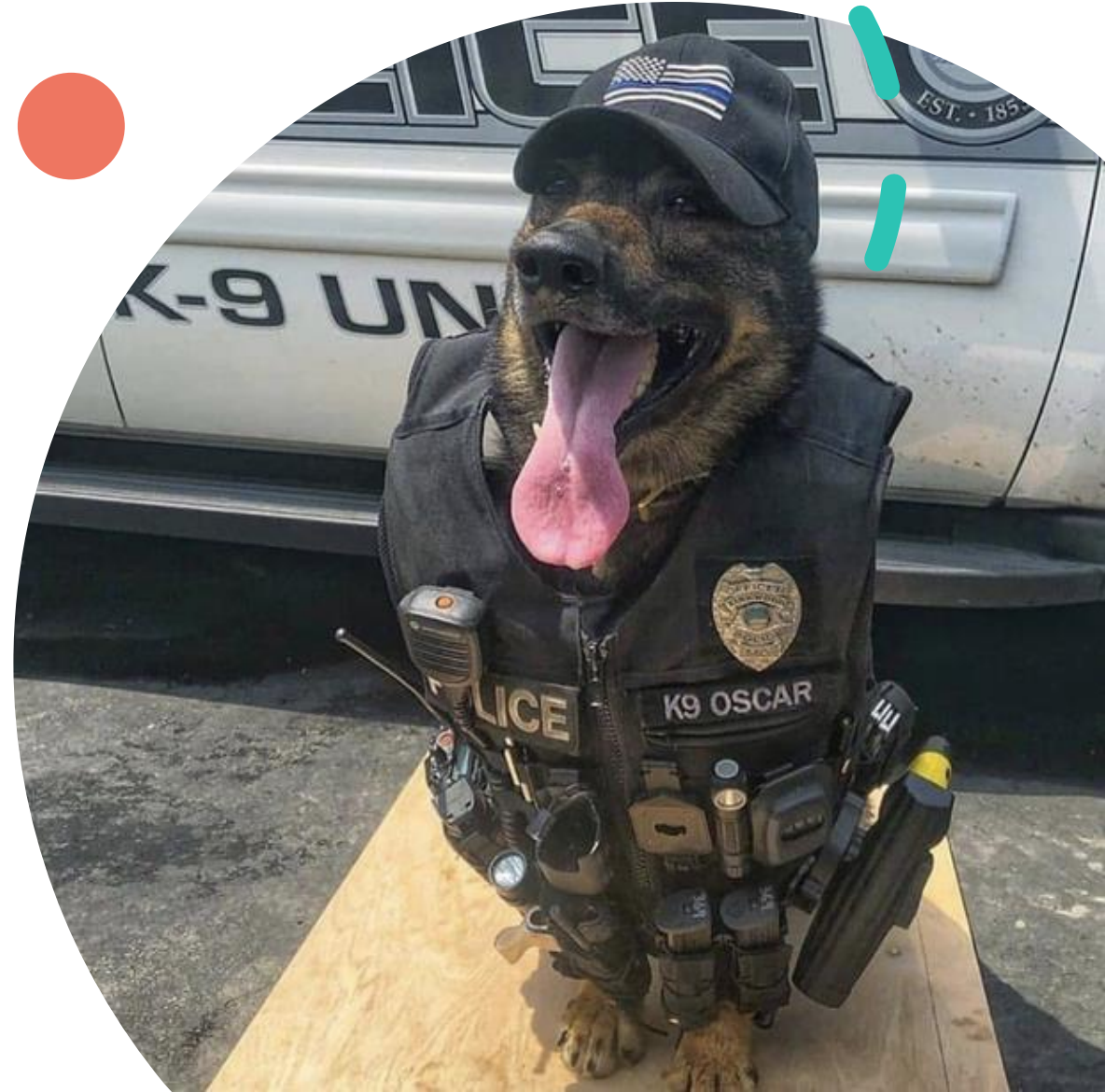
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What community outreach programs are in place, and how do you measure their effectiveness against our values?



# TPCAF Best Practices

Raising the bar for Texas law enforcement





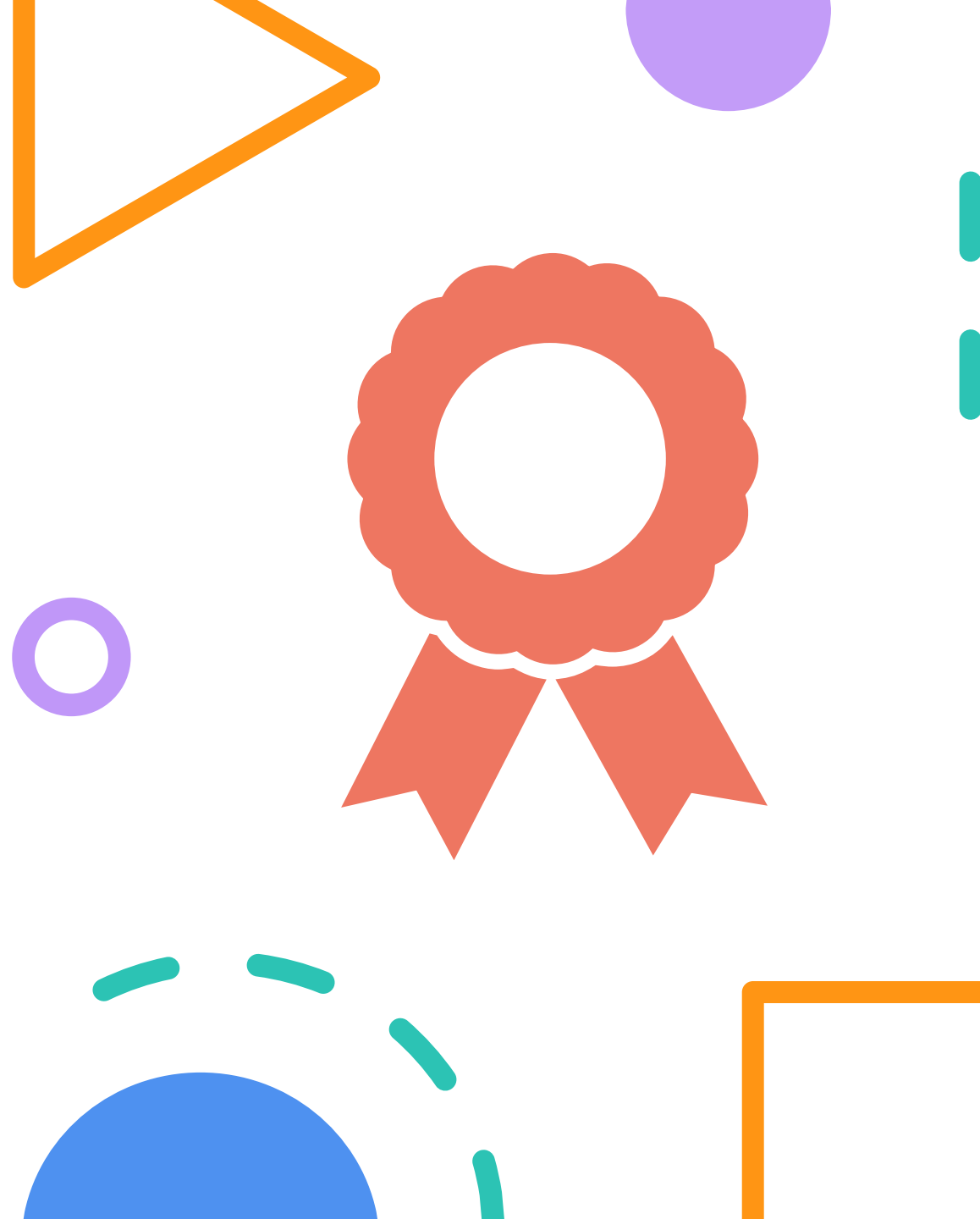
# TPCAF Best Practices

Raising the bar for Texas law enforcement



# TPCAF Best Practices Accreditation Program

- Today's Objectives—Provide information on accreditation, and Identify important trends



What is  
Accreditation  
and why is it  
important?

A set of best practice  
standards

Examples – Hospitals,  
Universities, Veterinarian  
Clinics, Public Libraries

# What is Accreditation and why is it important?

It's a National Trend!

DOJ Certification Program—Executive Order

AccredNet — [www.accrednet.org](http://www.accrednet.org)

House Bill 323—Texas



How many of you have worked for a boss who does not consistently take their medications?

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What effect does that inconsistency have on your ability to perform at a high level?

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Accreditation is the daily “medication” for a police department. Accreditation requires consistent and professional actions.

# What are the Benefits?

## Improved Credibility

- With the Community
- With City Administration
- With the Law Enforcement Community
- Independent outside review of your shop!

## Improved / Consistent

- Training
- Risk Management
- Contemporary Policies
- Requires Preparedness

## Here's what accreditation is NOT!

Accreditation is NOT a panacea, and it is NOT intended to be.

Accreditation will NOT prevent an officer from making a poor decision.

# TML Funding Option



If your agency is insured by TML—they will pay your first year's fees.



If you're not a TML agency you might consider asking your insurer about paying the dues or reducing a premium.



Vincible? Are you using this program?

# Types of Agencies Accredited

Municipal

County  
(Constables and  
Sheriff)

State  
(Comptroller—  
TABC about to get  
into the program)

District Attorney  
Investigators

School Districts

Universities



# Training for Department

- Training Power Point for members of the Department is available on the Program Website.
- “What’s In It for Me” under Training
  - City Council Training Power Point for chiefs to use

[www.texaspolicechiefs.org](http://www.texaspolicechiefs.org)



# Questions???

Let's Raise The Bar for Texas Law Enforcement

Texas Police Chiefs Association

[www.texaspolicechiefs.org](http://www.texaspolicechiefs.org)

Program Director: Max Westbrook

RPDirector@texaspolicechiefs.org

512-751-2213

Facebook.com/texasaccreditation

PLEASE FOLLOW US ON FACEBOOK!!!



# Investigation and Decisions on Officer Misconduct

- Training and quality of IA
- Do your personnel know and understand the standards at DOJ?
- Objectivity and best practices
- Compliance with legal standards and contemporary process (including video)
- Objectives and ultimate forum for discipline system
- Training alternatives
- How to permeate/change culture?  
Peer of training staff incident review
- In service role or other projects
- Sentinel event review for organizational change

# A Student's Guide to Police Practices

- Office of the Independent Police Auditor City of San Jose





**Mark Payne/ Vanessa Westley**  
Chicago Police Department

**Ryan Lugalía-Hollon**  
YMCA of Metropolitan Chicago



**Investigation of the  
Cleveland Division of Police**



United States Department of Justice  
Civil Rights Division

United States Attorney's Office  
Northern District of Ohio

December 4, 2014



# 8 Can't Wait

The hashtag for the campaign, #8CantWait, is trending on social media. It's been **endorsed by Oprah and Ariana Grande**, and DeRay Mckesson is talking about it everywhere from **GQ to Fast Company to *The Bill Simmons Podcast***.

The ideas include conduct remedies like banning chokeholds, changing reporting systems for use of force incidents, requiring officers to intervene when they witness misconduct, and more.

It's not entirely clear how big of a bite these measures would take out of police violence against civilians. But at the very least, they would respond to the public desire for police to make tough concessions while remaining more politically palatable to cautious politicians faced with the alternative rallying cry of **"defund the police."** The idea of **cutting police budgets polls poorly**, and numbers indicate that **already adopted reforms have made a difference** in terms of falling numbers of police killings of African Americans and unarmed people, especially in big cities. In that context, the 8 Can't Wait menu of further reforms is a concrete agenda for fast action.



The essence of the campaign is eight procedural rules that Campaign Zero claims “data proves” can conjointly decrease police violence by 72 percent.

# CRITICAL RESPONSE TECHNICAL ASSESSMENT REVIEW

*Police Accountability-Findings and National Implications of an Assessment of the San Diego Police Department*







<https://www.youtube.com/watch?v=We30EJcXoRs>



CITY OF  
**HOUSTON**

MAYOR'S TASK FORCE ON POLICING REFORM

SEPTEMBER 2020

## IT'S THEIR PD

- In San Francisco, the Department engaged its community groups to provide input and ideas for the revisions to its key policies for police interaction, including the use of force.
- Assessment team members heard deeply held beliefs on what was considered the appropriate course of action regarding the use of force policies for the SFPD, from drafting participants and members of the community alike. Despite concerns, most felt the process was adequate if not perfect. Most community members focused on transparency and noted that, for the first time, they had a voice in policing decisions that affect their community.
- Participants in the review process felt that good work had been done and that the outcome, though not flawless, reflected many of the group's goals as a whole

## Baytown creates police advisory committee amid recent criticism

BAYTOWN, Texas (KTRK) -- The city of Baytown is creating a [citizens police advisory committee](#) following criticism for several police involved incidents.

"We're in the application process right now. We have 27 applicants," said Mayor Brandon Capetillo. "We want a diverse committee, we want people with different backgrounds with different opinions."

He said the goal is to help foster a better relationship between the Baytown Police Department and its citizens after two officers were recently charged with crimes.

According to the description of the committee online, one of its goals is to improve and maintain the public trust of the Baytown Police Department.

Officer Juan Delacruz is charged with felony aggravated assault by a public servant for the May 2019 shooting death of Pamela Turner.

Delacruz was indicted by a Harris County grand jury in September 2020, more than a year after Turner's death.

The mentally ill woman was walking through her own apartment complex when Delacruz tried to make an arrest for outstanding warrants.

Police said she was able to grab his Taser, then he opened fire.

Her death brought renown civil rights attorney Ben Crump to town.

Former Baytown officer Nathaniel Brown is charged with misdemeanor assault for using his knee to hit a man in the head during an arrest.

The arrest was caught on camera in June 2020.

He was terminated from the Baytown Police Department in July 2020.

Attorneys for both men refute the charges.

The new committee will not review officer-involved incidents like these, but the mayor says they will instead review police policy and procedures.

"They can make a recommendation, but they will not be in a policy making position," Capetillo said.

The deadline to apply is Wednesday, Sept. 30.

The city council, city manager, mayor and police chief will each choose a member from the pool of applicants who they hope will represent a diverse background.



# Citizen oversight of police is possible in Denton, official says, but how?

If Denton wants to implement a community oversight board to review police use-of-force complaints, a city attorney says the local police association needs to be involved to get past certain limitations.

Getting the police association on board is crucial. If the oversight board doesn't have the association's buy-in, Police Chief Frank Dixon said they'd be stuck in a cycle of "What can we do? What do we do?"

"If we're going to have oversight in Denton, I would certainly recommend that we involve the police association; we need their agreement, their input," Cronig said. "Because if we put a process in that isn't fair, that they see is biased against them ... they're not going to support it, they're not going to cooperate with it."

Yancy Green and Travis Nicholas, members of two different Denton police associations, expressed concerns that Cronig said are common across other cities: Will board members be fair? Will members remain tight-lipped about confidential information? How can someone who doesn't know how police work is done properly judge an officer's conduct?

"In my opinion, in order for something like that to work, I think you would have to have someone who not necessarily [is] police officers but who knows the field, knows the profession," Nicholas said. "I feel like someone would have to have some kind of work and knowledge in a profession in order to pass judgment on someone's profession."

"Can we have oversight of the Denton Police Department? Absolutely, I think we can," said Michael Cronig, the deputy city attorney. "The question, though, is going to be in what form, and what are the responsibilities going to be of the people involved in that process?"

Nicholas' example was a conversation he had about sitting on a medical review board, saying he doesn't think he's qualified for that to determine if a medical professional is doing their job properly because he doesn't know the field.

Lilyan Prado-Carrillo, a representative of the Latino community, said the same could be said about City Council members. She said they're members of the community who may not be experts yet in city policies, but they learn as they go and have staff to help guide them.

"I don't believe that a person that doesn't have that background in policing can't be a person on this panel," Prado-Carrillo said. "But I do completely agree, Yancy, that they have to be impartial, that they have to have the willingness to stand for the people and for the community, and the officers are part of that community as well."



**RESOLUTION OF BEXAR COUNTY COMMISSIONERS COURT  
SUPPORTING CERTAIN REFORMS TO DEPARTMENTAL  
POLICY/PROCEDURES AND MODIFICATIONS TO THE COLLECTIVE  
BARGAINING AGREEMENT WITH THE DEPUTY SHERIFF'S  
ASSOCIATION OF BEXAR COUNTY**

**WHEREAS**, the County recognizes the Deputy Sheriffs Association of Bexar County, or its successor as the bargaining agent for the purpose of collective bargaining; and

**WHEREAS**, the Commissioners Court is interested in supporting reforms to policies and procedures and certain changes to the collective bargaining agreement currently under negotiation in order to foster positive relationships between law enforcement and the communities they serve;

**WHEREAS**, on behalf of the citizens of Bexar County and in order to support and encourage reforms to policies, procedures and necessary modifications to the collective bargaining agreement, as appropriate, the Bexar County Commissioners Court supports the following public safety initiatives, to be adopted in revised departmental policies and procedures or included in the next collective bargaining agreement, as appropriate:

- a. Creation of a local departmental registry that discloses Bexar County law enforcement terminations for cause to other law enforcement hiring entities (when substantiated);
- b. Require all law enforcement officers to wear body cameras and pursue the appropriate modifications to the collective bargaining agreement which would allow the termination of officers who intentionally turn off their cameras during confrontations;
- c. Eliminate provisions that permit bias or profiling related, but not limited to reasonable suspicion, investigation techniques, temporary detentions, handling of prisoners;
- d. Develop appropriate policies and procedures which require de-escalation and de-escalation training to include physical non-lethal restraint and unconscious bias training for all law enforcement - with a mindset of relationship-based training and community interaction;
- e. Develop appropriate policies and procedures and any necessary modifications to the collective bargaining agreement which would require a psychological and drug evaluation of

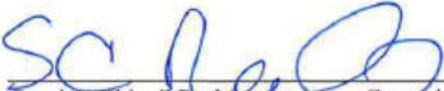
all law enforcement personnel before hiring, with periodic evaluations during employment, to specifically include testing following physically confrontational arrests;

f. Consider and negotiate removal of "protectionist" clauses within the collective bargaining agreement which exceed those protections already covered by civil service legislation or work to limit accountability of bad actors while still preserving the rights of the many hardworking men and women law enforcement;

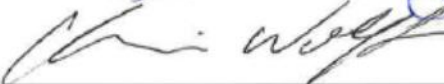
g. Create a Citizen's Review Board reflective of local demographics and tasked with review of disputed use of force complaints and the consideration of non-criminal public complaints related to law enforcement personnel.

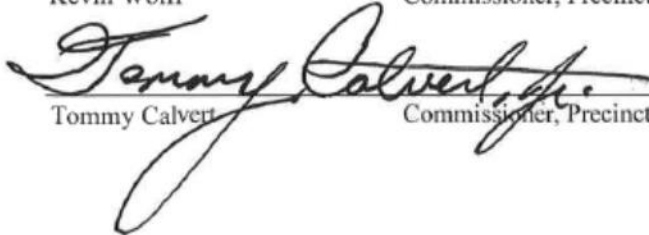
Approved this 16 day of July, 2020.

  
\_\_\_\_\_  
Nelson W. Wolff County Judge

  
\_\_\_\_\_  
Sergio "Chico" Rodriguez Commissioner, Precinct 1

  
\_\_\_\_\_  
Justin Rodriguez Commissioner, Precinct 2

  
\_\_\_\_\_  
Kevin Wolff Commissioner, Precinct 3

  
\_\_\_\_\_  
Tommy Calvert Commissioner, Precinct 4



# Albuquerque Monitor Report

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The monitoring team also note that APD appears tend to respond to such problems in a highly centralized and “command oriented” manner, e.g., creating complex reporting protocols, assigning responsibility to “special units,” and building complex systems ...

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In the monitor’s experience, nothing beats the observant hand of a well-trained, knowledgeable, observant, forthright, no-nonsense sergeant in a police agency’s attempt to change officer behavior in the field...

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And a one-on-one approach as simple as a sergeant saying to an errant officer: “I know what you did, and, frankly, it’s not acceptable.

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This ... is, in fact, one of the most problematic organizational responses to “build” into a modern American police agency.