

**Fort Worth Police Department:  
In the Era of the 3-E Action Plan,  
the Coleman Report, and  
the President's Task Force on  
21<sup>st</sup> Century Policing**



**October 2017**



*City of Fort Worth—Working together to build a strong community.*

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## Fort Worth Police Department: In the Era of the 3-E Action Plan, the Coleman Report, and the President’s Task Force on 21st Century Policing

The recent focus in America regarding unfortunate incidents of violence between communities and police officers has, in some circumstances, led to waning trust in law enforcement. In order to address these issues, law enforcement agencies across the nation are engaged in measured initiatives to improve and enhance relationships with the communities they serve. For many years, the Fort Worth Police Department (FWPD) relied heavily on its Community Oriented Policing philosophy that included implementing programs such as Neighborhood Police Officers and Citizens on Patrol. In October 2015, the department realized it had a much greater role, a responsibility, to engage the community differently. FWPD elected to participate in nationally recognized programs to enhance and improve operations and relationships with ALL members of our shared community. These programs include the President’s Task Force on 21st Century Policing, the National Initiative for Building Trust and Justice, and the Fort Worth 3-E Action Plan (Equity, Equality, Everyone). FWPD integrated these programs into daily operational practices combined with the existing Community Oriented Policing programs already in place.



*Neighborhood Police Officer*

### FWPD Policing Philosophy

The structure of the FWPD centers upon the perennial strong support the department has for the Community Oriented Policing (COP) philosophy. This strategy promotes interactive partnerships with the community to enhance crime prevention, as well as encourages collaboration to reduce crimes against persons and property, to create safer communities, and to enhance the health and vibrancy of Fort Worth neighborhoods. Furthermore, this strategy encourages active public participation in public safety programs, greater police visibility in neighborhoods, and increases in overall public trust. The FWPD deploys the COP philosophy daily, through active and irreplaceable Citizens on Patrol programs like Code Blue and the popular Neighborhood Police Officer program.



*Code Blue Volunteers*

The Intelligence Led Policing philosophy (ILP), an Evidence Based Policing approach, works in concert with the Community Oriented Policing philosophy, using extensive data collection and analysis to identify trends and develop focused strategies to address and suppress specific public safety problems. These two philosophies form the foundation of the FWPD operational priorities; working hand-in-hand with the community, developing evidence-based intelligence, while ensuring crime analysts and intelligence groups equip personnel in the field with up-to-date crime data, intelligence, and offender data. To accomplish this end, officers assigned to the Real Time Crime Center (RTCC) monitor crime hot spots and citywide

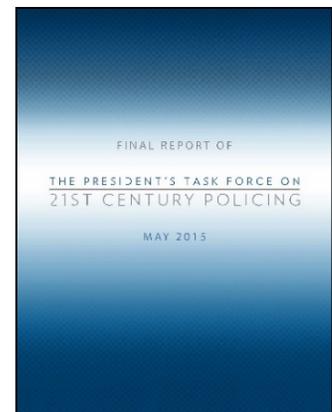
surveillance cameras in Fort Worth 24 hours a day to provide expedient and reliable data to command staff and field personnel.

Evidence-based policing is an approach to policing that utilizes scientific research as a critical component to make tactical and policy decisions. According to the Police Foundation (Sherman, 1998)<sup>1</sup>, “doing research is not enough...Proactive efforts are required to push accumulated research evidence into practice through national community guidelines.” The Police Foundation (Sherman, 1998) also states, “of all the ideas in policing, one stands out as the most powerful choice for change: police practices should be based on scientific evidence about what works best.” The crux of evidence-based policing is how well a department converts research, or ILP data, into actionable criminal justice practice. FWPD proactively determines ways to utilize evidence-based policing as demonstrated by the implementation of aspects of the President’s Task Force on 21st Century Policing Report into its promotional process in May 2015. The President’s report, described in the next section, includes six pillars that aim to improve the focus of a police department on policing problems in a comprehensive manner, and in turn establishes a framework that enables law enforcement entities to provide increased benefits to the community.

Additionally, Fort Worth is one of six pilot cities selected to participate in the U.S. Department of Justice-National Initiative for Building Community Trust and Justice Program. The National Initiative is a three-year program overseen by the Department of Justice and John Jay College of Criminal Justice. The mission of the National Initiative for Building Community Trust and Justice is to improve relationships and increase trust between communities and the criminal justice system, a natural segue for the improvements the FWPD aspires to achieve. The following sections describe each of the aforementioned programs in detail.

## **President’s Task Force on 21<sup>st</sup> Century Policing Initiative**

On December 18, 2014, President Barack Obama signed an Executive Order establishing the President’s Task Force on 21<sup>st</sup> Century Policing. The Task Force members sought expertise from stakeholders and input from the public to identify best practices and make recommendations to the President. On May 18, 2015, the Task Force released the final report nationwide. The philosophical foundation for the Task Force on 21<sup>st</sup> Century Policing is to build trust between citizens and officers so that all components of a community are treating one another fairly and justly and are invested in maintaining public safety in an atmosphere of mutual respect. There are six (6) pillars to follow in order to implement the initiative.



**Pillar One: Building Trust and Legitimacy** – Law enforcement cannot build community trust if seen as an occupying force coming in from outside to impose control on the

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<sup>1</sup> Sherman, Lawrence, 1998. *Evidence Based Policing*. Washington, DC: Police Foundation. <http://www.policefoundation.org/pdf/Sherman.pdf>

community. It is imperative that law enforcement agencies establish a culture of transparency and accountability to build public trust and legitimacy.

**Pillar Two: Policy and Oversight** – Policies must reflect community values. Law enforcement agencies should collaborate with community members to develop policies and strategies for deploying resources that aim to reduce crime by improving relationships, increasing engagement, and fostering cooperation.

**Pillar Three: Technology and Social Media** – The use of technology can improve policing practices and build community trust and legitimacy, but to facilitate its implementation there must be a foundation encompassing a defined policy framework with purposes and goals clearly delineated. Law enforcement agencies should adopt model policies and best practices for technology-based community engagement that increases community trust and access.

**Pillar Four: Community Policing and Crime Reduction** – Community policing emphasizes working with neighborhood residents to co-produce public safety. Law enforcement agencies should work with community residents to identify problems and collaborate on implementing solutions that produce meaningful results for the community.

**Pillar Five: Training and Education** – Today’s line officers and leaders must be trained and capable to address a wide variety of challenges including international terrorism, evolving technologies, rising immigration, changing laws, new cultural mores, and a growing mental health crisis.

**Pillar Six: Officer Wellness and Safety** – Law enforcement agencies should promote wellness and safety at every level of the organization. The tenets or pillars listed above needed to implement the 21<sup>st</sup> Century Policing Initiative are included in training materials for police recruits and promotional exams for existing police officers. The 21<sup>st</sup> Century Policing Initiative document is now required reading material for officers of all ranks seeking promotion beyond entry level. In the case of deputy and assistant chief appointed positions, applicants are required to explain their understanding of the document, policing philosophies, and how they relate to the 21<sup>st</sup> Century Policing Initiative.

## **National Initiative for Building Community Trust and Justice**

The National Initiative for Building Community Trust and Justice is a three-year program initiated in six pilot cities around the United States. Fort Worth earned selection as one of the pilot cities in March 2015. The other five pilot cities include Birmingham, Alabama; Gary, Indiana; Minneapolis, Minnesota; Pittsburgh, Pennsylvania; and Stockton, California. The mission of the National Initiative for Building Community Trust and Justice is to improve relationships and increase trust between communities and the criminal justice system. It also aims to advance the public and scholarly understandings of the issues contributing to those relationships.



The National Network for Safe Communities at John Jay College of Criminal Justice in New York funds the program through a \$4.75 million U.S. Department of Justice grant and is organized by a research partnership including John Jay College, the Justice Collaboratory (Yale Law School), The Center for Policing Equity at UCLA, and the Urban Institute, in Washington D.C. The grant-funded partnership with criminal justice experts is part of an ongoing commitment on the part of the Department of Justice to strengthen the relationship between law enforcement and communities they serve. The program invests in training, evidence-based strategies, policy development, and research, to combat distrust and mend relationships between law enforcement and the community. The overall goal of the project is to develop and implement intervention strategies aimed at enhancing procedural justice, reducing implicit bias, and encouraging positive reconciliation processes. Analysis of the evidence gathered during the three-year pilot program among the six cities will provide the foundation for similar programs nationwide.

The National Initiative (NI) focuses on the following three (3) pillars to help improve relationships and increase trust between the Police Department and the community:

- **Racial reconciliation** facilitates open conversations between minority communities and law enforcement that allow them to address historic tensions, grievances, and misconceptions between them and reset relationships.
- **Procedural justice** focuses on how the characteristics of law enforcement interactions with the public shape the public's views of the police, their willingness to obey the law, and actual crime rates.
- **Implicit bias** focuses on how largely unconscious psychological processes can shape authorities' actions and lead to racially disparate outcomes even where actual racism is not present.

In 2015 and through August 2016, the Fort Worth Police Department hosted site visits with NI representatives and conducted joint training and workshops covering the following topics:

- **Procedural Justice Training Classes**
- **Implicit Bias Training Classes**
- **Climate Assessment and Attitude Behavior Matching**
- The National Justice Database (NJD)
- **Policies and Practices Review**
- **Reconciliation and Truth-Telling Process**
- Unique Interventions
- Community Surveys

National Initiative training is **mandatory** for all police personnel, including police academy recruits prior to graduation from the police academy; **principles of this training are included in all departmental promotional exams.**

## Fort Worth Police Department – National Initiative Implementation Plan

The FWPD is committed to working with representatives from the National Initiative project to implement key recommendations and strategies to ensure the mission is accomplished. The 2017-2021 FWPD Strategic Plan, Part 6: Goals and Action Items provide further details on a variety of recommendations relating to our participation in the National Initiative. In 2016, the department began providing training classes for the Procedural Justice (PJ) Pillar and completed the PJ1 and PJ2 classes for the entire department in mid-2017. Racial Reconciliation and Implicit Bias classes are the next planned topics, and three (3) full-time trainers are dedicated to teaching NI-related classes.

### Drug Market Initiative (DMI)

The Drug Market Initiative portion of the National Initiative is an innovative, strategy-based method for addressing overt narcotic markets and building community stabilization through offender identification and positive interaction. The DMI implementation guide stresses the importance of selecting an operational area based upon concrete data analysis, therefore, in late 2016- early 2017, police department crime analysts completed a hotspot analysis overlay of violent crimes, narcotics complaints, and narcotics related arrests. The analysis results helped to select and define the initial target area based on evidence supported by real crime data. While maintaining the integrity of the operational area is important, it is also noteworthy that minor alterations to the operational area may occur based upon implementation needs. The DMI portion will continue when the NI representatives from John Jay, the DOJ, and FWPD progress beyond the community conversation stage of the project, and the department addresses items identified in the 3E Plan and Coleman Report.

## **3-E Action Plan and Coleman Report**

In an effort to address concerns of equity and equality within the department and in the community, FWPD worked with the 3E Coalition and Unity in the Community to begin the process of improving relationships. The group desired to create a more inclusive community, especially for the disenfranchised and disadvantaged circumstances. In 2014, the City of Fort Worth contracted with Coleman & Associates (CA) to conduct internal research to obtain fact-based information regarding allegations of race-based discriminatory treatment and incidents of harassment within FWPD.

FWPD also initiated the 3-E (Equity, Equality, Everyone) Action Plan in 2014 to address numerous concerns raised by prominent members of the community regarding the method and delivery of police services, critical incident management, and the desire of the community to observe improvements in police professionalism. The 3-E Action Plan addresses the following issues:

- Police encounters with citizens
- Police response to critical police incidents
- The development of a FWPD plan for increasing and respecting diversity within the department

The intent of action items associated with each of these concerns are building stronger relationships in the community and improving professionalism within FWPD. The Chief of Police and other critical members of the command staff changed since the plan was developed. However, the new staff is nonetheless responsible for and committed to the successful implementation of all action items identified in the plan in an effort to provide the highest-quality service to **all Fort Worth residents** and **all employees**. The staff promotes a fair and equitable internal and external environment.

The new members of police administration already increased the frequency of open community forums to facilitate honest and transparent communication with the community to foster a positive relationship with their police department. These events make FWPD vulnerable and accountable but increase the likelihood that members of the department and community address both perceived and actual problems within the city. These efforts promote recruitment in volunteer programs such as CODE Blue, Ministers Against Crime (MAC), and Clergy and Police Alliance (CAPA), builds goodwill, and helps the police department foster new allies in communities to help address a multitude of concerns. These advancements include FWPD using progressive recruitment strategies to attract a diverse workforce (locally and nationally) that has helped the department to improve diversity, not simply racial diversity, but educational, gender-based, socio-economic, and cultural. The FWPD recognizes that a truly diverse workforce that represents the community on behalf of the police department provides better overall service to all citizens.

### ***3-E Action Plan***

In 2013, a group of socially conscious ministers presented their collective concerns to the City of Fort Worth. The four ministers were:

- Dr. Michael Bell
- Bishop Billy George
- Pastor Robert L. Sample
- Reverend Kyev Tatum

On November 1, 2013, the former Chief of Police began meeting with this group called “the Coalition.” The meetings occurred over a period of 4-5 months and engendered extensive dialogue on many concerns within the community relating to the delivery of police services, internal equity and communication, and disciplinary practices.

The Police Chief also hosted community meetings where citizens and other community leaders voiced their concerns relating to the police department, service from police officers, as well as the internal handling of critical incidents that occurred within various segments of our community. The former Chief engaged his Community Advisory Board, a very diverse 39-member board who met with him on a quarterly basis, to solicit further input from all communities within Fort Worth. In other community meetings, many residents voiced separate concerns involving the use of force and the role of the police department in improving professionalism. Additional meetings held with police employees and representatives of employee associations sought to gain additional input from all police employees, and became internal catalysts for departmental change.

Upon compiling and drafting these concerns, the City Manager provided the chief a Plan of Action for change, acknowledging three (3) primary areas of concern existed that related to

1. Police Encounters with Citizens
2. Police Response to Critical Police Incidents
3. Police Plan for Increasing and Respecting Diversity within the Department

This following section details our ongoing response to community-generated action items noted in the 3-E Plan and delineates how FWPD addressed or continues to address each topic since the hiring of Chief Fitzgerald in October 2015. The information describes the dynamic status of these items as collectively assessed in 2017 meetings with Assistant City Manager, Valerie Washington, and the authors of the 3-E Action Plan. The descriptions of the **continuous efforts FWPD made in its commitment to build stronger relationships between officers and fellow members of the community** are significant steps in improving overall professionalism, not a panacea, or a finalized product completed overnight, since the learning process never stops. In keeping with the spirit of the 3-E Action Plan, **this is a living document** that holds each member of the department accountable for taking appropriate actions, highlights their responsibility for fostering internal and external transparency, promoting dignity, and increasing professionalism and service. It is an honor to share publicly the following 3-E Action Plan updates.

### ***Police Encounters with Citizens***

Action Items:

- 🛡️ ***The Chief will host four (4) “Community Advisory Board” meetings a year to continue building trust and relationships in every community.***
  - The Chief met with the 3-E Action Plan authors and Assistant City Manager Washington several times in August-September 2017 to discuss progress and agreed to utilize the Policy Advisory Committee (last held 10/2016) as the means to make further advancements with this action item. The date set to convene the next meeting (October 12, 2017) will be facilitated by Assistant Chief Ramirez who will serve as the chair.
- 🛡️ **Chief will restore Ministers Against Crime as an effective liaison between FWPD and African American community.**
  - Ministers Against Crime (MAC) is an active partner with the Police Department, and remains active within the community. Since 2015, the Chief attended several MAC meetings in order to foster increased MAC membership and to promote additional interaction among ministers and officers through ride-a-longs and by frequent participation in neighborhood conflict resolution.
  - Room for improvement in the FWPD relationship with MAC exists. Upon meeting with the 3E authors, there have been several proposals submitted that have not been implemented to date.

- We also clarified the position on which entity is responsible for MAC membership and discussed the collective direction of the MAC Program as it relates to FWPd. In addition to staffing the MAC-NPO Liaison, the Chief assigned a citywide Police/Clergy Liaison (in the Public Relations Office) to refocus MAC volunteerism and to promote future Ministerial Alliance Training. All officers received additional training via Roll Call 11/08/2016. Please see Appendix A.

**🛡️ *All members of the Community Advisory Board have the Chief's direct email, and some have his cell phone number. We will begin an era of direct communication to increase the effectiveness of decisions and information between each other. Chief and his staff will assess the most appropriate and effective manner to communicate directly with residents and provide quarterly status updates on the action plan.***

- The Chief and Department are proactive in engaging the community using traditional community meetings, and via email and social media, i.e., Facebook, Twitter, Instagram, YouTube, and Pinterest. He presented members of the CAB with all of the prerequisite info during his introductory (and subsequent) meetings, but had only one Community Advisory Board Meeting (12/2016) and two (2) Policy Advisory Board meetings in 2016.
- The ultimate desire of the group that created the 3-E Action Plan is to achieve direct and immediate communication with the Chief of Police during times of potential/foreseeable unrest, to assist with mitigating problems with members of our community. For example, during a turbulent time in late 12/2016, the delegation of these tasks was ineffective using subordinate supervisors; creating distrust since their expectation was direct communication with the Chief of Police.

**🛡️ *The Chief will focus on attending smaller "neighborhood association" meetings or meetings with residents in a more intimate setting. This will increase communication efforts and provide a direct method in addressing their concerns.***

- The Chief continues to attend a series of meetings including hosting forums in the North, South, East, and West Divisions. He attended numerous neighborhood association meetings, civic meetings, and public speaking events in every area, and scheduled future forums to remain active, accessible, and accountable to the community.
- The Command Staff in FWPd is creating a culture that recognizes that certain communities have unique needs and pledge to continue to utilize diverse and innovative ways to interact with members of every community in our city, i.e., an October 9, 2017 meeting that occurred in Diamond Hill that addressed residents' fears relating to SB4 and the Sandra Bland Act.

***🛡️ The Chief will invite each member of "the Coalition", Pastors/community leaders who started these meetings in November of 2013, to each of the quarterly Community Advisory Board meetings for an official update on this action plan throughout the year.***

- In his short tenure, Chief Fitzgerald forged a strong alliance with some members of the Coalition. The Chief invited those members to attend the September 2016 CAB meeting, the inaugural 2016 Policy Review Board meeting(s), and has either met with, or discussed problems via telephone with each of the members at various times during his tenure (increasing in frequency since 8/2017).
- In lieu of a Community Advisory Board (or participation in the Chief's Advisory Board), Coalition members agreed to work with the Office of the Chief of Police in the Policy Review Board format beginning Oct. 12, 2017. The mission of this board will be to review policies and procedures to ensure they meet Texas Recognition Program and national standards, to provide transparency, and increase the level of accountability we have to the community.

### ***Police response to critical incidents***

#### **Action Items:**

***🛡️ The Chief will instruct the appropriate FWPD personnel to review the department's Taser deployment thoroughly in order to determine whether it (Taser deployment) should be placed higher on the use of force continuum. This is one way to prevent unnecessary Taser use.***

- The FWPD reviewed and re-wrote the General Order on Taser Usage in 2014 placing Taser Use of Force higher in the UoF continuum by implementing new, more stringent guidelines for usage. The Department implemented new certification training for all police personnel on those new guidelines.
- The 2017 revised G.O. UoF Policy (please see Appendix B) was changed to integrate de-escalation and to redefine the use of excessive force. The new policy readily identifies categories that are now "excessive," stratifying each instance of excessive force accordingly. Simply put, this change focuses on force being either permissible, excessive, is multi-layered and evolving.

**🛡️ *The Chief of Police will respond in a timely manner to the public's concerns emanating from any critical incidents involving questionable department tactics, misuse of force, etc., involving the police department and/or its employees to ensure the community that a transparent and thorough investigation is being conducted and that timely appropriate action will be taken predicated on the objective results of the investigation.***

- The Chief of Police responded and will continue to respond to public concerns involving critical police incidents through open communication, ensuring that investigations are thorough, objective, and fair. Publication of the results of investigations upon their conclusion to the extent that such publication does not compromise nor unduly prejudice pending legal action(s) should bolster this effort.
- Police discipline and arbitrations are public, and posted accordingly; however, the members of the Coalition maintain the publication/announcement on these matters can improve. The Clergy Liaison shall ensure the Coalition members receive notifications on open disciplinary or arbitration matters so, at their leisure, they have an opportunity to gain a better understanding of the attention these issues receive in FWPD. Attendance in these hearings should enlighten the community on the process and frequency of discipline, and the high priority FWPD places on internal integrity.

**🛡️ *"On-officer camera systems" are the future of policing. The Chief's goal is to have the majority of the uniformed officers equipped and trained in this technology in the next year. This will increase transparency and build stronger trust within the communities we serve.***

- The Fort Worth Police Department obtained 1,150 body cameras. The department anticipates a delivery of an additional 150 cameras delivered by the end of October 2017 and cover > 1,000 officers.
- Body Worn Cameras (BWC) are now issued to every prospective officer entering the police academy to promote "muscle memory", it is expected that the "new normal" is creating a sense of helplessness if an officer fails to begin their day with this important piece of equipment. The positive reinforcement in terms of positive feedback has been overwhelming, that reinforcement begins in the academy and carries on in the form of accountability and responsibility in the street.
- Coalition Policy Review Board participation should address this item, as familiarity with policy and deployment of equipment may address some concerns.

- Pursuant to the FWPD application for Texas Police Chiefs Association Recognition Program certification, the BWC policy became mandatory (G.O. BWC, 2017, please see Appendix C). The integration of BWC, in-car video systems, and increased auditing for compliance and positive customer service behaviors, also insure increased positive behavior and adherence with General Orders.

***🛡️ The Chief will have a complete audit/review of the police department's Use of Force policy by an independent auditing or research firm, like the Police Executive Research Forum (PERF).***

- The Police Executive Research Forum (PERF) conducted an independent study of the department's use of force policy and practices in 2014 (PERF UoF, 2014, please see Appendix D). In addition, the departmental Use of Force (UoF) Coordinator reviews every UOF report for compliance with departmental policy and Federal Case Law. During review, the coordinator tracks departmental UoF trends in order to prepare progressive curriculum that mitigates future liability. The UOF coordinator is also responsible for monitoring national trends to ensure that the department follows best practice guidelines for UoF training.
- In 2016, the department created a 10-hour scenario based training day for all force options-CT, Baton, Taser, and Pepper Spray, that exemplifies best practices and tests the students' knowledge of both Federal Case Law and departmental General Orders. The scenarios mimic events noted through review of internal Blue Team reports and prominent national scenarios as portrayed in the media, or as released by other police agencies.
- In FY17, FWPD retrained all sworn officers in contemporary UoF, including placing emphasis on the goal of providing all sworn de-escalation, and mobile field force (crowd control) training/tactics/tools.

***Police plan for increasing and respecting Diversity within the Fort Worth Police Department***

***🛡️ The Chief should establish a "disciplinary protocol" that holds officers accountable for inappropriate conduct and that communicates that the FWPD has zero tolerance for racial/biased responses and behaviors by its employees.***

- Race based behaviors are explicitly prohibited by General Orders: 321.06, which prohibits racial profiling, 321.07, which demands racially bias free policing and 705.01, which prohibits any employee from joining a race-based hate group. See Appendix E for the aforementioned General Orders.

- The Internal Affairs Section is responsible for investigating all internal and external complaints alleging race based disparate treatment. The department has a zero tolerance policy for race-based employee behaviors and aggressively investigates and pursues all such infractions.
- The Coalition questioned community trust in the Internal Affairs process, labeling it “Not User-Friendly.” The State of Texas simplified the Internal Affairs complaint process via the Sandra Bland Act<sup>2</sup>, and internally, the Assistant Chief of the Finance/Personnel Bureau received direction to create an online complaint process on the FWPD website, sending communications regarding unreturned calls via certified mail. IAD supervisory staff now conducts cold-calls of complainants as part of Internal Affairs audits.

**🛡️ *The Chief should proactively communicate his plan to increase the number of racial/ethnic minority police officers, including recruitment. The Chief should endorse an intentional effort to reach and recruit racial/ethnic minority officers; the department should attain a high standard of diversity and inclusion.***

- Upon his hire in 2015, the Chief of Police implemented an aggressive action plan targeting minority recruitment in an effort to increase departmental diversity and more accurately mirror the City’s racial and ethnic demographics. As a result, in March of 2016, the FWPD held the first out-of-state testing in the history of the department at John Jay University, an institution of higher education renowned for diversity and progressive thinking.
- Since the Chief advocates for diversity and inclusion, he directed the FWPD Background and Recruiting Unit to expand their efforts (locally and nationally) by attracting the best-qualified applicants, placing a premium on diversity, and testing more frequently. In addition, the Chief released the “Why FWPD?” recruiting video, and actively encourages all employees in the department to act as ambassadors and challenges them to recruit desirable applicants.
- These efforts resulted in the Department meeting, but not exceeding the attrition rate of minority officers (Department Diversity, 2017, please see Appendix F). Incidentally, for the first time in over 20-years the department is overstaffed. FWPD remains committed to recruiting the best, brightest, and most diverse future recruits, and can begin hiring again in late 2018/early 2019.

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<sup>2</sup> Coleman, Garnet. Sandra Bland Act, 2017. Retrieved October 5, 2017 from: <http://www.capitol.state.tx.us/tlodocs/85R/analysis/pdf/SB01849F.pdf#navpanes=0>

**🛡️ *The Chief shall conceptualize a plan of action that will address the issue of disparity vis à vis how he relates to all employee associations. This plan should allow for all employee associations to have equal access to the Chief of Police, via all forms of organization communication, and to departmental meetings that are open to the Fort Worth Police Officers Association (POA). This will demonstrate intentionality in his stated commitment to inclusivity, diversity, and fairness.***

- The Chief has an open door policy and regularly communicates with each of the employee association presidents and/or their representatives when they are available.
- The POA President cancelled numerous meetings in 2017 (status incomplete-ongoing).
- The Chief prompted a change in the transfer of personnel to Special Units, mandating the inclusion of members of each association on every Special Unit Transfer Board to promote a sense of fairness and equality (General Order 401.02, please see Appendix G). This decision received criticism from the POA as a possible contract grievance/violation. This is of note as it provides the reader an example of how difficult it can be to make subtle, yet sensible changes to FWPD policies under Meet and Confer conditions. As a result, the verbiage has been changed to direct that each board have

**🛡️ *The Chief will meet every other month with the elected board members of the BPOA and LPOA. The Chief will attend with one staff member to assist in taking notes and following up on critical issues for the board.***

- The Chief extended an invitation to each of the associations' elected boards to meet monthly. For purposes of inclusion, the Chief encourages active feedback on policy, operations, and community relations, opening COMPSTAT and other non-Executive Staff Meetings to all interested department members.
- The frequency of contact with the (BPOA/NLLEO) association presidents exceeds the monthly recommendation.

**🛡️ *An agreed upon goal is to have the current Presidents of each affected police officer association/s as a voting members of the POA executive board.***

- This request falls outside of the purview of the Chief of Police, but since the presidents of the Fort Worth Black Law Enforcement Officer Association (FWBLEOA) and National Latino Law Enforcement Organization (NLLEO) are now voting members of the executive POA board, it has been satisfied.

***🛡️ The Chief will work to address the perception that the department's internal investigative unit is utilized to harass and intimidate racial/ethnic minority police employee associations and/or its members.***

- The Chief fostered greater internal transparency by requiring the review and revision of each of the department's investigative sections, Internal Affairs and Special Investigations. The updated General Orders and Standard Operating Procedures (SOP) Manuals are accessible on the internal police portal to every sworn officer.
- Internal investigations, whether administrative or criminal, are open to review, and will be facilitated pursuant to the SOP of the respective applicable section, in conjunction with the alleged employee misconduct, not based upon race or ethnicity.
- The IAD posts findings in misconduct, grievance, and arbitrations internally for cases involving discipline of a day or more, with the names of the involved parties redacted. This demystifies the investigative process and fosters transparency among the ranks.
- The Civil Service arbitration process is a public meeting.

***🛡️ The Chief will work with an independent research group to imbed their researchers within the police department and conduct a full assessment of the current status and respect of ethnic diversity within the FWPD.***

- The department began this process by working with a Tarleton State University professor to provide a departmental diagnostic of respect for ethnic diversity within the FWPD. The audit was to begin in February 2017 with an anticipated completion date of June 2017 (this is incomplete).
- Members of the executive staff shared thoughts and experiences on race and ethnicity within the department in several open venues, including a Command Staff Retreat facilitated by Strategic Government Resources, Procedural Justice, and PERF De-Escalation classes.

***🛡️ The Chief will set Executive Goals for his administration in 2014. These goals will provide an accountability measure for every executive within his administration. And, to the extent that it is appropriate, these goals should be communicated in written form to the Community and/or the Coalition.***

- The Chief of Police charged each member of the executive staff with achieving metrics as identified by their unique assignment, for creating an environment of respect and inclusiveness, for developing and leading positive organizational change, promoting community outreach, and for managing subordinate work products (2017-2021 FWPD Strategic Plan).

- The FWPD monitors executive goals and action items monthly, and intends to introduce the Strategic Plan before City Council; it has been in pending status since 9/2016.
- The Department posts updated progress on Goals and Action Items on the intranet monthly, shared internally on a quarterly basis; however, a public facing product will be available via internet searchable by division, by Q1 2018.

** *The Chief of Police will work with all three (3) labor associations and develop an “employee labor relations” committee to assist in hearing concerns of disparate treatment relative to formal discipline.***

- The Chief works with all three-employee associations in the development of relationships that promote constructive effort in addressing any concerns or perceptions of disparate employee discipline.
- Although the POA President cancelled numerous meetings in 2017, the Chief managed to meet with the POA Board numerous times on topics like BWCs, the Discipline Matrix, and Use of Force policies.
- Labor relations meetings occur quarterly.

** *The Chief will ensure that an effective multicultural program is in place that all officers are required to attend the training.***

- The FWPD accomplished this goal (in part) by mandating procedural justice courses and future training on implicit bias, racial reconciliation, and de-escalation. The training is a three-part program designed to sensitize officers to different cultures and to create a broader worldview, which demands tolerance, but encourages acceptance (On going).
- Procedural Justice 3 training ends in 2018, but we will continue to incorporate all tenets of Procedural Justice, Implicit Bias, De-Escalation, The President’s Task Force on 21<sup>st</sup> Century Policing, etc. in all training, promotions, etc. (On-going).
- All cadets/newly hired police recruits visit the African American History Museum and a Mosque while in the academy, and as a pre-requisite for graduation from the field training program, must complete an additional week in the field under the guidance of an Neighborhood Police Officer (NPO) to hone or develop the required soft skills to listen effectively and communicate with our diverse residents/visitors (Continuous/On-going).

## **Coleman Report**

In 2014, the City of Fort Worth contracted with Coleman & Associates (CA) to conduct internal research to obtain fact-based information regarding allegations of race-based discriminatory treatment and incidents of harassment within FWPD. The following information includes recommendations from the Coleman Report and how each recommendation was addressed.

- 🛡️ ***Design and conduct training and coaching to all members of the Chain of Command, and holding the members accountable for taking appropriate action to prevent conditions that support harassing behavior, “initiating prompt inquiry,” and stopping harassment in the police department once such behavior is brought to the attention of the department.***
  - Implemented a “Preventing Harassment” course; Performance Appraisals for all City of Fort Worth include management of performance measures that cover “treating all employees in an objective and consistent manner”; Addressed in General Order (G.O.) 708.00\* Harassment-Free Workplace and G.O. 703.00\* Professional Conduct.
  
- 🛡️ ***Department leaders must make sure that such harassing or retaliatory behavior is prohibited, and is immediately addressed with appropriate, corrective action.***
  - Addressed in General Orders:
    - A. 707.00\* Diverse Workforce Policy
    - B. 708.00\* Harassment-Free Workplace
    - C. 703.00\* Professional Conduct Implementation of recommendations from the 3-E Plan
  
- 🛡️ ***Hold department leadership accountable for creating an environment where an individual may file a complaint when he/she feels aggrieved, without fear of reprisal or retaliation.***
  - The City of Fort Worth Human Resources Department (HR) is required by law to maintain the records in accordance with the City’s records retention policy.
  
- 🛡️ ***Improve inter-organizational communication, build trust, and build or rebuild positive relations between the associations and the Chief of Police, and the associations with each other. Incorporating direct involvement of the department’s associations in crafting the direction for improving the climate of the police department will contribute to a more wholesome, inclusive workplace for all employees.***
  - Chief Fitzgerald meets regularly (at least monthly) with board level officers from each of the three Officer Associations; Implemented Labor/Management Meetings with POA; and implemented tenets of the 3-E Plan.

🛡️ ***Design and provide programmed, high accountability training and professional development for all department associations and members, focusing in part, on leader effectiveness and development, effective communication and collaboration, building and strengthening department and work team cohesiveness, and managing differences and promoting inclusion in the police department. The associations, along with the Chain of Command, should be positioned for ownership in the responsibility for redefining the culture of the department in some very positive ways. This team should be positioned to "model the way" for other employees in the department to follow. The training should become a priority for the department. The training should focus on the following:***

- a. Defining harassment, with foundational examples of harassing behavior***
- b. Outlining processes and procedures for reporting behavior believed to represent harassment, and clarifying the commitment to prevent reprisal or retaliation***
- c. Describing processes and guidelines that will allow prompt and effective inquiry into harassment allegations***
- d. Starting the departments commitment to prompt corrective action when harassment occurs***
- e. Describing steps for preventing harassment***
- f. Outlining the roles for the police departments and its leaders commitment to fulfilling the duty to provide a work environment free of harassment and discrimination***

- The Advanced Training Unit (ATU) developed training; The G.O. was completed; there is continuous implementation of tenets of the 3-E Action Plan.

🛡️ ***Review and revise the police departments rules and General Orders pertaining to fairness, equity, Equal Employment Opportunity, and workforce diversity and inclusion so that these documents and policies speak directly to the responsibility, personal accountability, and consequences for each employee, supervisor, and department leaders to ensure that all employees are treated fairly, equitably, and with respect, and that all employees have the opportunity to a "healthy workplace". The policies must also focus attention on how the treatment of employees in the department translates to how employees may treat citizens and customer during the routine fulfillment of their duties and responsibilities. The policy direction should also consider limiting the organizations liability should such behavior occur, and it should consider limiting the effects of a poor public image. The steps and considerations may be driven by the departments Code of Ethics. Consideration needs to be directed to transforming the department's culture to help improve relations in the department and in the community.***

- All policies and general orders reinforce the above requests.

🛡️ ***Design and implement an aggressive EEO and succession plan for the department. Semi-annually measure and report efforts and pathways for the movement and treatment of employees with the Chief of Police reassuring the fair and equitable treatment of all staff in the department.***

- The new 2017-2022 Strategic Plan proposes as new organizational chart, including Divisional Commanders. The creation of these positions allows the Chief to appoint an additional six (6) administrators and establishes a wider management career path for 19 additional promotions in 2017-2018.

🛡️ ***Incorporating EEO and diversity/inclusion/harassment-free measures through the supervisory performance management process for all employees with the rank of Police Sergeant and above. Performance of these identified measures must be weighted and evaluated appropriately to ensure total and timely compliance with established performance standards.***

- Implemented a “Preventing Harassment” training class; All City of Fort Worth supervisor appraisals include managing performance measures, that assessment section covers “treating all employees in an objective and consistent manner.”

🛡️ ***Reviewing and revising competency-based supervisory training and leader development (required bi-annually) for all sworn and non-sworn supervisors, incorporating at least the following major topics of emphasis:***

- a. Leading peers by example***
- b. Taking personal ownership, accountability and responsibility for results***
- c. Overcoming team dysfunction and managing conflict***
- d. Communicating openly, honestly, and emphatically***
- e. Managing difficult conversations***
- f. Building and maintaining honesty and personal integrity***
- g. Managing employee performance***
- h. Maximizing interpersonal and inter-operational communication, collaborating for results***
- i. Resolving and managing employee disputes***

- Leadership development now includes the FBI LEEDA trilogy (Leadership, Ethics, Embracing Change, Diversity, and Academia, 2016); In-service supervisory training leveraged FWPD relationship with TCU, i.e., sponsoring Agile Leadership, and Cultural Diversity courses (2016).

🛡️ ***Requiring all supervisors to attend training on General Orders updates annually. The focus of the training and the critical intent is to keep department managers and supervisors apprised of the content of the critical General Orders governing fairness and equity. The training should also ensure they fully appreciate their responsibilities and accountabilities for influencing their work units to comply with all General Orders.***

- FWPD reinforces employee training using the traditional brick and mortar educational setting but also uses an online testing medium for the implementation of ALL new policies via PowerDMS online (2016).

🛡️ ***Review and revise the departments Anti-Discrimination and Anti-Harassment Policy:***

- a. Defining discrimination and harassment with defining examples***
- b. Defining and discussing impact and implications for discriminatory treatment and harassment***
- c. Outlining expectations for employee and supervisory roles preventing discrimination and harassment***
- d. Chief of Police must take an active role in the dissemination of policy and communicating top-level commitments to create and maintain a wholesome and healthy work environment free of harassment and discrimination***
- e. Preparing and implementing an anonymous climate survey involving all department employees annually to assess the department's culture and determine appropriate steps toward transformation and quality of work like enhancements, and the effects of performance and productivity. The results should be reported to the City Manager and City Council by the Chief of Police***
- f. Providing specific training to incorporate a new anti-harassment policy, and to promote immediate and prompt inquiry into harassment allegations with a bent toward prompt and positive resolution***

- The G.O. was completed; training provided by ATU and via the National Initiative (Procedural Justice & Implicit Bias); survey results provided to City Manager and City Council in 2016. The Chief disseminated a letter to all employees reminding them of the Harassment Free Workplace Policy, and the Human Resources Department conducted a climate survey as part of an overall citywide performance measurement survey (inclusive of individual department groups).

## Future Accreditation

Accreditation increases a police department's ability to prevent and control crime through more effective and efficient service to the community and enhances community understanding of the department's role in the community. FWPD's goal is to gain state and national accreditation through the Texas Police Chiefs Association and the Commission on Accreditation for Law Enforcement Agencies.

### Texas Police Chiefs Association

The Texas Police Chiefs Association (TPCA) is a statewide organization for law enforcement administrators in Texas. The program is a voluntary accreditation process where police agencies prove their compliance with 164 Texas Law Enforcement Best Practices. A Committee of Chiefs of Police and Command level officers from across Texas developed the Best Practices or "Recognition Program" standards, believed to be necessary for proper functioning of Texas law enforcement agencies. The department began the accreditation process in September 2016 and received approval in October 2017 that FWPD submitted all necessary proofs, a significant step in the approval process. The TPCA will schedule an audit in the form of a lengthy on-site visit within two months of October 2017 and upon approval; convey the prestigious "Recognized Agency" title at a future City Council meeting in early 2018. The Department will also participate in a formal presentation as a "Recognized" Texas agency in a ceremony during the 2018 Texas Police Chiefs Association conference.



Examples of Best Practice Standards include (but are not limited to) the following areas:

- Use of Force and De-escalation
- Emergency Vehicle Operation and Pursuits
- Search, Seizure, and Arrest
- Care, Custody, and Restraint of Prisoners
- Domestic Violence and Agency Employee Domestic Misconduct
- Off-Duty Conduct
- Diverse Selection and Hiring
- Sexual Harassment
- Complaint and Internal Affairs Management
- Narcotics, SWAT, and High Risk Warrant Service
- Dealing with the Mentally Ill and Developmentally Disabled
- Property and Evidence Management

An agency that achieves "Recognized" status submitted itself to careful internal review of all policies, procedures, equipment, facilities, human capital, and operations. The review process is so stringent that assessors ride along with police officers and question the actual application of the changes in policies and procedures at the agency's lowest level, as a measure to determine

suitability for the statewide honor. “Recognized” status is applicable for a four-year period, during which time the agency must submit annual reports as proof of continued compliance with dynamic performance related standards.

### **Commission on Accreditation for Law Enforcement Agencies (CALEA)**

The Commission on Accreditation for Law Enforcement Agencies (CALEA) is an international credentialing authority that accredits public safety agencies. The primary purpose of this commission is improve law enforcement services by creating a national body of standards developed by law enforcement professionals. The commission is composed of 21 members; 11 selected by law enforcement agencies and 10 from public and private sectors. FWRPD will submit an application for CALEA accreditation within three years of obtaining recognition under the TPCA.



### **COMPSTAT**

COMPSTAT is a performance management system used by FWRPD to collectively examine and analyze crime activity, divisional planning, achievement of goals and action items, and the effectiveness of public safety efforts in Fort Worth. This process includes the geographic examination of specific crimes that have occurred, analyzing qualitative and quantitative measures and strategies deployed to solve crimes presently and historically, and innovations used to create and foster better relationships with our community. COMPSTAT emphasizes information sharing up, down, and across the department, sharing responsibility, promoting accountability, discussing effective deployment and investigative tactics in a supportive and productive environment to improve the delivery of four (4) generally recognized core components: timely and accurate information or intelligence, rapid deployment of resources, effective tactics, and, continuous follow-up.

The entire FWRPD Command Staff attend bi-weekly COMPSTAT meetings, to dissect crime statistics, identify issues, and brainstorm solutions in a positive and supportive environment. Additionally, each meeting revisits and reassesses previously identified issues to dissect strategies that worked, to revise those that did not, and to understand why. Meetings allow commanders to move away from a traditional hierarchical bureaucracy and instead provide personnel the opportunity to pursue creative and optimal solutions. Ultimately, FWRPD is more flexible, creative, and adaptive, because of COMPSTAT, and certainly in a better position to manage emergent crime trends using it as a performance management system. The meetings provide a bi-monthly forum for members of command staff to recognize officers for acts of bravery, intelligent police work, community success, and to provide positive reinforcement for those who chose de-escalation when force was an option.



*COMPSTAT Meeting*



## **APPENDIX A: Roll Call 11/08/2016**

### **Ministerial Alliances**

**November 8, 2016**

The Fort Worth Police Department is honored to have two ministerial groups that work in partnership with us.

- The Ministers Against Crime (MAC) began in 1993 and continues to support officers and serve our citizens in the East Division.
- The Clergy and Police Alliance (CAPA) was founded in 2003 and has been steadily growing over the years.

The members of our Ministerial Alliances attend a Ministers' Police Academy. An essential part of our partnership between officers and clergy members is establishing relationships by ride-ins. Our ministry partners are taught to honor the patrol unit as the officer's workplace and follow the direction of the officer on calls, traffic stops, etc. Officers soon find the ministers non-threatening and a tremendous resource.

Most officers think about a pastor when they see a deceased person, but just as police officers wear many hats, so does the minister. They are a counselor for the domestic dispute, a comforter for a victim, an adviser for the mother of a runaway child or mentor for the child, or even a non-biased consultant on a neighborhood dispute.

This program is a unique ministerial opportunity for our city's pastors and an incredible benefit for our officers and the department. The MAC and CAPA partnerships enable clergy members and their congregations to reach beyond the walls of their churches and help people they may never meet otherwise.

#### **THE CLERGY AND POLICE ALLIANCE (CAPA)**

The Clergy and Police Alliance (CAPA) is a partnership between FWPD officers and clergy of all faiths with the mission to help the citizens of our city in times of crisis. Much like the Ministers Against Crime, CAPA members are called upon in emergency situations such as suicides, homicides, and natural disasters.

CAPA currently has over 140 churches represented in this program. The vision is simple and three-fold.

#### **PRAYER** for the city of Fort Worth and the Fort Worth Police Department

- Pray for the leaders of the City of Fort Worth and Fort Worth Police Department
- Pray for the officers and police dept. (individually and collectively)
- Pray for the citizens of Fort Worth (individually and collectively)

**PARTNERSHIP** with police officers by building trustworthy relationships

- By volunteering hours in assisting officers (ride-ins & call-outs)
- At monthly meetings
- At other opportunities

**PUBLIC SUPPORT** in meeting citizen needs (Spiritual, Emotional, & Physical when possible)

- Serve citizens in their hour of need
- Provide support in emergencies and catastrophes (ex. Hurricane, Riots)

The CAPA members ride out at least five hours a month and are not required to fill out a Fort Worth Police Department ride-in form since their applications and criminal history checks are on file. All CAPA members are instructed to wear their FWPD-issued CAPA shirt and CAPA ID card.

NPOs from each division are encouraged to build a relationship with these ministers, show them around the sectors, attend the monthly meeting, and to just be available to answer their specific questions about your division.

To get CAPA to your call, simply notify dispatch that you need CAPA on scene. The dispatch supervisors are equipped with a callout list of volunteer clergy members ready to be dispatched. If you have a working relationship with a particular CAPA partner and call them directly, please let dispatch know you have notified CAPA already.

### **MINISTERS AGAINST CRIME (MAC)**

The Ministerial Alliance began in the early 1990s when a wave of violence occurred in the southeast area of the city, including several drive-by shootings that involved children. Members of the Interdenominational Ministerial Alliance, which is mostly African- American, began to work closely with the police department and take an active role between their congregations and the city.

By 1998, the Ministerial Alliance had become the Ministers Against Crime and consisted of 12 ministers of various denominations who participated in a version of Citizens on Patrol. MAC Units functioned as citizen patrollers, but the ministers were able to reach deeper into neighborhood problems from their positions as religious and community leaders. Where they were the most valuable was as a communications conduit with the community, spreading the gospel of community policing in their congregations, and in calming and reassuring the community at volatile crime scenes.

MAC members have long stood beside the police department and helped us with many difficult situations. MAC members are available for assisting the police department in any non-traditional role whenever, wherever their services are requested. They do everything from praying for officers to assisting with crowd and traffic control when needed. In the past, they have provided extra patrol at the Eastern Hills High School,

O.D. Wyatt High School, and Dunbar Middle and High Schools on the last day of class before holidays, school breaks and at the end of the school year.

MAC still operates under the original platform; they are a liaison between the police department and the African American community during times of turmoil. If an officer would like for a MAC member to assist in a situation or program in their area, contact Communications and they will contact the MAC Coordinator, Officer Tamelia Carroll.

**For both Ministerial Alliances**

If you are acquainted with any clergy member in Fort Worth, or encounter any on calls, please take a moment to inform them about our ministry partnership programs.

## **APPENDIX B: Use of Force Policy**

### **FWPD GENERAL ORDER 306.00 USE OF FORCE (Revised 7/7/17)**

#### **306.1 PHILOSOPHY**

- A. The use of force by police officers is a matter of critical concern both to the public and the law enforcement community. It is recognized that some individuals will not comply with the law or submit to lawful control, and that officers may be called upon to use force in order to perform their duties and protect themselves and others against assaults from resistive or violent individuals. The use of reasonable force, when warranted, is permitted by law and is an affirmative duty and responsibility of police officers [Graham v Connor, 490 US 386, (1989)]. Conversely, the unreasonable use of force is contrary to law and places the representative government agency in a position of civil liability, and the officer in jeopardy of civil and criminal liability, as well as disciplinary action. Given that no policy can realistically predict every situation an officer might encounter, each officer must be entrusted with well-reasoned discretion in determining the appropriate response in each incident. When officers must protect themselves or others against imminent threat of serious bodily injury or death, any type of weapon or technique may be utilized.
- B. A reverence and respect for the dignity of all persons and the sanctity of all human life shall guide all training, leadership, and direction as well as guide officers in the use of force. Members of law enforcement derive their authority from the public; and therefore, must be ever mindful that they are not only the guardians, but also the servants of the public.
- C. The legal standard used to determine the lawfulness of an officer's use of force is whether the officer's actions are "objectively reasonable" in light of the facts and circumstances as they existed at the time of the action. An officer's actions are considered lawful if a reasonable officer could have believed the action to be lawful in light of clearly established law and the information the officer possessed at the time of the action. [Graham v Connor, 490 US 386, (1989)].

#### **306.2 STIPULATIONS**

- A. These guidelines are intended for internal department use and have not been developed to be applied in any civil or criminal proceeding, nor are they intended to create a higher legal standard of safety or care with respect to third parties. A violation of these rules will be grounds for administrative discipline only, while a violation of the law may be the basis for civil or criminal penalties imposed by a court of law.
- B. The provisions of this order are applicable to all regular and reserve officers acting in their capacity as a police officer.
- C. If not already known by the subject to be detained, arrested, or searched, officers should, if reasonable, make clear their intent to detain, arrest or search the subject. When practicable, officers will identify themselves as a peace officer before using force.

- D. Officers have the duty to intervene when observing another officer using force that is beyond that which is objectively reasonable under the circumstances.

### **306.3 DEFINITIONS**

- A. Force is defined as the compulsion or restraint exerted upon or against a person for the purpose of
  - 1. Compelling a person to comply with an officer's direction; or
  - 2. Overcoming resistance by a suspect during arrest or detention; or
  - 3. Defending any person or yourself from an aggressive action by a suspect or another which represents a threat of physical injury or death.
- B. Excessive control/force results when the use of force is greater than that justified by the violator's level of resistance at the time force is used.
- C. Deadly force is any force that is reasonably likely to cause death or serious physical injury. Deadly force can also result from a less-lethal force option being improperly applied.
- D. Objectively reasonable force is a determination from the perspective of a reasonable officer on the scene that the decision to use force and the level of force used is appropriate when evaluating the situation in light of the circumstances known to the officer at the time force is used.
- E. Control for the purposes of this section, is defined as the actual physical control of a subject that allows for the completion of a lawful arrest/detention.
- F. Choke holds are the intentional use of any technique or device that applies pressure to a person's throat or trachea area in a manner that restricts their airway or ability to breath.
- G. Neck-restraining techniques are the intentional use of any techniques or device that applies pressure to a person's lateral neck area in a manner that restricts vascular blood flow likely to result in unconsciousness.
- H. Hogtie restraint is any form or variation of restraint by which the wrists are handcuffed behind the back, the ankles are bound together, and the bound wrists and ankles are then tied together.
- I. De-escalation is defined as taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. The goal of de-escalation is to gain the voluntary compliance of subjects, when feasible, to reduce or eliminate the necessity to use physical force.

### **306.4 DE-ESCALATION**

At times, an officer must exercise control of a violent or resisting subject to make an arrest, or to protect the officer, other officers, or members of the community from risk of imminent

harm. Not every potential violent confrontation can be de-escalated, however, officers do have the ability to affect the direction and the outcome of many situations based on their training, decision-making skills, and/or the tactics they choose to employ.

- A. When safely possible, an officer shall use de-escalation techniques consistent with department training whenever possible and appropriate before resorting to force and to reduce the need for force.
  - 1. Officers should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force.
  - 2. Officers may withdraw to a position that is tactically more secure or allows them greater distance in order to consider or deploy a greater variety of force options.
  - 3. Officers shall perform their duties in a manner that avoids unduly jeopardizing their own safety or the safety of others.
- B. Supervisors shall respond to incidents in a timely manner when a potential violent confrontation may exist.

### **306.5 FORCE OPTIONS**

It is important to note that actions by an officer shall be predicated by the actions of the subject. Under no circumstances will the force used by an officer be greater than necessary to make an arrest or a detention or to protect oneself or another, nor will the force be used longer than necessary to subdue the suspect, and deadly force shall not be used except as specifically provided in this directive. The Department's training materials on use of force are hereby incorporated as if fully set forth herein.

- A. During a police contact a subject may be:
  - 1. Compliant: A person contacted by an officer who acknowledges direction or lawful orders given and offers no passive/active, aggressive, or aggravated aggressive resistance.
  - 2. Non-Compliant
    - a. Passive Resistance: The subject is not complying with an officer's commands and is uncooperative, but is taking only minimal physical action to prevent an officer from placing the subject in custody and taking control. Examples include: standing stationary and not moving upon lawful direction, falling limply and refusing to use their own power to move (becoming "dead weight"), holding onto a fixed object, or locking arms to another during a protest or demonstration.
    - b. Active Resistance: The subject's verbal or physical actions are intended to prevent an officer from placing the subject in custody and taking control, but are not directed at harming the officer. Examples include: walking or running away, breaking the officer's grip. An example of verbal actions include: attempting to incite others to interfere or impede the arrest/detention process.

- c. **Aggressive Resistance:** The subject displays the intent to harm the officer, themselves or another person and prevent an officer from placing the subject in custody and taking control. The aggression may manifest itself through a subject taking a fighting stance, punching, kicking, striking, attacks with weapons or other actions that present an imminent threat of physical harm to the officer or another.
- d. **Aggravated Aggressive Resistance:** The subject's actions are likely to result in death or serious bodily harm to the officer, themselves, or another person. These actions may include a firearm, use of blunt or bladed weapon, and extreme physical force.

**NOTE:** Whenever an officer applies a use of force option upon a subject that results in an injury or complaint of injury, the officer will monitor the subject, render first aid to the best of their skill level, and immediately summon medical attention.

**B.** In response to the above situations, officers shall be guided in the use of force as follows:

- 1. **Low Level Force** - a level of force or control that is neither likely nor intended to cause injury, i.e., handcuffing a compliant arrestee for transport to jail or placing a subject in a prone position on a high-risk vehicle stop. Low Level Force includes:
  - a. **Officer Presence** - Recognition of authority through a uniformed presence, marked police vehicle, identifiable police markings, logo, badges, police credentials, or verbal identification. Excludes physical force.
  - b. **Verbal Commands** - Commands of direction or required compliance such as directions to drop a weapon, get on the ground, stop running, etc.
  - c. **Weaponless Strategies** - Techniques designed to gain compliance through open hand control techniques.
  - d. **Weapon Strategies** - Techniques designed to gain compliance through the use of a departmentally approved control device such as baton as an escort tool or handcuffs.
- 2. **Intermediate Force** - a level of force that has the potential to cause injury or substantial pain, and is greater than Low-Level Force.
  - a. **Weaponless Strategies** - Techniques designed to gain compliance through empty hand control techniques such as strikes, takedown with injury, kicks).
  - b. **Weapon Strategies** - Techniques designed to gain compliance through the use of a departmentally approved control device such as impact weapons, chemical agents, or conducted electrical weapons.
- 3. **Deadly Force** - a level of force which is likely to produce death or serious bodily injury.

### C. Use of Force Restrictions

These restrictions, like all written policies, may not cover every situation. Any deviations shall be examined rigorously on a case-by-case basis.

1. Officers shall not use deadly force in response to a verbal threat of serious bodily harm or death.
2. Officers shall not fire a weapon as a warning in order to compel arrest, or to prevent the escape of a suspect or prisoner.
3. Officers shall not fire a weapon from a moving vehicle.
4. Officers shall not fire a weapon into a moving vehicle or at its occupant(s) unless the occupant(s) are using deadly force against the officer or another person present, by means other than the vehicle.
5. Officers shall not place themselves in the path of a moving vehicle in a manner, which may lead to the use of deadly force. If a confrontation with a moving vehicle does occur, officers shall move out of the path of the vehicle.
6. Officers shall not fire into buildings where suspects are concealed. The only exception to this shall be in those instances where there is no doubt of the suspect's location, and then only when deadly assault or intended deadly assault is being directed from the location at the officer or others.
7. The shooting of animals will be guided by General Order 336.03, Animal Calls.
8. Officers are prohibited from using choke holds and other types of neck-restraining techniques except when protecting themselves or others against an imminent threat of serious bodily injury and/or death.
9. Officers are prohibited from using a hogtie restraint.
10. Officers having a firearm drawn or exhibited shall secure the weapon before engaging a suspect in a different weapon strategy (Taser, baton, pepper spray), a weaponless strategy, or transitioning to a form of control which requires physical contact.
  - a. Tactical Units, when performing in accordance with approved procedures stated in their unit Standard Operating Procedures (SOP) and in accordance with the unit's advanced training, may prove an exception when exigent circumstances place the officer at a significant tactical disadvantage, or risk of serious bodily injury or death.
11. Officers shall not use a firearm to strike any person.
12. Other techniques, procedures, and restrictions are contained in the Control Tactics Training Manual located on the Police Portal under Forms and Documents/Training.

#### D. Control Devices:

Officers and supervisors shall carry only departmental-approved conducted electrical weapons (CEW), chemical agents, and batons after completing the prescribed course of instruction from the Training Division. A list of approved chemical agents and batons/accessories shall be maintained by the Control Tactics Coordinator, and all lists will be maintained at the Police Training Division. All procedures and guidelines for control devices, including reporting regulations, shall apply to both on-duty and off-duty uniformed officers. Control devices shall only be used in situations authorized by General Orders, the Fort Worth Police Control Tactics Training Manual, and the Taser Training Guidelines.

##### 1. Batons

- a. The standard-issue baton shall be furnished to those officers who have qualified and who have not previously been furnished one.
- b. After initial issue, standard-issue batons shall be replaced only if lost or damaged or deemed defective through no fault of the officer.
- c. All batons other than the standard-issue must be obtained at the officer's expense and will not be replaced by the department in the event of loss or damage.
- d. End caps that are used for retention purposes to prevent the baton from slipping from the user's hands are authorized. This excludes any end cap that has pointed or sharpened protrusions or window-breaking feature, which may cause additional injury while being used during closed mode strikes.

##### 2. Chemical Agents

- a. Officers shall carry and utilize only those chemical agents and delivery systems issued by the department, and shall do so within the guidelines of departmental training.
- b. Officers shall not use chemical agents on a subject who is displaying passive non-compliance, or does not demonstrate their overt intention to use violence or force against themselves, the officer, or another person.
- c. Once exposed to a chemical agent, officers shall seek medical assistance for subjects who:
  - (1) May have a pre-existing medical condition, including pregnancy
  - (2) Appear to be under the influence of a narcotic or controlled substance
  - (3) Appear non-responsive, ill, or have difficulty breathing
  - (4) When circumstances allow, officers are encouraged to begin decontamination by rinsing the exposed areas with clean water.

- d. All issued chemical agents shall be inspected by the Training Division personnel during annual re-qualification.
3. Conducted Electrical Weapon (CEW)
- a. Only departmentally-issued CEWs are authorized; personally-owned CEWs are not authorized.
  - b. Officers shall only draw or exhibit a CEW when:
    - (1) Conducting the department-approved spark test to ensure the proper operation of the CEW, or
    - (2) There is articulable belief that use of the CEW is in conformance with the General Orders, the Fort Worth Police Control Tactics Training Manual, and the Taser Training Guidelines.

NOTE: Any type of horseplay with the CEW is strictly prohibited.

- c. CEWs shall be carried in an approved holster on the support (weak) side of the body.
- d. CEW demonstrations/presentations are prohibited except when conducted by CEW instructors with the approval of the Training Division Captain.
- e. Officers may remove the probes using extreme caution to prevent punctures based on appropriate training techniques. A request may also be made to medical personnel to remove probes.
  - (1) Probes that penetrate skin are a biohazard and shall be disposed using a sharps container. Officers who receive a puncture from a used probe shall follow the department's exposure process as outlined in the General Orders.
  - (2) Latex gloves shall be used when handling the removed probe.
  - (3) Probes that enter sensitive tissue such as the head, face, genitals, neck, or breast shall be removed by medical personnel.
- f. Once the CEW has been activated against a subject (drive stun or probes):
  - (1) Officers shall request a medical evaluation on-scene (ambulance) or
  - (2) Request transport to a hospital for evaluation when a subject cycles for more than a cumulative fifteen (15) seconds.
- g. Officers shall consider the physical condition of the subject and the subject's surroundings which could potentially result in a high-risk danger such as, but not limited to, a fall from a great distance or into the path of a moving vehicle when determining whether the CEW is an appropriate option. CEWs are prohibited on the following high-risk population unless exigent circumstances

exist or to prevent serious bodily injury or death to the subject, the officer, or a third person:

- (1) Infirm (frail, weak)
  - (2) Elderly
  - (3) Low body-mass index (BMI)
  - (4) Pregnant
  - (5) Small child
  - (6) Person in water (drowning risk)
- h. A supervisor or commander shall respond to the scene of every CEW activation in drive stun or cartridge mode.
- i. All use of the CEW as ARC display, in the drive stun mode, and/or in the cartridge mode shall be documented in the offense/incident report which the officer shall flag as "Use of Force." Accidental cartridge discharges shall be reported in an IOC explaining the incident to the officer's immediate supervisor where it will be signed and forwarded to the Taser Coordinator.

NOTE: Drawing the CEW from the holster in preparation of the possibility of use is not considered a use of force.

- (1) When completing the administrative Use of Force report involving an activation against a suspect, the supervisor will perform a download of the officer's CEW firing record. This information will be attached to the report.
  - (2) The only exceptions to documentation of CEW use are spark testing and official Training Division classes and demonstrations.
- j. All CEWs and cartridges shall be inspected by Training Division personnel during CEW qualification.
- k. No repair or alteration shall be performed on the CEW except by approved Training Division staff. Any malfunction or necessary repair shall be immediately reported to the Training Division CEW coordinator for appropriate action.
- l. All data stored in the CEW is subject to downloading by the Fort Worth Police Department.
- m. The Training Division shall maintain a current list of officers qualified to carry/use the CEW and a list of officers who have been issued CEW equipment.

### **306.6 USE OF DEADLY FORCE**

- A. The use of deadly force is authorized only when it is necessary for officers to protect themselves or others from an immediate threat of death or serious bodily injury. Justification for the use of deadly force shall be limited to the facts known or reasonably perceived by an officer at the time the incident occurs.
- B. Regardless of the nature of the crime or the justification for the use of deadly force, officers must at all times remember their basic responsibility is to protect the public. Therefore, except to preserve life or to prevent serious bodily injury, officers shall not fire their weapon under circumstances that would subject other officers, bystanders, or hostages to death or possible injury. Firing a weapon under such conditions is not justified unless the failure to do so at the time would create a substantially greater and immediate threat of death or serious bodily injury.

### **306.7 REPORTING USE OF FORCE INCIDENTS**

- A. All use of force incidents which result in injury to any person, involves the use of a physical control method that includes a strike or the grounding/takedown of a subject, or any use of a weapon to control a subject shall be reported and identified as
  - 1. "Use of Force"
    - a. Officers shall report the full details of the use of force in related arrests or offense reports. If no arrest or offense report is to be completed, the details shall be reported in an incident report. A separate administrative report will be completed by the supervisor and electronically forwarded through the officer's chain of command to be reviewed.

NOTE: An administrative report (Blue Team) is not required for the grounding/takedown of an individual where no injury or other force was applied or for the displaying of a Taser.

- b. All reports which detail a use of force incident shall be completed prior to the end of the officer's shift.
  - 2. Deputy Chiefs shall review each use of force report to determine if there is a need for changes in departmental procedures, additional training for the officer, and/or a referral to the department psychologist. Deputy Chiefs shall take appropriate action based on their determination. All incidents that rise to the level of a Critical Police Incident (CPI) should be referred to the Assistant Chief and the Chief of Police for review.
  - 3. All Use of Force reports will be forwarded to the Training Division for review. The purpose of this review will be to ensure the Training Division has the most current information available as it pertains to training methods and curriculums. Requests for Training Division evaluation of a specific Use of Force incident shall be directed to the Director of the Training Division or their designee.

4. Professional Standards and Accountability personnel shall conduct an end of the year use of force audit. A report of the audit results shall be generated for review by the executive staff.
5. It is recognized that exigent circumstances may occur requiring an officer to use a weapon or device that is outside of current policy. Any use by an officer of a weapon or device not on the departmentally-approved weapons list, shall be considered for reporting as a Critical Police Incident and handled in accordance with General Order 356.00, Critical Police Incidents.

### **306.8 USE OF FORCE TRAINING**

- A. The Police Department's training manual outlines the appropriate use of force techniques approved for use by officers.
- B. All commissioned officers of the rank of lieutenant and below and all reserve officers shall qualify annually in the department approved baton, chemical agent, CEW, and open-hand control training program. Failure to demonstrate qualification standards in practical and written examinations will result in scheduling of remedial training with a certified control tactics instructor, after which a retest will be given. Failure of the retest will be considered as neglect of duty and may subject an officer to termination of employment, and a reserve officer to disqualification from the reserve program for failure to maintain an acceptable level of performance.

NOTE: Requirements for firearms qualification are outlined in General Order 202.02, Firearms Qualification.

- C. It shall be the responsibility of the Training Division Captain to ensure appropriate training is developed and offered annually. The captain shall also ensure appropriate documentation of training and certification is entered in each officer's personnel file.
- D. In the event of changes in training regarding the use of force, the Training Division shall notify Internal Affairs, in writing, of all such changes prior to their implementation.
- E. It shall be the responsibility of all supervisors to ensure their personnel attend the appropriate training.

## APPENDIX C: General Order Body Worn Cameras, 2017

### 506.1 OFFICER-WORN DIGITAL RECORDING DEVICES *(Revised 6/30/17)*

- A. The guidelines for the use of officer-worn digital recording devices (body cameras) by a Fort Worth Police Officer and the media produced by the device shall be consistent with any applicable laws of the United States, laws of the State of Texas, the ordinances of the City of Fort Worth, or the General Orders of the Fort Worth Police Department.
1. *Texas Occupations Code 1701.657* in part states:
    - (a) A peace officer equipped with a body worn camera shall act in a manner that is consistent with the policy of the law enforcement agency that employs the officer with respect to when and under what circumstances a body worn camera must be activated.
    - (b) A peace officer equipped with a body worn camera may choose not to activate a camera or may choose to discontinue a recording currently in progress for any non-confrontational encounter with a person, including an interview of a witness or victim.
    - (c) A peace officer who does not activate a body worn camera in response to a call for assistance must include in the officer's incident report or otherwise note in the case file or record the reason for not activating the camera.
    - (d) Any justification for failing to activate the body worn camera because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision.

NOTE: Only City of Fort Worth Police Department peace officers with the authority to conduct searches and make arrests shall be permitted to wear a body camera.

- B. The guidelines in this order apply only to officer-worn digital recording devices that attach directly to the officer's uniform or person in a location and manner that maximizes the camera's ability to capture video footage of the officer's activities. These guidelines do not apply to the use of the in-car fixed audio/video recording systems mounted in Fort Worth Police Department vehicles. The guidelines for in-car video are outlined in General Order 506.04, In-Car Recording System.
- C. All digital multimedia evidence (DME) captured during the scope of an officer's duties is property of the Fort Worth Police Department and subject to City, State, and police department policies regarding the viewing, release, retention and destruction of the same. Officers **shall not** convert DME for personal use, nor shall officers access, copy, edit or release recordings, or depictions for recordings, without proper authority and/or written approval.

- D. Officers are prohibited from utilizing personally-owned digital recording devices while on- duty or while engaged in approved off-duty law enforcement and security-related (LE/SR) employment; however, officers are encouraged to utilize a city-owned officer-worn digital recording device pursuant to this General Order and applicable statutory laws cited herein.
- E. All uniformed officers, regardless of rank, shall be issued an officer-worn digital recording device. Officers are required to use the device as outlined in this order as well as following the corresponding standard operating procedures.
  - 1. The officer-worn digital recording device benefits the officer by providing a supplemental asset when police and/or civilian actions during an incident necessitate review. With this benefit in mind, use of an officer-worn digital recording device and its recording shall not be used to initiate arbitrary and/or punitive mechanisms in order to initiate discipline against any police department personnel.
- F. Officers deploying an officer-worn digital recording device shall attend department- approved training on the device, review the standard operating procedures governing its use and demonstrate a working knowledge of the device prior to employing it in field operations.
- G. Supervisors of officers deploying an officer-worn digital recording device shall attend department-approved training regarding the device as well as the procedures for storing and retention of the DME.
- H. Police supervisors shall ensure that officers conduct daily inspections of the officer-worn digital recording devices prior to each shift, to confirm the devices are operational and have sufficient battery life. Any problems with the officer-worn digital recording device shall be reported to the supervisor immediately and the supervising officer shall contact the Body Camera Program Coordinator via email on that date to secure a repair or replacement. Supervisors shall ensure that officers wearing digital recording devices are identified on the assignment sheet sent to dispatch.
- I. In the event that an officer-worn digital recording device is lost, upon discovery the officer shall immediately notify their supervisor and submit a police report for lost property. The supervisor shall ensure the officer completes an Equipment Replacement Request on the date of the loss, or as soon as possible in cases involving officer injury, and submit/route the approved request through the chain of command to the Body Camera Program Coordinator for appropriate action.
- J. Officers may be subject to disciplinary action for reporting to duty without their assigned officer-worn digital recording device and/or for the intentional, negligent loss of, or damage to, a device.
- K. Officers assigned an officer-worn digital recording device are encouraged to use

the device at approved LE/SR employment, but only for off-duty law enforcement action. If used for this purpose, the officer shall download all DME during their next regularly assigned on- duty shift.

- L. At the start of each shift, officers utilizing an officer-worn digital recording device shall indicate this by selecting “On-Officer Camera” from the selection box on the Visinet Mobile login screen.
- M. The officer-worn digital recording device shall be activated under the following circumstances:
  - 1. **Collection** of evidence that can be used in the prosecution of criminal offenses;
  - 2. **Recording** contacts with the public in connection with investigations where law enforcement action will potentially be taken;
  - 3. **Pursuits** by vehicle and on foot;
  - 4. **Execution** of consent searches;
  - 5. **Investigating** calls involving mentally-distressed persons; and
  - 6. **Documentation** of accident or crime scenes, etc.

NOTE: At no time is an officer expected to jeopardize their safety or the safety of another person in order to immediately activate their issued officer-worn digital recording device into record mode. Any officer-worn digital recording device not immediately activated into record mode due to the safety of an officer or another person being presently jeopardized shall be placed into record mode as soon as possible.

- N. Officers who conduct or supervise planned tactical entry operations shall ensure that all officer-worn digital recording devices are worn and activated during its execution. This applies to all Fort Worth officers with the exception of officers acting under an existing MOU or task force agreement that precludes the use of recording devices. This mandate applies in both dynamic and deliberate operations:
  - 1. **Dynamic** entry: rapid entry and movement through a target location with the intent of quickly overwhelming any potential threats and/or preventing the destruction of contraband.
  - 2. **Deliberate** entry (Slow Clear): the entry into and methodical movement through a target location with the intent of identifying and securing potential threats.
- O. Officers may temporarily deactivate the officer-worn digital recording device under certain situations; however, the officers shall verbally state why they are choosing to deactivate the officer-worn digital recording device prior to doing so. Temporary deactivation may occur when:

1. Exchanging NCIC/TCIC, DPS or other law enforcement sensitive data either in person or via the police radio or MDC;
2. Facilitating discussion of training issues or operation strategies;
3. Sharing information such as telephone numbers or personal information with another officer;
4. Conducting conversations containing privileged information (i.e. communication with Clergy and Police Alliance/Ministers Against Crime, Police Peer Counselors, Attorneys, Physicians, etc.); and
5. Authorized by a supervisor or commander who determines that continued recording of an incident is not required to meet the objective of the Officer-Worn Digital Recording

Device SOP that corresponds with this General Order. The authorizing supervisor or commander should be identified in the appropriate report narrative.

6. In accordance with *Texas Occupations Code 1701*, when an officer makes the decision to discontinue recording or chooses not to record the incident at all, the officer must note in the CAD call notes the reason the officer chose not to capture the recording. Justifications based on safety issues, unreasonableness, or impracticality must be based on whether a reasonable officer in the same situation would have made the same decision.

P. Officers shall not:

1. Release video captured from an officer-worn digital recording device without express permission from the Fort Worth Police Department. An exception shall be for legitimate court-related evidentiary purposes. Any release without departmental permission (see General Order 429.01 for chain of command accountability) is a violation of state law and may be punishable as a Class A Misdemeanor. (See *Texas Occupations Code 1701.659*).
2. Delete, cause to be deleted, or release, any recording from an officer-worn digital recording device that documents an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer until all criminal matters have been finally adjudicated and all related administrative investigations have concluded. (See *Texas Occupations Code 1701.660*).
3. Intentionally create digital recordings of other employees in areas where a reasonable expectation of privacy exists such as locker rooms, restrooms, etc.
4. Knowingly record undercover officers or confidential informants.
5. Use a police department-owned officer-worn digital recording device to record any type of non-law enforcement-related personal activities.

6. Allow non-sworn personnel to view the DME without permission from the officer's immediate supervisor. Governmental employees who are directly involved in the investigation and/or prosecution of a criminal case related to the DME or who work in Internal Affairs are exempt from this provision.
  7. Upload or convert digital recordings for use on any type of social media.
  8. Create recordings in patient care areas of medical facilities unless the recording is for official police business such as a criminal investigation, dying declaration, Horizontal Gaze Nystagmus (HGN) on injured drivers, or a specific call for police service.
  9. Intentionally record juveniles unless evidentiary in nature or as authorized by the Family Code.
  10. Wear an officer-worn digital recording device into a testing area, courtroom, arbitration hearing, or disciplinary meeting with the officer's chain of command.
    - a. Officers do not have to remove their officer-worn digital recording device when in departmental and/or public meetings or when in classrooms unless testing will be included; however, the device shall be deactivated unless the instructor or facilitator has authorized the device to be activated during the meeting or class.
  11. Officer-worn digital recording devices shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and a member of the public.
  12. Divulge or use video footage for any commercial or other non-law enforcement purpose.
- Q. When creating intentional recordings involving juveniles, the investigator shall download the video to the appropriate media partition (i.e., juveniles in the juvenile folder, adults in the general folder) as soon as possible, and request destruction of the DME as provided for in this General Order and/or corresponding standard operating procedures.
- R. When an incident has been recorded and an offense/incident report is generated, the officer shall note in the first sentence of the report narrative that the incident or a portion of the incident was captured by an officer-worn digital recording device. If the officer recording the DME is not the reporting officer, the officer recording the DME shall immediately notify the report writing officer of the existence of a DME, and if necessary supplement the report to note this.
1. If the citizen contact resulted in the issuance of a Class C misdemeanor citation, the officer shall note on the back of the citation that DME was

captured and placed on Evidence.com.

- S. The officer shall label the recording with any applicable report number. In addition, the officer shall choose a category for the recording when appropriate. The two categories are Criminal (criminal offense related) or Administrative (use of force, pursuits, officer involved traffic accidents, etc.) if unrelated to a criminal event. These tasks can be accomplished via a mobile device or by accessing Evidence.com directly.

Note: In the event of a non-happening, the officer will simply not categorize a recording.

- T. Officers may use media captured via the officer-worn digital recording device to assist with the investigation and to promote accuracy in the completion of reports.
- U. Officers may review media captured from an officer-worn digital recording device before making any statements.
  - 1. Officers involved in a Critical Police Incident (CPI) may review media captured from their officer-worn digital recording device prior to making a statement and should be permitted to review the media with a peer representative or another officer who was not involved in the incident.
- V. By the end of each duty day, if the officer's officer-worn digital recording device is storing DME, the device shall be placed in an appropriate docking station and should not be removed until the download of data is complete. If the DME is recorded during off-duty LE/SR employment, the officer shall place the device in the docking station by the end of the officer's next scheduled on-duty shift.
- W. All DME captured by officer-worn digital recording devices shall be uploaded to Evidence.com for storage.
  - 1. DME on Evidence.com that was categorized as Criminal or Administrative will be kept for a minimum of two (2) years. Uncategorized DME will be destroyed after 180 days. In addition, a category entitled Until Manually Deleted will be utilized in those instances dictated by the City Attorney's office or the Risk Management office.
  - 2. Should DME be required for criminal cases or other litigation that requires the evidence to be retained for longer than two (2) years, it shall be the responsibility of the investigator to transfer the DME to the appropriate media for storage with the case evidence.
  - 3. If a use of force, vehicle pursuit, or any other administrative inquiry-based personnel action related to a misconduct case is captured on an officer-worn digital recording device, the DME(s) from the incident shall be uploaded to the administrative report by a supervisor to facilitate seamless administrative review.
  - 4. Officers are encouraged and supported by the Chain of Command to flag

the DME when the officer feels that he/she may face an unsubstantiated complaint or accusation as a result of a DME captured encounter.

- a. If an accusation filed against an officer is unfounded, meaning an investigation determined the accusation is false or fabricated, the Special Investigations Section shall conduct the investigation. Furthermore, on a case-by-case basis, and depending on factors such as, but not limited to, the severity of the alleged violation and/or input from the officer, charges may be filed against any individual who made the false or fabricated accusation.
5. Monthly random audits of DME shall be completed by reviewing supervisors outside of the chain of command of the officer(s) wearing the officer-worn digital recording device (i.e., North Command supervisors will audit South Command officers, and vice-versa, etc.).
- a. Personnel assigned to the Special Investigations Unit (SIU) will provide the division captains with a list of names and vehicles for random audits in a timely manner to facilitate completion of audits within the stated timeframe.
  - b. The Divisional Commanding Officer shall ensure that supervisors conducting random/monthly audits of DME submit their findings by the 4<sup>th</sup> day of every month in a comprehensive monthly report to the Body Camera Program Coordinator and applicable Deputy Chief.
  - c. Additionally, supervisors are required to articulate the reason for their review of DME (i.e., monthly audit, misconduct, random audit, etc.). In the event a monthly or random audit reveals minor infractions or inappropriate activities, the Divisional Captain/Commander shall address the infraction in the appropriate corrective manner immediately, and retain documentation of the results (i.e., education-based discipline, retraining, verbal warning, etc.).

NOTE: Additional audits of DME may be requested at any time by a deputy chief or above.

- X. It is permissible to retain recordings for display during training exercises upon final adjudication of all associated criminal cases.
- Y. All stored DME is subject to release in accordance with the Texas Public Information Act, and/or *Texas Occupations Code 1701*.
- Z. Third-party digital recording storage vendors that to act as an agent of the Fort Worth Police Department in maintaining body camera footage, shall not be permitted to independently access, view or alter any video footage, except to delete videos as required by law or agency retention policies.

**APPENDIX D: Police Executive Research, Use of Force Study,  
2014**

*See attachment*

## **APPENDIX E: General Orders 321.06, 321.07, and 705.01**

### **321.6 POLYGRAPH EXAMINATIONS**

- A. Appointments for investigative polygraph examinations shall be scheduled with the polygraph examiner. Appointments may be scheduled either by telephone or in person.
- B. All persons, other than department employees, scheduled for a polygraph examination shall be interviewed by the investigating officer prior to the day of the examination to ensure that the need for the examination exists.
- C. Prior to the polygraph examination, the investigating officer shall brief the polygraph examiner on the case and furnish a statement or documents pertinent to the matter under investigation. The requesting officer shall be available during the examination for consultation.
- D. The polygraph examiner shall provide the investigating officer with a written report reflecting the results of the examination.
- E. Polygraph examinations shall not be administered to:
  - 1. A member of the Fort Worth Police Department without prior approval from the Chief of Police.
  - 2. A person who is mentally or physically fatigued, suffering emotional trauma, or who has undergone an interrogation that same day.
  - 3. A person having a serious physical ailment; i.e., heart condition, epilepsy, etc. Questionable cases should be discussed with a polygraph examiner prior to scheduling an examination.
  - 4. A person under the influence of narcotics, drugs, or alcohol.
- F. When polygraphing juveniles, police department personnel shall follow section 51.151 of the Texas Family Code which provides:

If a child is taken into custody under Section 52.01 of this code, a person may not administer a polygraph examination to the child without the consent of the child's attorney or the juvenile court unless the child is transferred to criminal court for prosecution under Section 54.02 of this code.
- G. The results of any polygraph examination taken of a child shall be safeguarded in accordance with Chapter 51 of the Texas Family Code regarding the confidentiality and storage of juvenile records and files. The code states in part: ...law-enforcement files and records concerning a child shall be kept separate from files and records of arrests of adults and shall be maintained on a local basis only and not sent to a central state or federal depository...
- H. The results of all polygraph examinations shall be protected in accordance

with Texas Revised Civil Statutes Art. 4413 (29cc) regarding the confidentiality and storage of polygraph results.

### **321.7 ELECTRONIC LISTENING DEVICES**

State law prohibits the use of electronic surveillance equipment which has been designed for the purpose of intercepting or recording conversations between two unknowing parties. State law does provide for the Department of Public Safety (DPS) to own, operate, or monitor this type of equipment. A judge of competent jurisdiction may issue an order authorizing the interception of wire or oral communications if a prosecutor applying for a court order shows probable cause that the interception will provide evidence of a felony (other than felony possession of marijuana) under the Texas Controlled Substances Act or the Texas Dangerous Drug Act. Officers of the department may assist members of the Texas Department of Public Safety in the operation or monitoring of electronic surveillance equipment, but a DPS officer must be present at all times. Whenever officers are involved in the implementation of a court order to use electronic surveillance equipment, the Chief of Police shall be notified of this fact by the appropriate deputy chief.

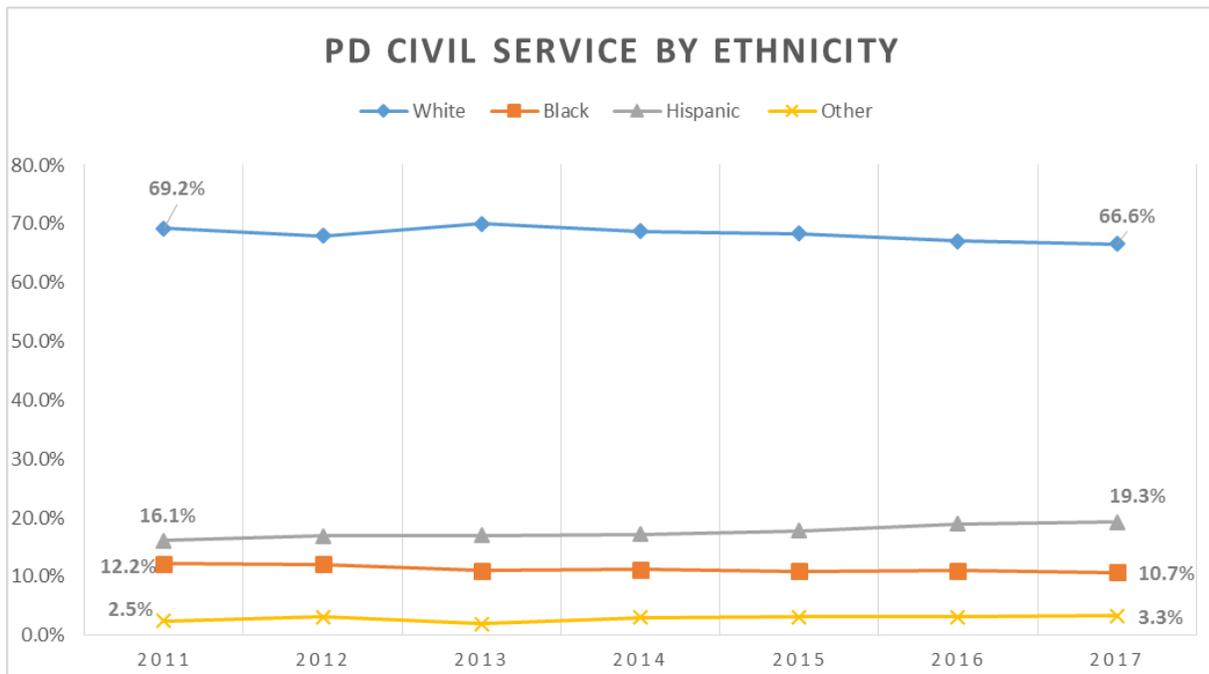
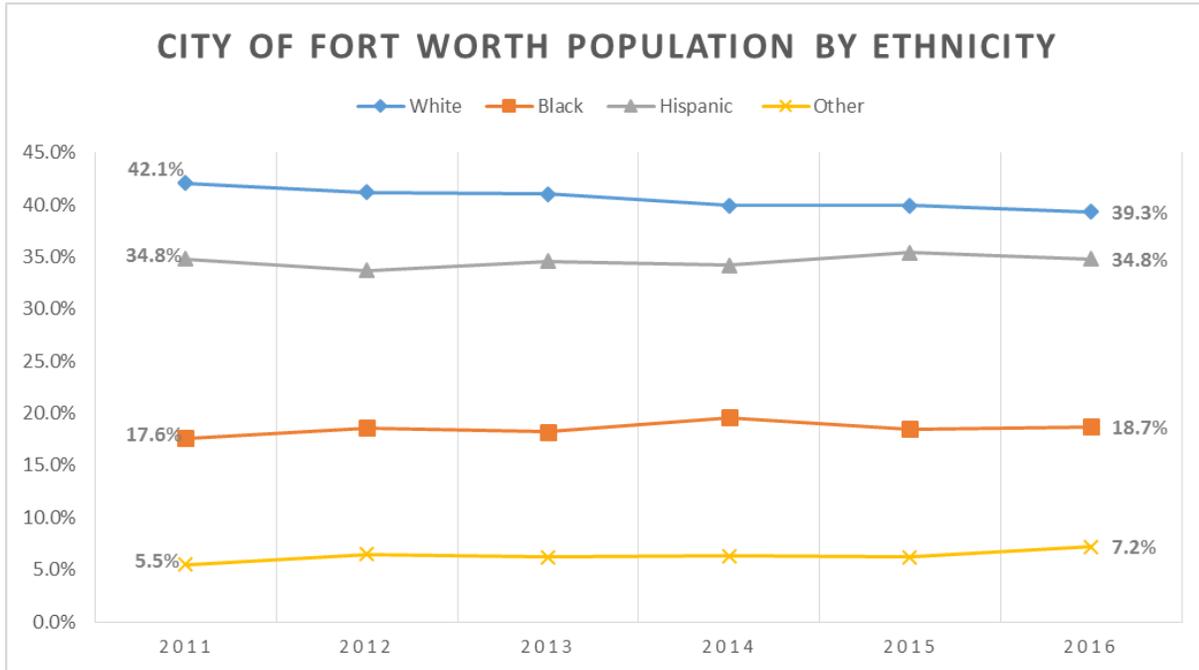
### **705.1 PUBLIC ACTIVITIES, REWARDS**

- A. No employee shall engage in any strike against the city government or actively participate in a strike against any other person, association of persons, agency, firm, corporation, the United States, the state of Texas, or any political subdivision thereof.
- B. No employee shall attempt to influence members of the Civil Service Commission, City Manager, City Council, or any other persons outside of the police department for the purpose of obtaining any transfer, assignment, promotion, benefit, or favor.
- C. Employees of the Police Department shall not be permitted to take an active part in any political campaign of another for an elective position of the city if they are in uniform or on active duty. This shall prohibit such acts as making political speeches, passing out cards, or other political literature, writing letters, signing petitions, actively and openly soliciting votes, and making public derogatory remarks about candidates for such elective positions.
  - 1. No employee shall knowingly become a candidate for nomination or election to any public office unless in compliance with City of Fort Worth policy.
- D. Members of the department shall not join or be members of any organization which has as its purpose the overthrow of, or interference with the established government, either by force or illegal means. Neither will members of the department join organizations that advocate hatred toward any group, with specific reference to race, creed, color, gender, and religion.
- E. No employee shall accept any gift for the purpose of influencing said employee

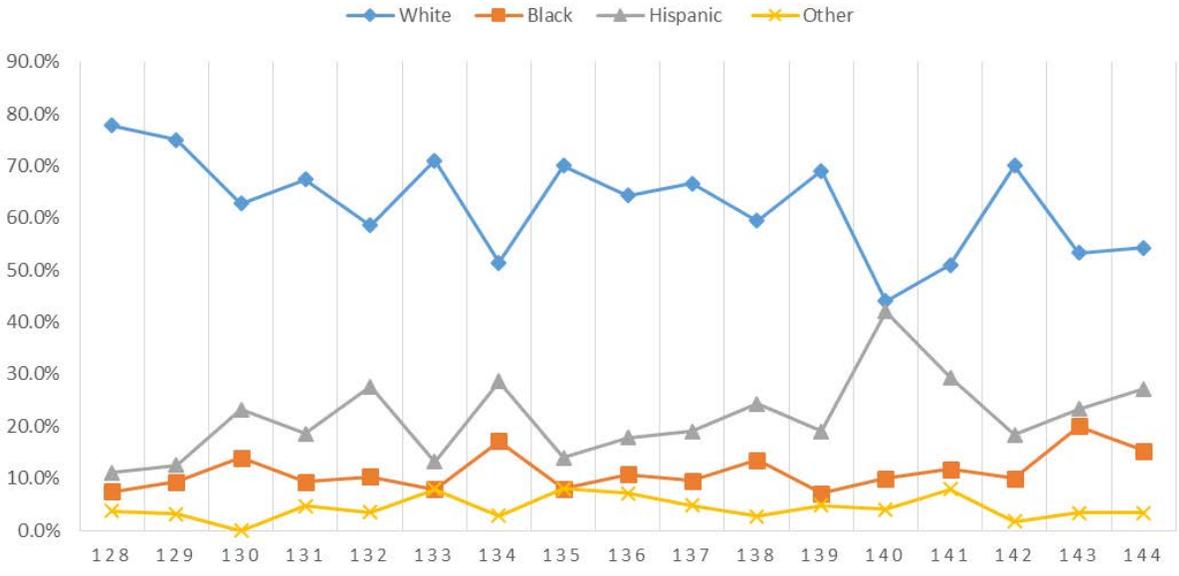
in the performance of their duty, or as an inducement to favor the one offering the same.

- F. All employees of the department shall deposit any reward with the Chief of Police.
- G. No officer shall use their position in a manner designed to harass, belittle, intimidate, oppress or influence any person, group, fraternal organization, club, or business.
- H. Employees of the department shall not solicit, seek, or accept free or otherwise discounted food, drink, goods, or services from any merchant or business establishment during the employee's performance of duty or by reason of them being employees of the Fort Worth Police Department.
- I. No officer shall display their badge or other identification while off-duty for the purpose of seeking free admission to any place of entertainment.
- J. No employee, either directly or indirectly, shall attempt to influence the outcome of any department disciplinary matter by using the newspaper or television unless in compliance with General Order 703.00J.

# APPENDIX F: Department Diversity, 2017



### PD RECRUIT CLASSES BY ETHNICITY



## **APPENDIX G: Special Unit Transfer General Order, 2017**

### **401.1 IN-HOUSE VACANCY SELECTION OF SWORN PERSONNEL** *(Revised 10/05/17)*

This General Order sets the guidelines for the process by which assignment vacancies for patrol and specialized units should generally be filled. The allocation of personnel to a specific assignment is designed to promote efficiency and to optimize departmental effectiveness while considering the needs, knowledge, skills, abilities, and preferences of the individual employees. Although not mutually exclusive, at times both objectives may not be simultaneously achievable.

- A. For purposes of this order, the objective in the selection process shall be:
  - 1. Openness, fairness, and objectivity.
  - 2. Impartial assignment opportunities for officers of all ranks.
- B. Definitions
  - 1. Patrol Services - vacancies in patrol services shall be sworn positions responding to and answering calls for service generated by citizens or a supervisor. This designation will include patrol officers, patrol corporals, patrol sergeants, traffic control technicians, and traffic control technician supervisors.
    - a. Although assigned to the Patrol Bureau, a vacancy for a position in a Neighborhood Police Officer (NPO) Unit or a Bike Unit will follow the procedures under the process for specialized services.
  - 2. Specialized Services - include all assignments, except those specified as patrol services, and require sworn personnel who must possess and/or obtain certain knowledge, skills, and abilities in order to accomplish the mission of the division or section.
  - 3. Standardized Selection Process - consists of consideration of all of the following criteria for sergeants and below:
    - a. Letter of intent and (optional) resume,
    - b. Time and attendance (prior twelve (12) months),
    - c. Performance appraisal (prior twelve (12) months),
    - d. Internal affairs records (prior twelve (12) months) and,
    - e. If applicable for uniquely specialized assignments, special fitness or skill assessment.
    - f. Interview
  - 4. Patrol Work Group - all shifts within a patrol division.
  - 5. Vacancy – for the purposes of this General Order will mean an opening within the same rank that would require a lateral reassignment.

## C. Patrol Services Vacancies

### 1. Posting Vacancies

The division experiencing the vacancy shall use at least two (2) methods of communication beyond a department-wide email (i.e. roll call, bulletin board, etc.) to notify potential candidates as the vacancy moves through each level. Division commanders or captains are authorized to fill patrol vacancies of sergeant and below that occur within their own division. If there are no eligible officers within the patrol division, then the vacancy shall be offered department-wide, with the selection being made from the first group, from which an officer applies, in the following order:

- a. The division,
- b. The patrol command,
- c. The patrol bureau, then
- d. Department-wide. Requires the vacancy to be forwarded to the Administrative Sergeant over the Finance and Personnel Bureau for posting.

### 2. Criteria for Application and Selection

Each division, command, and the patrol bureau will maintain a seniority list based on the provisions of the Meet and Confer Agreement to properly fill all patrol bureau vacancies.

- a. Seniority is the determining factor for shift and assignment, unless the division commander/captain articulates documented disciplinary or work performance issues in most senior interested individual(s) in the twelve (12) months preceding the vacancy.

### 3. Requirements and Conditions in Position/Assignment

- a. Upon completion of the field-training phase, all probationary officers must serve six (6) months in an assigned division in patrol before being eligible to transfer to another patrol bureau vacancy. The officer may transfer to another shift/team within their assigned patrol division during the six (6) month period.
- b. All patrol personnel at the ranks of sergeant and below who desire to transfer out of their division or any department personnel who desire an assignment in the patrol bureau, shall submit a request for transfer to the patrol bureau. Any patrol bureau position at the ranks of sergeant and below left unfilled either by patrol personnel or transfer request may be posted department-wide.
- c. All newly promoted or newly transferred sergeants will serve a minimum

of six (6) months in patrol, administrative sergeant, and/or jail sergeant assignment.

- d. In the case of a reduction in force or a demotion, either voluntary or as a result of disciplinary action, the Assistant Chief may direct unfilled/frozen positions in patrol to be reopened. This allows the newly demoted, and those displaced, to use seniority as a basis for placement into a new position, as if they were members of the patrol workgroup experiencing the vacancy.

#### D. Specialized Services Vacancies

##### 1. Posting Vacancies

- a. All postings for a specialized assignment will require at least a one (1) year commitment before being eligible for a voluntary transfer.
- b. Any vacancies for the ranks of sergeant and below created by personnel reassignment will require a department-wide vacancy announcement following the Standardized Selection Process.
- c. The division commander\captain or designee experiencing or anticipating a vacancy for the rank of sergeant and below shall notify the Administrative Sergeant for the Assistant Chief of the Finance and Personnel Bureau in writing, of the vacancy, at least one (1) month prior to an anticipated vacancy, the criteria by which all applicants will be considered, and any special or specific criteria or information that is likely to influence potential applicants.
- d. If only one potential applicant responds, and the applicant is suited for the position, then no formal standardized selection process interview or reposting of the vacancy is necessary.
- e. In all cases where more than one potential applicant responds in writing indicating an interest in the position, then a formal selection process, including an interview shall be initiated.
- f. The Administrative Sergeant for the Assistant Chief of the Finance and Personnel Bureau shall distribute the vacancy announcement within three (3) days upon receipt of the necessary information. Vacancy announcements must be posted and letters of interest accepted for at least seven (7) calendar days prior to the closing date.
- g. All vacancy announcements shall comply with EEO regulations. The Police Department Employment Specialist is available for consultation and review of interview questions, if requested, to ensure EEO compliance.

## 2. Criteria for Application and Selection

- a. Personnel interested in consideration for the announced vacancy position are responsible for submitting all information requested in the vacancy announcement as directed to the section/unit experiencing the vacancy within the application period.
- b. After the closing date of the posting, the commander or supervisor of the unit or section experiencing the vacancy shall review the submitted materials to determine which, if any, of applicants are qualified for the position. Interviews shall be held with all applicants who meet the minimum requirements for the open position and interviews will be completed within seven (7) working days after the closure of the vacancy post unless an exigent situation occurs, at which time the interviews shall be completed as soon as possible.
  - (1) The interview panel shall consist of members of the unit experiencing the vacancy, the unit's chain of command, and/or individuals with expertise in skills and abilities required in the unit for a maximum of three (3) internal panelists.
  - (2) The interview panel should have the goal of being comprised of diverse department personnel that closely reflect the demographics of the community; therefore, additional members outside of the unit experiencing the vacancy may be requested to sit on the panel. Each outside member selected shall attend all interviews for the vacant position.
- c. The applicants shall be placed into an applicant pool. No numeric ranking shall be assigned nor any numeric score calculated for the purpose of determining placement on a recommendation list.
  - (1) The applicants shall be indicated as "qualified" or "not qualified." For those deemed not qualified, an explanation shall be provided on the report and subsequently forwarded through the chain of command to the applicable Assistant Chief.
  - (2) The chain of command can disregard the commander's or supervisor's designation of a candidate as being qualified or not qualified.
  - (3) The chain of command shall take the needs of the community, specific crime-based problems, and other specific needs of the section/unit experiencing the vacancy in mind when choosing the applicant for the position.

NOTE: Guidelines for the department's goal of creating and maintaining a workforce that is in the best interest of the department, employees and

the community should be adhered to as outlined in General Order 707.00, Diverse Workforce.

- d. For a position vacancy in a specialized assignment, the final approving party shall be the Assistant Chief over the bureau experiencing the vacancy.
- e. Unless the Assistant Chief over the bureau experiencing the vacancy articulates documented disciplinary or work performance issues with the recommended individual(s) occurring within the twelve (12) months preceding the vacancy the report will be forwarded to the Police Department Employment Specialist for review of compliance with EEO guidelines. Upon notification of compliance from the Police Department Employment Specialist, the original approving party will designate a commander/captain to contact the candidate selected for the position.
  - (1) The commander or designee should provide feedback to the candidates who were not selected to potentially increase the candidate's future opportunities for selection within one (1) week of the process.

#### E. Lieutenant Assignments

1. Shift Lieutenant assignments in Patrol shall be filled by seniority unless the division captain articulates documented disciplinary or work performance issues with the most senior lieutenant that have occurred in the preceding twelve (12) months. The Chief of Police shall approve any variation from seniority-based assignment.
2. All newly promoted lieutenants shall be assigned to Patrol. There is no time restriction on when a newly promoted lieutenant may express interest in, or be considered for, other positions.
3. The Executive Staff will determine specialized services lieutenant assignments.
  - a. The Criminal Investigation Unit Lieutenant and the Special Assignment Lieutenant positions located in the Patrol Bureau are considered specialized services positions.
  - b. The lieutenant positions within Support Bureau and the Finance and Personnel Bureau are considered specialized services positions.
4. Lieutenants in specialized services shall serve no more than five (5) years in a particular assignment.
  - a. Finance and Personnel Bureau personnel are responsible for monitoring the tenure of lieutenants in specialized services positions.
  - b. Finance and Personnel Bureau staff will notify the Executive Staff when

a lieutenant has served four (4) years in a particular specialized assignment so the process of transitioning that position to a different lieutenant can be initiated.

- F. Selection of the assignments for the rank of captain will be at the sole discretion of the executive staff. The Standardized Selection Process will not be utilized for this rank.
- G. In cases where an emergency situation exists or promotions/demotions require that immediate assignments be made, sworn personnel may be placed in temporary positions until such time as the selection process may be conducted in order to permanently fill the position(s).
- H. In cases where there are no applicants for a position or where the available applicants are not qualified for the position, other means may be used for the selection of personnel to fill the vacancy, upon approval by the Chief of Police.
- I. As per General Order 428.01A4, Personnel Orders-Sworn Employees, approved transfers must be received by the Employment Services Section no later than 1700 hours, Friday, two weeks preceding the effective date of the transfer. In an effort to keep vacancies evenly distributed throughout the Department, the effective date of transfers shall be restricted to once per quarter for all ranks below the rank of Sergeant. Transfer dates shall be designated by Command Staff but will generally fall in the mid-month of any given fiscal quarter. An exception is permitted upon agreement between the deputy chiefs or higher over the releasing and receiving units.
- J. Performance-based rotation guidelines shall be developed for officers assigned to the Narcotics and Vice Sections. At the end of two years in the assignment, officers of the rank of sergeant and below shall be subject to a yearly performance-based rotation review to determine their suitability for continued assignment in the section.
- K. The Chief of Police has discretion to deviate from the requirements of this General Order when the Chief of Police determines that it is in the best interest of the department. Transfers and assignments made by the Chief of Police are not subject to grievance under the Meet and Confer contract.