

Fort Worth Police Department Expert Review Panel Status Report

Preliminary Observations and Recommendations Regarding Use of Force, Internal Affairs and Community Oversight

Executive Summary

July 2020

The Fort Worth Police Department Expert Review Panel was engaged by the City of Fort Worth to review a broad range of police practices and provide conclusions and recommendations. The Panel's work is ongoing. In several key areas of review, however, the Panel has made preliminary observations and recommendations. The Panel will continue to assess these and other areas not covered by this report in coming months. Of particular note, this report does not address lethal force or stop and arrest practices. Those issues will be addressed in future reports.

Rather than wait to share these observations until the review has been completed, the Panel is issuing this interim report so that the City and the Department can begin to take such measures as are appropriate. The Panel is alert to the concern and urgency among members of the Fort Worth community about policing practices. It is the Panel's hope and expectation that these observations will contribute in a productive way to the ongoing dialogue.

The Fort Worth Police Department's practices and policies have been under public scrutiny for several years because of highly visible critical incidents. The recommendations in the report are designed to help the Department take steps that will increase confidence and legitimacy within the community. While critical, many of the recommendations are first steps in a long process of building trust, improving internal accountability, and ensuring that police services are delivered in a manner that reflects the community's values. The City must engage its diverse communities throughout this entire process when making policy decisions and developing a plan for change going forward.

The key observations and recommendations of the Expert Review Panel are the following:

First, we have reviewed encounters that raise concerns that officers are not consistently adhering to policies to avoid force during encounters with community members and these policies are not enforced by the Department. Department policies emphasize the sanctity of human life, procedural justice, and de-escalation. Our review found that officers' conduct in the community does not uniformly adhere to these policies. De-escalation should be a core value for the Department and be uniformly applied by officers. Unnecessary or avoidable

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use of force places the individual and the officer at risk and erodes confidence in the legitimacy of the Department in the eyes of the public.

The Expert Review Panel Recommends:

- Review and revise de-escalation policies to clarify that officers are required to use de-escalation and force avoidance tactics when appropriate and that it is a serious policy violation when they fail to do so;
- Review and revise all force training to include de-escalation and force avoidance practices;
- Strengthen the internal affairs and other accountability systems to ensure that the failure to de-escalate or avoid force when appropriate is identified and addressed;
- Increase the review of use of force incidents and improved force reporting; and
- Review and revise Taser policies and training.

Second, the Department needs to build trust with all communities and develop stronger partnerships to co-create public safety. The Department values, but has struggled with, its relationship with communities of color and low-income communities in Fort Worth. In part, this is because of highly publicized officer involved shootings or other use of force incidents. But the lack of trust runs much deeper and often stems from unnecessarily negative individual interactions between officers and community members. Policy and training are not translating into practice in a uniform way and this is interfering with the part of the Department’s mission “to enhance public safety through partnering and building trust with our community.”

The Expert Review Panel Recommends:

- Rapidly conclude the process of defining the roles and responsibilities of the Office of Police Monitor;
- Create mechanisms to ensure that the Police Monitor is independent and free from undue influence;
- Address the authority of the Police Monitor to issue public reports;
- Ensure that the Office of Police Monitor has adequate resources;
- Develop and implement a plan for meaningful community engagement with all communities throughout Fort Worth; and
- Review and revise the Neighborhood Police Officer program.

Third, the Department lacks functioning crisis intervention services. The Department does not have a functioning Crisis Intervention Unit. While officers respond to a high volume of

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calls for services with people experiencing homelessness or with substance use disorders, there are no established protocols for adequate referrals to service providers.

The Expert Review Panel recommends:

- Develop a crisis intervention program that engages non-law enforcement mental health personnel to respond to calls regarding persons in crisis;
- Significantly expand resources for crisis intervention;
- Engage of mental health services consumers and providers in the development of the program;
- Expand training of all officers on the use of crisis intervention capacity and to safely and effectively interact with people in crisis.

Fourth, increased integration of accountability structures would facilitate consistency in accountability and promote compliance with policy. The Department's Internal Affairs and other accountability systems are fractured and spread across multiple chains of command. While an effective accountability system requires the engagement of a broad range of disciplines and decision-makers throughout the Department, the diffusion of responsibility makes accountability disjointed and reduces its effectiveness. Existing accountability systems do not share information or report to a single member of the command staff. As a result, the Department has no mechanism to ensure discipline is applied in a consistent manner or that aggregate information concerning officer behavior is analyzed for organizational purposes.

The Expert Review Panel recommends:

- Review and revise Internal Affairs practices to strengthen coordination between the Office of Internal Affairs and the chain of command;
- Require the Special Investigation Unit to share officer interviews with Internal Affairs;
- Increase training for Internal Affairs Detectives;
- Reduce overreliance on the Use of Force Coordinator – a single officer – to assess the appropriateness and lawfulness of use of force;
- Investigate all civilian complaints and cease the use of classifying some complaints as “contacts;” and
- Review and revise policies regarding the use of officer compelled statements;

Fifth, Fort Worth has made important investments in policy development, training, technology, and facilities. The Review Panel commends the City and Department leadership on their forward-thinking approach to improving critical infrastructure. The Department has adopted

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and is frequently updating its policies, is committed to scenario-based training, and provides officers with important resources.

The Expert Review Panel recommends:

- Expedite the implementation of an early warning system that will facilitate the identification of officers who may be at risk for misconduct;
- Review and revise recruitment practices to ensure greater diversity in the Department and to ensure that it better reflects the racial, gender, LGBT status, disability, and other diversity of the community;
- Expand the number of officers that speak languages other than English and that can communicate through the use of sign language; and
- Address deficiencies in the background check process for new officers.

Sixth, the Department should more effectively use the data it collects and strengthen its systems to learn as an organization. The Fort Worth Police Department has modern and effective systems to collect data, comprehensive policies, and persons in leadership positions that seek to lead through evidence-based best practices. However, in many cases, the data collected, especially regarding officer conduct, is not effectively used to identify strengths and weaknesses in training, supervision, policy, tactics, or accountability.

The Expert Review Panel Recommends:

- Assessment of its data collection and analysis capacity to ensure that the information collected is used to identify necessary revisions to policies, training, tactics or other operations of the Department.
- Establish a permanent mechanism or protocol with the aim of analyzing data in real time related to use of force, policies and tactics. Ensure that this information, once analyzed, is part of the ongoing discussion of the command staff and police leadership.