

CapMetro

**Public Safety Advisory
Committee Supplemental
Meeting**

Presented in draft form to the Public Safety Advisory Committee on
September 29, 2023.

September 2023

Bias Based Profiling

- Biased Based Profiling
- Purpose: To provide guidance to officers on what biased based profiling is.
- Establishes the commitment we have as an agency to be a biased free environment.
- Definitions: bias, biased policing, ethnicity, gender, race, racial profiling.
- Policy prohibits any employee from engaging in Biased Based, and Racial Profiling.
- Provides training which is also mandated by the state.
- All complaints of biased based profiling will be investigated.

Biased Based continued

- Each Calendar year the department will submit an annual report to the executive board and TCOLE. Report is based on Vehicle stops that result in citation and/or arrest. Report will include:
 1. Gender, race or ethnicity
 2. Was a search conducted
 3. Was race or ethnicity known to officer prior to stop
 4. Was forced used during the stop, as defined by 1.07 in penal code
 5. Location of stop
 6. Reason for stop

Biased Based continued

- All investigative stops will be recorded
- Types of recordings
 - Body Worn Cameras (BWC)
 - Digital Mobile Audio Video (DMAV)
- Retention of Data: 90 days unless otherwise noted, i.e.
 - Complaint is filed
 - Criminal investigation, litigation, etc.
- Questions, Feedback?

Training

- Purpose- provide guidelines for both sworn and non-sworn
- Chief shall designate a training unit or person
- CapMetro Required training
- On boarding
- TCOLE Required trainings
- Firearms
- Academy
- Use of Force
- Mental Health Officer Training

Training Continued

- After graduation from a TCOLE approved training/or certified
 - FTO officer- Mandated TCOLE approved training prior to being a trainer.
 - FTO training
 - Specialized Training
 - Lesson plans required
 - Role Call trainings
 - Training records kept

Core Training

- CORE training
- 2-4 year cycle state mandates certain training
 - Training will depend on laws passed both State and Federal mandates.
- Annual Training
 - Defensive Tactics
 - Baton
 - CEW
 - OC
 - Review of any updated policy
 - Firearms

Core Training

- Implicit Biased
- Officer Safety
- De-escalation
- Crises Intervention Training
- Use of Force
- Search and Seizure
- Crime Scene
- Child Abuse
- Each promotion to next rank will require supervisor training

Core Training

- Specialized training
 - Investigators
 - Background investigators
 - Civilian supervisors
- Communications Division
- TCOLE required
- Cultural Diversity
- Law Enforcement Ethics
- Crisis Communications
- CapMetro Mandated training

Hiring Standards

- This Policy outlines the minimum requirements to be a police officer.
- 21 years of age
- High school diploma or GED
- Complete a TCOLE approved LE Academy
- Pass a written entry Exam (reading, writing, comprehension, math)
- Pass a Physical Test
- Pass an Extensive background investigation (PHS, Credit History, All residents for past 10 years, Fingerprints, CCH, local checks, inquiry of family, friends, spouse etc.
- Polygraph

Hiring process continued

- Oral Board
- Psychological screening
- Drug Test
- DISQUALIFICATIONS
- Conviction or admission of any felony, or Conviction of a Class A Misdemeanor
- Conviction of a Class B misdemeanor in past 10 years.
- Conviction or admission of use of marijuana in past two years, or any other drug within the past five years.
- Conviction of Family Violence

Response to Resistance

- Purpose- Provide general guidelines on when officer may use force on an individual.
- Guidelines in making decisions should be made professionally, impartial, and reasonable.
- Federal and State Law require all force to be reasonable, the standard is set in *Graham V. Connor*.
- Each case needs to be examined for reasonableness, What the courts have said to look at are, first severity of crime, whether suspect poses an immediate threat to the safety of officer or other, whether the person is actively resisting arrest or attempting to evade arrest.

R2R continued

- Definitions defined in policy: Passive, Defensive and Active Resistance, Intermediate weapons, Hard and soft Empty hand control.
- **Deadly Force**- any use of force that creates a substantial risk of causing death or serious bodily injury.
- **De-escalation**-Using techniques, after consideration of the proportion of the threat, to stabilize the situation and reduce the immediacy of the threat, so that more options and resources are available to bring about a successful resolution to an encounter with a non-compliant subject. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, thereby eliminating the need to respond to resistance.
- **Require Safeguarding life and dignity**- We expect our officers to exercise the authority to use force judiciously and with respect to human rights, dignity and life.
- **Critical Decision-making model**- collect info, assess the threat and risk, identify options, and determine the best course of action.

R2R continued

- Supervisors shall review each response to resistance for lessons learned.
- Prohibited actions:
- Placing a knee on a person's head or neck
- Chokeholds except in lethal force encounters.

Subject's Actions	Officer's Response	The actions of the subject may dictate the officer immediately enter a higher level of force depriving the officer of any lesser force options. As the subject's actions escalate; so may the use of force. As the subject's actions de-escalate, so should the officer's response.
Deadly Force	Deadly Force	
Assaultive/Active Aggression	Intermediate Weapons	
Active Resistance- Physical movement-pulls away, twisting	Hard Empty Hand Techniques	
Defensive Resistance- actions to prevent control, bracing self, tensing	Soft Empty Hand Techniques	
Passive Resistance	Dialogue	
Compliant	Officer Presence	

R2R Continued

- Duty to intercede (or intervene)
- Response to Resistance Reporting
- All officers involved or witness report response to resistances.
- Supervisors review the reporting of an R2R, Chain of Command review.
- What is NOT an R2R:

Assisting medical professionals when just holding a limb or using body weight to hold a subject for medical professionals.

Terminating an animal that is so badly hurt, it would be in humane to allow it to suffer further.

R2R continued

- De-Escalation is the preferred tactical option.

Lethal force encounters:

When is necessary to defend him/herself or another from an imminent threat of serious bodily injury, death or lethal physical force.

- Anytime lethal force is used, Required to report immediately to on duty supervisor, and follow the OIS policy.
- Response to Resistance annual training.
- Annual report of response to resistances.

Control Devices and Techniques

- Approved devices by this agency
- Batons/ASP
- OC spray
- Taser

Every officer shall be trained and certified prior to carrying any weapon.

All subjects who sustain injury from the use of any weapon shall receive medical attention prior to release and booking into jail.

Guidelines for Baton/ASP- the head, neck, and groin should not be intentionally targeted unless it's a deadly force encounter.

Control devices continued

- Chemical Agents- devices used to minimize potential injury to employee, offender, or citizens. Should only be used when force is necessary.
- When OC is appropriate:
- Subdue violent or physically resisting subject.
- Subdue or control a subject by words/actions has demonstrated the intent to be violent or physically resist.
 - Employees should provide a verbal warning prior to it's use.
- Prohibited uses- torture, psychologically torment, elicit or inflict pain, horseplay, or practical jokes, exhibits verbal and/or passive resistance, or if the under physical restraints unless is still aggressively resisting and less means of control have failed.

Control devices continued

- Medical Care shall be obtained for any subject who sustained injury or has continued complaint of pain.
- The maximum amount of force that can be used to seize evidence:
- Pressure points if narcotics are suspect to be concealed in an individual's mouth.
- Soft/empty hand control is the maximum to seize blood from a subject pursuant to a mandatory blood draw.
- Questions/input

TASER continued

- Factors to determine the reasonableness of force
- Conduct of the person
- Officer/subject factors (i.e. age, size, strength, skill level etc)
- Influence of drugs/alcohol
- Proximity of weapons

Officer may use TASER when a subject is physically resisting, by words or actions demonstrates they will physically resist, subject is fleeing, or on an animal that poses a threat to officer or bystander.

PROHIBITE USES: Known Pregnant females, elderly or obvious juveniles, handcuffed, someone with flammable chemicals on them, individuals who's position could result in collateral injury due to

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CED's- TASER

- Purpose of the taser is to control a violent or potentially violent individual while minimizing risk of SBI to subject or officer.
- Only use when it is objectively reasonable.
- Verbal and Visual Warnings prior to use
- A verbal announcement of the intended use of the Taser should precede its application.
- Provides the subject an opportunity to comply and provides other officers a warning the Taser may be used.
- The fact the warning was or was not given shall be documented.

TASER

- Target considerations
- Lower center mass, the Head Neck, chest and groin should not be targeted.
- Two or more CEW users should not intentionally deploy their CEW devices simultaneously at the same subject.
- After Taser use, a supervisor should be notified
- All subjects impacted by the Taser shall be medically assessed by EMS as soon as practicable.
- If the probes from the Taser entered the head, neck or breast of a female, EMS should be called to remove probes.

Taser continued

- Photographs of taser impact locations should be taken.
- Training shall be completed annually.
- Questions/Input

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Firearms and Ammunitions

- Purpose: document approval of firearms authorized for each employee.
- Primary duty weapon-Approved by Chief
- Back-up weapon- Approved by Chief
- Annual inspections completed on each firearm
- Off duty- if an officer chooses to carry a weapon off duty the weapon will be on file with the PD.
- Ammunition issued by the department shall be 9mm or 40.
- Holsters shall be approved by the agency

Firearms and Ammunitions continued

- Minimum standard for firearms proficiency
 - TCOLE approved firearms course of fire
 - 80%
 - 90% if firearms instructor
 - Remedial training if the score is below 80% prior to going back in service.
 - Copies of each qualification shall be kept in the training unit file.

Questions/Input

Body Worn and In-Car Cameras

- Purpose to provide an unbiased audio/video recording of a police event, and document incident.
- All Employees shall be trained in the use of both Camera systems
- Chief, AC, and Captains are exempt from use unless they are working in an enforcement capacity.
- Employees are required to test both camera systems prior to the commencing of their shift.
- If employees discovers a defect, it shall be corrected, if unable to correct the defect, a supervisor shall be contacted.
- Provides prohibitions, (can't bypass, erase, alter, delete any recording)

Camera systems continued

- Requires officers to activate cameras for law enforcement purposes. I.e. When on scene of a call for service, detain a person, attempting to detain a person, by nature of call likely to obtain a person, and any consensual encounter that the employee or citizen believes activation of the camera system would be in the best interest of the community or CapMetro.
- **MUST** be activated for, traffic stops, pedestrian stops, recordings of an investigation, while interviewing employees about a response to resistance.
- Deactivation at the conclusion of an incident.
- Victim or Witness statement if requested may stop recording.

Camera recordings continued

- Recordings are not required:
 - When on breaks
 - When not taking law enforcement action
 - When in service but not on a call
- Supervisors shall conduct an audit every 30 days of the officers BWC:
 - One random 41 check
 - Two random recordings of a police event.
 - Two random self-initiated police events.
 - These audits ensure officers are acting within policy and are not racial or bias-based profiling.

Active Threat/Active Shooter

- Purpose is to assess the threat and immediately respond during an active threat or shooter situation.
- We define Active shooter, Casualty collection point, cold zone, Contact officer or Team, Hot zone, Incident Commander.
- First officer who arrives on scene and verifies if an Active Shooter is happening.
- Gathers information if time permits ie. Location, number of suspects, weapons, number of injured.
- Broadcast information over the Radio.
- Determines what actions to take

Active Threat continued

- Contact Officer or TEAM response, Contact officer may enter if active shooting is taking place.
- Priority locate and stop the threat.
- After the initial entry arriving officers shall be directed by the incident Commander
- IC identifies location of Contact officer/TEAM.
- Contact officer/TEAM provides updates via radio of progress, location, number of victims, medical needs, estimated suspects, description, location of any explosives.
- RTF-Rescue TASK force

Active Threat/Shooter cont...

- Contact officer TEAM deploys the RTF is formed to provide trauma care and evacuate victims.
- RTF is organized with a TEAM lead, priorities change depending on the dynamics of the situation.
- Rescue operations continue until the IC declares incident safe and clear.
- Community notification, PIO shall be responsible for information being distributed to the community, including shelter in place warnings, location of active shooter.
- Debriefing- Debriefs of the incident happen as soon as possible after the incident. Debriefs identify what we did well, what we learned and what we can do better.

Active Threat/Shooter

- This Agency is a learning organization as such proper debriefs are important to the overall success of the organization.
- Active Shooter training shall be provided to all employees.

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Communications

- Purpose is to provide procedures for assignment of radio calls for service and radio procedures for Capmetro Police.
- The Communications department will be 24 hours a day 7 days a week.
- They shall prioritize calls as:
 - Priority 1- Calls of physical harm, injury to person or property that is in progress and all involved parties are still on scene.
 - Priority 2- Calls of physical harm, or perceived threat to a person or property just occurred or suspect is still in area
 - Priority 3- Calls where protection of life or property is not at risk and an immediate police response will not likely prevent injury, loss of property.

Communications

- **Priority X-** Calls do not require a police response but require the information to be documented or disseminated to law enforcement.
- **Changing priority of calls-** Telecommunicators may raise a call to a higher priority. May not downgrade a call without supervisor approval.
- **Field response by Police:**
 - **Code 1-** respond to normal flow of traffic
 - **Code 2-** Not Authorized
 - **Code 3-** Emergency operations lights and Siren.

Communications

- Responsibility of Supervisors
- Monitor calls and radio traffic
- Supervisors are responsible for radio conduct of their subordinates and should immediately correct improper radio procedures.
- Supervisors may be assigned calls when other units are not available.
- Supervisors will respond to any call requested by a subordinate to a scene.
- Communications Training.

Communications

- Training
 - TCIC and NCIC Operations
 - The Communications Center has access to TCIC and NCIC systems.
 - All communication personnel will be trained in TCIC/NCIC Full Access and will comply with all rules and regulations regarding operation of the systems.
 - Communications personnel are required to take the TCOLE Basic Telecommunications Officer Course, and they shall also receive initial or refresher training in the following:

Communications

- Operations of the computer aided dispatch system
- CapMetro and department policies
- Communicating with persons who have mental health challenges
- Crisis communications
- The CapMetro Police Department Use of Force Policy
- De-escalation strategies