

Sarah Martin

From: Leland Strickland
Sent: Monday, July 21, 2014 8:11 AM
To: PD Everyone Dist
Subject: Police Accountabilty Groups - Officer Considerations
Attachments: Considerations - Encounters with Police Accountability Groups 7.21.14 (2).pdf

All Police Personnel –

I want to share with you some information contained in the attached document. It pertains to recent APD encounters with police accountability groups, both while at the scene of some police activity (I.e. traffic stop or call for service) and while driving a marked vehicle while on patrol (I.e. being followed by a suspected accountability group while driving). The document contains a list of things to consider and may be helpful should you have an interaction during the course of your duty. This is a highly complex topic and the attached information is not intended to be a comprehensive analysis. Please engage your work groups in dialogue about this issue. Please share your thoughts and questions with me so they can brought forward to the organization. Your safety is most important. Please be vigilant as you police our city with professionalism and diplomacy.

Sincerely

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ARLINGTON POLICE DEPARTMENT
INFORMATIONAL MEMO

TO: ALL POLICE
FROM: LELAND STRICKLAND, INTERIM ASSISTANT CHIEF
THRU: WILL JOHNSON, POLICE CHIEF
REF: POLICE ACCOUNTABILITY GROUP ENCOUNTERS
RESPONSE CONSIDERATIONS
DATE: JULY 21, 2014

*LSJ**1609

Over the past several months, Arlington Police Officers have increasingly experienced encounters with police accountability groups. While the group most notably active in Arlington is called Tarrant County Peaceful Streets Project (TCPSP), other police accountability groups include CopWatch and CopBlock. Regardless of name, each group shares a similar mission to hold police accountable for their actions.

Previous encounters with police accountability groups have included members approaching the scene of a traffic stop or service call, standing around the scene while video recording the police actions and trying to engage the officers in dialogue. More recently, police accountability group members have begun following marked police vehicles as officers conduct motorized patrols or respond to calls for service. Also, as they have become bolder and more confrontational, group members have increasingly encroached upon officers at scenes of law enforcement activity.

Nationally, ambush attacks against officers involving persons associated with police accountability groups have occurred. While the Arlington Police Department holds steadfast to the values of transparency and public accountability for police conduct, the safety of our officers is paramount. Based upon recent events locally and nationally, officers cannot assume that if they are being followed that it is a police accountability group or that the persons following them have the sole intent of only documenting police activities. All personnel must resist complacency and maintain vigilance for officer safety. The information below is provided as a resource to assist officers and supervisors during encounters with police accountability groups at the scene of a law enforcement activity or when police personnel believe they are being followed while on patrol.

If officers encounter a police accountability group while at the scene of a traffic stop, any law enforcement activity, or during personal/lunch breaks, consider the following:

- Call for back-up officer(s). Even if multiple personnel are already present to properly manage the initial law enforcement activity, additional officers may be required to provide cover and monitor the activities of police accountability group members. This is in keeping with the Contact and Cover philosophy.
- Notify a supervisor. If possible, a supervisor should be present at the scene of all encounters.
- The assignment of a videographer to capture officer interaction during group contact (Mobile Digital Video Recorders and microphones, patrol district cameras with video function, and if other means are absent, policy allows for the use of personal recording equipment with supervisor authorization).
- While group dynamics may necessitate cover officer(s) action to maintain officer safety and scene integrity, the following should be noted:
 - Verbal direction and warnings to group members should be given clearly and specifically.
 - Penal Code 38.15 – Interference with Public Duties renders it unlawful (Class B misdemeanor) to - with criminal negligence - interrupt, disrupt, impede, or otherwise interfere with...a peace officer while the peace officer is performing a

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duty or exercising authority imposed or granted by law. However, it is a defense to prosecution that the interruption, disruption, impediment, or interference consisted of speech only.

- If group member(s) conduct necessitates a lawful detention, remember, Texas Penal Code 38.02 (Failure to Identify) only requires a person to provide their name, address and date of birth if they are lawfully arrested.
- Consider assigning one officer/supervisor to serve as the group liaison to answer questions and provide officer identification information.
- Ensure an electronic citywide broadcast is made to provide other officers situational awareness of group activity.
- Ensure a shift report is completed for department-wide awareness.
- If other means of reporting are absent, consider creation of a Miscellaneous Incident Report to document the encounter.

In addition to the above, an officer who believes they are being followed while operating a marked vehicle on patrol should consider the following:

- Confirm that you are being followed by making frequent turns or driving through discreet areas to see if the suspected vehicle continues to follow.
- Take notice and be prepared to document any specific facts that lead to reasonable inferences that some type of criminal activity is afoot (i.e. traffic infractions, stalking, assault on an officer, and other applicable offenses) – Remember a mere hunch is not reasonable suspicion.
- Call for a back-up officer(s) and notify a supervisor. *Remember, the vehicle occupants may be monitoring police radio traffic.*
- Be observant for any traffic infractions that may be committed by the suspected following vehicle.
- Once backup arrives:
 - If reasonable suspicion has been established that the suspected following vehicle is engaged in criminal activity (i.e. traffic infractions, stalking, assault on an officer, and other applicable offenses), consider having the backup officer(s) conduct a traffic stop.
 - Once the traffic stop has occurred, the officer being followed should reposition their patrol vehicle behind the traffic stop to be at a better tactical advantage.
 - After the traffic stop occurs, conduct an investigation as to what is going on.
 - An investigative detention requires:
 - Reasonable suspicion that something out of the ordinary is taking place that is indicative of a specific criminal offense.
 - The person(s) being detained is associated with the suspected crime.
 - Once it is determined that no criminal activity has occurred or is about to occur, the authority to continue an investigative detention ceases.

Personnel should at all times - whether driving or during any law enforcement activity - conduct themselves in a manner that withstands public scrutiny. The Arlington Police Department is committed to professionalism and community accountability. The considerations listed in this document are not comprehensive. Relevant response protocols will vary depending upon the facts and circumstances surrounding each incident. It is the intent of this information to place personnel in the best position for safety and success as we fulfill our law enforcement and public safety mission.

LCS 1609

Sarah Martin

From: Donald Fulbright
Sent: Thursday, September 04, 2014 1:46 PM
To: Kreyton Paschall; Paul Rodriguez; Singh Boulom; Donnie Glenn; Charles Brown; Dylan Eckstrom; Mike Skarbek; Doug Depoma; Blake Hyder; Ryan Olson
Cc: Jim Lowery; Michael Moses; Kimberly Harris
Subject: For Briefing
Attachments: Texas Penal Code 38.15.docx

Importance: High

With the proposed event tonight I thought I would lay out some guidance for our officers in dealing with any situation that they might encounter. First and foremost, remind officers that a supervisor must be notified anytime they feel they are being followed or videotaped on a traffic stop. And as such supervisors must respond to the scene as soon as they are notified. If any enforcement action is taken (i.e. an arrest, offense report taken) then Det. Caleb Blank needs to be notified immediately as he will be handling any criminal investigation related to these events.

It is my understanding that officers have been asking for guidance and clarification in briefings about how to best deal with encounters with Police Accountability Groups in the field. As with each encounter we have with any citizen we will remain courteous and professional at all times. If we lose our temper and act unprofessionally then we are only making the situation worse. As far as enforcement actions I would encourage each of you to become extremely familiar with PC 38.15 Interference with Public Duties and I have attached a copy for you to look at. There are a couple of things that we need to make sure the officers understand and put into practice:

- Officers need to give clear directions when telling individuals where they want them to go and why
- Simply telling a person or group to “get back” is not sufficient instructions
- When giving guidance or instructions use a specific location or identified landmark (i.e. please stand behind that curb, please stand behind this car, please stand on the other side of the sidewalk.)
- Do not give a distance in feet, that is arbitrary and is difficult to identify. **BE SPECIFIC!**

Once you give CLEAR directions and guidance, if the person or group continues to interfere with your investigation, then take the appropriate enforcement action. Also, please make sure we are explaining the nature of the interference. For example instead of saying “you are interfering with my investigation” it would be more appropriate to say “your yelling at the individual I am giving instructions is causing him/her not to be able to understand my directions and is interfering with my investigation. Please stand behind this curb and do not come any closer.” Keep in mind that once you give instructions for a person or group to stay back out of an area then you cannot let anyone into that area.

I understand that each situation is unique and will pose its own set of questions. I hope this might answer some of the questions that offices have been asking in briefing. The most important thing we can do is to make sure we are talking to our troops about this and that we are out there responding as soon as we know about a situation. If you have any questions or if anything comes up in briefing please email, come ask, or call.

Donald

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Sec. 38.15. INTERFERENCE WITH PUBLIC DUTIES. (a) A person commits an offense if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with:

(1) a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law;

(2) a person who is employed to provide emergency medical services including the transportation of ill or injured persons while the person is performing that duty;

(3) a fire fighter, while the fire fighter is fighting a fire or investigating the cause of a fire;

(4) an animal under the supervision of a peace officer, corrections officer, or jailer, if the person knows the animal is being used for law enforcement, corrections, prison or jail security, or investigative purposes;

(5) the transmission of a communication over a citizen's band radio channel, the purpose of which communication is to inform or inquire about an emergency;

(6) an officer with responsibility for animal control in a county or municipality, while the officer is performing a duty or exercising authority imposed or granted under Chapter 821 or 822, Health and Safety Code; or

(7) a person who:

(A) has responsibility for assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state or a county or municipality;

(B) is investigating a particular site as part of the person's responsibilities under Paragraph (A);

(C) is acting in accordance with policies and procedures related to the safety and security of the site described by Paragraph (B); and

(D) is performing a duty or exercising authority imposed or granted under the Agriculture Code, Health and Safety Code, Occupations Code, or Water Code.

(b) An offense under this section is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) that the conduct engaged in by the defendant was intended to warn a person operating a motor vehicle of the presence of a peace officer who was enforcing Subtitle C, Title 7, Transportation Code.

(d) It is a defense to prosecution under this section that the interruption, disruption, impediment, or interference alleged consisted of speech only.

(e) In this section, "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person transmitting the communication to be in imminent danger of serious bodily injury or in which property is or is reasonably believed by the person transmitting the communication to be in imminent danger of damage or destruction.