



MEETING MINUTES

Police Chief Advisory Panel | Public Meeting (Virtual) August 19, 2020 | 6:00 p.m.

1. CALL TO ORDER & ROLL CALL

Meeting was called to order at 6:02 p.m. by Interim Chief Bob Klett

2. 30 MINUTE CITIZEN COMMENT PERIOD

- Eric Martinez with Mano Amiga stated that he feels this public meeting is a bad faith effort to comply with requirements of Cite & Release ordinance.

3. CHIEF UPDATES

a) Welcome Back Officer Claudia Cormier!

Officer Claudia Cormier, who was severely injured and lost her leg in the line of duty when she was hit by a car on the interstate on May 18, 2019, returned to work in a modified duty capacity this past Monday, August 17.

b) Community BBQ's hosted by law enforcement partners

- With donations from an anonymous donor, law enforcement partners from across Hays County hosted community BBQ's in 4 different parts of the County over the summer. The events were hosted in a drive through setting due to COVID restrictions. 4,800 plates of BBQ were handed out in this outreach effort.

c) COVID Updates

- SMPD has been careful to reduce the amount of public contact to reduce the risk to officers and public. Measures taken include doing things by phone when feasible, online reporting, closing down public access to the building, etc. SMPD did have some employees who contracted the virus, but there were backfill options in place to allow for coverage. We continue to take precautions to make sure that we and the public we serve remain as healthy as possible.

d) Chief Search Updates

- Community survey was completed by the search firm and the position was closed in July. A total of 92 applicants applied for the position of Chief of Police. Interim Chief Bob Klett is one of the candidates, but states that he wants only what is best for the city and recognizes there are other well qualified candidates in the mix. This week the recruiter is providing a list of top candidates from the pool to the City Management team to review before the process begins to narrow down to interviews.

e) Discussion of Cite & Release Ordinance & Reporting/Cite & Divert

- To summarize, the Cite & Release ordinance was approved by Council in its second reading on April 7, 2020. Although the ordinance did not go into effect

until May 31, 2020, the following day we began working on data collection processes and implementation of the intent of the ordinance.

- Cite & Release is a feature for people who commit certain levels of criminal offenses to avoid imminent arrest. Details of the types of offenses that Cite & Release apply to may be found on the PD website. In the situation of Cite & Release, the offender is issued a citation rather than arrested. The act is still a normal criminal offense, but the offenders report on their own to the jail for processing and booking.
- The ordinance requires that SMPD host regular public meeting to discuss with interested stakeholders. This is the first of those public meetings, which will be held quarterly as a function of the Chief's Advisory Panel from this point forward.
- This initial meeting was advertised in social media and on the PD's website page. Although not required of an advisory panel, in accordance with the 72 hour requirement to post an agenda for boards and commissions, the agenda was also posted at the City Clerk's office the Friday prior to the meeting.
- It should be noted that citizens do not need to wait on public meetings to have access to the department. Phone calls and/or in person meetings are welcomed. SMPD is committed to complete transparency and open communication at all times and with all measures of policing, not just Cite & Release.
- The Cite & Release information shared in this particular meeting covers an abbreviated time period of May (when the ordinance went into effect) through August. It is a starting point for Cite & Release documentation representing the inception of the ordinance to the date of the first meeting. However, future information will capture an entire calendar quarter's reporting.
- The official Cite & Release ordinance and reporting will be housed on the San Marcos Police Department's website page moving forward.
- Interim Chief Bob Klett presented a historical viewpoint of criminal activity in San Marcos in comparison with numbers to date in 2020. He noted that 2020 has been an odd year with COVID-19 and data comparisons for traffic stops and other index crimes are down in comparison with 2019. Factors for this include lower population from Texas State due to the pandemic, reduced traffic stops, etc.
- During the first reporting period for Cite & Release, there were 12 instances of potential Cite & Release offenses. From this, 5 arrests were made and 7 were issued Cite & Release tickets. Cite & Release is not an option when an offense has mitigating factors as outlined in the ordinance. The 5 arrests from this reporting period had at least one of these mitigating factors present. Detailed reporting reviewed at this meeting may be found on the SMPD website.
- The reporting tool that is being used on the PD's website includes a geographic page that indicates location of the offenses, as well as race/ethnicity and other stats relative to Cite & Release reporting.
- One of the outcomes hoped for in tonight's public meeting is to solicit feedback and suggestions on how the material presented could be done better and/or to capture what may need to be added or clarified to make the data easier to understand.
- Suggested change: combine the track by race and ethnicity tables.
- Suggestion: add a toggle switch feature to move between YTD and quarterly numbers.
- Suggestion: post quarterly data within at least one week of public meeting.

Questions/Comments from Public

- *How often are these meetings hosted and will they continue to be virtual?*
Cite & Release data will be posted quarterly and public meetings will correspond with data release. The next public meeting is scheduled in November to review third quarter reporting, when there will be a full three months of data to review. As long as the pandemic is in effect, meetings will remain virtual.
- *Is it correct that we will not know if Cite & Release is really working since we don't have the normal population that this town carries because of COVID?*
Yes, as mentioned previously, 2020 is not a normal year at all. We will continue to publish numbers out there as we have them to report, but COVID may be a factor in the equation.
- *What community input was solicited for changes to SMPD general manual, internal databases, training and policies surrounding Cite & Release?*
Community input and participation was provided in multiple venue opportunities in the actual development of the Cite & Release ordinance. Once Cite & Release was passed, the policy was created directly from the ordinance. The policy was distributed to officers (and posted online) and is now being followed. There is no further training required in the ordinance, it's a simple matter of adherence, which we are doing.
- *I (Randy) am running for mayor. If I am elected would it be possible to have Officer Grant Sheridan head up a mental health task force?*
We have a very active mental health unit who partner with other mental health stakeholders to serve the needs of those in our community with mental health needs. The more ideas we can get to better respond to our community, the better we will all be.
- *In the Cite and Release data, can you add a description for the reason for the stop?*
Yes. There is a meeting tomorrow with our analyst to review all of these suggestions and we will make a note of your request.
- *Is Cite & Divert in Hays County still going to be implemented September 1?*
No, there is a delay while the district and defense attorneys review the initiative in more detail. They are concerned that there may be some unintended negative consequences that need to be worked out before rolling it out. *Do you know how long of a delay?* It is our understanding that they are going to meet with Bexar County and then meet back as a group within the next three weeks.
- *Are there any plans for alternatives to in-person prosecutor meetings due to COVID?*
It doesn't appear that way so far. Apparently, there is some paperwork and other details that require in person meetings with prosecutors. They may be looking into virtual options, but we cannot say for certain. Those decisions lie with those offices.
- *Was today's Cite & Release Subcommittee Meeting was made public?*
Hays County is the host of these meetings and sent the invite, so we're not sure of the answer to that question.

- Can you elaborate on the possible issues of Cite & Divert regarding expungement?*
 Although I am not an attorney, I understand that in order to have a record expunged you have to first go through a court process. When a record is expunged it is totally removed. In the case of a person who was diverted and did not go through the court process, the opportunity to have a record expunged may not be an option. This and other details are what the attorneys are reviewing in Cite & Divert to make sure that potential issues are resolved before rolling out the program. The next meeting of the Hays County Criminal Justice Commission is September 9.
- With all of the data collection required for this new ordinance, there has to be a greater demand on man power and/or software. Has the City Manager and Council included additional funds in next year's budget to help with this effort?*
 There are no additional funds being provided. Our original concern was getting this particular data out of the system, but our data analyst has done an incredible job of developing a system to get numbers up front. Unfortunately, the process is not automated and so we will need to verify manually and street diversion data is not collected in the data we have. While new software might make the job easier and better, we are working with what we have for now.
- Can you please explain the difference between Cite & Release and Cite & Divert?*
 Cite & Release avoids imminent arrest. There is still the element of a criminal charge against the offender within a typical justice situation. Cite & Divert gives people who qualify for the program a chance to avoid the offense being filed in court and remain off of their criminal record and may be used when there is not a conclusive case against the offender or in the presence of extenuating circumstances. For example, someone with no criminal history may be a good candidate for Cite & Divert as a means to make a fresh start in place of an arrest or citation. Instead of reporting to the jail as in Cite & Release, Cite & Divert provides the offender an option of pre-trial services with no criminal implications unless they fail to complete the process. Cite & Release and Cite & Divert are different citations altogether, with different information on each. We are having two different citation books printed. Our partners across the county share the same ticket writer software and both Cite & Release and Cite & Divert citations will be entered in to the software.
- From Councilmember Baker: I've posted several questions in Q&A and they have not been answered. Is there a different way I should post my questions?*
 This is our first public meeting and both the Chat and Q&A features have been enabled. Throughout the presentation there were a lot of incoming comments and questions that I've tried to field. Public Safety Director Chase Stapp noted that he was trying to answer all of Baker's questions but didn't realize the answers were only going to the panel and not back out to the public. Baker's questions were reviewed and answered and those that were answered in the course of the presentation were noted. *Why can attendees not see each other or the panelists?*
 We are working with what we know in Zoom. We will continue to fine tune for next public meeting.

- *Is it possible to get a list of panel members?*
Yes, the names of the Advisory Panel members will be posted on the SMPD website.
- *How many officers have been diagnosed with COVID?*
Somewhere between 4-6. Some have been out due to family members or other exposures.
- *What were the channels used to advertise this public meeting to ensure that everyone in the community knew about it?*
As mentioned previously, the meeting was advertised on social media, Facebook, SMPD website, and by word of mouth. We can look at other options for future meetings. While we acknowledge that we can do better getting the word out next time, we are not trying to hide anything either.
- *Is this meeting being recorded for those who are not able to attend?*
Unfortunately, we were not prepared to record this one, but we will audio record future ones to accommodate this need. There will be minutes posted of all meetings, though.
- *From Councilmember Baker: Why was this meeting timeline of the middle of the month chosen? Why once a quarter? Is it an annual quarter or something different?*
The Advisory Panel identified this timeframe as the one that best worked with each of their schedules. The public meetings will follow the standard calendar year quarters with the next public meeting being held in November. However, again, if someone would like to meet or talk with the department in between the scheduled quarterly meetings, the door is open.

4. ITEMS FOR ROUNDTABLE DISCUSSION

a) Community Concerns

- Advisory Panel member James Bryant, Jr. reviewed his Letter to Editor August 5 in response to an article by Mr. Lance Winter in the San Marcos Daily Record on July 26. Mr. Bryant felt that Mr. Winter was profoundly remiss in his observations and that the superficial condemnation of what City Council is doing was reprehensible. Mr. Bryant noted his extreme displeasure with Code Enforcement and their lack of enforcement in the City that affects property value. He also stated his support for School Resource Officers based on his observations from being on the school board.

5. UPCOMING EVENTS

a) Police Testing/Hiring

Currently scheduled for September. More details coming soon. Please help us look for quality candidates and have them monitor SMPDJOBS.COM

6. NEXT QUARTERLY PUBLIC MEETING DATE

November 11, 2020 @ 6:00 p.m. *(after the meeting it was noted that this is a City holiday. As a result, a new date will be identified and made public)*

7. ADJOURNMENT

After thanking the public for their attendance and participation, Interim Chief Bob Klett adjourned the meeting at approximately 8:00 p.m.