



William P. McManus, Chief of Police
San Antonio Police Department



Internal Affairs Annual Report

2019



Integrity • Respect • Compassion • Fairness



William P. McManus, Chief of Police
San Antonio Police Department



Message from the Chief



In an effort to improve police accountability and transparency; the delivery of police services; enhance supervision and operational practices; and uphold our commitment to our organizational principles - Integrity, Respect, Compassion, and Fairness - this annual report was created to educate all stakeholders of the activity and services that the Internal Affairs Unit engaged in during the 2019 calendar year.

As a process in any police department, discipline serves to support one of the most important organizing principles in any government entity. That organizing principle is accountability. We hold ourselves accountable to the standards outlined within our mission, vision and guiding principles of the department. Furthermore, the process of investigating citizen complaints and allegations of officer misconduct serves to build and keep the public's trust. The San Antonio Police Department adheres to and follows a progressive discipline model. This allows for a range of sanctions when necessary but also allows officers to reflect on an incident in order to learn from mistakes in the name of personal and professional improvement.

This Internal Affairs Annual Report avails complaint and investigative information to the community. One of our biggest strengths is the positive relationship that we have with the community. Continuous improvement of that relationship is a primary goal. To that end, communicating and making information available about our activities is critical.

We recognize that open and effective communication is critical to the continued success of our agency and vital to enhance community-police working relationships. This can be partially met by dissemination of organizational information and data such as the information contained within this report. Finally, information from this report provides us with an opportunity to examine the data critically to improve customer service, professionalism and training.

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ACKNOWLEDGEMENTS

The San Antonio Police Department and the Professional Standards Section are grateful to the following staff members who were instrumental in gathering, sorting, and compiling large amounts of data to present in this Annual Report:

Officer Natalia Benavidez
Officer Christine Dorsey

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SAN ANTONIO POLICE DEPARTMENT



Mission

The San Antonio Police Department is dedicated to improving the quality of life by creating a safe environment in partnership with the people we serve. We act with integrity to reduce fear and crime while treating all with respect, compassion, and fairness.

Vision

To be the premier law enforcement agency by building trust, creating partnerships, and sharing leadership within SAPD and the community for a safer San Antonio.

Guiding Principles

INTEGRITY. We hold ourselves accountable and demand the highest level of ethical and moral standards from all. We are role models, acting with courage and building trust within the organization and the community.

RESPECT. Mutual respect is the foundation for every interaction. We value diversity and encourage open communication by treating everyone with dignity and fairness.

COMPASSION. Compassion guides our actions as we care for one another. We treat people with kindness and respect while working for the benefit of all.

FAIRNESS. We are committed to consistently treating people in a courteous and impartial manner.

Internal Affairs

Mission

The San Antonio Police Department accepts all complaints, regardless of form, source, or substance, and initiates investigative action appropriate to the seriousness of the complaint. Therefore, the Internal Affairs Unit is committed to investigate thoroughly, objectively and without prejudice all reports of misconduct in an effort to uphold the principles of accountability; to foster and maintain trust between the department and the community; and to achieve the desired degree of organizational excellence.

Organization

The Internal Affairs Unit is commanded by a captain who reports directly to the Chief of Police and all administrative responsibilities are directed by a lieutenant. In addition, the unit is staffed with twelve (12) sergeant investigators; one (1) patrol officer statistician; and two (2) administrative assistants. The lieutenant in the Internal Affairs Unit also directs the Officer Concern Program.

The Officer Concern Program is administered by one of the sergeants in the Internal Affairs Unit. There is a growing body of research that indicates that a small percentage of officers are responsible for a disproportionate number of citizen complaints and incidents of misconduct. The Officer Concern Program is designed to evaluate performance indicators and behavioral traits that will aid in identifying those indicators and traits in officers before they (performance & behaviors) develop into disciplinary problems for the officer and the Department.

Purpose

The Internal Affairs Unit is responsible for investigating complaints against officers and performs administrative reviews of police incidents to determine whether policy, training, equipment, or disciplinary issues should be addressed. Internal Affairs staff conducts all their investigative activities with the best interests of all involved including the department and community.

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Executive Summary

In an effort to improve the delivery of services; improve supervision and operational practices; and uphold our commitment to our organizational principles of integrity, respect, compassion, and fairness, this annual report was produced to inform all stakeholders of the activity and services that the Internal Affairs Unit engaged in, and share the information collected over the 2019 calendar year. Additionally, this report serves to announce the San Antonio Police Department's public accountability responsibilities.

This annual report is not an "analysis" to answer cause and effect questions, but instead, presents quantitative data that may help in directing attention and resources to address actual and potential officer misconduct; and identify training opportunities through the recognition of trends or patterns. The end goal of presenting this information is to demonstrate this department's commitment to accountability and transparency; and to initiate discussion on how best to reduce incidents of police officer misconduct and to continually improve on customer service and police practices. The data in this report has been updated to reflect complaints that were received after the respective reporting periods for the previous years. The following data set is representative of reports received by February 14, 2019.

For the period January 1, 2019 through December 31, 2019, the Internal Affairs Unit received 147 formal complaints and 537 line complaint incidents. The Unit also recorded 529 incidents involving use of force, the majority of which were reported by the Patrol Division. Compared to the same time period for 2018, formal complaints decreased by 16.5%, line complaints increased by 10.9%, while use of force incidents increased by 3.7%.

For 2019, the Officer Concern Program (OCP) administrator recorded thirty-nine (39) cases for OCP consideration. Thirteen (13) officers met the criteria and were enrolled with a plan of action in the OCP. The most common plan of action taken was referral to Psychological Services.

Police use of electronic control devices (ECD) such as TASERS to incapacitate violent or combative suspects is becoming a more common police practice. The use of these devices is believed to improve the safety of the officer and the violent individual by preventing the use of deadly force, as well as aiding in the control of an aggressive individual. Looking at the past three (3) years of TASER data for the department, there were 175 TASER incidents reported in 2017, 173 TASER incidents reported in 2018, and 207 TASER incidents reported in 2019. Compared to 2018, there was a 19.6% increase in TASER incidents reported for 2019.

The Complaint and Administrative Review Board is synonymous with the Chief's Advisory Action Board as mentioned in the Collective Bargaining Agreement (CBA). The Complaint and Administrative Review Board (CARB) is a combined board made up of San Antonio Police officers and private citizens who volunteer to serve on the CARB. The CARB, which is independent of the Internal Affairs Unit, is established to meet year round to hear; adjudicate; and make recommendations to the Chief of Police in all officer misconduct cases that are heard by the CARB. In addition, the CARB reviews all officer involved shootings and custodial deaths to determine whether any policy or training issues need to be addressed. In 2019, the CARB heard 126 cases compared to 127 cases in 2018.

To lend context to the data in this report, the San Antonio Police Department received 1,623,695 calls for service in 2019. This is an increase of 7.8% compared to 2018.

Agency Information

| Race/Ethnicity | Female | Male | Race / Ethnicity Totals (%) |
|--------------------------|------------|--------------|-----------------------------|
| African American | 8 | 108 | 116 (5.0) |
| Hispanic | 141 | 1,042 | 1,183 (51.6) |
| White | 87 | 877 | 964 (42.0) |
| Other | 5 | 26 | 31 (1.4) |
| Gender Totals (%) | 241 (10.5) | 2,053 (89.5) | 2,294 |

Table 1: Agency Demographics- 2019 (As of 12/31/19)

| Race/Ethnicity | Total % |
|-------------------------|------------------|
| African American | 6.9 |
| Hispanic | 64.2 |
| White | 24.8 |
| Other | 4.1 |
| Total Population | 1,532,233 |

Table 2: City of San Antonio Demographics (estimated)- 2019
<https://www.census.gov/quickfacts/sanantoniocitytexas>

| | 2018 | 2019 | % Change |
|--------------------------|-----------|-----------|----------|
| Calls For Service | 1,505,905 | 1,623,695 | +7.8% |

Table 3: Calls for Service Citywide- 2019

| Service Area | Square miles |
|---------------------------|----------------------|
| Central | 26 sq. miles |
| East | 69 sq. miles |
| West | 79 sq. miles |
| Prue | 94 sq. miles |
| North | 101 sq. miles |
| South | 131 sq. miles |
| Total square miles | 500 sq. miles |

Table 4: Patrol Service Areas- 2019 (by square miles)
 (Ascending order)

Formal and Line Complaints

A **formal complaint** is a complaint on an officer for conduct that exhibits a significant variance from behavioral expectations established through formal training, departmental rules, regulations, policies, or procedures which regulate an officer’s conduct. These complaints are investigated by Internal Affairs investigators who forward their findings to a board comprised of police officers and private citizens. This board reviews the investigators’ findings, then makes a recommendation to the Chief of Police as to the discipline that should be imposed on the officer if it is determined that the officer indeed engaged in misconduct. In 2019, the Internal Affairs Unit investigated 147 formal incidents. Of the 147 formal incidents, 10.8% were deactivated¹. Included in the number of formal complaints (147) are 53 administrative reviews that are assigned initially as formal cases to determine whether policy, training, equipment, or disciplinary issues should be addressed. Incidents classified as administrative reviews include: officer involved shootings, custodial deaths, officer involved family disturbances and family violence, or any incident that the Chief of Police believes should be evaluated for potential misconduct.

A **line complaint** generally constitutes a complaint against an officer for minor variances from rules, regulations, and/or policies. Line complaints are investigated by an officer’s immediate supervisor and that supervisor makes a recommendation to the Chief of Police as to the discipline that should be imposed on the officer if it is determined that the officer indeed violated departmental rules, regulations, or policies. In 2019, the Internal Affairs Unit investigated 537 line complaint incidents.

| | 2018 | 2019 | % Change |
|-------------------------------|-------------|-------------|-----------------|
| Formal Complaints (FC) | 176 | 147 | -16.5% |
| Line Complaints (LC) | 484 | 537 | +10.9% |

Table 5: *Summary of formal complaints and line complaints 2018 and 2019*

Table 6 below illustrates a five (5) year historical perspective for formal complaints and line complaints.

| | 2015 | 2016 | 2017 | 2018 | 2019 | Avg. | Median |
|---------------|-------------|-------------|-------------|-------------|-------------|--------------|---------------|
| Formal | 184 | 156 | 134 | 176 | 147 | 159.4 | 156 |
| Line | 401 | 430 | 420 | 484 | 537 | 454.4 | 430 |

Table 6: *Five year data for formal complaints and line complaints*

¹ A case is deactivated for various reasons including but not limited to: lack of cooperation by a complainant; evidence, video/audio for example, does not support claim; complaint waiver.

Figure 1 below presents the same data to give a visual sense of the historical frequency of formal complaints and line complaints.

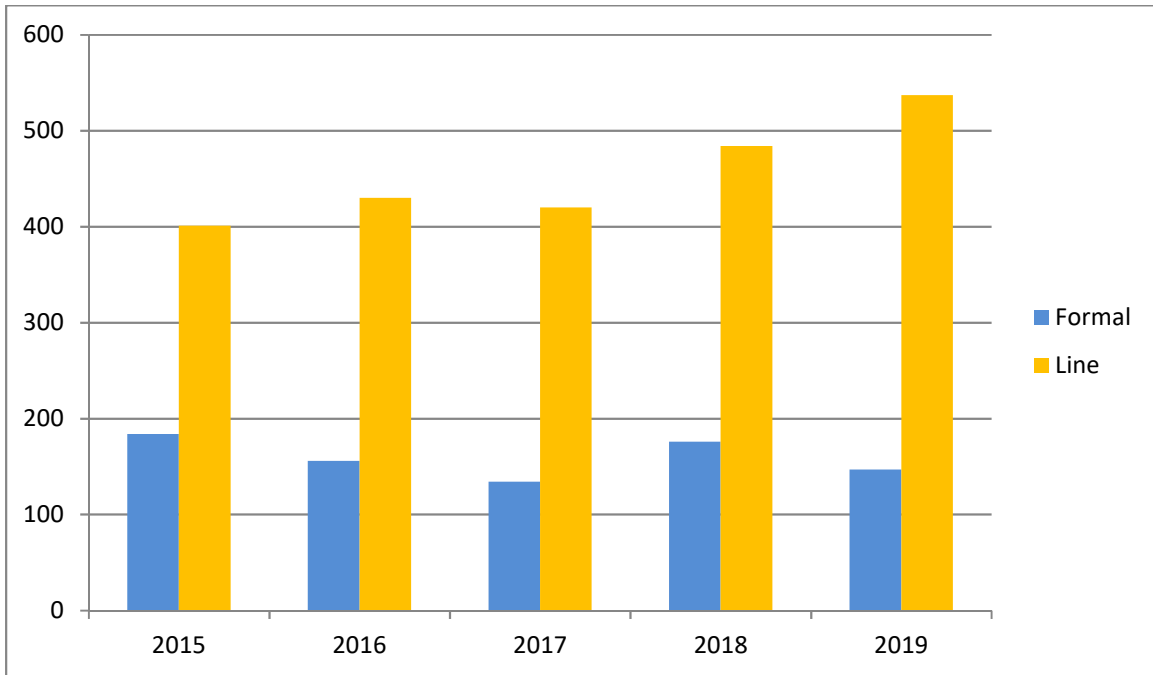


Figure 1: *Five year data for formal complaints and line complaints*

Table 7 highlights the top 5 categories for formal and line complaints and their respective frequencies.

| Rank | Formal complaints | Line complaints |
|-------------|---|---|
| 1 | Conduct and behavior (48) | City Property: Safe operation of Vehicles (188) |
| 2 | Post Event Procedures: OIS and Custodial Death (26) | Body Worn Cameras; Recording (58) |
| 3 | Family/Dating Violence Involving Member (18) | Searching of Prisoners (46) |
| 4 | Body Worn Cameras; Recording (17) | Pre-Operational check of ECD (28) |
| 5 | Truthfulness of Members (17) | Responsibility to Serve the Public; Courtesy (25) |

Table 7: *Top 5 formal and line complaints 2019*

Use of Force Incidents

A **use of force incident** is any incident in which a police officer uses force during a public-police interaction. The San Antonio Police Department requires its officers to exhibit a sense of prudent judgment derived from departmental training, acquired knowledge, skills, and ability in the exercise or application of any level of force. Officers are trained and required to use only the level of force necessary to accomplish a lawful police objective. Every officer that uses force during an interaction is required to report such use in writing. In addition, the Department also requires supervisors to respond to the scene of use of force incidents and to review all Use of Force Reports, to ensure the application of force conforms to established guidelines and departmental policy and procedures.

Figure 2 below illustrates a five (5) year historical perspective of Use of Force incidents. There was a significant increase in the number of use of force incidents beginning in 2014 which were a direct result of policy changes that required officers to report the use of “takedowns” which were previously not recorded as a type of force. A “takedown” is defined as using physical force when executing a leg sweep, body flip or similar control technique intended to control an individual who is offering resistance during arrest and handcuffing. The significant decrease in the use of force incidents beginning in 2017 are a direct result of policy changes that reverted back to the previous policy in which the officers are not required to record “takedowns” as a type of force. During the 2018 reporting period, the method for capturing Use of Force data was modified. Therefore, the 2017 Use of Force data, including the five year historical data was recalculated for comparative analysis.

| | 2018 | 2019 | % Change |
|-------------------------------------|------|------|----------|
| Use Of Force (UOF) Incidents | 510 | 529 | +3.7% |

Table 8: *Summary use of force incidents 2018 and 2019*

Historical Use of Force Incidents

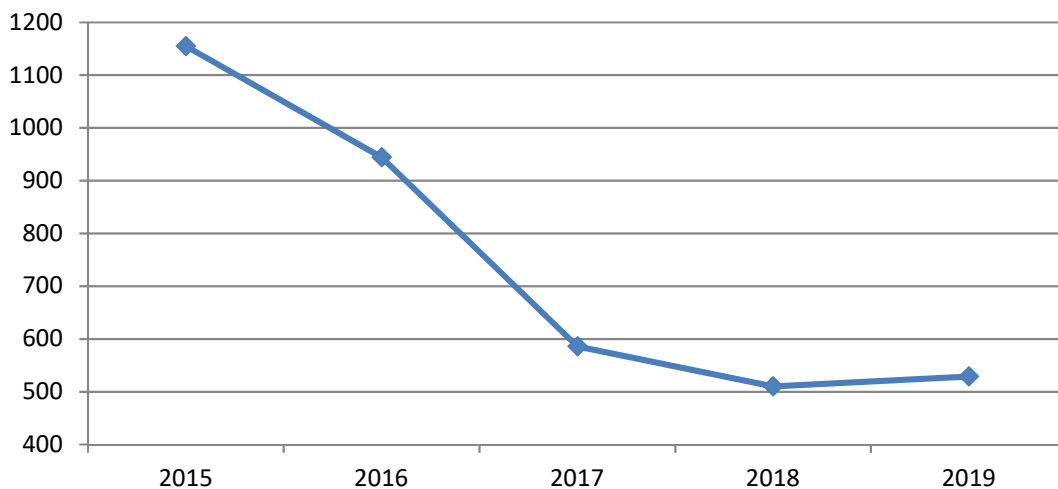


Figure 2: *Five year data for use of force incidents*

| 2019 | | | | | | |
|---|---------|-------|------|-------|------|------|
| <u>Service Area</u> | Central | South | West | North | Prue | East |
| <u>UOF Incidents</u> (529) ² | 134 | 110 | 79 | 59 | 55 | 90 |
| 2018 | | | | | | |
| <u>Service Area</u> | Central | South | West | North | Prue | East |
| <u>UOF Incidents</u> (510) ³ | 200 | 112 | 75 | 49 | 55 | 95 |
| 2017 | | | | | | |
| <u>Service Area</u> | Central | South | West | North | Prue | East |
| <u>UOF Incidents</u> (586) ⁴ | 200 | 112 | 75 | 49 | 54 | 95 |
| 2016 | | | | | | |
| <u>Service Area</u> | Central | South | West | North | Prue | East |
| <u>UOF Incidents</u> (944) ⁵ | 305 | 133 | 189 | 111 | 74 | 131 |
| 2015 | | | | | | |
| <u>Service Area</u> | Central | South | West | North | Prue | East |
| <u>UOF Incidents</u> (1155) ⁶ | 319 | 157 | 220 | 140 | 105 | 208 |

Table 9: Five Year Use of force incidents and their respective service areas

In 2019, the Internal Affairs Unit recorded 529 use of force incidents. See table 10 below for UOF incidents recorded by division. The majority (78.4%) of use of force incidents were recorded by the Patrol Divisions (South and North).

| Division | Use of force incidents |
|-----------------|-------------------------------|
| COS | 0 |
| PSC | 254 |
| PNC | 161 |
| TEC | 89 |
| FCD | 21 |
| IDC | 4 |
| TOTAL | 529 |

Table 10: Use of force incidents recorded for 2019.

*PSC total includes 39 incidents recorded by Bike Patrol Unit

² One (1) use of force incident occurred outside of the SAPD service area

³ One (1) use of force incident occurred outside of the SAPD service area

⁴ One (1) use of force incident occurred outside of the SAPD service area

⁵ One (1) use of force incident occurred outside of the SAPD service area

⁶ Six (6) use of force incidents occurred outside of the SAPD service area

TASER Data

Police departments across the country have been searching for ways to reduce injuries that result from using force. Therefore, the inauguration of electronic control devices (ECDs) such as TASERs, into the officer's use of force continuum is one recent attempt to reach these goals more efficiently. Law enforcement's chief responsibility is guaranteeing the safety and protection of the community which, at times, requires the use or threat of the use of force. Police officers are mandated to use the proper amount of physical force to accomplish their objective. However, force going beyond this minimum standard is deemed excessive.

If physical force has proven ineffective or is not a reasonable option based upon the circumstances, officers are authorized to use a TASER to affect an arrest. The TASER is deployed as a non-deadly tool for the officer and is not intended to be used in deadly force situations. The decision to use a TASER will be dependent upon the actions of the subject, the threat facing the officer, and the totality of circumstances surrounding the incident. During the discharge of the TASER, individuals are unable to voluntarily perform motor tasks but this effect terminates as soon as the discharge is stopped.

There were 177 TASER incidents reported in 2017, 173 TASER incidents reported in 2018, and 207 TASER incidents reported in 2019. Compared to 2018, there was a 19.6% increase in TASER incidents reported for 2019.

| | 2017 | 2018 | 2019 |
|----------------------------------|-------------|-------------|-------------|
| Number of Taser Incidents | 177 | 173 | 207 |

Table 11: *Number of taser incidents*

The majority (91.7%) of Taser incidents were recorded by the Patrol Divisions (South and North). See tables 12 and 13 below.

| CENTRAL | | WEST | | SOUTH | |
|----------------------------------|---------------|-------------------|---------------|--------------------|---------------|
| Shift | Totals | Shift | Totals | Shift | Totals |
| SAFFE | 2 | SAFFE | 0 | SAFFE | 0 |
| CPA | 10 | WPA | 4 | SPA | 4 |
| CPB | 4 | WPB | 12 | SPB | 10 |
| CPC | 13 | WPC | 9 | SPC | 15 |
| CPT | 4 | WPT | 6 | SPT | 11 |
| Central Total⁷ | 44 | West Total | 31 | South Total | 40 |

Table 12: *Taser incidents Patrol South (2019)*

⁷ Bike Patrol totals only apply to Central and there were ten (CFA-3 / CFB-7) taser incidents recorded for 2019.

| NORTH | | PRUE | | EAST | |
|--------------------|-----------|-------------------|-----------|-------------------|-----------|
| Shift | Totals | Shift | Totals | Shift | Totals |
| SAFFE | 2 | SAFFE | 0 | SAFFE | 2 |
| NPA | 4 | PPA | 5 | EPA | 4 |
| NPB | 8 | PPB | 5 | EPB | 8 |
| NPC | 7 | PPC | 7 | EPC | 4 |
| NPT | 8 | PPT | 6 | EPT | 5 |
| North Total | 29 | Prue Total | 23 | East Total | 23 |

Table 13: *Taser incidents Patrol North (2019)*

Complaint and Administrative Review Board (CARB)

The Complaint and Administrative Review Board is synonymous with the Chief’s Advisory Action Board as mentioned in the Collective Bargaining Agreement (CBA). As part of the 2008 Police Executive Research Forum (PERF) study of the San Antonio Police Department’s operations and practices, PERF recommended a change in the composition and appointment of the Complaint and Administrative Review Board (CARB). As a result, the San Antonio Police Officers Association and the City of San Antonio agreed in the 2016 Collective Bargaining Agreement that the CARB would be comprised of seven (7) citizen appointees selected from a panel of fourteen (14) citizens. Seven (7) uniformed police employees also serve on the Board.

The Complaint and Administrative Review Board (CARB) is designed to address complaints on officers as equitably as possible in an effort to achieve the following objectives:

- Correct the behavior of an officer who may not be in conformance with departmental standards or expectations;
- Instill a preventative affect;
- Demonstrate that compliance with departmental policies is uniformly required of all officers;
- Promote transparency and trust within the community

During board meetings, both citizen and police board members hear a detailed briefing of the various cases presented by Internal Affairs investigators. After considering all the facts, CARB members vote towards determining a finding in a misconduct case. One of four (4) findings may be recommended to the Chief of Police and include:

- **Unfounded** - means the allegations reported did not occur
- **Inconclusive** - means the allegations could not be proved or disproved
- **Sustained** - means the allegations reported are found to have occurred
- **Justified** - means the conduct complained of did occur, but was necessary and appropriate to accomplish a valid law enforcement objective

Following a finding of "sustained," a discussion is held and a recommendation is made to the Chief of Police for disciplinary action or other remedy. The recommendations made by board members are advisory in nature, and the final decision on each case is made by the Chief of Police.

In 2019, the CARB met 25 times and reviewed 126 cases involving misconduct allegations.

| | 2015 | 2016 | 2017 | 2018 | 2019 |
|------------------------------------|-------------|-------------|-------------|-------------|-------------|
| No. Cases presented to CARB | 158 | 119 | 105 | 127 | 126 |

Table 14: *Number of cases referred to CARB*

Officer Concern Program (OCP)

The Officer Concern Program (OCP) is administered by one of the Internal Affairs Unit sergeants. There is a growing body of information that indicates that a small percentage of officers are responsible for a disproportionate number of citizen complaints and incidents of misconduct. The Officer Concern Program is designed to evaluate performance indicators and behavioral traits that will aid in identifying those indicators and traits in officers before they (performance & behaviors) develop into disciplinary problems for the officer and the Department.

For 2019, the Officer Concern Program (OCP) administrator recorded thirty-nine (39) cases for OCP consideration. In 2018, thirty-eight (38) OCP cases were recorded by the program administrator (see table 17 below).

| | No. OCP cases reviewed | No. cases presented to Preliminary Board | No. cases presented to OCP Board | No. Cases assigned a Plan of Action |
|-------------|-------------------------------|---|---|--|
| 2018 | 38 | 38 | 14 | 11 |
| 2019 | 39 | 39 | 16 | 13 |

Table 15: *OCP cases years 2018 and 2019*

Of the 39 cases presented to the Preliminary Board, sixteen (16) were seen by the full OCP Board and thirteen (13) of those cases were assigned to a Plan of Action. Computer generated referrals attributed to approximately 62% of the cases presented to the OCP board. Of the cases that were presented to the OCP board, 81.2% were assigned a plan of action. The most common plan of action was referral to Psychological Services.

APPENDIX A

Internal Affairs Operating Definitions

Administrative Review: means a documented review of an incident or occurrence prepared for the Chief of Police, or his designee, to determine whether policy, training, equipment, or disciplinary issues should be addressed.

Custodial death: means the death of an individual who is in the custody of a peace officer or who dies as a result of a peace officer's use of force. A person is considered to be "in the custody of a peace officer" if the person is under arrest or under the physical control or restraint of a peace officer.

Deactivated case: means that a case or administrative review has been evaluated but information or evidence indicates that a complaint or claim has no merit or there are no apparent policy or procedural violations; the complainant voluntarily withdraws his/her complaint in writing; the complainant refuses to cooperate or provide a statement.

Family Disturbance: means an act of disorder or an act to destroy the tranquility or composure by a member of a family or household against another member of the family or household that has not yet escalated into an act of family violence.

Force: means an officer's presence, the use of verbal communications, physical force as described in this procedure or the use of a weapon to achieve a lawful police objective.

Officer Involved Shooting: means (1) an incident in which an officer discharges a firearm and the discharge resulted in a death or injury to any person, or; (2) Any incident in which an officer uses deadly force against another or deadly force is used against an officer, which results in death or serious bodily injury to any person; or (3) Any incident in which an officer discharges a firearm at an individual or vehicle regardless of whether intended target is hit.

Physical force: means the use of physical strength and agility, or other physical techniques officers are trained in to achieve a lawful police objective.

Plan of Action: means a written, formulated course of action designed to be a non-punitive way of addressing an officer's unacceptable behavior to benefit the officer and the Department.

Racial/Bias Profiling: means a law enforcement-initiated action by a peace officer based on an individual's race, national origin, citizenship, religion, ethnicity, age, gender, sexual orientation, or physical or mental disability rather than the individual's behavior or information identifying the individual as having engaged in criminal activity.

Takedowns: means using physical force when executing a leg sweep, body flip or similar control technique intended to control an individual who is offering resistance during arrest and handcuffing.

Officer Concern Program Board: identifies unacceptable behavioral traits in officers before those behavioral traits develop into disciplinary problems for the officer and the Department. The board will conduct a review of the referred officer and, when appropriate, formulates a Plan of Action in an attempt to address the officer's undesirable behavior. The board is comprised of seven (7) voting members appointed by the Chief of Police which are the following: a division commander who serves as the chairperson; captain; lieutenant; sergeant; detective-investigator; and two (2) police officers.

Preliminary Board: reviews the case study prepared for officers who have become candidates for the Officer Concern Program to determine which cases should be reviewed by the entire Board. This board is comprised of three (3) officers of any rank from the existing Board. Furthermore, two (2) members are appointed by the Chief of Police and one (1) member is appointed by the San Antonio Police Officers' Association.

Plan of Action: means a written, formulated course of action designed to be a non-punitive way of addressing an officer's unacceptable behavior or sub-standard performance.