

CITY OF FORT WORTH RESPONSE TO ISSUES RAISED BY FORT WORTH TARRANT COUNTY NAACP

November 13, 2019

The City of Fort Worth has received a set of seven requests from the Fort Worth Tarrant County branch of the National Association for the Advancement of Colored People (NAACP). The following table summarizes those requests, indicates briefly what the City has done or is doing in response to the requests, and explains what the City legally can and cannot do in those respects.

| What the NAACP is requesting | What the City has done or is doing | What the City legally can and cannot do |
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| <p>1. Interim Chief Kraus release the full body cam footage from all officers on the scene where Atatiana Jefferson was shot and killed.</p> | <p>The Police Department has released all body cam footage to the District Attorney's Office. In view of the pending prosecution, the District Attorney has decided not to release this footage or any other case-related documents to the public.</p> | <p>Release of the full unedited video is prohibited by §1701.661(f) of the Texas Occupations Code: <i>A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.</i></p> |
| <p>2. The names of all officers on the scene at the time of Atatiana Jefferson's shooting be released and that they be fully investigated and properly disciplined for violation of department policy and procedures.</p> | <p>There were only two officers on scene at the time of the shooting:</p> <ul style="list-style-type: none"> ○ Dean, A (4598) ○ Darch, C (4620) <p>The following 34 officers responded, after the fact, to assist with the call by providing emergency medical care, command/supervisor control of the scene, perimeter scene security, crime scene officers, criminal and administrative investigators, and relief officers. Please note, however, that not all officers were on scene at one time.</p> <ul style="list-style-type: none"> ○ Horner, S L (3499) ○ Vitek, D (4488) ○ Cotten, J (4292) ○ Gilbert, W (4476) ○ Krouse, R L (2146) ○ Kouns, J (5350fd) ○ Fenter, D L (3224) ○ Halford, B D (3350) ○ Cloud, C (4606) ○ Osborne, R (4611) ○ Ray, G (4306) ○ Fuller, C (4486) ○ Hoffman, C (4618) ○ Martin, C (4236) ○ Herrera, R (4533) | <p align="center">N/A</p> |

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| | <ul style="list-style-type: none"> o Sloan, T (4475) o Lofland, D (4517) o Dominguez, S (4434) o Krueger, M (4454) o Reynolds, J W (2621) o Ryan, J (4200) o Stroemer, T (4466) o Rockwell, R (4232) o Bender, N (4571) o Stokes, M (4283) o Herrington (2607) o Haise A (3865) o Phillips J (2495) o Rimshas A (3554) o Lee, T. (2527) o Bain, C (3487) o Menzies, W. (3359) o Valderas (4558) o Van Gorkom, J. (4251) <p>This incident is still under investigation and disciplinary action may be taken against any officer who violated departmental policies.</p> | |
| <p>3. Interim Chief Kraus investigate and file additional charges of aggravated assault with a deadly weapon and child endangerment against Aaron Dean.</p> | <p>The Police Department has evaluated all charges that could be brought against Dean and has charged him with the highest offense allowed under the circumstances. What Dean is ultimately indicted for is up to the District Attorney and the Grand Jury. FWPD is providing the District Attorney's Office with all pertinent information on this case.</p> | <p>What Dean is ultimately indicted for and charged with is up to the District Attorney and the Grand Jury.</p> |
| <p>4. Written police policy that full body camera footage of police shootings, deaths in custody, and all complaints of police misconduct and excessive force, be publicly released within 24 hours of the incident.</p> | <p>The Police Department has adopted the following policy for officer-involved shootings and in-custody deaths:</p> <ol style="list-style-type: none"> 1. As soon as practicable, preferably within three days of the incident, and no later than five days, the Department will release video and/or photographs that provide a general overview of what occurred, if any such video/photos have been identified. 2. The Department will either redact or not release video or photos that: <ol style="list-style-type: none"> a. May compromise the investigation; b. Show images of deceased persons; c. Show images of juveniles; d. Show images that identify the names of involved officers; e. Shows the use of tactics (either by the officers or others) that could have a negative impact on future police operations; f. Would violate privacy rights; and/or | <p>See §1701.661(f) of the Texas Occupations Code: <i>A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.</i></p> |

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| | <p>g. Is protected by law.</p> <p>3. If any of the exclusions outlined above are utilized to prevent the release of video/photos, the Department's statements will outline the specifics of what exclusion was used and how it is being applied.</p> | |
| <p>5. Establishment of an independent community-driven police oversight board, with investigatory power, subpoena power, and mandatory police cooperation.</p> | <p>There are many different models of oversight boards. The City is committed to hiring a Police Monitor with expertise on this subject to make recommendations. After the Police Monitor begins work for the City in early 2020, the City will reach out to stakeholder groups to discuss their possible roles in evaluating various models of police oversight and recommending a preferred model.</p> | <p>Any recommendations would have to comply with Chapter 143 of the Texas Local Government Code and the City's Meet & Confer agreements with the Fort Worth Police Officers Association.</p> |
| <p>6. The city of Fort Worth addresses the systemic problem within the culture of its police department, given there have been multiple unjustified cases of excessive and deadly force.</p> | <p>The Fort Worth Police Department's training standard is higher than the minimum set by the Texas Commission on Law Enforcement to become a licensed peace officer. The minimum requirement from the state is 643 hours. A Fort Worth officer, however, receives 1440 hours of training, of which 326 hours are not reported to the state. In addition, upon graduation, new officers enter the field training phase and must complete 560 hours, which is well above the 160 hours mandated by the state. Although the state mandate for use-of-force training and mechanics-of-arrest training is 64 hours, Fort Worth recruits receive 162 hours of training.</p> <p>In 2017, the Fort Worth Police Department mandated the three-part series on Procedural Justice, which included three separate classes on Theory, Practice, and Implicit Bias. Since that year, Procedural Justice and de-escalation training has been incorporated into the recruit training for new officers.</p> <p>In order to address concerns from the community about the culture of the police department, the department has partnered with members of the community who have had negative interactions with the police to speak with the recruits about their experience and to serve as role players for new police recruits' scenario-based training. Additionally, these residents will assist the department with in-service training for our current officers.</p> <p>Beginning with Class 146 and prior to graduating the police academy, the new recruits will be taken out into the community to listen to concerns from the community as well as the community's expectations of the police department. That information will be brought back to class to facilitate further discussion and give the recruits a better understanding from the community that they are going to serve.</p> | <p>N/A</p> |

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| | <p>In 2015, the City began to participate in the National Initiative for Building Community Trust and Justice. See the attached copy of the National Initiative's 2018 Interim Status Report for Fort Worth.</p> | |
| <p>7. The City of Fort Worth create alternative, non-police response teams to address welfare checks, mental health calls, and non-critical instances.</p> | <p>Although a team that includes non-police officers on calls involving mental health issues may prove useful, experience has shown a great number of incidents turn violent and can result in injuries. The City has taken steps to offer advanced training to officers in these areas. Furthermore, the persons calling police in these instances are often family members who cannot control or reason with the individual in crisis and are asking for police intervention. The Police Department has also created crisis intervention teams, consisting of police officers in civilian attire and mental health professionals from Tarrant County MHMR, to respond to mental health crisis calls.</p> | <p>N/A</p> |