

Expert Review Panel Final Report – FWPDP Status Update regarding Recommendations

Subject Matter	Observations	Recommendation	FWPDP Update
<p>Use of Force and De-escalation</p>	<p><u>Use of Force and De-escalation</u> Cases reviewed showed that while force may have been legally authorized at the moment it was used, officers failed to attempt to de-escalate or in some cases the officer’s conduct was the cause of the escalation.</p> <p>FWPDP updated its General Orders (GO) requiring de-escalation, the documentation of de-escalation efforts and providing specific guidance on how the objectively reasonable legal standard should be applied in encounters.</p> <p>GO was updated to expand and formalize the Use of Force Review Board.</p> <p>Review of FWPDP’s de-escalation training did not occur, but there was no evidence after reviewing curricula that de-escalation was integrated into all use of force training.</p> <p>Disciplinary Matrix was updated to clarify that the failure to de-escalate was a violation of policy.</p> <p>Internal Affairs (IA) only investigates whether force was authorized when it was applied and does not consider whether the conduct of the officer created or failed to avoid the conditions necessitating the use of force. Whether force was avoidable and whether de-escalation techniques could have been</p>	<p>Adopt the LEED Model (Listen and Explain with Equity and Dignity) – renewed recommendation from Preliminary Report.</p> <p>Implement a formal bystander intervention program – renewed recommendation from Preliminary Report.</p> <p>Officers need additional policy guidance on when force is permitted and how to de-escalate – renewed recommendation from Preliminary Report.</p> <p>FWPDP should frequently audit implementation of policies on reporting and review of uses of force and de-escalation – renewed recommendation from Preliminary Report.</p> <p>Changes to the Discipline Matrix should be enforced – renewed recommendation from Preliminary Report.</p> <p>Lack of de-escalation in cases even where uses of force may be justified should incur more significant supervisory review in terms of noting failures to de-escalate as well as imposing corrective actions.</p> <p>De-escalation should be integrated into all use of force training.</p> <p>Need for greater clarity on when force is appropriate:</p>	<p>The Training staff is currently evaluating the LEED Model and assessing how it could benefit FWPDP.</p> <p>Per GO 306.02, Stipulations, officers have the duty and responsibility to intervene and shall take appropriate action when observing a law enforcement officer or a police department employee using force that violates departmental policy and training regarding what is objectively reasonable under the circumstances. Furthermore, after consultation with OPOM and the City Attorney’s Office (CAO), FWPDP added to the GO in 2020 that all employees shall immediately report the violation, in writing, to a supervisor.</p> <p>The ABLE (Active Bystandership for Law Enforcement) is in the works for on-going intervention training from all FWPDP officers. FWPDP is currently in the application process of initiating this training and is expected to begin the training in 2023.</p> <p>FWPDP strengthened the GO in November 2021 to enhance accountability. A portion of the policy states:</p> <ul style="list-style-type: none"> • Officers have a duty to use de-escalation techniques whenever possible and 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.” Additional guidance will also be added to include: “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. • Officers should use advisements, warnings, verbal persuasion, decision making models pursuant to training, demonstrate empathy and other tactics and alternatives to higher levels of force. • 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. • Officers shall perform their duties in a manner that avoids unduly jeopardizing their own safety or the safety of others. • Supervisors shall respond to incidents in a timely manner when a potential violent confrontation may exist. <p>After consultation with OPOM and CAO, FWPDP required that all uses of force including pointing of firearms and takedowns without injury be reported and formally reviewed. The newly implemented Force Analysis Unit is now reviewing all uses of force incidents from pointing a firearm or takedowns without injury up to, but not including, deadly force. Any incidents found</p>

Subject Matter	Observations	Recommendation	FWPD Update
	<p>applied should be an explicit part of every Internal Affairs force investigation.</p> <p>Additional policy changes should be adopted and implemented.</p> <p>Overuse of tasers is inconsistent with de-escalation. The display of tasers is escalation, not de-escalation. Displaying a taser at the initiation of an encounter creates an implied threat of force and makes verbal compliance strategies more difficult. Displaying tasers in unjustified situations creates the image of over-reaction and militarized presence, further breeding hostility between community members and FWPD.</p>	<p>The term “warranted” be replaced with “necessary” in GO 306.01C that states: The use of reasonable force, when warranted, is permitted by law and is an affirmative duty and responsibility of police officers. Otherwise, this language suggests that officers have an affirmative duty to use force when justified or warranted by law or policy. The potential confusion is exacerbated by the fact that the first mention of “necessary” force is GO 306.05. The Department should further emphasize in its training that force should be used only when non-force options are not available. Also, GO 306.04 references procedural justice as a principle for de-escalation. Procedural justice needs to be defined in the GOs to provide officers guidance.</p> <p>Need for greater policy guidance on the use of tasers: Fort Worth officers would benefit from additional policy guidance that defines the appropriate circumstances for displaying and or deploying a taser in either mode of operation. It is important that policy and training focus on when a taser should be deployed and displayed and not just how it is used. In addition, supervisors should routinely review BWC video of incidents where Tasers were drawn and displayed to determine whether it was appropriate under policy.</p> <p>In addition, the prohibition in GO 306.05 D.3.h. on the use of tasers should be broadened to include people with</p>	<p>to be outside of policy are referred back to the chain of command for additional review and recommendations. Policy and Training issues should be addressed through the Force Analysis Unit.</p> <p>De-escalation is taught in all use of force training. Recruits and officers are also graded on de-escalation during scenario-based training, including scenarios conducted using the simulator. IA only investigates use of force when there is an allegation of excessive force. If IA is investigating an excessive use of force, then they look at the entire incident, and a de-escalation allegation is part of nearly every excessive use of force incident investigated by IA.</p> <p>FWPD's Use of Force Coordinator, City Legal, and the Office of the Police Monitor (OPOM) collaboratively worked on revising this policy. In 306.07 Reporting Use of Force Incidents - Accountability has been enhanced for the reporting and supervisory review of use of force incidents to determine whether de-escalation was used or if officers failed to use it.</p> <ul style="list-style-type: none"> • Officers shall report the full details of the use of force in a related RMS report with the appropriate title in the “Nature of Call” field. With specific regard to the use of force, these reports shall include, at a minimum, details regarding: the resistance encountered; the type(s) of force used; and de-escalation efforts attempted or used prior to employing force options and throughout the incident. • A supervisor shall make the scene of all use of force incidents requiring a Blue Team administrative report. Blue Team administrative reports shall include, at a minimum, details regarding: the resistance encountered; the type(s) of force used; de-escalation efforts attempted or used prior to employing force options and throughout the incident. • The responding supervisor shall interview the individual(s) upon whom force was used and any witnesses to the use of force. If these interviews cannot be completed, the supervisor shall indicate the reason for not completing the interviews and provide any information they collect so the interviews can be completed at a later time. If during the supervisory review, an individual makes a citizen’s complaint, the complaint shall be handled pursuant to GO 410.04 Personnel Complaint. The responding supervisor shall ensure all available, relevant digital media, is attached to the administrative report. This includes, but is not limited to, body-camera video, in-car video, security or RTCC video and photos of involved officers and subjects. If available digital media cannot be attached, the supervisor shall indicate the reason for not including the digital media and provide any information so it can be collected at a later time. • An administrative report will be completed by the supervisor in Blue Team and electronically forwarded through the officer’s chain of command to be reviewed. The supervisor shall initiate the Blue Team by the end of their shift. The completed Blue

Subject Matter	Observations	Recommendation	FWPD Update
		<p>disabilities, people in mental health crisis, and people with substance use disorders. Multiple deployments should be addressed in the use of force policy. If a person is exposed to a taser for longer than 15 seconds or subjected to more than three cycles, there's a risk of serious injury. GO 306.05 does not explicitly require officers to assess whether multiple cycles of the taser are necessary and would be effective. Given the significant risk of injury, more than three cycles of the taser should be reviewed and investigated as deadly force. Finally, revisit the policies and training on using tasers in the drive stun mode - renewed recommendation from Preliminary Report. Drive-stun mode does not incapacitate but causes pain, and in some circumstances exacerbates the situation, placing the officer at greater risk. Drive-stun should be reserved for circumstances when no other lesser force is available.</p> <p>Clarity that all officer witnesses be interviewed: A responding supervisor should be required to interview officers who witnessed the use of force; a witness officer should also be required to submit a report documenting his or her observations.</p> <p>Greater policy guidance on persons in restraint: GO 306.05 appropriately prohibits officers from deploying the 40mm</p>	<p>Team shall include a review by the supervisor regarding the attempts/use of de-escalation attempts and the effectiveness of those efforts. FWPD recognized the needed change, which was also recommended by the Office of the Police Monitor as well. Based on this recommendation, FWPD will be revising the "final frame review" to identify changes in policy and training. De-escalation was also added to the Discipline Matrix.</p> <p>On incidents that are much more complicated or difficult to evaluate, all executive staff and members of the Force Analysis Unit have the ability to refer an incident to the Use of Force Review Board for additional input. The Use of Force Review Board is comprised of 15 members from the officer to executive ranks. The Use of Force Review Board meets monthly to further review and evaluate these incidents. The Board may audit of use of force incidents. The audit is meant to evaluate the reporting and review process of all use of force incidents excluding Critical Police Incidents. The Use of Force Board is monitored by the Office of Police Monitor.</p> <p>A recent recommendation from the Use of Force Review Board and the Use of Force Coordinator was for another recommendation category of "Enhanced Training Opportunity." This category would be used when the force was justified and within policy, but when evaluating the incident in hindsight, better de-escalation or a better way of doing things could have been identified. The GO recommendation provides for possible ways to help train for these incidents. This recommendation is still in approval process.</p> <p>FWPD agrees that replacing the term "warranted" with "necessary" in in GO 306.01C should take place. FWPD also recommends that the phrase "The Department should further emphasize in its training that force should be used only when non-force options are not available" not stop there. It should read "...are not available, have failed, are likely to fail, or will create a greater danger to the officer(s) or citizen(s)."</p> <p>After consultation with OPOM and CAO, FWPD added guidance to taser usage to read: Officers are authorized to use tasers to control an actively resistant person when attempts to subdue the person by other tactics have been or will likely be ineffective, and there is a reasonable expectation that it would be unsafe for officers to approach the person within contact range. This emphasizes that prior to using tasers, other tactics were attempted and failed or the officer has an articulable reason why weaponless/close contact strategies will not be effective.</p> <p>Recruits and officers are graded on de-escalation during scenario-based training; they must be able to articulate why they did or did not utilize their tasers.</p>

Subject Matter	Observations	Recommendation	FWPD Update
		<p>launcher on a handcuffed person “except in extreme circumstances such as placing the officer, subject, or another person in imminent danger of serious injury or death.” However, officers are not prohibited from using other types of force on persons who are already handcuffed or restrained. The use of force on a handcuffed person should only be permitted under very limited circumstances and these incidents should be reported and investigated as serious uses of force.</p> <p>Additional legal review of policies: GO 306.01B, for example cites an 8th Amendment case involving use of force in a prison to support the proposition that officers must assess “the relationship between the need and the amount of force used.” There are 4th Amendment cases that support the principle being addressed.</p>	<p>FWPD will further review how it can enhance the supervisor’s review of BWC footage of taser displays.</p> <p>People with disabilities, in mental health crisis, and with substance use disorders can still be a danger to themselves and/or others. A taser may be the most humane way to deal with various situations of people in these situations.</p> <p>A restrained person can still pose a danger to officers or oneself. The use of force against a restrained person to prevent harm may be necessary. However, a person being restrained by mechanical means should be a part of an officer’s decision making. It would be unreasonable to try and define each and every situation, but instead the use of force against a restrained individual should be evaluated by the totality of the situation.</p> <p>FWPD policy and training on the use of the taser is based on manufacturer recommendations and either meet or exceed the Model Policy created by the International Association of Chiefs of Police (IACP). As with all use of force incidents, there should be a constant and ongoing re-evaluation process to determine if the force being applied is working and/or necessary. This principle should also be applied to the initial and any subsequent uses of the taser. (OPOM previously reviewed and shared best practices.)</p> <p>Based on the totality of the circumstances, reasonable pain compliance is an effective tool to achieve compliance. Taking tools away from officers may lead to greater injury for the officer or the subject. If the Drive Stun is authorized, then a distractionary punch would also be authorized and any force less than a punch. (OPOM previously reviewed and shared best practices.)</p> <p>After consultation with OPOM and CAO, FWPD revised GO 306.07, Reporting Use of Force Incidents, which outlines the requirements for Use of Force Reporting. This includes an offense report completed by the involved officer articulating their justification for the use of force. The details are included in the Chain of Command review (BlueTeam incident) of the use of force along with any footage of the incident.</p>
<p>Use of Force Against Persons in Crises</p>	<p>FWPD alone cannot be the optimal response to calls involving persons in crises.</p> <p>FWPD increased its Crises Intervention Team (CIT) from 6 to 20 people.</p>	<p>The burden placed on FWPD demonstrates the need for CFW to strengthen its behavioral health system.</p>	

Subject Matter	Observations	Recommendation	FWPD Update
Use of Closed Fist Strikes to Head and Face	<p>Such strikes may be less lethal or potentially lethal force options that should require a higher level of justification than observed. Further such strikes when a person is on the hard-surface ground could be considered lethal force similar to a baton strike to the head, and they should never be used to gain compliance in handcuffing.</p> <p>While FWPD trains to avoid such strikes, it does not prohibit them.</p>	<p>Modify GOs to deem closed fist strikes to the head of a person on the ground as lethal force and prohibited except under circumstances when lethal force is authorized.</p>	<p>G.O. 306.07 Reporting Use of Force Incidents reads: “Supervisors will closely review incidents that involve an officer using a closed fist strike on a subject on the ground to ensure the reasonableness is explained and/or guidance is provided regarding tactical considerations when responding to resistance from a grounded subject.” The Control Tactics Manual states: “Note: closed fist strikes to the head are NOT recommended on a suspect on the ground, due to the increased likelihood of injury to the officer.” It is unclear when this note was added to the manual, however, The Control Tactics Manual in use today was last revised on 04/08/2020.</p> <p>The use of closed fist strikes to the head or face of a subject should not be prohibited. Personal weapon strikes to the head or face can often times gain either pain compliance or distract a subject to allow for other control techniques to be applied. The current Control Tactics Training Manual outlines the use of personal weapon strikes to the face or head as being more likely to cause injury. This along with other factors should be considered by officers as they choose the appropriate type(s) of force necessary.</p>
Force Avoidance Practices – Retaliatory Uses of Force	<p>Review of sample cases like a foot pursuit or where officers met resistance, officers appear to lose their tempers and engage in force that was retaliatory.</p>	<p>Officers behavior when it appeared to be retaliatory uses of force was tolerated in many cases by FWPD, which enhances a culture of non-compliance with FWPD policy and use of force training.</p>	<p>Retaliatory uses of force are not tolerated.</p>
Force Avoidance Practices – Lethal Force	<p>A review of sample cases showed:</p> <ul style="list-style-type: none"> • Officers engaged in tactical errors that placed themselves in danger and made the use of force inevitable. • Officers failed to take the time to permit a subject to calm down or comply, take advantage of distance, or wait for backup, which might have had a calming effect. • Cases involving persons experiencing mental health crises were not addressed by mental health providers. <p>Tactical errors by officers varied from FWPD training and policy in the use of</p>		

Subject Matter	Observations	Recommendation	FWPD Update
	<p>less lethal force options before resorting to lethal force. However, tactical issues were not identified or addressed in the review process.</p> <p>Officers appear to view FWPD policy and training as aspirational rather than mandatory.</p>		
<p>Force Avoidance Practices – Racial Bias in Use of Force and Failure to De-escalate</p>	<p>While Black people make up 18% of the community, they receive 36% of the uses of force per the Internal Affairs 2020 Annual Report.</p> <p>Noted marked contrast in officers' patience, efforts to de-escalate, and language used (cursing, shouting and use of racially tinged terms) between white persons and persons of color during encounters</p>		
<p>Accountability Systems</p>	<p>FWPD is in the process of creating a Force Analysis Unit. The creation of a Force Analysis Unit will significantly change the FWPD's practices with regard to the review of uses of force. The Review Panel recommended consolidation of the use of force review process to provide greater scrutiny and consistency. The Force Analysis Unit is an opportunity for FWPD to assess the practices of its officers in a consistent manner, have the review performed by specially trained Lieutenants, and identify and address trends. The success of the Unit will, to some degree, depend on whether it is more effective at identifying excessive force and the failure to de-escalate than the current review process. The fact that it is independent of</p>		

Subject Matter	Observations	Recommendation	FWPD Update
	<p>an officer's chain of command gives the Unit greater independence and the ability to assess uses of force with greater objectivity.</p>		
	<p>Not all complaints to FWPD about officer misconduct were subject to an investigation. Instead, many were designated "contacts" and sent to an officer's supervisor to address. Specifically, when a person contacts Internal Affairs, the matter is screened for whether the allegations are serious enough to warrant an investigation by an Internal Affairs detective. This determination is at the reviewer's discretion; they do not conduct any investigation beyond a cursory review of the complaint. Less serious allegations are given a contact or "con" number and referred to the officer's supervisor to handle. No further tracking of these complaints was done.</p>		<p>After consultation with OPOM and CAO, FWPD increased the Internal Affairs staff so that all community member complaints were handled by Internal Affairs as well as ensured that all complaints received an IA number v. a CON number.</p>
	<p>Internal Affairs previously began to present each case to the City Attorney and the Police Monitor during a bi-weekly meeting. The Review Panel was advised that the purpose of these meetings was to ensure that the City legal department had notice of any potential employment or legal action and to seek legal advice on complex cases. While legal review is important, there is a tension between the obligation of Internal Affairs to ensure that officers act with fidelity to policy and the City's legal department to protect the City from civil liability.</p>	<p>A dedicated FWPD legal advisor is needed. The legal advisor's role would be distinct from the City Attorney who is responsible to defend the City from civil liability. The Advisor would be engaged on a day-to-day basis ensuring compliance with legal standards in the application and execution of warrants, planned actions, First Amendment protected activity, and other areas. In this way, the police advisor would proactively assure FWPD's compliance with legal standards, as opposed to defending FWPD from claims of misconduct.</p>	<p>The City's Charter requires any attorney that advises a City Department to be under the supervision of CAO. Attorneys are officers of the court and are ethically obligated to not only represent the City and City Departments in litigation, but to also advise them on legal issues related to their activities. The CAO has periodically assigned an attorney to be FWPD's legal advisor with various levels of success. Several years ago, the decision was made to assign several attorneys to work with FWPD to ensure that they received advice from attorneys who were subject matter experts on constitutional issues, employment issues, land use issues, and contract issues. City staff believe that this model ensures quality advice and legal service. The attorneys who advise FWPD on IA investigations also represent the Chief's position in disciplinary appeals. Furthermore, the CAO discloses IA investigations in litigation, so there is a vested interest in ensuring that investigations are comprehensively conducted. With that said, the CAO has been working with FWPD on hiring an attorney who specializes in police related issues to be assigned to FWPD.</p>

Subject Matter	Observations	Recommendation	FWPD Update
	Internal Affairs continues its practice of compelling statements from every officer interviewed, regardless of whether the officer is a subject or witness and regardless of whether there is any reasonable basis to contemplate criminal litigation. This practice is both unnecessary and contrary to the accountability function of Internal Affairs.	The use of a Garrity warning should be restricted to those circumstances in which the risk of criminal prosecution is “substantial and real.”	Officers are required to cooperate in internal investigations. They are provided their protections under Garrity on administrative investigations in an abundance of caution. Garrity warnings are only used on administration investigations that have a concurrent criminal case. In all other cases, the officers are given an administrative warning that still compels them to cooperate with the investigation and answer questions.
	FWPD has not changed its practices or addressed the gaps in Internal Affairs investigators training. New Internal Affairs members receive a 40-hour training from an external vendor when it is available. It is a single training session that covers a broad range of topics, some of which address risk management as opposed to internal affairs functions. All other training is on-the-job.	Special in-service or annual training is needed that focusses on the unique duties and responsibilities of internal affairs.	FWPD sends investigators to training when it is available. FWPD continually evaluates practices in coordination with CAO, and make adjustments where necessary. FWPD is open to annual training. Currently, FWPD is limited by budget constraints in how much training can be made available to investigators, so new investigators are prioritized.
	Cases reviewed did not show the chain of command review or Internal Affairs identify or address the failure to de-escalate.	Meaningful supervisory review of force remains a serious issue.	After consultation with OPOM and CAO, FWPD required all uses of force including pointing of firearms and takedowns without injury be reported and formally reviewed. The newly implemented Force Analysis Unit is now reviewing all use force incidents. Any incidents found to be outside of policy are referred back to the chain of command for additional review and recommendations. On incidents that are much more complicated or difficult to evaluate, all executive staff and Force Analysis Unit members have the ability to refer an incident to the Use of Force Review Board for additional input. Additionally, the Board, as part of its regular duties, conducts audits of use of force incidents. The audit is meant to evaluate the reporting and review process of all use of force incidents excluding Critical Police Incidents.
	Consistent reports provided by FWPD personnel regarding an increase in complaints of discourtesy. More discipline should be considered in during the administrative review of officers’ use of foul or profane language. Officers believed that the level of tension and mistrust between officers and the community has increased in recent years.	Non-force conduct issues continue to not be addressed. Greater training on procedural justice and for officers to control their temper is required. More discipline should be considered during the administrative review of officers’ use of foul or profane language.	FWPD must follow its Disciplinary Guidelines when addressing minor violations of policies; that is where the Informal Counseling Log on the Portal are addressed. Profanity is always addressed when IAS receives a complaint. When an excessive use of force allegation is investigated by IAS, all allegations are documented in the investigation and addressed by the chain of command.

Subject Matter	Observations	Recommendation	FWPD Update
	<p>Some senior officers attributed the increased incidents to the rushed hiring and training of the last four academy classes. FWPD officials also noted that officers have a “para-military” mindset, which would involve more aggressive tactics when interacting with community members.</p>		
	<p>The 2020 Internal Affairs Annual Report identified 334 uses of force reviewed by the section. Arising out of those force incidents, 530 charges were brought against individuals. Some of the incidents resulted in multiple charges. Of those 530 charges, 38 were for a “mental App” or taking a person into custody for evaluation, 82 for a felony, 45 for public intoxication, 72 for a misdemeanor, 42 described only as “other,” and one for a DWI. Thus, of the 344 incidents in which force was used to make an arrest, only 187 resulted in a substantive charge. The other charges all resulted from the arrest process – resisting arrest, hindering apprehension, evading arrest, assault on a public servant, etc. Thus, in almost 150 cases, force was used to effectuate an arrest, the person was not charged with any offense other than that from conduct occurred during the arrest process. This raises serious concerns about whether the arrests were justified initially or were the result of retaliation. When asked about these numbers and this discrepancy, FWPD stated they had not reviewed the issue and that their concern was, instead, to learn why everyone who was arrested after a use of</p>	<p>Potential retaliatory arrests not addressed by Internal Affairs or chain of command review.</p>	<p>Every use of force incident is reviewed by the Force Analysis Unit, and then by the chain of command to determine if de-escalation techniques were appropriately used, whether the use of force was justified and within policy, and whether any other policy violations are present that need to be addressed in a separate administrative investigation.</p>

Subject Matter	Observations	Recommendation	FWPD Update
	force was not charged with resisting arrest.	City should create an independent Office of Auditor or Inspector General (OIG) to investigate fraud, waste and abuse, but significantly, to conduct program audits. Similar to the Los Angeles OIG, the office would review investigations specific to all officer-involved shootings and significant uses of force that result in death or hospitalization, as well as complaint investigations of police officer misconduct. The OIG would conduct performance-related audits and other reviews, and its audits would result in public reports on a broad range of issues. Unlike OPOM, an inspector general would be independent, have the power to compel testimony and document production, and have a staff dedicated to the audit function.	<p>PD uses several methods to ensure the integrity of investigations and reviews of use of force by officers:</p> <ul style="list-style-type: none"> • The CAO and the OPOM meet with Internal Affairs monthly to discuss IA investigations. • PD has established a Use of Force Review Board that reviews all uses of force. The Board consists of the Use of Force Coordinator, Command Staff Representatives, training division representatives, patrol division representatives, representatives from SWAT and is monitored by the Fort Worth Police Monitor’s Office. • The OPOM has access to all police administrative investigations and can conduct reviews of police encounters. <p>Additionally, all critical police incident investigations are sent to the District Attorney’s Office for review and presentation to the Grand Jury.</p>
Crises Intervention	<p>Behavioral Health Responses in Fort Worth: Police have become the first responders for a spectrum of social issues: mental illness, substance use, lack of housing and employment, and poverty. Fort Worth is no exception – FWPD handles an astoundingly high volume of calls for people in distress. In 2019, the FWPD received 12,244 mental health-related calls for service – an average of 34 per day – to which 24,999 units responded. These calls drain officer time and resources and fail to provide residents the appropriate services for unmet mental health needs. They also increase the likelihood for use of force that</p>	FWPD should renew its efforts to work with the Advisory Board to develop community-based alternatives and responses in collaboration with consumers of mental health services and their families, and subject matter experts.	In regards to the Behavioral Health Advisory Board, this was a FWPD lead board when CIT was created to provide insight and best practices on FWPD’s response to mental health related matters. Due to COVID, the board has primarily dissolved via attrition. However, recently a non-profit called Empower Fort Worth was created to improve the overall community’s wellness and resiliency with a focus on first-responders, attorneys, and the medical profession. FWPD recently participated in a survey by University of North Texas Health Science Center to provide further research. FWPD is hopeful that Empower Fort Worth will lead the conversation and FWPD provide a supporting role while seeking assistance to improve FWPD’s practices. FWPD also sits on its board.

Subject Matter	Observations	Recommendation	FWPD Update
	<p>endangers both residents and officers – in Fort Worth, 21% of mental-health related calls for service have a use of force component. Moreover, police-responses create unnecessary involvement with the criminal-legal system for people with disabilities and confers little public safety benefit. Many of the cases reviewed previously involving a person in mental health crisis showed no indication that a CIT officer was called or consulted to assist the person experiencing mental health crisis. Previous BWC video of these interactions also revealed that officers failed to employ de-escalation techniques that may have avoided the need to use force.</p> <p>Since 2020, FWPD has undertaken several measures to address interactions with residents in crisis or need of behavioral health services. Some include expansion of CIT and 40-hour crisis intervention training for all officers. FWPD also convened a Behavioral Health Advisory Board to help develop the City’s behavioral health programs and services, with the objective of increasing non-police responses to people in crisis. The Board met three times as of the writing of the Final report; its recommendations included crisis call taking training for all call takers and dispatchers; hiring a behavioral health expert to work in communications to ensure quality of service, oversee training, triage mental health calls, and send non-police calls for service to the MHMR call center. FWPD is</p>	<p>Crisis intervention training should focus on de-escalation and minimizing force. FWPD should collect comprehensive data to evaluate the outcomes of the trainings, including whether the training improves officer attitudes and perceptions of people with mental illness, whether there is a decrease in arrests of or use of force against people in crisis, and whether there is an increase in referrals to community-based services.</p>	<p>FWPD sought out and obtained funds to put every eligible officer through the 40-hour State Certification program called the Mental Health Officer Training. The course is taught by a certified Mental Health Officer and a license social worker trained specifically in crisis intervention from My Health My Resources. FWPD has 1659 sworn positions staffed. Prior to this training, there were 302 certified Mental Health Officers at FWPD, and 589 had already attended the course and received their certification as a Mental Health Officer.</p> <p>Additionally, the CIT was increased from 6 personnel to 20 officers total and they will be separated into two teams with around-the-clock coverage. The HOPE team will work closely with CIT as well as other entities throughout the city bringing a wide-range of resources to the homeless community; many of the homeless are MHMR community members.</p>

Subject Matter	Observations	Recommendation	FWPD Update
	<p>working with the MHMR Director to see if the calls can be directed to its call center. FWPD is looking to diversion models in Austin (TX) and Denver (CO) where there is a behavioral health expert assigned to communications. The Advisory Board members are primarily representatives from mental health organizations or providers. The Board does not include consumers of behavioral health services or their families, or who had interactions with police in the context of or during a mental health related incident. There is still concern that measures taken thus far are inadequate for changing officer behavior toward people in mental or behavioral health crisis, reducing the use of force, and providing the community-based services to address the mental and behavioral health needs of residents.</p> <p>Crisis intervention, de-escalation, and bias-based policing policies to improve Department relationships with residents with behavioral health disabilities: FWPD has made significant changes to several policies related to crisis responses and de-escalation, including the use of force policy, de-escalation policy, and Crisis Intervention Team policy. FWPD requires an officer to annotate the efforts made to de-escalate the situation and the individual's actions that precipitated the use of force in the force report, which is critical for analyzing use of force incidents and identifying individual patterns of</p>	<p>While the expanded unit has more capacity to respond to calls, the more urgent need in Fort Worth is to develop a robust system of community-based services to address the root causes of calls to law enforcement. FWPD has not audited CIT calls for service since its assessment of 2019 data. FWPD should evaluate data annually to determine if</p>	<p>It may be possible to do this analysis through calls for service (911 calls) that are flagged with a MHMR follow-up. These call types can range from something as small as a disturbance to a cutting or worse. If the officer sets the disposition on the call as "MHMR follow-up" and provides enough information for CIT to follow-up, then CIT and MHMR can schedule a visit with the person/location. The follow-ups completed by CIT/MHMR are designed to address the "root causes" of these calls by providing follow-up resources and ensure medication is still being obtained. CIT calls for service can overlap with patrol calls for service (except the follow-up visits) and the dispatch system doesn't allow us to dual code calls so to discern this from call data alone may be improbable.</p>

Subject Matter	Observations	Recommendation	FWPD Update
	<p>unnecessary or excessive force. FWPD also updated its GOs for interactions with people in mental health crisis when it implemented the Crisis Intervention Team policy. While the mental health policy states that a CIT officer “shall take a primary [role]” when responding to mental health-related calls, it does not provide guidance for when officers or dispatchers must request a CIT officer and merely encourages officers to call MHMR “if safe and prudent.”</p> <p>Crisis intervention training should focus on de-escalation to minimize the use of force:</p> <p>While the panel was unable to observe a training due to COVID-19 restrictions, we conducted interviews with FWPD personnel and reviewed the crisis intervention training lesson plan and other training documents. FWPD continues to use a 2013 crises lesson plan and trainings scenarios that focus on exigency and when to make an entry when responding to barricaded persons and hostage situations. The training frames crisis incidents as us-versus-them militarized situations rather than incidents that require consideration and accommodation of the person’s disabilities or emotional state. For example, the section of the plan that instructs officers on tactical positioning describes crisis incident scenes as “the urban battlefield. More educational information about behavioral health disabilities is needed as well as provide</p>	<p>the CIT Unit’s staffing changes have significantly increased the percentage of mental health calls for service handled by the Unit. Further, Fort Worth’s behavioral health system needed to deliver preventative and responsive services to Fort Worth’s behavioral health service consumers. For example, ACT, is an evidence-based practice that provides wrap-around support services, such as 24-hour crisis assessment, medication prescription and administration, and peer support, to people with mental health illness.</p> <p>Tarrant County only has two such teams, one of which is a Forensic Assertive Community Treatment (FACT) team dedicated to assisting individuals already involved with the criminal-legal system. ACT support systems would provide individuals services for unmet mental health needs that could prevent crisis and potential contact with the criminal-legal system and police.</p> <p>The Crisis Intervention Unit alone cannot and should not handle all mental health related calls in Fort Worth and the City should expand its behavioral health system to reduce police responses to crisis. Focus efforts here while simultaneously improving the CIT program.</p> <p>Some examples of cities that have taken to shift crisis responses from law enforcement to community-based</p>	<p>FWPD received a grant from the Morris Foundation to put all officers through the state 40-hour MHOT-Mental Health Officer Training. Each officer received additional training as well as a certificate for the completion. This training focused on de-escalation techniques as well as ways to deal with mental health calls.</p> <p>Tarrant County has opened the Jail Diversion Center for officers to take persons with mental health concerns in lieu of taking them to jail for criminal trespass. This option is open to all PDs in Tarrant County. Due to the volatile nature of some of these interactions, FWPD will maintain the co-responder model of police and MHMR response within CIT. FWPD has no plans to create strictly a civilian response to mental health individuals. Any non-police response to such an issue would be created and implemented outside of FWPD.</p> <p>988 Suicide and Crisis Lifeline recently went active to provide such a gap analysis service. FWPD is also working with FWFD to create a voluntary registrant program where family members or guardians can provide information on their loved ones with IDD, Autism, or Alzheimer’s that provides responding officers with “hooks” and “triggers” of the MHI, a photo in case they go missing, etc. The intent is to provide responding officers with the most information possible to prevent a negative outcome in that situation.</p> <p>FWPD is working with My Health My Resource and began the process of sending callers to them who do not need police or medical service but are having a crisis. This is a new program and MHMR is enhancing their staffing levels in their call center; FWPD is working to get all of its call taking personnel trained in this new process. The MHMR staff are not housed in our building but are a mere one button transfer away.</p> <p>While the ability of our community members to push a single number to reach fire or ambulance has been a success, it is unclear if the same option would be helpful to a person in crisis. Having a human connection there to assist in getting them the help they need is vital to start the process. As FWPD continues to train new call taking personnel, we decrease the amount of time our community members spend on hold (the queue), and the goal is no one receives a recording.</p> <p>FWPD is currently reviewing and making changes to the Use of Force Review Board to ensure rank diversity within the board.</p>

Subject Matter	Observations	Recommendation	FWPD Update
	<p>criteria for assessing officers' performance in the scenario-based exercises. First-hand presentations by mental health providers, subject matter experts, and people with mental or behavioral health needs or their family members are needed.</p> <p>The Crisis Intervention Unit's role: CIT is rarely called to mental health incidents, the law liaisons played a minimal role in crisis incidents, and the unit does not provide patrol officers assistance. In 2020, CIT expanded to cover two shifts, 8:00am to 4:00 pm and 12:00 pm to 10:00 pm, 7 days a week. Each team has a sergeant, corporal, and 8 officer positions. FWPD has five social workers assigned to the day shift and two assigned to the evening shift. While the expansion is a significant improvement, FWPD officials expressed concern that the increase alone will not meet the demand. Fort Worth/Tarrant County has many crisis services and programs that make up an effective behavioral health system. However, they are limited in their ability to meet the demand and are not adequately integrated into the City's behavioral health system, including through law enforcement, to provide the care residents need.</p>	<p>services include Eugene, Oregon, San Francisco, CA, Albuquerque, NM and Denver, CO.</p> <p>The City should conduct a gap analysis to identify what behavioral health services are most needed.</p> <p>911 dispatchers should be trained to identify calls that should be diverted to community-based services.</p> <p>The City should create non-emergency numbers that go directly to service providers such as MHMR so that people do not have to dial 911 when in need of assistance or in crisis.</p> <p>Assign a CIT Unit member to the Use of Force Review Board.</p>	
<p>Other Key Accountability Mechanisms: Community Policing</p>	<p>Community Policing – Background on Community Policing in Fort Worth: Fort Worth has struggled with its relationship with communities of color. High profile incidents have eroded trust</p>		

Subject Matter	Observations	Recommendation	FWPD Update
	<p>and legitimacy and prior efforts at reform have failed to fully address community concerns. Fort Worth Task Force on Race and Culture (Task Force) issued a final report on December 4, 2018 recommending the creation of community oversight bodies and increasing diversity on the police force. Prior to the Task Force, in 2014, the City participated in the Department of Justice’s National Initiative for Building Community Trust and Justice (National Initiative); FWPD received a detailed three-year implementation plan for reforms in 2015, including creation of a Chief’s Advisory Board to provide a public forum for police-community engagement around public safety and training of officers in procedural justice and implicit bias.</p> <p>Public safety concerns are also not evenly distributed across the City. Low-income communities and communities of color experience the highest rates of crime in the City and have more encounters with Fort Worth officers. The need for FWPD to have credibility among, and the trust of, all communities is critical to ensuring a safe and healthy Fort Worth. The behavior of officers in all encounters with community members is critical to building that community trust.</p> <p>Key Components of Community Policing: According to the Community Oriented Policing Services (COPS) office of the U.S. Department of Justice, community</p>	<p>The decentralization of decision making allows patrol officers to take responsibility for their role in community policing. They are provided authority to</p>	

Subject Matter	Observations	Recommendation	FWPD Update
	<p>policing comprises three key components: community partnerships, organizational transformation and problem solving.</p> <p>Fort Worth Police Department’s Policies and Operations Regarding Community Policing: FWPD’s policies and operations reveal FWPD embraces community partnerships and, to some extent, problem solving in principle, but not necessarily in practice. FWPD transferred community-facing programs from the Support and Patrol Bureaus to the Personnel and Finance Bureau as of February 26, 2022. FWPD documents their Community Policing Strategies in GO 347, which describes “Police and Community Relations,” “Racial Profiling,” “Bias-free Policing,” and “Nuisance Abatement.” According to the GO, “It is the duty of every employee of the Department to build an open relationship and dialog with the community served. This is accomplished through a variety of means to include, but not limited to, community forums</p>	<p>coordinate problem-solving resources and autonomy to establish community relationships. The organizational structure ensures that patrol officers have decision-making authority and accountability by assigning and deploying them geographically into beats (beat accountability) and developing officers who are generalists. The long-term assignment of patrol officers into specific neighborhoods can enhance customer service, establish stronger police community relations and mutual accountability. Beat boundaries should correspond to neighborhood boundaries.</p> <p>FWPD GOs did not reflect the transfer of community-facing programs to the Personnel and Finance Bureau.</p>	<p>The GOs were changed in April 2022 to reflect the transfer of community-facing programs to the Personnel and Finance Bureau?</p>

Subject Matter	Observations	Recommendation	FWPD Update
	<p>and meetings, open house, citizen advisory committees, and specifically targeted programs.” The GO gives Command staff responsibility for evaluating department community relations programs and plans plus outlining expectations of community trust building for all personnel. The GO covering “Specialized Units and Department Programs directed to the Community,” outlines special units and programs’ community engagement responsibilities. Units and programs identified in this subparagraph include the Neighborhood Police Officer, Public Information Programs, Crime Prevention Programs, Community Volunteer Programs, Chief’s and Policy Advisory Boards, Ride-In Program and Procedural Justice Unit.</p> <p>Conclusions Regarding Community Policing: GO chapters 347, 102 and 103 strongly and clearly articulate the City’s commitment to community partnerships and the problem-solving tenets of community policing but do not declare community policing as FWPD’s chief operational philosophy. While some aspects of community policing exist, FWPD does not culturally embrace many of the foundational elements of organizational transformation established by the architects of community policing. FWPD policies were reviewed as well as officers were interviewed to understand</p>	<p>Consider developing and executing a Geographical Patrol deployment scheme that provides 24-hour accountability for each patrol beat, pushed down to at least the patrol sergeant level.</p> <p>Provide beat accountability to generalist patrol officers by designating beat officers and deploying them in the same beat long term.</p> <p>Push community policing accountability down to the lowest levels to all personnel in the organization.</p>	<p>FWPD is already doing this, to some extent, but promotions, movements to better shifts, better days off, etc., forbid long-term assignments in some cases. Patrol staffing must increase to perform this function.</p> <p>Every FWPD member is tasked with community policing, as time permits. FWPD is so committed to community policing that FWPD set aside NPOs to specifically engage in community policing. However, every FWPD officer of every rank is expected to participate in community policing.</p> <p>The Academy incorporates Community Policing throughout with new trainees. In fact, they complete a service project and are go on “field trips” to get to know the community first.</p>

Subject Matter	Observations	Recommendation	FWPD Update
	<p>how FWPD operationalizes community policing, the following was revealed:</p> <ul style="list-style-type: none"> • There is a disconnect between what policies prescribe, what officers do, and what the community expects and experiences, and therefore, FWPD does not truly embrace a community policing philosophy; • Community Policing is primarily the domain of the NPOs; • Other specialized units (School Resource Unit and Youth Services, Code Blue Citizens on Patrol, Spanish-speaking Citizens on Patrol, Citizens Police Academy, Spanish-Speaking Citizens Police Academy, Citizens Police Academy Alumni Program, Ministers Against Crime and Clergy and Police Alliance Police/Clergy programs, Cadet program, Community Emergency Response program) outside of patrol perform community policing roles. Their placement in the organizational structure may impact the perception of their relative importance to the organization; • FWPD’s patrol operations are decentralized geographically but officers are not assigned long-term to individual beats. FWPD does not employ beat accountability, a hallmark of community policing; 	<p>Revise management, performance and accountability systems around a robust community policing philosophy.</p> <p>Examine how recruitment, hiring, selection, promotions, retention and even disciplinary efforts, standards and requirements support community policing.</p> <p>Consider full implementation of the new geographic policing strategy initially as a patrol pilot project then grow outward to the entire agency over time.</p> <p>Adjust policies and training to align with community policing operational expectations.</p>	

Subject Matter	Observations	Recommendation	FWPD Update
	<ul style="list-style-type: none"> • Contrary to community policing standards, patrol officers are not community policing generalists; • Patrol officers are reactive “specialists” whose job descriptions and performance evaluations do not hold them accountable for community policing; and • Additional observations and conclusions regarding community policing include FWPD has community programs but does not embrace community policing philosophy; FWPD has strong community policing policies that are not prescribed as FWPD’s primary operating philosophy; by not embracing this philosophy, it instead perpetuates an aggressive, crime fighting, warrior ethos; while the NPO program is a positive community policing effort, community members want all NPOs to provide the NPO type community service; and assigning community policing responsibilities mostly to specialist positions in lower-level units and sections reinforces Community Policing is not a core FWPD philosophy. 		
Other Key Accountability	FWPD has made important mitigating changes in executing search warrants, the use, acquisition and execution of no-		

Subject Matter	Observations	Recommendation	FWPD Update
<p>Mechanisms: Search Warrants</p>	<p>knock warrants by SWAT, and the policies and training regarding constitutional obligation to knock and announce. The vast majority of no-knock warrants reviewed were for drug investigations and were executed by the SWAT Team. This mirrors the practice in the American law enforcement community. Law enforcement agencies today must have enhanced tactical capabilities; this is true for a department the size of FWPD to have a dedicated full-time SWAT Team. As a matter of practice, the deployment of a SWAT Team to conduct a law enforcement action should only be done when necessary and when no safer alternative exists.</p> <p>Examination of search warrant files and interviews of management over the SWAT program indicated that only the SWAT Team executed no-knock warrants. In the 2000's the SWAT Team was doing as many as 300 no-knock search warrants annually. In 2018 and 2019, the SWAT Team conducted 154 no-knock warrants with dynamic entry (81% of all SWAT warrant executions) and 90 no-knock warrants with dynamic entry (68% of all SWAT warrant executions), respectively. In 2020, after an internal review of no-knock warrants, all no-knock warrants with dynamic entry ceased. From mid-2020 through early 2021, the SWAT Team occasionally made a no-knock breach as part of the execution of a search warrant where the</p>		

Subject Matter	Observations	Recommendation	FWPD Update
	<p>Team then surrounded the residence and called out all occupants before slowly clearing the premises. In March 2021, the SWAT Team ceased all no-knock entries absent extreme justification, to include even breaching incident to surrounding a residence and calling out occupants. Additionally, new policy language was added defining no-knock warrants, when they should be utilized, the approval process for no-knock warrants and that they should only be executed by SWAT.</p> <p>SWAT consistently showed tremendous competence, courage and selfless professionalism. The practice of SWAT management using avoidable deployments as de facto training appears to have completely ceased. Additionally, the practice of substantive investigative units referring warrants to the SWAT Team very early in a case when other investigation was warranted appears to have abated.</p> <p>The policy regarding the SWAT Team management having discretion as to who in FWPD executes search warrants was modified and limits this to search warrants requiring entry into an occupied structure.</p> <p>There has been no addition to policy regarding the constitutional requirement to knock and announce incident to the execution of search and arrest warrants. Such a policy is necessary generally, but is critical to provide needed context for</p>	<p>While these two developments are commendable, the Panel strongly encourages FWPD to evaluate how these related practices developed to such a significant and conspicuous level in the past and establish policy and management practices that ensure this can never recur.</p> <p>The Review Panel agrees with this revision to policy.</p> <p>No-knock warrant policy should be updated further to be consistent with relevant caselaw and reflect the legal standard.</p>	<p>Not every law is listed in our GOs. All search warrants are announced unless otherwise allowed by law AND in compliance with our policy below.</p> <p>No-knock warrant progression:</p> <ul style="list-style-type: none"> The last no-knock warrant served where personnel made a dynamic entry was May 19, 2020.

Subject Matter	Observations	Recommendation	FWPD Update
	<p>no-knock entries, which are exceptions to the knock and announce rule. An officer cannot understand the exception without first understanding the rule. Again, this is particularly important in light of the current inaccurate and inadequate training on this point.</p> <p>FWPD should be commended on moving to the widespread practice of surrounding and calling out individuals present at a search site instead of a dynamic entering and clearing. Even when no-knock entries were made, the practice of the Team is now to breach and then callout all occupants followed by a slow non-forceful clearing of the residence.</p> <p>While pre-mission and after-action reporting made clear when no-knock breach was employed, SWAT logs and other search warrant data did not reference the no-knock. The significant reduction in the use of no-knock warrants is laudable.</p>	<p>The policy should make clear that while uncommon, no-knock entries are sometimes the least dangerous way for officers to make entry. FWPD needs a policy which restricts the use of this invasive practice but is instructive, allowing its use when appropriate.</p> <p>The policy be augmented with adequate training on the knock and announce requirement and its exceptions, and sound management practices in place to make the legal and tactical call as to when a no-knock entry is appropriate. Further, it should be emphasized that on-scene SWAT leadership needs to be particularly well trained on this point as they will inevitably need to make the on-scene immediate decision to enter a location without knocking and announcing while executing a traditional (knock and announce) search warrant.</p> <p>Narcotics units still routinely submit affidavits for search warrants with a request for a no-knock warrant and usually get one. No investigative unit should request a no-knock warrant unless the SWAT Team requests it with the approval of their Deputy Chief.</p> <p>Many narcotics search warrants were approved as no-knock warrants, but the SWAT Team chose to knock and announce and then surround and callout, as opposed to making a dynamic entry.</p>	<ul style="list-style-type: none"> The last no-knock warrant served with a dynamic breach (legally an entry) with no dynamic entry of personnel was March 10, 2021. On March 17, 2022, the SWAT Commander began a verbal request to all units issuing warrants to not write a no-knock clause unless requested by SWAT for service as such. The SWAT Commander is currently recommending GO changes to reflect this directive. <p>As it stands, no knock warrants are still authorized under extreme circumstances by GOs. A no-knock service of a warrant has to be tactically approved by the SWAT Commander with consultation and approval from the Tactical Command Deputy Chief.</p> <p>G.O. 321.04 B.5.</p> <p>b. No-Knock Warrant – A no-knock warrant is a search warrant authorizing police officers to enter certain premises without first knocking and announcing their presence or purpose prior to entering the premises. Such warrants are issued where an entry pursuant to making an announcement prior to entry would lead to the destruction of the objects for which the police are searching or would compromise the safety of the police or another individual.</p> <ol style="list-style-type: none"> No-knock warrants shall only be utilized for exigent situations where the tactic suggests that it is the safest way for the situation to be handled. The SWAT commander will make the tactical consideration for service of the no-knock warrant and obtain final approval from the Deputy Chief over the Tactical Command. All approved no-knock warrants shall be executed by the SWAT Section. The investigator preparing the affidavit and warrant shall not include a no-knock clause unless specifically requested by the SWAT Commander for execution as a no-knock warrant. <p>G.O. 321.05(B)(5) defines what a no-knock warrant is and that SWAT is the only unit authorized to use them (in extreme situations). It also states that they should only be used “where the tactic suggests that it is the safest way for the situation to be handled.”</p>

Subject Matter	Observations	Recommendation	FWPD Update
		<p>Carefully track no-knock warrants and document appropriately. Approval by senior management, as required in the policy, is a sound practice and should absolutely be followed and documented.</p> <p>Limit search warrant executions to the daytime barring an articulated operational need. The unnecessary execution of search warrants at night increases risk to the participating officers and the members of the public they will encounter, as well as exacerbates negative community sentiment.</p>	
<p>Other Key Accountability Mechanisms: Training</p>	<p>COVID-19 pandemic limited the ability of the Review Panel to observe much of the training program in person.</p> <p>The significant inadequacies and inaccuracies noted by the Review Panel were mostly with TCOLE generated materials than with FWPD materials.</p> <p>There was virtually no annual review of training from a substantive perspective. While there was clear leadership and organization over the process and logistics of training, there was no review of training gaps in terms of topics or a specific training focus which needed to be bolstered.</p> <p>The Training Academy is in transition and continues to work to fully implement the change from a military boot-camp style setting to a more academic classroom approach.</p>	<p>The Panel again recommends some recurring review of training for the purpose of identifying gaps and needs.</p> <p>Like GO 306.00, the training should include de-escalation as an integral part of this basic legal instruction on the use of force.</p> <p>All references to Texas Penal Codes 9.42 and 9.43, which address the use of deadly force to protect property and to prevent the escape of someone who has committed certain property crimes, should be removed from the “Force Options” outline as these statutes are patently inconsistent with established caselaw. While these statutes may be relevant to officers when investigating uses of force by civilians or officers not within the scope of their employment or under color of law, they should not be part of any law enforcement use of force training. While this training is mandated</p>	<p>As mandated by our contract with TCOLE to operate a state licensed Law Enforcement Academy, a recurring review of training is conducted by the FWPD Training Advisory Board. The Training Advisory Board is required to meet at least once a year. They met once in 2019, twice in 2020, once in 2021 and they have not met as of yet for 2022. The Training Division is currently reviewing the Training Advisory Board bylaws to ensure the board is being as proactive as possible. They are also looking at new ways of fostering board member engagement.</p> <p>Instructors discuss de-escalation continuously throughout the entirety of BPOC instruction. De-escalation is an inherent trait of all Control Tactics/Defense Tactics written and practical instruction and is incorporated in all scenario-based training.</p> <p>FWPD was one of the test sites for Police Executive Research Forum’s De-Escalation curriculum that was then converted and integrated into Basic Peace Officer curriculum. Fort Worth has taken this curriculum and added elements from a Procedural Justice standpoint and not just simply from a Use of Force/De-Escalation standpoint. It incorporates more scenario-based training as well. The training is required for all officers and supervisors working uniformed positions.</p> <p>Updated case law and policy training have been included that covers Use of Force topics, including:</p> <ul style="list-style-type: none"> • Emphasis on constitutional policing and de-escalation • Policy updates

Subject Matter	Observations	Recommendation	FWPD Update
	<p>FWPD should be commended for providing 1520 of training for new recruits while TCOLE only requires 696 hours of basic training.</p> <p>Scenario-based training was appropriate.</p> <p>Basic Peace Officer Course (BPOC): The BPOC POC cadets are given dated use of force materials which presents de-escalation as an independent “add-on” block, which gives cadets the impression that de-escalation is a concept separate and apart from the legal justification to use force. A much better approach is to make de-escalation a cornerstone training concept in the cadet’s understanding of what Fourth Amendment use of force reasonableness is.</p> <p>The BPOC training materials addressing the constitutional requirements to knock and announce incident to the execution of an arrest or search warrants were grossly inadequate and substantively incorrect. The PowerPoint presentation titled Arrest, Search and Seizure included, and continues to include, slides purporting to distinguish no-knock entries and entries in which law enforcement knock and announce. There is one slide that represents the only training material speaking to the knock and announce requirement, and as previously noted, this characterization of the law related to the knock and announce constitutional requirement is</p>	<p>by TCOLE, this change is needed to all deadly force training.</p> <p>Thorough and accurate training be added to BPOC, the TCOLE Intermediate training, and advanced in-service training on this topic.</p>	<ul style="list-style-type: none"> • Use of Force report writing • Use of Force supervisory review <p>Additionally, FWPD has utilized community members of the Beyond the Badge group to assist us with training to ensure community involvement.</p> <p>FWPD continuously updates our BPOC instruction material to be compliant with TCOLE mandates. These chapters of the Penal Code are included in the BPOC and FWPD is prohibited from omitting or conflicting with BPOC.</p>

Subject Matter	Observations	Recommendation	FWPD Update
	<p>incorrect. There is a profound difference between police officers knocking and announcing properly and a no-knock forcible entry. There has been no change in the training materials other than the overall PowerPoint presentations being significantly shorter. The training on this critical point remains extremely brief and substantively incorrect. The panel recognizes that this slide represents, verbatim, the lesson plan TCOLE requires be followed. This void remains in the in-service training and the training for the TCOLE Intermediate Proficiency Certificate. FWPD having no policy defining the requirements to knock and announce incident to the execution of arrest and search warrants (see above section on SWAT/no-knock warrants) exacerbates this training void and virtually guarantees Constitutional violations by FWPD officers in the execution of search and arrest warrants.</p> <p>Field Training Officer (FTO) Training Unit: In the FTO selection process, candidates are to participate in a 360-degree evaluation process. However, currently there is no consistent use of the 360-degree evaluation of an FTO candidate. Some Divisions use this evaluation method and others do not.</p> <p>The training requirements for initial appointment as an FTO require the successful completion of a 40-hour FTO course, which meets TCOLE standards.</p>	<p>This is an effective approach and recommends consistent use of this evaluative tool in the FTO selection process.</p> <p>A formal mentoring process should be developed and coordinated by a FTO coordinator in order to facilitate the exploration of new teaching ideas, to garner advice on developing any new teaching processes.</p>	<p>FWPD has a dedicated FTO Coordinator and the 360 review of the FTOs is completed throughout the entire city by one person. This position reports directly to the Assistant Chief of the Patrol Bureau and the information is kept confidential, but provided to the chain of command to correct issues identified.</p> <p>The FTO Program in conjunction with the Training Division is implementing a new course titled, "Advanced Field Training Officer." This course is designed to enhance the skills of FTOs and provide them with additional training tools and strategies to address the training needs of Probationary Officers. In addition, an FTO committee is being formed to address the needs of the FTO Program, with the ability to introduce new teaching ideas. The FTO program's core competencies were updated and infused into the academy and in-service training to standardize performance requirements of every officer in the department. In 2021, senior members of the FTO program hosted a mandatory FTO update course for current FTOs and Patrol Supervisors that addressed software updates and to introduce the core competencies.</p>

Subject Matter	Observations	Recommendation	FWPD Update
	<p>After selection and before being assigned a trainee the FTO attends training. The FTO training is taught by FWPD internal trainers. Informal mentoring does occur for FTO's with other FTO's, however there is nothing structured or required for that to occur.</p> <p>Five to ten percent eligible officers put in to be an FTO.</p> <p>Circa early 2019, officers in the FTO program completed all their field training in one geographic Division (usually the Division they are ultimately assigned to). Officer trainees change districts within the Division. We noted the profound differences between geographic Divisions in terms of the community demographics, the crime problem, and the overall operational tempo and law enforcement experience, resulting in an extremely disparate experience among officers in their FTO program.</p> <p>The entire management of the FTO program was previously done as a collateral duty to a geographic Division's administrative Sergeant. In 2021, the duties of the FTO program were assigned to a full-time FTO Sergeant. The Panel commends FWPD.</p> <p>Training in Bias, Cultural Diversity and Community Policing:</p> <p>There was no review of content or quality of the bias, cultural diversity or community policing training due to</p>	<p>More incentives are needed to encourage participation in the FTO Program.</p> <p>Officer trainees in the FTO program rotate Divisions as they proceed through the various phases of the FTO program to make a more consistent and equitable FTO experience.</p> <p>The training topics still have not become part of the recurring in-service training of every officer. It is particularly important</p>	<p>Also, later in 2021, FWPD developed a new Patrol Sergeant program and all related training guides/SOPs. The first round of Training Sergeants received training and commenced utilizing the program immediately thereafter. The second part of the Patrol Sergeant Training Program is the required 40-hour course that the Advanced Training Unit hosts. FWPD is now utilizing the FBI LEEDA Supervisor Course to satisfy the TCOLE requirement.</p> <p>Field Training Officers currently receive a 10% increase in pay while training. Beginning in January of 2023, "FTO Leave" will be included in the incentives to encourage participation in the FTO program. At the end of each pay period, the FTOs will be credited with 0.05 hours of "FTO Leave" for each full hour they trained, up to 40 hours per week. The maximum leave earned for a patrol FTO would be 24 hours per year and maximum leave for an NPO FTO would be 5 hours per year.</p> <p>FWPD tried the rotation of FTO officer trainees in divisions as they proceed through the various phases of the FTO program several times and determined the rotation of divisions causes confusion, and more time is spent teaching navigation of the new divisions instead of concentrating on learning the job.</p> <p>FWPD evaluates the best division for each individual officer to be assigned prior to leaving the Academy with the goal of setting them up for success from the beginning instead of randomly assigning them and hoping for the best.</p> <p>The Training Division plans to incorporate implicit bias and culture diversity training within each TCOLE training unit moving forward. It should be noted, in 2021, the Training Division entered into a contract with Dr. Kimberly Papillon to implement implicit bias training to all sworn</p>

Subject Matter	Observations	Recommendation	FWPD Update
	<p>COVID. It was confirmed there were no significant changes due to COVID-19.</p> <p>FWPD should be commended for efforts to provide ad hoc training to all FWPD.</p>	<p>that these topics are presented concurrently with and accompany use of force training to further reinforce the critical point that these subjects are all inextricably interrelated.</p>	<p>personnel. However, due to COVID, Dr. Papillion was unable to commit to traveling to Texas from California.</p>
<p>Other Key Accountability Mechanisms: Early Intervention System (EIS) to Identify Potential Problem Behavior</p>	<p>An early intervention system (EIS) is an accountability tool used to track officer activities, including uses of force, external community member complaints, stops and arrests, domestic violence allegations, sick days, missed court appearances, and other conduct to notify supervisors about potential personal or professional issues. EISs are designed to reveal potential problems early, or before it happens. These systems are non-punitive and offer officers assistance separate from the disciplinary system; supervisors can intervene through coaching, recommending retraining, or referring officers to an employee assistance program (EAP) when there might be performance or wellness issues.</p> <p>FWPD began researching EISs in 2018; implementation discussions began in 2020.</p> <p>FWPD has made significant progress and followed best practices on its implementation of EIS, Phase I.</p>	<p>Phase II of the implementation process needs to take place. FWPD should refine the current EIS and consider the following:</p> <ul style="list-style-type: none"> • Currently, the incident thresholds do not include administrative case/personnel Complaints and Sworn incidents. At the time IAPro was initially implemented at FWPD, it contained three “levels” of complaints. In 2020, the three types were combined into the single incident type of “Personnel Complaint – Sworn.” At the incident level, the current system has no way to discern or include the context of the complaint. For instance, the system cannot differentiate between a complaint filed for officer rudeness and a complaint on an officer using a racial slur. Context is important as it is often related to gravity of the event. It is crucial for the IAPro system to be configured to include the “nature” and “context” of the complaint. • Once the nature or context of the complaints are incorporated, it is important to 	<p>FWPD can run a report within the IAPro system by incident type that will show the allegations associated with an incident. Furthermore, the FWPD will soon replace the IAPro system with the Axon system and will assess how incidents are categorized at that time.</p> <p>In regards to providing all officers and their emergency contacts with a list of resources, FWPD has not created such a document as of yet. However, FWPD is currently seeking to establish contracts with local facilities, and has obtained some funding to pay for these.</p> <p>Due to some setbacks, the Crimes Against Children Unit plans to pivot to another organization.</p> <p>As for mental health check-ins, FWPD continues to research ways to provide incentives for yearly check-ins. One program that FWPD is interested in mimicking is Arlington PD’s Blue Chip program.</p> <p>The EIS is dependent on the information provided by the field and the database maintained by the Professional Standards Division. FWPD is in the initial process of transitioning from the current software to another vendor. An additional position to manage EIS is needed.</p>

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		<p>establish threshold limits for specific allegations.</p> <ul style="list-style-type: none"> • Provide all officers and their emergency contacts (i.e., family members) with a list of resources available to officers and their families in need of emotional (or related) assistance. • Promote frequent mental health check-ins within FWPD and perhaps even provide incentives. • By policy, updates to the EIS system are evaluated on a yearly basis. Provide frequent updates to the EIS system in order to re-establish the thresholds in “real time.” At a time in history when the pressures and issues that affect police officers may change often, it is important that the threshold or baseline is adjusted accordingly in real time in order to always ensure direct and immediate responses to address the officer needs. It is suggested that an additional body be dedicated to EIS to handle this task. 	
<p>Other Key Accountability Mechanisms: Recruiting, Staffing and Promotions</p>	<p>Much of FWPD’s hiring, selection, and promotion criteria appear to be consistent with Texas Local Government Code (TLGC) Chapter 143 requirements. However, the Meet and Confer agreement specifically addresses entry level requirements and promotional</p>	<p>FWPD should invest in continuous recruitment. While FWPD has produced documents demonstrating an awareness of what other successful agencies are doing to effectively recruit, it is not apparent that FWPD’s recruitment effort is coherent or robust. FWPD should be in</p>	<p>FWPD agrees and requested a Communications Specialist to assist with recruitment efforts. FWPD is also looking at expanding or using volunteers to assist with continuous recruitment.</p> <p>The Recruitment Sergeant was reallocated to another FWPD area. The goal is to have 2 corporals replace the sergeant. However, due to low staffing, the position has remained vacant. Our hope is to add a team of officers (a recruitment officer for each side of town), a corporal and a sergeant to the team.</p>

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	<p>criteria. Notwithstanding, the FWPD’s GO says “All transfers and assignments are the sole prerogative of the Chief of Police.”</p> <p>The Equal Employment Opportunity (EEO) Plan and Report is a combined two-year plan and report that outlines recommended objectives for 2021-2023. The document is intended as an informational resource, providing a department-wide overview and report of programs, initiatives, and plans aimed at promoting diversity and inclusion in FWPD. The Plan is developed by FWPD’s EEO Advisory Committee, which advise and recommend courses of action in the sections of the EEO Plan on diversity and inclusion initiatives, efforts, and programs as well as develop solutions and best practices to address and improve policies and practices. FWPD’s Equal Employment Opportunity Manager is tasked with monitoring the effectiveness of the Plan through statistical and other means but responsibility for enforcement of the Plan is widely distributed across the FWPD and Human Resources Enterprises.</p> <p>Workforce analysis data as of December 31, 2020, shows females, Blacks, Hispanics, and Asians are under-represented in FWPD’s sworn workforce. These disparities are evidenced in promotions, transfers, disciplinary actions, hiring and terminations. FWPD’s sworn workforce racial and gender</p>	<p>an “always recruiting” mode, even when not anticipating an approaching entry level hiring process. Sworn recruiters should be used to recruit sworn officers. The officers assigned to recruitment duties in Fort Worth are fewer than resources deployed at other major city agencies, especially when enhancing diversity and quality are goals.</p> <p>Consider barriers-removing programs. Police agencies like the Chicago Police Department have implemented candidate assistance programs such as a phone-a-thon to remove potential barriers to the hiring process, improve the candidate’s chances of success, and improve show up rates and candidate assistance programs. Some departments have created workshops to prepare candidates for the entrance exam process. Examples of these workshops include credit education and repair, exam prep and physical agility workout sessions. The City advised that it has since 2019 conducted physical agility test workshops. The City’s recruiting website’s Physical Agility Page provides a “PAT” training video, but workshop information was not visible on that page nor elsewhere on the recruiting website.</p> <p>Data-drive the recruiting process. FWPD’s recruitment efforts are reactive. Other departments such as New Orleans, LA and Louisville, KY have deployed data-driven recruitment dashboard that provide ready access to recruiting</p>	<p>“Be the Change” is a group of volunteer officers who are dedicated to not only recruit a diverse group of applicants, but also work with the applicants in order to prepare them both physically and mentally for the academy. To ensure as many minority applicants as possible were seated to take the last civil service exam, several members of the department personally contacted (phone calls and emails) those applicants to encourage them in studying and taking the exam. Additionally, they made a point to be present on all three days of testing to greet these same applicants to show support. FWPD is also focusing on recruiting minorities for the Cadet Program and will work on retaining those cadets to increase diversity in future police applicant pools. Additionally, FWPD created a LGBTQ card/flyer to pass out to recruit members of our LGBTQ Community with an attached QR code to track how many interested applicants FWPD received. FWPD purchased LGBTQ supportive police souvenirs to pass out during Pride Month. FWPD will continue the use of social media and will research and expand our minority recruiting methods.</p> <p>FWPD provides workshops to prepare the candidates physically as well as offers multiple practice opportunities before the candidate has to perform the PAT for record. FWPD also offers fitness classes with its Physical Fitness Coordinator during the hiring process. Documented Physical Fitness workshops began in March of 2019.</p> <p>FWPD is currently evaluating available software companies that will allow us to track this data. FWPD used Guardian Alliance Technologies; however, they are in the middle of patent infringement litigation, and FWPD was advised by CAO to cease using until the outcome of the court case. Within the last month, FWPD received notification that Guardian has been released from litigation and plans to follow-up with Guardian to resume the contract if feasible.</p> <p>OPOM and FWPD collaborated regarding FWPD’s recruitment policies, procedures and practices. Since 2021, a representative from the Police Monitor’s Office monitors while Human Resources sits on the recruitment oral boards to ensure fairness and equity in the process as well as make recommendations regarding the recruitment process.</p>

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	<p>makeup is 64% white, 10% Black, and 22% Hispanic. The report format makes it difficult to discern total sworn representation by gender. FWPD publishes a quarterly demographic report as recommended by the City of Fort Worth’s Race and Culture Task Force. This data shows the demographic breakdown of FWPD as well as each unit.</p> <p>See the Panel’s report, page 89 for demographic data per the FWPD report as of December 31, 2021. Demographic data indicates that the FWPD’s attention to diversity in its recruitment, hiring, selection and promotion processes should be high priorities. The actual actions FWPD has taken by FWPD to close representation gaps and hold itself accountable is less clear.</p> <p>FWPD has developed a recruiting for diversity plan which outlines the purpose and steps to increase minority participation.</p> <p>The recruiting department has made recommendations to streamline the recruiting process, making it more attractive to today’s applicant. These recommendations include shortening the length of the hiring process, increasing the number of background investigators, partnering with Black Police Officers and Latino Police Officers Associations to develop workable recruiting strategies, as well as offering a signing bonus, student loan forgiveness program,</p>	<p>statistics, analyses and projections. These agencies go a step further and have “Recruitstat” meetings where they analyze, discuss and correct every measurable component of their recruitment and hiring processes to achieve optimal results. These data-driven processes allow recruiters, background investigators and other personnel officers and supervisors to track the length of time each segment of the recruitment and hiring process consumes, what areas are impacting candidate pools and, ultimately, what corrective actions can be applied to optimize diversity and quality outcomes.</p>	

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	<p>childcare reimbursement, and moving expenses for out-of-town hires. It is unclear if any of the recommendations have been instituted.</p> <p>In 2019, FWPD examined ten police departments to compare agency demographics and recruiting strategies to their own.</p> <p>Recruitment efforts appear to be more aspirational than actionable. FWPD did not provide substantive, supporting recruitment data. FWPD dedicates one sergeant and one officer to recruitment, yet the effectiveness of these efforts was not apparent. FWPD indicated that as part of an ongoing recruitment effort, it will take the following steps: representatives will periodically attend career fairs, where they can expect to target minority applicants; encourage minority employees to participate in highly visible roles within the agency and within the recruitment function to attract other minority recruits; identify and target minority applicant needs based on assessments of the minority population as well as past minority applicants within Fort Worth; create a program to identify and recruit minority applicants at the officer position; and review the recruitment plan annually for effectiveness and needed revisions.</p> <p>FWPD improved its representation of Latinx police officers; however, African American representation as a percentage</p>		

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	<p>of total officers has declined. African American and White female officer participation has markedly declined since 1999. Recruiting efforts are not tracking community diversity. According to data provided by FWPD, from 1999 to 2020, there has been a decline in its overall percentage representation of African American males (7%) and African American females (45%), White females (34%), and White males (11%). There have been corresponding representation increases in Hispanic males (84%), and Hispanic females (117%).</p>		
<p>Other Key Accountability Mechanisms: Office of Police Monitor</p>	<p>There is confusion in the community and the Department of the duties and role of the Monitor on critical issues, including whether reports are public, whether the Monitor can compel testimony, and its relationship with internal affairs and the chain of command. Members of the community expressed a “wait and see” attitude with regard to the Police Monitor. Others, however, expressed outright distrust. A third or more of the community members to whom we spoke felt that the Police Monitor was part of FWPD and lacked independence.</p> <p>For the Police Monitor to be effective, the office and staff requires protection from risk of consequences or loss of employment when reporting on issues that may be controversial or have consequences for command staff or elected officials.</p>	<p>The Police Monitor’s authority should be clearly established.</p> <p>The independence of the Monitor must be clear and apparent.</p> <p>Clarity is needed on the treatment of confidential information from community members or officers.</p> <p>The Police Monitor requires an adequate budget. The benefits to the City of a Police Monitor with adequate resources and legitimacy in the community will outweigh the costs, and may well save the City money in tort claims.</p> <p>A determination is needed regarding whether the Police Monitor can issue reports or findings without departmental review.</p> <p>The Police Monitor’s access should be reflected in policy, procedure or any</p>	<p>The City agrees to review all recommendations related to the Independent Police Monitor’s Office.</p> <p>OPOM had hundreds of in-person and virtual community engagements, community-police engagements as well as visited all roll calls and conducted ride-alongs in all Divisions and with specialized units. The City will continue to evaluate the progress and the needs of OPOM, which will include periodic review the enabling ordinance to determine if additional changes should be made to ensure independence and clarity. The City will also review the Office’s protections from risks of consequences.</p> <p>OPOM has increased with staffing from 2 to 6 people in 2 years. The Office has also been fortunate to obtain 2 grants from North Texas Community Foundation in 2021 and 2022. Recently, the Office requested additional positions for the upcoming fiscal year. Since 2020, the Office established partnerships with Texas A & M Law School and, recently, other local colleges to employ Interns in the Office.</p> <p>The Independent Police Monitor is collaborating with the Police Chief and CAO to establish a written agreement to ensure access and transparency.</p> <p>In regards to OPOM’s representation on the Board, the GO was created to ensure the Office’s role is that of monitoring; FWPD must now finalize the GO.</p>

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	<p>The Police Monitor will have access to a great deal of confidential information about officers and complainants. Unless the Monitor can assure confidentiality, there will be a reluctance from key witnesses to come forward.</p> <p>The Police Monitor must have adequate resources to perform the assigned tasks.</p> <p>There continues to be ambiguity and a lack of clear guidance on the Police Monitor’s independence.</p> <p>The Police Monitor has been given unrestricted access to FWPD and its personnel.</p> <p>The independence of the Monitor is further undermined by the position’s apparent integration into FWPD, rather than as a free-standing entity. Per the GO, the Monitor serves on the Use of Force Review Board, an internal part of FWPD’s accountability structure. Assessment of the FWPD’s review and correction of force practices is an essential part of the Monitor’s role. Being so deeply imbedded in the process affects the appearance of independence and potentially impacts the Monitor’s objectivity. The Monitor cannot fairly judge its own work. The Monitor reports that its role is to monitor the Board’s activities.</p>	<p>other writing. The Police Monitor must be provided the assurance that removal can be for cause only and the Monitor continues to serve at the pleasure of the Assistant City Manager.</p> <p>The Monitor should not be integrated into FWPD; it should be a free-standing entity. Ensure that the GO regarding the Use of Force Review Board accurately reflects the Monitor’s relationship to that Board.</p> <p>The City should review the structure and independence of the Office of Police Monitor to ensure that it is in compliance with evidence-based best practices. The development of an effective agency requires concrete and deliberate steps. The National Association of Civilian Oversight in Law Enforcement (NACOLE), has provided detailed guidance on putting a program in place which the City could use as it continues to strengthen the Monitor’s office. By having hired and opened the Police Monitor office without having first visited and addressed each of these steps, the City lost an opportunity to create strong community support and maximize the benefits of the monitor program.</p>	<p>With the additional staffing in FY2023 to OPOM, the structure and independence will continue to be reviewed to ensure compliance with evidence-based best practices as prescribed by NACOLE.</p>