

MEMORANDUM

TO: Members of City Council
FROM: Donald S. Glywasky, City Attorney
DATE: February 18, 2020
RE: Civilian Review Board

Please accept this memorandum as a staff report to relate the changes proposed to the Civilian Review Board (CRB).

At the December meeting Council had, at my urging, suspended operation of the Civilian Review Board. The concerns which had prompted this recommendation revolved around confidential information being shared with member of the CRB. Those concerns were shared by Chief Hale. I have drafted a proposed change to the CRB ordinance which will address the immediate concerns and allows its operations to resume.

This solution has been crafted with the assistance of Chief Hale, the officers who are the liaison with the CRB, and the President of the GMPA.

By way of reminder, when a complaint about alleged police misconduct is made, the complaint is investigated by the GPD Office of Professional Standards. Depending on the findings, the Chief may impose discipline ranging from a written warning or more stringent measures up to and including termination.

Galveston PD is a civil service agency governed under Texas Local Government Code Ch. 143. Under Tex. Loc Gov't Code §143.089(g) certain police disciplines are confidential. The disciplines which are not confidential are those that result in: 1) termination; 2) demotion; or 3) suspension. Those disciplinary actions and underlying OPS investigations are placed in the officer's personnel file ("a" file) and are open to review. Investigations which find no wrongdoing or result in lesser discipline are placed in the officer's "g" file and are confidential by law. Those documents may be reviewed only with the consent of the officer involved. Previously, the CRB had been afforded review of those investigations in violation of §143.089(g).

I spoke with the GMPA's attorney and he related he had voiced these concerns when the CRB was created and his concerns were ignored.

Procedurally, the CRB has been allowed to review case files at their convenience. A member can go to the police station and ask to review a file. The member reads the file in the presence of a police officer but there is little oversight. Since those files can contain confidential information such as TLETs information, that poses another confidentiality concern.

The proposed ordinance is directed to those concerns. The proposed procedure is that the Chief will give the Board all non confidential information which he deems relevant and necessary for the CRB to review. Presently contemplated is that the CRB will be presented a synopsis of the facts by one of the liaison officers using powerpoint to expedite the delivery of relevant

information. Confidential information will not be made available to the CRB. However, if there is information in an officer's "g" file it may be released with the consent of the officer.

Meetings will continue to be conducted in the police station. This is driven by practical considerations; certain computer programs that may be needed are available only at the department. A citizen may request to attend the CRB meeting, but the Chief is given discretion to decide whether to grant the request. This is done out of security considerations. Recommendations of the Board will be given to the Chief and also to the City Secretary. With these changes the CRB can resume operations immediately.

The ordinance governing the CRB will be included for review again as part of the Code review process. But there is good reason for not doing that at this time.

After the event with Mr. Neely, the Department of Justice sponsored a local community group to address police and community issues related to policing. Those meetings are ongoing and have as their goal recommendations to enhance police/community relations. Those discussions may result in ideas which could be incorporated into the CRB, so the thought is to wait for that DOJ sponsored committee to issue its recommendations before making further changes to the CRB.