

Public Safety Committee Meeting Transcript – 07/02/2020

Title: City of Austin

Channel: 6 - COAUS

Recorded On: 7/2/2020 6:00:00 AM

Original Air Date: 7/2/2020

Transcript Generated by SnapStream

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>> Flannigan: We are ready to begin. It is 2:06 P.M. I am calling this meeting of the public safety committee to order. I'm the chair, Jimmy Flannigan. We have committee member harper-madison, councilmember Casar and other councilmembers alter, kitchen, pool, and Ellis in attendance so far and I am to understand that the mayor pro tem Delia Garza is on her way from another meeting, stationary at her desk clicking through from one system to the next. So we are having a workshop today. We posted it on the council message board to let the public know what this meeting would be about. We are talking about general orders and tactics for the police department. Generally focused around item 95 from the most recent council meeting on June 11th. As I often do when I am

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fortunate to be the chair, just a quick technology check-in for everybody. I will be muting you if you are not muted, so don't take it personally, you can always unmute yourself when it's your turn to speak, but it's usually best to stay muted while others are speaking so we can minimize the audio feedback. I can see everybody on my screen at once. So if you want to add something to the conversation, you can just kind of wave your hand and I will be calling on folks to speak in order. Given the number of folks in our conversation, it's probably best where you let the chair call on you to engage through the conversation. That helps prevent folks from speaking over each other. This is a special meeting of the committee. We are doing this as a workshop with members of the community and staff at the city, specifically in this case a few of our frontline

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officers who will be engaging in this conversation. Unlike normal council committee meetings and certainly council meetings, this is not a conversation designed to be between councilmembers. We want to facilitate and listen. This is more of a listening exercise for councilmembers. I know that those who are not in the meeting formally are also watching and will be able to watch the archive of this meeting on atxn TV. The point of our meeting very specific. Where I want us to stay is talking about the police tactics and methods outlined in item 95 from June 11th. This is not a conversation about what tactics or issues have occurred in the last month. This is not going back and looking at should that have been done a certain way. We are staying focused in this conversation on what appropriate tactics are moving forward. That's an important detail because I want us to stay

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focused on the types of policy and orders and tactics as we seek to explore an approved model and to do so today with officers in the conversation. We have four APD officers with us and four community experts who each bring their own perspective and who bring an expertise to the conversation. And as I said before, you know, councilmembers who are on the call, and I see the mayor pro tem has joined us, it is absolutely your right in any committee or council meeting to ask questions, but I would ask you to defer any questions to allow our panelists engage in the conversation. I will be facilitating as chair of the committee. The other thing today and then I'll let panelists introduce themselves.

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This is not a committee meeting or workshop where we are going to answer hard questions. That is not the objective today. What we are looking at are the hard questions that have been posed by council action in the resolution and to daylight where there is already agreement and to daylight where there might be challenges in implementation so that the hard choices that come later, choices that are always made by the chief or the manager or the council, that those decisions can be made in a well-rounded way having elevated all the thoughts and concerns to the forefront so that everyone knows exactly where we're going and what we're up to. Of course, you know, just as a limitation of time and space, it would be great to have 20 officers and 20 community experts at this conversation, but I'm thankful for the eight folks who have agreed to participate in this conversation today, which to my knowledge is fairly unprecedented for the city. We don't normally convene meetings in this kind of

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workshop fashion, but as many of us have been saying, the common practice is no longer appropriate. This is an uncommon moment. With that, I want to even invite our officers to introduce themselves and I will call on you and, you know, try to keep it brief so we can get to the substance of our conversation today. Sergeant cormwine, would you like to begin? >> Yes. With APD about 20 years, 33 years total, working on 34 as law enforcement officer. One of the supervisors for the srt team. A bunch of different experience doing a variety of things in the department over many years. Most of my experience on the investigative side of the house has been dealing with violent crimes. So that's what I bring to the table, but we're keeping it short so there you go. >> Flannigan: Thank you. Officer Villarreal.

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>> Yeah, Thomas Villarreal, 14-year officer. Worked patrol for ten and a half years, work evenings and nights, worked downtown on sixth street night shift, worked rundberg and la Lamar on night shift and work full time at the association. Was a hostage negotiator for a few years. Volunteered about five and a half years of my as a srt member. Excited to be part of the conversation and thankful you have included us in the conversation. >> Flannigan: Corporal Johnson. >> I've been a police officer for about 11 years. Eight of that has been with the Austin police department. I kind of worked in the

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[inaudible] Which is the Riverside, pleasant valley area of town, a supervisor there. I've done a number of things at APD. Worked in organized time. Prior to that a district representative in Edwards sector, which I believe is councilmember Casar's area of town just before I promoted. The knowledge on different things I've done, tactical things I have experience with and glad to be here. >> Flannigan: Officer Jackson. You had it there for a second. Hold on. You are not -- there you go. >> Officer Jackson. I've been with the Austin police department for about ten years. I'm actually born and raised in Austin and grew up in east Austin, St. John's area

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and manor. Not only did I become an officer to help people but also to represent my community. I've done work patrol in the area where I grew up, I've done metro tech and we're currently working as a district representative for Edwards sector. >> Flannigan: Thank you, officer. Also of note, councilmember tovo is not in the meeting has let me know she is watching on atxn just to note that. All right, so we have four folks who I have described as community experts, but we'll let them describe themselves. Why don't we start with Ms. Agurall. >> Can you hear me? >> Flannigan: Yes. >> My name is rocky. I organized with measure here in Austin a black led due to activist trying to mobilize communities to solve social disparities. >> Flannigan: All right.

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Ms. Pinon. >> Hi, Adriana pinon, senior staff attorney at the aclu Texas. I have -- throughout my legal career I've been working with aclu and in both places have focused on police reform work. At a policy level but also litigating cases that involve these issues. >> Flannigan: Thank you. Mr. Webb. >> International brotherhood of electrical workers and before I moved to Austin about 25 years ago, I was a medic in the army. So I have some knowledge of use of force. >> Flannigan: Excellent. Thank you, Mr. Webb. Ms. Lauren. >> Can you hear me?

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>> Yes. >> Great. Thanks. My name is Jennifer Lauren. I am a professor of law at the university of Texas school of law. I've taught there since 2009. I teach criminal law, upper level criminal procedure, a course on law enforcement oversight and research and writing is sort of generally among other things in the area of law enforcement oversight. >> Flannigan: Excellent. Thank you. We have a pretty great set of panelists today. Like started in the beginning, we are going to use item 95 from the June 11 council meeting as our framework for the conversation. There are a number of different tactics and orders that are included in that resolution. In some cases they are noted as prohibited as a matter of council policy, in some cases they are noted to be limited to certain types of

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situations. But our objective today is not to, again, not to relitigate any prior use of these tactics, but to think through and to hear from officers when they have felt those tactics were useful and those situations to hear from our community experts what they've seen in their own research or in other communities. And ultimately we're not going to come to a final conclusion. The adopted resolution is ultimately the policy of the council, but as is always the case, the council passes resolutions and then the manager has to implement them. So we're trying to get to the heart of the matter of how these implementing procedures might be challenged in the future. So to begin, let's start just from the top, number 1 on that item is use of tear gas. Sergeant crumbwine, would you talk about since you are involved in the srt team, would you explain a little about when you've -- how you

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have implemented this as a tactic or how you feel it's been useful in certain situations. What are your thoughts generally. Don't feel like I box you in. >> Sure. So as far as -- >> Flannigan: We're not getting your audio but you are not muted, so I'm not sure -- >> Can you hear me now? >> Flannigan: No. >> I hear him. >> Flannigan: Oh, gosh, my headphones aren't working. Oh, no! Oh, man. Okay. >> So -- >> Flannigan: We're going to pivot back to the other tool. >> This is awesome it's happening to Jimmy, by the way. >> Flannigan: Can you hear me? >> We got you.

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>> Can you hear me, Jimmy? >> Flannigan: I can't hear anybody else. >> Can you all hear me? Jeremy, can you hear me? >> I think the rest of we can hear you. >> Flannigan: How can you hear me and I can't hear anybody else? Hold on. Hold on. Hold on. Still nothing. >> The vice chair? >> Casar: I want to give councilmember Flannigan. >> Flannigan: Would you lead the meeting for a moment? >> Casar: Sounds good. Go ahead. >> Thank you, councilman. In regards to cs or tear gas as it's commonly used or known, so as far as srt, all of us have been exposed to it, all of us have been trained on how to use it and

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when to use it. So how -- to answer your question when would be occasions that we would use it and why. So if we need to clear a large area, you got to consider how -- like what we were faced with was the shutdown of 35. How are we going to get people off of 35 because that artery can't stay shut down. If the decision is made that artery can't stay shut down because it's a major artery for the city of Austin, what are our options. We could physically try to remove people. That takes a bunch, quite a bit more resources than what we would have available to us. First off. Secondly, any time we're using physical force against somebody else, there is always the potential that

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the other individual is going to get hurt and/or the officers are going to get hurt as well. That -- that is kind of the last thing that we wish to do. So we -- before we ever deploy cs gas, we give numerous warnings that it's going to be deployed. The reason for that, quite frankly, is hopefully people would say I don't want to deal with that, I am going to leave and get out of here before this gets deployed. If that works, that solves the issue, right? We clear the area, doesn't have to be deployed, nobody gets harmed. The long-term effect of somebody being exposed to tear gas, there is always a potential that somebody with a breathing problem could be

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exasperated by the use of tear gas, that's always the possibility. However, the long-term side effects of being exposed to cs gas is very minimal. It clears away pretty quickly, it is an irritant, it is uncomfortable, but for the vast majority of individuals it is not something that causes any long-term damage. To them. In any different ways. So when we are faced with a situation where we have to clear a large area as quickly as possible with the least possible amount of damage done to anybody, cs gas would be an option for us moving forward. So when we you recallly deploy it, before we ever deploy it, if you want me to

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go through the sequence of how that works, I can do that. We deployed it once on the very first Sunday and the effect of that in the future when 35 -- when people wanted to shut down 35 and they did shut down 35, we didn't have to deploy it again. Simply the threat of us deploying it again was enough to move the crowd. So there's some other advantages to that moving forward. So those are some of the pros, those are some of the cons. You know, I'm talking very, very generic in moving forward, but that's actually one of the things that we don't want to do unless it's absolutely necessary, and we do not deploy it, we did not deploy it during these demonstrations until ample warning was given on numerous occasions telling

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individuals what would happen before it was ever actually deployed. We don't do this without getting fair warning if at all possible, and we certainly have the ability to do that on Sunday. >> So thank you all - can everybody hear me? Wave if you can hear me. I can hear you all again, thankfully. Thank you, sergeant, my staff let me know what you said the few moments I was away. So if I'm understanding correctly there is a sequence of events of warning and kind of notification of a crowd before that tactic is used. And again, I'm not so concerned today about talking about why it may have been used before, but just the kind of what is the sequence that a certain tactic might be used. Then it sounds like there's a separate question specifically about blocking I-35 and at what point is

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our policy that that should be escalated in order to clear the roadway or at what point are we comfortable with protests shutting down an arterial road. And that's not necessarily a conversation we're going to get into today, kind of two components to that. Any of our other folks want to weigh in on kind of that sequence of steps that sergeant crumbwine laid out? Well, you shut them down, Mike.

[Laughter] >> Well, I didn't -- what I wanted to convey is the one thing I have learned about doing crowd management for as long as I've done it is just as in so much that we have to do in law enforcement, you have to have a wide tool belt. And maybe that's not the right analogy. Some people may not want to use that word, but we have to have multiple options of what to do given different things. There is not -- life is

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complicated. Every situation that we deal with is never all the same. So you need to have a variety of options at your disposal if the other things that you have tried have not. We would love to come up on 35 or whatever and just -- and explain to people we need you all to move because of X, and here's the reasons why, you are committing a criminal act, we need you to move and people comply with that. But sometimes they do, quite often they don't. If they don't, then what are the various different levels that we have that are available to us. And cs just happens to have been one of the options that we had, which -- I know it doesn't look good, but as far as a lasting long-term effect on an individual compared to impacting them with other munitions or

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other thing else, it is much less -- it will not create the majority of individuals a lasting injury. And that is what we want. We don't want to do that if at all possible. >> Can I -- okay, great. So there is a ton of evidence and data out there that supports the fact tear gas is long-term -- harmful in the long term. It can cause people to be more susceptible to the flu and pneumonia and other illnesses. So cs basically activates a specific pain receptor in your body. Cs is like 100,000 times strong and [inaudible] Sabe. It degrades the mucus membranes in your cells which leaves you more

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susceptible to catching diseases, especially given the pandemic. We personally think it should be banned because it leaves people more at risk of contracting coronavirus. >> Flannigan: I think there's two pieces of that. If I'm hearing what you are saying correctly, there is kind of tactics under a pandemic, but then also generally tactics, and what I'm hearing you say is in no cases does it work well, especially not during a pandemic, but generally it still causes this other issue. There's data showing a long-term effect. >> Yeah, it can lead to increased susceptibility to any respiratory disease but coronavirus is the one we're most concerned about. >> Flannigan: And we're making decisions for pandemic time and long time. We want to think about both halves of that. Ms. Pinon. >> One thing that also needs to be recognized, cognizant

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of the fact there is a range of crowd control weapons that can be used, tear gas or cs gas, a chemical irritant by its way nature is indiscriminate such that it will impact small -- young people, old people, people who are peaceable, people who might be more vocal, right? There is no way to tailor it so it is targeted, understanding it still might be on the less lethal, harmful scale, on the lesser end though still harmful, as my co-panelists have pointed out, it also harms everyone that it touches irrespective of what that individual is doing at that moment. And sergeant crumbwine, I think you mentioned the

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particular behavior, you are engaged in unlawful activity, part of the concern that comes from -- and you are going to hear me say this a lot with crowd control weapons, that not everyone in a crowd in any given situation will necessarily be engaged in unlawful conduct, and thus there wouldn't be any basis to use any level of force against a person in those situations. >> So my response back to that is you are -- you could be 100% correct. What we were facing was people blocking a major interstate. We had given them warning after warning to remove themselves from that location. They did not. So -- so our choice is either we don't do anything and let them have it for however long, which is an option and we could consider

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that, but at what point, what are those parameters we set up? Are we going to allow them to have 35 shut down like what happened in Seattle for five weeks? Can this city sustain that or not? And we clearly put people on notice, you're committing an unlawful act, and we had been able to earlier with smaller crowds that day to move them by advising them of that and they moved. That particular incident, we had been advising them and it wasn't resolving the situation. So I know that we're all looking for whatever options would be available to us moving forward, but we still have to have some options, something because sometimes we're going to be faced with another similar situation like this and what would be the more appropriate thing moving forward. To accomplish the goal and

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the mission. >> Flannigan: I think that's the important part in today's conversation and sergeant, I'm glad you ended on that note. And part of the reason we've asked you and the other officers to participate is

that the use of these tactics prior was policy. So this is not a kind of a going back and saying you should have done something different. That's a different conversation for a different day. This is really about, all right, if we're saying as a community that's not a tactic we like, what are the options before us in a crowd control, you know, situation, crisis, moment, whatever the word is that you want to use. The other thing that I want to just note, and I think it can color our conversation today, it seems that the tactics -- seems that the situation officers are placed in in a crowd control situation is different when the crowd is specifically protesting police. It's a very different dynamic than just about any

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other kind of protest because you are not just there to protect, you are now part of the thing. And maybe part of what we have to talk about is tactics that are different when that's the situation. Maybe another conversation for another day. Ms. Lauren. >> Thanks. I won't repeat the points on the particular harms of cs that were already made, but I wanted to raise a sort of different line of thoughts because councilman Flannigan, you had said one of the purposes of today was put out what the questions are that are raised by the items in the resolution, and I think that the types of questions that I think about on this issue include not just sort of tear gas in our out, but a kind of broader framing that actually

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everyone has pointed to in thinking about what are the harms of policing in this particular way and under what conditions are we as a community willing to authorize those harms, right? And -- and that's not a conversation that communities have very often, maybe even really up to now ever in policing, which I think is one of the -- it's one of the oddities of the field, one of the complicated things about the job. And so I think, you know, a big picture way of framing this is really given the harms that will be -- as Ms. Pinon said, indiscriminately born by the deployment of this, and it is relevant to say and now given the state of the pandemic, right, in Austin,

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are there -- are there any conditions under which we think as a community that there's sufficient advantages to bear those harms. Maybe the answer is no. Maybe the answer is, well, there are some, there are a few, but we don't think that opening up a major artery is one of those benefits that would -- that would sort of outweigh the harms generated, right? Or another way of thinking about the question is who decides and through what process does one decide when the benefits are outweighing the harms. Sergeant crumbwine walked us through a decision-making process and that's incredibly important, thinking about a different design for that decision-making process is also something that should be on the table. You think about a place like Louisville, for example, which has gone to chief

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approval only for this, right? Maybe something like that is a way of saying this has to be something that's done only with the highest level of deliberation, that it wouldn't be done based on the say so of someone sort of in the heat of the moment in the field, right? That we can say that with certainty even though we can't say with certainty it never ever gets used. This is not to say I think the right answer is not a complete ban on tear gas, but it's rather just to say in debating the question of the use of this tool, having the debate in a way that says we need to take into account the harms and think about what benefits we're getting. We're certainly getting some, are there enough, are there enough ever and are there enough in this particular instance. >> Flannigan: Officer Villarreal, did you have your hand up? >> Yes, sir.

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I'm glad Ms. Lauren brought those ideas up because I agree. I've spent ten and a half years of my career here in a patrol capacity, and it's always -- it's always concerned me when we have rules that are, you know, you are always going to do this or you can never do that. Because kind of like Mike alluded to earlier, there's so many different scenarios that we send our officers into every day and it's, you know, I think after doing the job about five years, I felt really comfortable of saying, okay, I've got this set of tools and I'm going to show up to a call with a Burge of strangers -- bunch of strangers and try to best use my skills and my tools to get the safest resolution for everybody. And so I -- Ms. Lauren, I completely agree with you

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and I'm happy that if the conversation doesn't happen today that it happens another time to say we know the risks and we know maybe rewards is not the right word, but we know, you know, kind of -- we know the why that policing has gone to use some of these tools, and then what's that balance look like. And the balance in Austin might be different than -- I guarantee the balance in Austin is different than in San Antonio or Houston or Dallas. And that's okay. Especially as a police association leader, you know, I want the folks that we represent to just -- to know, like, what's expected of you very, very clear, very concise. That way our folks can go out and do the job to the high level that I know that our people can do it. Specifically in regards to

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the use of chemical irritants or chemical agents, you know, I think what's fresh in everyone's mind because it probably hadn't happened in many, many years that we saw that first weekend of the protests, I think it's important for folks to remember that that's -- that's almost an outlier in the use of cs and it probably gets far more use in barricaded subject situations. In open-air barricaded subject situations. Barricaded subjects where, you know, we have someone truly barricaded inside a structure and for whatever region our officers are going to -- reason our officers are going to eventually go in and get that person or we're going to coax them out of that structure. You know, we deal with

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situations where we have people, you know, we call them open-air barricades are people are armed or say they are armed but we're going to treat them like they are barricaded because we don't want to force a deadly force situation by pressing in too closely or too quickly. And so you almost treat it like that person is barricaded. Like I said, I was a negotiator for several years on the negotiation team. Negotiated with a guy that was claiming to be armed one night and, you know, luckily had a -- I guess I can't call it a peaceful resolution but he ended up getting shot but he survived. I think it was a situation where a guy was dealing with serious mental health issues, but situations like that where you have people that are out in the open, we're going to respond,

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we're not going to leave people in this crisis situation they are claiming they want to hurt themselves or hurt other people. We're not just going to leave them, we don't have the ability to leave them out in the community. But as we approach those people, is it -- do those -- does the benefit of potentially taking a person into custody without having to use lethal force, does that outweigh the long-term, you know, hey I know this is going to [inaudible] And like Ms. Lauren said, that might -- we might as an organization and as a community say, okay, we would rather break down your mucus membrane than be forced into a deadly force situation. We're kind of hyper focused on using it in crowd control situations, but I want everyone to recognize there's lots of other situations where the use of chemical irritants are used

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far more frequently than what we saw on the highway. >> Flannigan: I think that's a very good point, officer, because the resolution does not but it is a valuable distinction to contemplate. We're not going to pull back from adopted council resolutions today, that's not the point of that conversation. But these conversations can be complicated and showing the public we're exploring the publications is the point. I appreciate adding that perspective. Corporal Jackson, jump in anytime. Put your hand up if you want to

add to anything that sergeant or officer Villarreal has to add. Any last words on this before we move on to more use of force tactics? Okay. So the next section on the

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resolution, it talks about use of deadly force and it defines limited to situations necessary for self-defense, defense of others against a deadly threat or threat of deadly or serious bodily injury and no other reasonable alternatives exist. That seems like a very broad open to interpretation statement. How, if any of the officers want to weigh in, how do you feel you've been trained on use of force -- this use of deadly force moment in your current training? Corporal? >> Thank you. I would say that I think we're all in agreeance whether you're a police officer or not a police officer, and what that specifically states. In (indiscernible) Versus goner outlines a supreme court case law that outlines how deadly force is used in that section (indiscernible) Anyone fleeing

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on foot or in a vehicle that doesn't pose a significant threat of death or serious bodily injury to the officers or anyone else, we're all in agreeance with that. Our force of policies dictate how our force is used and gives us situations on when it's used and how we can use that force. So it's important to recognize the Austin police department does have guidelines in place for that. And I think we're all in agreeance with that, that it should only be used in those specific situations. >> Officer Jackson? >> Okay. I think that the academy also does a really great job at educating us and showing us. Obviously we are being trained for worse case scenario, so they try to put us through different situations to try to understand

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what would happen, or what kind of situations would dictate, obviously on top of the experience you will get as an officer as you actually go and start working the streets. >> I think that's interesting the way that you framed that, officer, about a worst case scenario. There's a separate conversation happening in citizen review of training materials and all that, so we don't need to go down a full path of what the training academy operations and materials look like, because that's happening separately. But kind of that balance between trained for worst case scenario, at what point is the training making a not worst case scenario not a worst case scenario. >> I think that includes the experience of the officers responding to those calls, because you are going to get to those calls where you think about what's going to happen, you know, you're driving and you only have seconds to make a decision as to what's going to

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occur. And it could be as simple, hey, you know, the guy's going to take off running, to the guy's going to pull out a gun, it could be anything. And those are the situations that you have seconds to -- split seconds to decide what kind of force is necessary, if any. >> Yeah, I wish we had the time and the power to get into gun policy in this country. But we're definitely not getting into that today. Any comments, any further comments on this general area? I feel like there's a lot there, but I don't know where to head. Miss Lauren? >> Thanks. I have a few thoughts here. So one thing I should make clear is I have no inside knowledge of what happens at a training academy. All I can see, like anyone else in the general public, is the policy. And something that I think I might be hearing, which is interesting, and good, if I'm

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hearing it correctly, is that, really, actually, the training given in the academy might well be consistent with sort of the words of this policy. Or the words of the resolution, I'm sorry. In other words, that the experience of the officers who just spoke is that they're really are, you know, in sort of situationally and sort of live, you know, in live trainings being taught to avoid -- to avoid the use of deadly force. And to explore reasonable alternatives. Right? That deadly force is a last resort. That being said, and so if that's what the training is, that's important, and great, and should remain the training. That being said, it's not what the text of the current general order is by any stretch of the imagination. In other words, it's to say, to

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use the Tennessee versus Garner standard, right? And to use deadly force only if an officer reasonably perceives that deadly force against the officer, or another, is imminent, or if the officer reasonably perceives that the individual committed a crime of violence or is about to commit a crime of violence, is a more forgiving standard by design, right? Than what is proposed in the council resolution. When I say by design, that's important. I would really love to sort of beat my academic drum here and leave the council and others with the belief to convince them of my belief that it's really a mistake for police policy on use of force to continue to simply parrot the supreme court standard in Garner, or in Graham, which it does in other places. And that's because when the supreme court said, here's how we're going to review police

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force, they did it with cautiousness about whether they could really dictate the tactics that are best used by police in the situations in which they find themselves. Police departments themselves are not unlike the supreme court poorly positioned to be giving clear direction on tactics. And I think police departments, although in the past have tended like APD to sort of incorporate supreme court case law into their policies and call it a day, increasingly you do see departments moving away from that approach, and requiring as a matter of policy that the use of deadly force not just kind of, you know, not fail, but actually do what's more optimal. Look at Camden, for example, which recently overhauled its use of force policies and went to a deadly force as last resort only requirement of use of

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de-escalation, where reasonably necessary. You look at California, right? Which across the state now, it's the police departments revising their policies with the change in California law which authorizes deadly force only when necessary. So I think that this is a place to move from policy being used when reasonable to use only when necessary, and no reasonable alternative. It is a move. It's important the policies say it even if training is giving that message, in part because policy is a means of disciplining departures from that training and practice. And if you don't have a means of disciplining it, then you're not going to get compliance at the end of the day. You will when the vast majority of officers, but you won't catch the problem officers. I know I'm going on, but let me just say one last thing here, and that's that, just to go back

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to training, right? It's -- I'm sorry, one on policy, one on training. One, in thinking about policy, it's important not only to be worried about the content of any particular policy, but to be worried about the entire framework. So in terms of questions that are on the table for implementing the resolution, in my view it would be a real shame if what happened was, in implementing this resolution, someone took this language and plunked it into the general orders and say, there's the policy, right next to the other general orders that generally parrot the Garner standard and say things that are arguably intentioned with this. Police need clear policy, right? As I think we've already heard. And then lastly, it would also be a mistake if the policy were to change and attention to training wasn't closely paid. Because words like necessary,

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right? Words like reasonable alternative are not -- do not mean one thing. Police need to be trained on what is a reasonable alternative. Right? And when is it necessary? So training remains really critical. >> Thank you, miss Lauren. I want to thank our four officers for participating today, because I know it can't

be easy to have a conversation like this. It can be challenging. And just as a reminder, we're not talking about actions being taken or training you've been given, this is talking about the community's conversation and how we want to move the department forward. Thanks to the four of you for your willingness to engage so openly in this conversation. Miss piniol? >> One thing that was touched on briefly, as we think about these issues, I know we're focused on deadly force right now, but thinking about better use of force, right? Part of, I think, what we really need to be mindful of is

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de-escalation. We've heard this a lot recently. But what sort of training on de-escalation is happening, is it effective, and I think that -- you know, everything turns on the details, right? If I litigate a case, it all turns on the fact is what happened there? Is it reasonable? But we're dealing with the constitutional floor when we are talking about garner and o'connor, right? I think what everyone right now with the discussion is really turning on is, let's discuss, not just the constitutional floor, which might eliminate liability for you. It eliminates liability for you if you achieve that floor. We're trying to, I think, find ways to do better, right? So that it isn't just, we hit the minimum requirement. Let's try and see how we can find a way that situations, some

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which might not be, right? How do we -- how do we go about even -- what steps do we need to take and what do we need to do to prevent the use of force in the first instance. Certainly to preventing the use of deadly force, right? And so I just wanted to kind of unpack those two points a bit about the constitution being the floor, and how important de-escalation is in talking about best practices for use of force. >> And de-escalation is mentioned in the resolution, a couple of bullet points down. Let's move on, because we're coming up on our halfway mark. The next section, the two next sections in the resolution talk about impact munitions and kind of "Less than lethal force" as a tool, seems more specific to actual devices.

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What are the thoughts on, you know -- and this one, unlike the tear gas, bifurcates. It says use of impact prohibited when exercising first amendment rights. And then it goes on to say that the less than lethal, limited to instances where, similar to deadly force. >> If I could weigh in here. >> Please do. >> Just a little bit. Obviously the situation that comes up is, if people are exercising their first amendment rights, which the srt team was formed to protect people's ability to do that, where it goes -- or becomes an issue is, is when it's not just that, but then it turns into some other criminal aspects of either

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assaulting somebody else or creating damage to property. So at that point, I think the decision, you know, we need to come to an understanding as a community, at what point does this get to where it's no longer somebody just expressing their first amendment rights, now somebody is destroying property, now somebody is harming somebody else, and what does that look like. Like, what are those thresholds. I think everybody on this call, I think everybody would agree we can't allow people, no matter who they are, to harm others, right? You can't allow this person to go smack this person in the face. Can't happen. So how do we address that and prevent that. The (indiscernible) Munitions are an option. They're not the only option

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available to us. The beanbag rounds are good -- they're used on patrol quite a bit. They've been incredibly effective on patrols, but there are levels of that. People call them rubber bullets, but they're the grenade launcher, actually it's a foam projectile, it's not a bullet. Our S.W.A.T. Team has a different one than what we use in srt. Theirs is more precise. Theirs is rifled. If you're familiar with ballistics. If I shoot something out of a smooth bore like in a shotgun, as far as putting it exactly on target where I need it to be put on target, it's more challenging than if I were to have something that rifled out, right? If you understand ballistics. So going to a rifled 40 millimeter foam bullet, like what we have in S.W.A.T., would probably be a much better

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weapons system for us to have moving forward. The beanbag, I've seen it being incredibly effective. It's very effective on patrol. If you're dealing with somebody who may be in a mental crisis, I've seen it used multiple times where people will have an edged weapon and either attempting to harm themselves or attempting to harm somebody else. It's an effective tool to give distance between the officer and other citizens and the person who may be trying to harm themselves. But it is only effective, as once it is deployed, you can send the resources in to place that person into custody so they can't harm themselves anymore. Right? And so that is a proper way to

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use that device moving forward. It has its applications. Obviously if you could get a much better weapon that could be rifled and put on target, that is better than shooting something out of a smooth bore moving forward. But we would never deploy that at people who are just expressing their first amendment rights unless individuals that are doing that are also attempting to try to harm others, and their action needs to be stopped. That was the reason that it was deployed. Does that make sense? >> And I think the resolution kind of makes that distinction where first amendment rights does not include the destruction or harm to others. Right? And so that's not what's in the first amendment. But it has this kind of same challenge on the deadly force, where kind of the devil's in the details as far as defining

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imminent threat and serious bodily harm. And this very important distinction as we move forward through this work of, when are we talking about a crowd moment, and when are we talking about an individual call, which seems to have very different parameters around it, where certain tactics or approaches are more or less reasonable than in a crowd. >> I would agree. I think you're trying to use beanbag rounds as a way to control a crowd. I think that's an improper weapons system for that. Is it an effective weapons system to stop a specific individual in that crowd doing something? Yes. But if you can't also put the resources out there, once you have stopped that person from doing that criminal act or that harm, and remove them from the fight by taking them into custody, it's not an effective

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tool anymore. Does that make sense? >> Sure. Any other input -- kind of the less than lethal? Miss Lauren? >> Thanks. So my perspective on this, and it's sort of complicated. On the one hand, I take part of the point, in particular the second bullet point we're focusing on here, sort of the moving the less than lethal, essentially treating them as lethal force, if you look at the parallel role. I take the spirit of that in part to be, okay, let's recognize that, you know, it's not really just getting hit by a beanbag when you're playing corn hole. It hurts, right? And can seriously injure people, and can in certain circumstances be lethal under certain circumstances. So I am onboard with sort of the spirit of recognizing that there's a range of technologies

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that we sort of class for legal purposes for policy purposes as less than lethal. But they're not strictly speaking. That's an important thing to recognize to have taught, to have stated in policy. On the other hand, I worry that the sort of impetus to limit the use of these -- I'll call them less than lethal weapons, might undo what I think is really the bigger picture concern, which is, in all cases we want force to be

avoided. It's like zero force, right? Ever. If there's to be any force, we want the least force that can be used. And we certainly want in all instances to avoid deadly force it can possibly be avoided.

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And when we talk about de-escalation, right? At least the way that de-escalation is taught, and trained on, de-escalation assumes that there is a range of force techniques that can be distinguished from each other. And that can be used if necessary to avoid the more serious one. Right? And we also know that the way in which non-lethal force is used, all the way down the continuum affects a scenario in how that scenario might progress to the -- possibly to the potential need to use deadly force, the perceive to need deadly force. We can't divorce sort of deadly force from non-deadly force in thinking about what the policy is, and what the training is, right? Because it's interrelated. But secondly, the caution I have

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here is, to tell officers that they should always treat all of these non-lethal technologies as justified only when they get to the point of being able to use lethal technologies, might undo the ability to effectively de-escalate certain situations. Right? It might be the right thing to use a taser to create distance, and time, such that an individual can be disarmed rather than be killed, and then disarmed. That's not to say these aren't overused potentially. It's not to say that the policy couldn't be better, it definitely could. But this as written I think could undo what I take to be the point of the exercise. >> Officer Jackson, then (indiscernible), then Mr. Villarreal. >> So, policy does indicate that

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this is a -- could potentially be a lethal situation. But it's less than likely to. So policy does indicate that on top of obviously us having to be aware of what less lethal does. So those are already situations, or information that's already established by the department to the officers. So we are aware of those -- of, you know, those potentials. Same thing with taser, we know what those -- you know, that it could cause serious injury as well, but it's also less than likely. All those are established, obviously, in policy, but on top of that, they're drilled to us as well. >> So there's de-escalation and there's escalation avoidance and one is much more effective than the other. In the case that I think officer

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(indiscernible) Brought up in terms of someone having a mental health crisis whether posing an imminent threat to themselves, we can accomplish escalation avoidance in terms of just having a separate body of mental health officers going out with weaponry, even not having less lethal (indiscernible) Or anything on them. As for -- I agree that what miss Lawrence said in terms of bean bags can still be lethal. And acknowledge of the fact that -- correct me if I'm wrong, because I'm open to learning and deepening my understanding of various munitions and ballistics stuff, but when someone is shot by a beanbag round, to them, their brain thinks that they've been shot. This is what happened in the killing of Mike Ramos. He thought he had been shot, and that's what prompted him to drive away. That can also then lead to --

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>> I just want to remind everybody, we're not here to kind of comment on things that have occurred in the past. Unfortunately Mr. Ramos isn't with us to say what he was thinking or feeling at that time. I just want to keep us on this good track we've been on looking forward. Thanks. >> Sorry. The facts are saying that he was shot by a beanbag round first and then he drove away which eventually caused the lethal shot to be fired which eventually ended his life. So there is a chain of events that can take place once a less lethal force is used that then can cause lethal force to be used. >> Thanks. And we're going to continue having these workshops. I think our next one will contemplate what these alternative services look like in other communities. So there's a lot of kind of complexity how you roll those out. So we'll have another time to dig into that. But I'm glad you brought up that, as several folks have.

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Officer Villarreal. >> Thank you, Jimmy. So going back to the first bullet point. You know, about using impact munitions on somebody who's, you know, just exercising their first amendment rights. I think it's important for everyone to kind of have a good understanding of, you know, what happens after you use force. When I was a rookie, I worked the evening shift and night shift down in Henry sector. We had the river, to congress avenue out to bell valley. And at the time we were very, very, very busy. And worked the last murder of one calendar year, the first murder of the next calendar year

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in one (indiscernible) Working period. Worked tons and tons and tons of violent crimes as a patrol officer, and, you know, when you're put in those situations, you're put into situations where you have to use force. It's the nature of the job unfortunately sometimes. And so I only say that to say that, unfortunately as a patrol officer, I've documented my use of force many, many times, and I want you guys to have a good understanding of what happens on the back end, when things calm down, when

everyone's, you know, back to being as safe as possible, what happens. So officers are required to document their force, and that goes off for review. So understanding that it's going to be reviewed, it's going to be reviewed by two different commanders, you know, it's going to be reviewed at your first line supervisor level, it's going to be reviewed at the

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lieutenant level, it will be reviewed by your initial commander, and they go to a review board to be reviewed at a higher level to say, are we seeing any patterns, are we seeing our folks -- you know, we're remembering this one little nugget. So specifically, like if someone were to use impact munition on somebody solely exercising their rights, we have a checks and balances system to deal with those problems. Our policy talks about, like, yes, we use the objectively reasonable standard but we also make sure that, you know, was that use of force necessary in that moment. So not only was it reasonable, but was it necessary. So I just want to kind of lay that out there, so folks understand the process a little bit.

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I very much agree with what miss Lauren said earlier in regards to that second bullet point. If we have almost mirroring language on when I can use deadly force or when I can use less lethal force, we're going to create problems. Some of those problems will manifest themselves into situations where officers get hurt. Some of those problems will manifest to where citizens get hurt. And I think that having a clear distinction, so officers understand, you know, when is it appropriate, when it is appropriate for me to grab you and throw you to the ground, when is it appropriate for me to punch you, or hit you with a stick or shoot you with a taser or take my taser and just drive stun you, so you just have pain compliance, when is it appropriate for me to go to

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deadly force. There's a whole other conversation we can have when talking about deadly force, which weapon system is the right weapon system to take in a potentially deadly force situation. There's a lot there to unpack. The other thing, and it's too deep of a conversation probably to have today, but I think it's important that we, at some point that we unpack the force continuum that the Austin police department kind of operates under is the drmm, the dynamic rifle resistance model that for years we talked about like a ladder, where your officer presence was your first kind of step in the ladder, and then you could use verbal commands, and then you could use open hand soft controls, and then open hand hard controls, and there was this idea among some people that you had to climb the ladder. I needed to do this, I needed to do that. And what was happening was, when

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you had officers that would come into a situation that would immediately go to the appropriate level of force, some folks would say, time-out, we have this ladder, why aren't you going up the ladder. And at times there just isn't enough time to go up the ladder. When the department changed the drmm, I think it was a change for the best because it allows people to come in at the appropriate level, if coming in with -- coming in threatening to tase somebody and be willing to use a taser to resolve a situation is appropriate, then we should allow our officers to come in at that level recognizing, yes, we want you to de-escalate. I was having a conversation yesterday at my 5-year-old's birthday party with some friends of ours, and I said, you know, we were talking about work and I was talking about talking my way out of problems. I've got a degree in communications from UT, and when I was an Austin negotiator, I

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loved the challenge of trying to resolve situations with my words. That's why I went to the school to begin with. And, you know, there's been lots of situations in my career where I didn't -- you know, it's like, I don't want to get punched in the mouth today, and if I can talk my way out of this, if I can take a minute and give myself the time and distance with my words, then let's do that. Not everything needs to be rushed into. And so understanding that the vast majority of your officers, once they get on the streets and once they're with an fto and once they're learning the job, I think we have the ability to explain to people, right? That, yes, we have these

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options, and sometimes the threat of that option is all you have to do. And we can continue to de-escalate. I was part of the Apa's leadership at the time our de-escalation policy was formally enacted. And I remember having a group conversation with some activists. And I told them, I said, de-escalation is cop 101. Every single call that you go to, if you remotely know what you're doing, you should be de-escalating from the moment you arrive until you leave. It should be -- I used to tell rookies on our shift when I worked up in Edwards sector, because I had a pretty junior shift, I was a senior guy on a senior shift, and I said your number one goal is to slow everything down, calm everything down. Figure out what's the problem, work through the problem as safely as possible. So I think it's important for

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folks to recognize that there are things that happen regularly, as the course of just working the job. The last thing I'll say and then I'll give it back to Jimmy is, you know, I have issue with -- an issue with everything being lumped into this one bullet point. And it being really reserved for deadly force situations. You know, there are definite times where -- in my opinion, it's appropriate to use the taser. Because it's going to help an officer to quickly take someone into custody, particularly in situations where they might be by themselves. You know, pepper spray. I hate pepper spray. Working down on sixth street

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gave me a hate for pepper spray that I didn't think possible, because I've been exposed to it so many times. And I can count on one hand the number of people that I've tried to pepper spray, some of them very unsuccessfully because I used it so little. So having [lapse in audio] -- without understanding having the option to use it in certain situations is very important. And I'll tell you right now, it's very tough for me to even think about a situation that would be a deadly force situation where I would remotely go for pepper spray. And then the last line in that bullet of having all these alternatives being exhausted, it goes back to the drmm, and I don't know -- realistically, and again, Jimmy, like we talked about the other day, I'm happy that we're having these conversations. Because I think it's important for you and your fellow

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councilmembers to understand that I don't know that's reasonable. I don't know that that's reasonable for us to tell an officer, you have to do everything else before you decide to tase somebody. You have to do everything else before you decide to use a less lethal round. I think that we can talk very specifically, you know, rocky earlier brought up -- you were talking about mental health calls. I wrote down, de-escalation versus escalation avoidance. That is a phrase I've never heard before. It's something I want to dive into. In my opinion, that's where we should be spending our time, trying to understand, you know, do we not want to use force, do we not want to respond to these calls, like how do we unpack that. But saying, you know, you have to do everything else in your power before you use this less lethal option. My fear is that it will push

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officers to not use less lethal options. The reason those options exist is because people in the community were tired of having lots of negative outcomes, and they went to business to say, how can we give officers more time, more distance, and the ability to utilize cover better to lower the number of negative outcomes. And I don't want us as a community to regress to where I have my person, I show

up, I'm an agent of the government, I'm officer gurel, and then I have my words, and then I have nothing else. Other than deadly force. >> Thank you, officer Villarreal. That definitely felt like some real talk. And I really appreciate you being direct. It's not always easy to do in a forum that's being broadcast. You know, part of this conversation is also for the

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public, so that it's, in addition to this conversation, there's obviously work happening in the city manager's office and working groups convening and all that stuff. We have our office of police oversight on this call, to be visible and present to this conversation. And I think something -- you laid a lot out there, Thomas. One thing I want to note that I thought was really important is the systems of oversight and discipline that exist do rely upon the policy matching the training, kind of to miss Lauren's point, because if the policies don't match the training, then you find folks violating the training but not being able to be disciplined because of the policy. So you end up in this kind of tough spot. So getting these things aligned is definitely an important part of this work. I think miss pinion, and then corporal Johnson had their hands up. >> My point was brought up in

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what -- earlier in the conversation. >> All right. Corporal Johnson? >> Yeah. A couple of things. I know we've had this long drawn-out conversation about this. So excuse me if I forget some of my points here. But I think one thing our department has to continue to do, which they do a great job at, but we have to continue to do going forward, is recognizing the limitations that we have with our less lethal options. We do recognize that those less lethal options, if they're used incorrectly, or not used in their proper manner, can cause serious bodily injury, or can potentially be fatal. So the department recognizes that, and we have, for example, the taser -- there's a specific distance that's recommended, and then also a specific place that we're supposed to aim that taser to use it effectively. And same thing goes for the less

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than lethal shotgun. This is the first time I've seen it used in a crowd control type of situation like this. When I speak with some of the officers who have been at APD, here back in the early 2000s, they said this is the first time we've seen protests to this magnitude. With the less lethal shotgun have been used in other situations out on patrol. So I think this is the first time we get to see, hey, we have some limitations with how it's being used as a crowd control situation. The other thing I wanted to touch on was the understanding de-escalation. I know that term gets tossed around a whole lot, but I think we need to recognize that we have to have some kind of working understanding what de-escalation means.

I think it means something different to every person. And what I mean by that is, take for example, let's say an officer goes to a call and

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there's a man with a knife. The officer, let's say he's talking with the guy, he's communicating and realizes, hey, we hit the limitation with speaking, we have to act or he's either going to hurt someone or hurt himself. Let's say he comes toward the officer, and the officer is having to deploy his taser. That could potentially be a deadly force situation. And the officer turned it into a situation where the person is still alive and no one was injured. That's just a hypothetical. To that, that's de-escalating that situation where it potentially could have been a deadly force situation. So I think we have to realize that based on the call and based on the situation, de-escalation might be something a little different. Now, if say that individual was having a mental breakdown and the officer shows up and points his gun and the guy is unarmed. That's a totally different situation. We can say, de-escalation wasn't

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pulling out the gun, you may have escalated the situation, given the circumstances. So we have to look at it from that scope and know de-escalation is not always going to be, hey, let's show up and talk to this guy. If we have an active shooter situation, if we have officers showing up and there's a shooter inside a high school or middle school, and we say, hey, let's get him to talk to us, or do we expect them to go in and stop the threat. I think we have to keep that in mind that we have to look at what situation we're in, and I hate speaking in general terms, but it's really hard to kind of define specific things and say, hey, we're going to have a policy in place for every single thing. Just to touch on what officer Villarreal talked about as far as the policies and procedure in place for our use of force, or response to resistance investigations, whenever an officer does use force, he's correct that part of my job is

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to review that force, and so on my level I'm looking at all the body cam videos, I'm interviewing officers, I'm interviewing the witnesses and the suspect, and I'm making sure that this was all within compliance. This takes several days. Because I have to review all the video -- available video in evidence, read reports, make sure that everything lines up with what happened and what was consistent with our policies and procedure, and then that gets sent to the lieutenant. The lieutenant reviews that and it gets sent to the commander and goes back and gets reviewed again. There are checks and balances in place. What I've seen our department do in times, is if we have a situation where we're like, hey, we're starting to see a trend with officers using this potential situation, to use force, and we feel like it's not necessary,

the department pushes out training or they send out e-mails or memos saying, we need to change this effective

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immediately, or stop having these officers make decisions and do these things that are creating that type of force in those situations. There's a lot that goes on in the back end in those situations. >> Thank you, corporal. Mr. Webb, I think I can see your hand is up. Sorry if I've missed you. >> Can you hear me? >> Yeah, we can hear you now. >> The bullet point I want to focus on is the one that says, general orders, requiring officers to intervene to stop excessive use of force by the fellow officers should be appropriately enforced. I think a lot of people in the community will be concerned about that wording, where it says, should be appropriately. Because first, you know, we're thinking how are they defining appropriately. And instead of should, why not

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will be, or absolutely will be enforced. Because from the perspective of the community, it's not a training issue, it's not a funding issue, the issue is that people are getting away with violations and not being punished. Officer Johnson brought up the point that he has to review, you know, the cam footage. We have instances where camcorder's off. Purposely turned off. So there is no visual to review. So I would like to hear from the officers, you know, their response to my concerns about this particular bullet point. >> Corporal Johnson? >> Yeah, I think what you're starting to see now a lot more, what I've noticed is the department starting to have a

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lot -- I guess for lack of a better term, a hard stance on body cameras not being on during those situations. When we first got them, it was -- it's a new tool so everyone's trying to get used to, oh, I've got to turn this on, or making sure whenever we open our patrol car door, the camera is on. Not to get deep in the weeds, whenever the camera is purposely turned off by the officer, that camera, it holds so much data. As far as how much the battery percentage was, when it was last stopped, when it was last turned on, whether it was recording or not. So they can definitely dive into that and determine if this thing was accidentally turned off or was it knocked off or did the officer just fail to turn it on. I think the consequence now is there is a zero tolerance, based on everything we've seen nationally and everything we're dealing with, we want to make sure we're still holding ourselves accountable in those situations. And we have policies in place when those cameras aren't turned on when stuff like that happens.

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To your first point about officers having to intervene, or intervene whenever we see an officer using excessive force, one of the most interesting things I thought I went through in the police academy, and it wasn't anything that they kind of tell you beforehand, but we have this one scenario where we -- because we do a lot of those, what we call role play, we had is scenario where we had to go into a room, and you're saying, you're responding for a backup officer for another officer out on a subject. The door is closed. The moment you open the door you see the officer on top of an individual. And that individual is obviously displaying signs he's getting up, willing to cooperate, but the officer is being told to continue to use excessive force, and it's designed to see what the officer's going to do. See, I went in there, and I don't think it had anything to do with me having prior law enforcement experience, but as soon as I observed that, I went over and grabbed the officer and

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separated him from the individual and said, you know, that's enough. They stopped the role playing [lapse in audio] Okay, what did you see, what was your thought process, what are your next steps. Obviously you report this, report the officer and recognize the officer was used more force than was necessary. That's something that I would want to say, that the department is continuously having our cadets go through is role play option. Now, worse case scenario, we have situations still to this day where officers are engaged in those situations, and whether it was a purposeful excessive force, or if it was something that the witnessing officer thought it was purposeful, we have those situations, where it comes back to the supervisor and command staff looking at all the information, and during their investigation determining whether that was appropriate or not. And certainly take swift action if it isn't.

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>> Sergeant, did you have your hand up? >> I did. And the corporal touched on it which was a scenario, I went through the academy in 2001. Actually, I graduated a month to the day before 9/11 happened. It was the day that I graduated from the Austin police academy. In that scenario, had been in the curriculum even going back that far. In addition to that, our policy says, two parts, any criminal act that is done by an officer is investigated by our special investigations unit or Siu unit. And then any violation of policy is investigated by our internal affairs. So two different things. Our policy reads that should an officer at any point know that an officer has committed a criminal act and fails to report

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that immediately to Siu, that officer is subject to being disciplined up to and including termination. If an officer witnesses a policy violation committed by another individual, and they, too, fail to report that to their chain of command or to internal affairs, they are subject to being disciplined up to and including termination, depending upon what the circumstances were. So you know, Marcus had talked about the fact that these videos are recorded all the time. Granted, when we first came out with these body-worn cameras, they were a new tool. We had to figure out how they worked. We now have them where it is -- I'm unaware of a situation where multiple officers will go out to a scene and there not be a video at some point. So that captures it. As a supervisor, when I was on patrol, I was supervisor now of

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an investigative bureau, but I review my officers' body-worn camera. If they fail to do what they're supposed to do as far as a violation of policy or violation of law, then I am compelled to bring forward an internal affairs investigation or an Siu investigation. And that's something that's very, very strict. I wanted you all to know there are these checks and balances. I'm not say there's never going to be a human error. I'm not saying we cannot improve. There's always ways that we can be better. But I wanted to put this out for context with everybody, that there are these systems in place. Thomas had talked about it before, Marcus just talked about it here a second ago. There are these systems that are in place to guarantee -- to do the very best we can to make sure that everything is covered. We can always be better. We can always be better at learning how to de-escalate. We can always be better at communicating, there's no doubt

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about that. But there are some systems, sir, Mr. Webb, that are currently in place and we are compelled by policy should we feel that somebody's used excessive force, that we must intervene. That's already established within our general orders. >> Thank you, sergeant. We are in the last roughly 20 minutes. And I think the use of force section is probably the densest part. But I do want to make sure we at least touch briefly on the other parts of the resolution. Number 3 is choke hold use, which I understand is already prohibited by department policy. And so that kind of falls into the implementation question that we're kind of circling around on all these items. What happens if an officer violates the policy, if it's already the policy. The military equipment item. This is a fairly long section

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that tries to speak to the use of military equipment. Mr. Webb, I know you've got the military background. I'm wondering if you have any insight on this. >> Not yet. >> Not yet? All right. Anybody else want to jump in on this? Miss pinnial? >> I think one of the things that I want to raise with respect

to military equipment -- I guess there's more than one -- it's the amount of money that municipalities get from the federal government in grants. And we did a study, and I was just double-checking the date. It was June of 2014, that actually pulled data that Austin was given by the federal

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government for these -- I mean, it comes in two forms. It can either be to compensate officers for overtime pay or for actual weaponry, right? And the amount was pretty staggering. I'm trying to pull it up. I think it was 2.2 million over two years. Which when we think about the role of police should be, this influx of funds for these much more aggressive, not only in what they do, but even like in the signals that they send to the community, right? I think it's important to keep these things in mind as we discuss, like what is the role of police, are they combating the cities that they are meant to protect themselves, or are they guardians. And this militarization I think is part of that militarization that turning the guardians into warriors, that I think everybody

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has a desire to kind of scale back. So I do think it's important that the use of military grade weapons be - - like I would -- I don't know what sort of use, like a tanker car, for example, would have in the city of Austin, whether any of them would ever be appropriate in a municipality, where we're talking about officers meant to protect and serve the community versus Mr. Webb who's been in the military, who has -- whose mission is, right, to combat. So I think it's a very important area to focus on. And I think how and when if that should ever be used, I think that funding should just be eliminated. I think that's something very important to discuss about how we then transform our police department to, again, to be more -- to protect and serve, to

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be the guardians. >> And I think it's important to note that that particular provision of the resolution talks about reducing to the greatest extent possible and future contracts requiring specific notice to the council before they're approved. It's a little different than the other provisions. Corporal Johnson? >> Yeah. So I'm kind of in agreeance with you. The less things we have to carry and the less things that we have to have that create that kind of military mind-set, or militant mind-set out in the community, the better. Because it makes us more approachable. I'll give you a little bit about my childhood growing up. I didn't grow up in the nicest areas of town, I grew up in some pretty bad areas. There were people at times that had -- that were in my neighborhood that had better guns than the police did. And just knowing my childhood, my upbringing in the areas that I grew up in in Florida, you

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would almost think that officers were showing up, showing up in communities, they were outgunned in a sense. Taking it a step further, before I became a police officer, and even while I was in college, we watched a few things. There was a bank robbery that occurred in L.A. There was a situation, even columbine, we discussed columbine at length with the type of firepower that was available to the individuals in that situation. And how it was used, and how the officers -- the police response was, and how their response was different. They could have saved more lives. Because years ago, maybe more than two decades ago, the rule was, rules of engagement were to wait for S.W.A.T. When you had situations like that. And I guess I'm referring to military type equipment like rifles, or maybe the best -- some of the heavier vests we utilize. Maybe even some of the armored

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vehicles. I know the university of Texas has an armored vehicle that they utilize, called an mrac. But when they didn't have those tools, and I remember the L.A. Bank robbery back in the late '90s, those officers were outgunned. All of them had pistols and shotguns. The guys that were shooting at them had ak-47s and fast rounds. When we see shootings that active shooter type situations, I was a police officer at the university of Texas when Tooley showed up at the library, and I responded to that situation. So seeing that if the university did not have those tools necessary to try to make sure that we had the opportunity to stop that situation, we're putting ourselves in dire situations now. Their department has rules in place, like obviously officers are not going to show up to a family of service, or a simple

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theft call or something of that nature with a rifle slung and full military gear on. Obviously that's a problem. And that's not the image that we want to portray out to the public in those situations. But a lot of that equipment is utilized for situations where we have to protect ourselves in order to protect the public. And just recently we had the Austin bomber here. I'm not sure of all the logistics and what military grade equipment the S.W.A.T. Team used, maybe somebody else can speak to that knowledge. But I'm pretty sure without all of those resources, situations like that have become much more difficult for us to withstand. >> That's an interesting point. Kind of with all of the things we're digging into, devil's in the details. And you end up talking about one thing, and if you're not really careful about how you frame that, it sounds like we're talking about it being used all the time versus the types of incidences that in Austin are extremely rare, and how do you

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manage, what's the chain of command in use of those things. That's all level of detail that this conversation is helping frame both for the public and the managers who did the work. (Indiscernible) Did you have your hand up? >> I wanted to point to some data. In 2018, Princeton came out with a study that showed that militarization of police forces fails to enhance both police safety, and public safety, and it fails to reduce crime, but it does negatively impact the public's perception of police, and police reputation in the community. Also, it found that there is no evidence that obtaining or deploying a S.W.A.T. Team reduces local crime rates or lowers the rates in which officers are killed or assaulted. >> Interesting data to dig into. Officer Jackson? >> So when you are needing a S.W.A.T. Team, the purpose is not to prevent crime. The crime's already happening.

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So that report could in theory be biased, because when you have S.W.A.T., you're there -- s.w.a.t.'s there to respond to a call that's already been in place. They're not there at no point to deter a crime from happening. >> I think that's an interesting point moving forward about what parts of our budget we think will reduce crime rate versus what parts of the budget respond to crime that's occurring. And those are very different questions. And different tactics and different systems are going to have to be in place. This is a lot of interesting stuff to dig into. Officer Villarreal. >> So I'll start by saying I'm really happy to see that what you pointed to earlier, about this kind of subsection 4 talking about military equipment, doesn't outlaw it, doesn't prohibit it. It says you all, the council wants to be made aware of these

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purchases. You know, I talked to some of our S.W.A.T., one of our more senior S.W.A.T. Snipers earlier today, to pick their mind about specifically military equipment, and it's interesting, mark, I would say the vast majority of the military equipment that we have at the police department is stuff that the city has purchased. The vast majority of the stuff that we've gotten from the dmro is -- you know, I know we've got a bunch of optics, and, you know, it's a difference of, hey, councilmember Flannigan, I want you to be okay with us spending hundreds of thousands on optics, so when our officers do have to use deadly force, that we're being as efficient as possible, versus, hey, we have these surplus optics that are potentially going to come from

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the military to save the city some money. Miss pinion, you made a comment about overtime dollars and I'm aware of, you know, especially like within our organized crime division, some of our folks are able to spend some overtime -- or were able to spend overtime dollars given to us from the federal government. But I guess I don't find the link between this part of this council resolution in terms of those overtime hours. Maybe that's a different conversation for us to have. But I'm all for you guys wanting to dive deeper into, if we're going to have these things, who's paying for them, are we getting them for free or are we paying for them ourselves. Just to frame the conversation -- I do think there's a time where the image

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that we want isn't an aggressive image. Like Marco said, I don't want our guys showing up to calls with a rifle slung over their chest. One of the worst calls I responded to in my 14 years as a police officer is the sexual assault of a child. Where I sat down in someone's living room and listen to the grandmother give me the outcry of her grandson talking about sexually assaulted. I recognize -- the father in me recognizes that in that moment I need to be as soft and as tender for that family as I can be. So, yeah, you know, I want our people to be dressed appropriately, I want people to have the appropriate stance, but I also recognize that there are bad people in this world. Our armored vehicle that our officers use has been shot twice. On at least two occasions we have somebody within our

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community that's willing to use deadly force to actively target our police officers. And I will maintain that there are moments within our very, very safe city that we do need an aggressive image. We do need these aggressive tools so people understand that we take crime seriously, and that we are going to invest in the safety of our police officers. >> Yeah. And I think, you know, again, the challenge for us moving forward in the conversation is not assuming every example or question is -- that every call is that thing. When we start to dig into, in the future workshops, dig into what the 911 calls are, how they

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break down into different types of calls, that will help us better refine the budget decisions and service delivery that can meet the need to the type of call. And again, it's always -- these conversations are always a challenge, because the language we use is so easily misinterpreted. When you're a politician, you're kind of trained in how to say things in a way that most people can -- well, I don't know, there are politicians that don't seem to care about that, but at least the ones in Austin seem to care about trying to say things that people can understand. And that's always a challenge moving forward. And the budget question, I know it's come up a couple times. Certainly the council's dug into overtime in all of our public

safety departments. And there will be a time in the future to dig into that again as we get into these creative and alternative solutions. Miss pinion, did you want to add something? >> Yes, just a point to clarify. The overtime budget, the reason I even broke it out is just the

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\$2.2 million number that I gave to you. I just wanted to be clear that it may not be -- all of that amount went to spend on military grade weapons. That was the point of breaking it out. And one thing that I do want to short in the short amount of time that we have is how you see this connection between the militarization of police, but also the use which is now in this resolution, no-knock warrants. In terms of like how are we using our S.W.A.T. Team which would be deployed in military gear in the study that we, 79% of incidents in the S.W.A.T. Team was in search of a person's home. And of those 60% of the cases were searching for drugs. So I think that data just raises the question of, is that how we want to be using military grade weaponry and show of force. I, of course, would say no. But I think it's an important point to raise. Like how are we deploying it.

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Right now, oftentimes across the country, it's not only in Austin, right? It's to search homes. Is that where we should be focusing? >> It's not going to be easy in this conversation to delineate when a national study is describing a police tactic we don't do in Austin, but more generally that there's a national data point that says X, and in some cases we don't do that here, or maybe it's been on a rare occasion. Miss Lauren? >> Thanks. I want to connect this to sort of, again, a bigger picture framing partly because we're close to the end. We might not get to everything. And what I have to say is kind of cross-cutting. I think that, you know, going back to the big picture question I started with. The really essential question is, what do we want police to be doing. What are the harms that we see that are created, when they're doing that. And can we bear them.

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And I think that, you know, beyond the label of militarization, there are important questions to ask along those dimensions, right? Do we want police to be doing this function? If we do, what do they really need to be doing? Right? And how important is that function such that we can bear the harms. There's a sort of flip side aspect to this, too. I think it would be a mistake to focus so much on, you know, equipment issues, or very specific tactic issues, and sort of miss the sort of broader questions about how should police interact with the community. How should they think about when force is necessary and what level it should be. Because the risk is creating sort of a wackamole problem.

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If one sees harm in the results in the way in which we think a S.W.A.T. Team shows up to a particular home, right? If we take care of that harm by saying, no more militarized equipment, well, it's easy enough to get other stuff. You know? And it's easy enough for the encounter to be equally damaging, right, without a tank outside. Just have like cars, but everyone's rushing in the same way. I'm not saying that S.W.A.T. Teams are rushing in in bad ways, but what I'm saying is, if we think that there are ways in which policing can be improved tactically, and in which we think that we can better optimize kind of the relationship between the individuals who are being policed and the police. Focusing too much on equipment, as opposed to those other things, really risks missing the

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essential kind of solutions to those problems. >> Thank you, miss Lauren. I think that's a good place for us to kind of offer wrap-up opportunities for our panelists. There are a couple of items we didn't get to with a specific discussion. There's a longer conversation to have on no-knock warrant. I want to offer to any of our panelists an opportunity to take a minute or two and just provide some wrap-up comments on this. You did a great job giving your wrap-up comments, and I'll consider them your wrap-up comments, if that's okay, miss Lauren. Officer Jackson? >> Just real quick. Just coming from the hood. I grew up in a really rough environment. With drugs comes violence. And that's a fact.

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Not only as an officer do I know this, but I know this as a person that grew up in violence, in gang banging, being shot at, being put a gun at me because I was in the wrong neighborhood with the wrong colors. So it is definitely there. And, you know, in order to become something more productive in society, it's not to bash the police or think police is worse, but to recruit the community. Because what better way of becoming an officer, and being proud of where you're from than being -- representing your community. That's where it needs to start. Recruiting within the community. Showing these kids that there is potential, that there is something that they can do with their lives. >> Thank you, officer Jackson. Anyone else like to provide some comments? Sergeant? >> Thank you. So miss Lauren, I wanted to kind of piggyback off of what you had

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said. I agree with you 100% as the old dog here, the guy who's been for 33-plus years doing this job, and starting out in my career where I had what we affectionately was a wheel gun, which is an old resolver, I started my career with that, until now, just to kind of give you a frame of reference. I agree 100% that we need to expand this conversation, to look at what is it that the community here in Austin expects out of their law enforcement. Fortunately, unfortunately, whatever the case may be, law enforcement has kind of become the junk drawer for everything that a lot of people don't want to have to deal with in society. And they've asked us to be the ones to try to fix it. And there's many things that we're really, really good at. I will be the first one to tell you that there are things we are

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not good at and we could be better. But if we can really focus on exactly what you're talking about, in that, where do you want us to put our attention? Where exactly should that lie? And then let's be the very best that we can be at that. Is that working -- partner violence, or homicide, or crimes against persons, or robberies, or whatever, give us those guidelines and let us do the job that we know that we can do incredibly well. Obviously, in a two-hour session, we can't talk about everything. We can't even begin to scratch the surface on no-knock warrants or the S.W.A.T. Team showing up or whatever the case may be, and how that looks or how that presents. Anna said it great, you know, in regards to she's an individual, she is a daughter of this

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community. Austin is her mother. This is how she came to be. And she is a powerful voice. We need to listen to those voices, but we really need to have some honest conversations about what do we do moving forward in our community, and what is that going to look like. And I think we can come together, we're smart enough, and we're gifted and talented enough that we can give you the type of police force that all of us will continue to be incredibly proud of. This is a profession I have dedicated my entire life to. I absolutely love this profession. Because I've seen the good, I've seen the good that this profession can do. I'm not saying it doesn't have faults and I'm not saying it can't be better. But collaboratively having conversations like this where you're talking to the people that do the job every single day, not necessarily the people

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with all the stars and bars on, that's where I think you'll really start making the progress that's necessary to give the community what they expect, and frankly, what they deserve in their police force. And so thank you for coming along those lines with what you had to say. Because I agree with you, this is a much more expansive conversation we need to have over a period of time. >> Thank you, sergeant.

Corporal Johnson? >> Yeah, I just wanted to piggyback off of what the sergeant said. At the end of the day, I realize, and I'm glad we all come here collectively with open minds. We have to remember that we serve at the will of the people in this community. And we have to be mindful of our impact, but also we want to hear from our community. We want them to dive into what we're doing and say, hey, can we do this in a different way, or is this a good tactic or is there a better way to do this,

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because that allows us to expand our resources and find better ways to grow as a police department. I'll say that during my time here, maturity is what's helped me grow into the person, the officers that I am. Just doing this job and understanding, there's much more to just (indiscernible), much more to going out and stopping a vehicle, understanding where they're coming from, those are all important pieces. We have to be mindful that we have to move forward not just as a department, not only as a community, but as a collective to continue to effect some type of change. >> Thank you, corporal. Any other comments? Officer Villarreal? >> I know we're out of time. I just want to thank you, Jimmy, for including us in the conversation. It means a lot. [Lapse in audio] To be a part of these conversations, and I

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especially want to thank the input from the community. I know sometimes people shy away from these conversations, because like you've said earlier, they're difficult to have at times. And you know, I consistently tell folks that, you know, the better that I can understand where someone else is coming from, and they can understand where I'm coming from, the closer we have of meeting in the middle as a community. On behalf of the Apa, I thank you for including us. >> Thank you, officer. Any other final comments? Any of the committee members wish to make any comments? Mayor pro tem, I see you've got your camera on. >> I really appreciate the very honest conversation that we're having. And I think it's just the beginning. Very interesting.

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Everything everybody said, hearing all the perspectives in this is going to be so, so important. I'll give my perspective in that what I have heard is, we do need to rethink how we respond, and I don't think that is negative for anyone. It's been an incredibly tough position for me, and I've said it before, because I come from public safety. Mr. Cameron, you said you were in the police academy in 9/11, I was in the fire academy in 9/11. We may have run up the towers at one time with one another. So I don't know how we're getting there as this committee. It's an important first step. Officer Jackson, I 100% agree with you, but I think from my

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perspective, we have used the criminal justice system to solve drug use problems, and to solve violence that happens in neighborhoods because of that. And for me, this is rethinking how we reallocate limited resources to maybe solve those other problems, so we're not sending police officers in there. So we're getting to those issues. And those are going to be tough, tough things to get to. You know, drug use, and why we get to drug use, you know? Of families that have families that are in prison. You know, children being raised by their grandparents. Or single moms, and the difficulties that Latino and African-American communities face. And so that's what -- it's this big broad issue we're trying to solve here, and your perspectives are so, so important. Because I really feel like we can sit down with our police officers and probably you could tell us, like so many calls that

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you don't think you even should have been called to. I felt that sometimes as a firefighter. Like why is someone trained with my training in this situation right now. You mentioned, officer Villarreal, talking to a grandmother about her grandson being sexually assaulted. With the training that our police officers, is that the type of position we should be sending to those kinds of things? Like I love what Ms. Lauren said, that it's a broad conversation of how we decide what our response is. That's the difficult decision. There's always going to be bad things that happen and we need to know how to respond to those appropriately. But for me, it's like right sizing. I'll just say last, really quickly, we have done this before. We have changed how we respond to things before. We created a code compliance department. That's law enforcement. Because we thought, we don't

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need to send police officers because a neighbor's mad about about a neighbor's fence too close, or I didn't get a permit for my roof. We've created a different -- you know, people that get parking tickets, we've created a different, you know, law enforcement for that. It's my understanding that our law enforcement used to do the, like stray dogs a long time ago. That APD used to do that kind of response. Now you don't do that anymore. For me, this isn't look some out-of-the-blue thing we've never done before. We've done this before. We have recreated our response and right-sized our response and I think we're just working off that again. Ems used to send two paramedics to every call. Now it's not always two paramedics. It depends on what the response is, fiscal situation is, we've done this before. And I'm confident we can do it again and I'm very grateful for these very honest conversations.

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>> Thank you, mayor pro tem. If there are no other comments, I will close by thanking all of our panelists, miss pinion, miss Lauren, Mr. Webb and our officers, officers Jackson, and officer Villarreal, thank you so much for engaging in a challenging conversation. One that is broadcast to our community on television, and live stream. It is not easy to do. Harper-madison, did you want to say anything? >> I'm echoing the gratitude for the conversation. I just figured it would be a good look as we close, as I am on the committee. Thank you, everybody. >> Thank you, councilmember. For the members of the public watching this, you know, as I started this conversation, we were not going to answer difficult questions today. Those questions are going to continue to be worked out. There are a lot of questions about how we're going to move this community into a place where both our first responders

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of all kinds are meeting the need of the community where the community is, and that the tactics are reflecting the will of the public as corporal Johnson so eloquently said. I am excited to continue this work, as chair of the public safety committee, I commit to you, and my colleagues agree, we'll continue to have these challenging conversations in public, continue to invite officers and the folks actually doing the work to the conversations, as well as the community experts. Thank you, everybody, for spending your time with us today. And with that, at 4:09 P.M., I adjourn this meeting of the public safety committee. Thank you.