

**COMPARATIVE OPERATIONAL REVIEW
OF THE
Prairie View Police Department 2013 REPORT**

July 29, 2020

REVIEW

Conducted by:

Captain E. Cisneros

Prairie View Police Department

INTRODUCTION

Background

In January of 2013, the City of Prairie View was in the process of appointing a new Chief of Police. Lieutenant Wilbert White, a senior officer of the PVPD, was acting as Interim Chief of Police at the time of this audit. Due to the city's desire to select a new Chief that would meet the needs of the department and the City, a department review process was sought.

Therefore, the Texas Police Chiefs Association was hired to conduct a written analysis on the department's operations and to identify issues and make suggestions which needed to be addressed by the new Chief of Police. Since the date of this report, the following individuals were in charge of the Prairie View Police Department:

1. Interim Chief Lieutenant Wilbert White - January 2013-April 1, 2014
2. Chief Johnson – April 1, 2014 – January 26, 2016
3. Interim Chief Sergeant Garrett – January 26, 2016 – October 3, 2016
4. Chief Soloman – October 3, 2016 – May 24, 2019
5. Interim Chief Matthew Ross – May 24, 2019 – October 31, 2019
6. Officer In Charge G. Eagleton – October 31, 2019 – January 2020

The Operational Review of 2013 identified multiple problem areas and also provided recommended corrective actions to resolve those issues. Moreover, the 2013 Review stated that, *"The most significant decision, however, must be made before the selection of a Chief – and that decision is whether to keep a police department at all."*

In January of 2020, the City of Prairie View hired Chief Kenny Lopez and Captain Eli Cisneros in February of 2020. In February of 2020, Chief Lopez instructed Captain Cisneros to review the 2013 Operational Review and it was found that **EXTREMELY LIMITED CORRECTIVE ACTION** had occurred up to that date.

The following information is a 6 month progress report which will identify the 2013 Operational Review and the Corrective action taken by Chief Lopez and Captain Cisneros. During these initial 6 months, the most critical areas were addressed first and corrected with a plan to address the remainder of the issues identified. It should be stated that other **MAJOR AREAS OF CONCERN** that were not documented in the 2013 Operational Review were discovered by Chief Lopez and Captain Cisneros and immediately addressed. Those issues will also be provided in this report.

1. Uniform Crime Reporting (UCR)

The Federal Bureau of Investigation developed the Uniform Crime Reporting (UCR) system to attempt to make comparisons of "Index Crimes" between cities. Participation of this program for cities is voluntarily, however at the time of the 2013 review, the Prairie View Police Department was not participating. During Chief Johnson's tenure in 2014, the PVPD was brought into compliance and this data was being documented and is currently up to date. AFTER REVIEWING THE 2013 REVIEW, THIS IS THE ONLY ITEM OF RECOMMENDATION WHICH WAS BROUGHT INTO COMPLIANCE.

2. Communication within the agency

Moving forward from the year 2013 and into a more technological advanced society, methods of communications has transformed. Where face to face meetings were once required, technology now allows us to communicate just as effectively while not creating budgetary issues with overtime. Under Chief Lopez's direction, every officer emails a "Pass Down" which is an informational email that shares all of the activity of the officer's shift with the department. In addition, Chief Lopez and Captain Cisneros also communicate with all officers via group text messages in which all officers confirm receipt of the information distributed. While face to face meetings are still required and held from time to time to discuss new policy issues, they are limited in frequency. The PVPD also has an informational board where officers are directed to review for pass down information from the Command Staff. Supervisors and Command Staff members periodically flex their shifts in order to make themselves to other shifts. In addition, Captain Cisneros has made himself available by phone to all officers requiring guidance on a 24/7 basis and fields phone calls around the clock.

3. Police Operations

At the time of the 2013 review, the PVPD had only 4 full time officers. The department was running 3 eight hour shifts which created an overall strain on personnel and operations. Since 2013 and under Chief Lopez, the department now has 13 full time officers working 3 eight hour shifts. With the addition of officers, Administration, Investigations, Evidence & Control and Patrol Operations are now properly functioning and operating at an efficient level. The following is a list of the officers and their positions:

Chief of Police

Operational Control of the entire department

Captain Assistant to the Chief (oversees and controls)

Office Administration

Patrol Operations

Conducts Serious Offense Investigations (Homicides/High Profile Investigations)

Criminal Investigations

Conducts Internal Affairs Investigations

Property & Evidence Control

Drone Operations

Sergeant

First line supervisor of Patrol Operations/Functions as a patrol officer and runs calls during day shift hours.

Detective

Conducts all follow-up investigations to the resolution of each case/Functions as a patrol officer and runs calls as needed. The Detective's hours are flexed to provide the ability to locate suspects and witnesses throughout the day. The detective is also tasked as the Property Disposition Officer (Property Room)

Patrol

3 patrol officers are assigned to the Second Watch (Day Shift). While every officer runs calls for service, one officer serves as the Code Enforcement Officer, one as the Court Bailiff.

4 Patrol Officers on **Nights** with either Monday/Tuesday or Wednesday/Thursday off. This drastically increases officer's safety with responding to disturbances and making traffic stops during the night time hours.

2 Officers are assigned the Third Watch (**Evening Shift**) and are reinforced by the Detective.

4. Criminal Investigations

At the time Captain Cisneros was appointed, there was no protocol on how Criminal Investigations were followed up on and no protocol on how evidence was tagged and collected. In fact, there were no follow-up investigations being conducted at all. In the event that officers filed criminal charges on suspects when making arrests on their scenes, the Waller County District Attorney's Office was rejecting charges based on poorly written probable cause statements or cases not meeting the elements of the offense. Captain Cisneros met with members of the Waller County District Attorney's office and gathered firsthand information in regards to those deficiencies. Being that Captain Cisneros was a former Homicide Investigator with the Houston Police Department and worked numerous hours with the Harris County District Attorney's office, rapport was developed and a working relationship now exists with the Waller County District Attorney's Office. Captain Cisneros created and provided all PVPD officers with a probable cause statement template and case refusals have dropped exponentially. All criminal charges being filed by officers is reviewed by Captain Cisneros.

Captain Cisneros created a new patrol officers Daily Activity Report forms which allowed for better data collection. Each day, those Daily Activity Reports are reviewed by the detective and all incidents reports (cases) requiring any form of follow-up are printed out and a follow-up investigation is being conducted and the case ultimately cleared.

Captain Cisneros is currently training the new detective in Interview and Interrogation methods and procedures, Crime Scene Documentation and various other investigative techniques. Chief Lopez and Captain Cisneros have acquired necessary supplies to properly conduct criminal investigations.

5. Incident Report Writing

Upon Captain Cisneros' appointment, there was no standard on incident report writing. Officer's reports lacked any type of format and did not contain the required information for a proper follow-up investigation. Captain Cisneros created a standardized report writing format

which was provided to each officer. In addition, policy was put into place requiring all officers to submit their reports prior to the end of their shift.

6. Administrative Restructure of the PVPD station

Captain Cisneros was instructed by the Chief to conduct a survey of the existing office protocol & office space and restructure if needed. After conducting the survey, what was immediately apparent was that the existing office space was not being utilized to its maximum potential. In addition, officers utilized a large portion of the station as a “work area” when their patrol cars provided all the necessary tools (computers) needed to perform their duties. Therefore, the officers work area was eliminated and a secretarial section was created with cubicles near the main police entrance. At the time of the survey, the department secretary had a large office away from the front door. The secretary was relocated in the new cubicle at the front entrance which now provides her the opportunity to greet citizens entering the station for service and it also provides a professional image. In addition, the secretary’s former office was restructured into a functional interview/interrogation room for criminal investigations and the Captain’s office. All sections of the PVPD station are now being utilized in a very functional and professional manner. The appearance of the station has also drastically changed and projects a professional image.

7. Evidence and Property Control

At the time of the Captain Cisneros’ appointment, the Property Room consisted of simply a closet which was filled with undocumented evidence from floor to ceiling (Please see photos – EXHIBIT 1) in an extremely cluttered manner. In addition, multiple keys to the property room existed (officers in possession of key) and there was no inventory as to what existed or what was removed from this location. There was no protocol or procedures as to how officers tagged property and no authority was required to put property into the Property Room.

In a time span of two weeks, Captain Cisneros created a separate climate controlled property room, took complete inventory of all property/evidence, created policy and procedures and properly tagged all evidence into a specific identifiable position. (See EXHIBIT 1A – New Property Room) Officers are now required to call Captain Cisneros and request the authority to tag property. When permission is granted, officers must fill out a property submission slip, and the evidence is tagged into a property locker. As a security measure, officers are no longer allowed into the property room. Instead, the property disposition officer will remove the property from the evidence lockers, check out the keys, and log and tag the property into the property room. This entire process is documented in the officer’s official offense report.

In addition, a key log was created as well as the property inventory/location log. At this point, the department now has the ability to locate property for the District Attorney's Office within minutes when provided with the case number associated with the property. The detective/Officer position has also been designated as the Property Disposition Officer.

Furthermore, a complete inventory was taken of the evidence biological freezer which contained sexual assault kits. At the time of Captain Cisneros' appointment, there was not inventory of evidence in the biological freezer. Therefore, the locks were changed and a complete inventory was taken. Follow-up inquiries are currently being made to determine the status of those items of evidence.

8. Former Police Station

I viewed old police department and discovered documents lying across the room on the floor as if boxes had been overturned. Mixed in this chaotic scene were multiple bags of narcotics evidence (marijuana) on the floor, desks and all over room. In addition, I located a Homicide Murder Case file (which represented someone's lost life) on the floor simply discarded. Within this chaotic scene were multiple documents with Wilbert White's name attached. White was also the Interim Chief and lieutenant during this time and never made the Chief of Police or me aware that these conditions existed only across the parking lot. I organized a structured officer work crew and I ordered White to gather, tag and document all evidence which was located inside this location. (Please see attached photographs – EXHIBIT 2) This information was passed on to the Waller County District Attorney's Office as well as the Texas Rangers for transparency and their review. Both agencies ultimately decided not to pursue a criminal investigation into the matter but were appalled by the Gross Negligence of the PVPD under Wilbert White's control as Interim Chief and lieutenant. An inventory of all items evidence were documented and properly tagged into the new property room and the entire incident was documented in an official offense report. The mentioned homicide case was also secured and efforts are being made to determine the status of that particular case.

9. Drone Program

Captain Cisneros immediately discovered that in Waller County, there were no air resources available to patrol officers or during times of natural disasters. Therefore, a low cost option to assist in this area was determined to be a drone program. Therefore, at no cost to the city, Captain Cisneros purchased his "own" drone and now the PVPD has the ability to deploy a drone in situations which require air assets. (See exhibit 3)

10. Acquisition of Mobile Command Post

Chief Lopez found that during times of natural disasters or other extended emergencies that required a long term command staff presence, there was a need to establish a suitable Mobile Command Post. Therefore, Chief Lopez and Captain Cisneros located and acquired an RV which was converted to serve the needs of the department as a Mobile Command Post. The Mobile Command Post now provides the PVPD with a long term capability to stay on scene for extended periods of time. (See Exhibit 4)

11. Acquisition of Armored Rescue Vehicles/Water Rescue Vehicles

With Prairie View, Texas being in a location where there is a large College campus as well as an elementary school, the potential for an Active Shooter is a considerable threat. During an active shooter situation, in the event that students and officers are wounded on campus and outside of the structure itself, there is an obvious and apparent need for a means to rescue those individuals and get them to medical care during that crucial hour. When an assault rifle is used by the assailant, the ammunition fired from that weapon WILL EASILY pierce through a patrol car, injuring or killing all occupants before the rescue can occur. Therefore, Chief Lopez acquired two armored HUMVEES which now provides the PVPD with the means to drive into an active shooter situation and rescue injured citizens and officers while providing protection to the officers operating the vehicle.

In addition, two of the non-armored HUMVEES provides the PVPD with the ability to drive through high water and in rural areas during natural disasters. With doors open in high water, both Chief Lopez and Captain Cisneros have both been in this type of HUMVEE with doors open and in chest deep water while serving in the United States Army and the United States Marine Corps. These vehicles have the proven ability to operate under these conditions and DO NOT require a vehicle snorkel as it has been previously suggested.

12. Creation of an Internal Affairs Division process

Upon Captain Cisneros' appointment, the PVPD did not have an internal affairs process. The infractions of an officer were simply written up with little or no investigation and there was no recourse for the officer's actions. The write up was sometimes placed into the officer's personnel file and sometimes not. Therefore, there was an apparent need to implement a formal Internal Affairs process.

Police Department Internal Affairs Investigations are governed under Chapter 143 of the Texas Local Government Code. Civil Service Protection of officers is afforded to officers in municipalities of 10,000 or greater. However, despite the city of Prairie View being grossly under that number, those same rights were afforded to the officers of the PVPD during the

IAD process. Captain Cisneros, a retired veteran of the Houston Police Department, served as an Internal Affairs Division Supervisor and utilized the HPD Internal Affairs model which was implemented at the PVPD. The PVPD now has a formal Internal Affairs Division process which is in compliance with Chapter 143 and affords the officers certain rights and privileges that they did not previously have. In addition, the current IAD investigations are able to withstand any scrutiny of an arbitration hearing.

13. Creation of a Citizens Complaint Form

Upon Captain Cisneros' appointment, it was immediately apparent that the citizens of Prairie View did not have a formal method of filing a complaint against an officer. Therefore, in compliance with Chapter 143, and utilizing the HPD complaint model, Captain Cisneros created a Citizen's Sworn Affidavit that can be filled out and notarized when a citizen wishes to file a formal complaint against an officer. At the conclusion of an Internal Affairs investigation, the Citizen is now forwarded an Issue Acknowledge form advising them of the disposition of that case. (See Exhibit 5)

14. Creation of a Victims Referral Card (Victims Rights)

Texas State Law requires that when officers respond to scenes of Domestic Violence/Sexual Assaults and Victims of Violent Crimes, they are required to complete an offense report and to provide the victim with a copy of the case number along with a Victim's Referral Card. The Victim's Referral Card advises the victim of their rights as Crime Victims as well as it provides them with a list of resources available to them. At the time of Captain Cisneros' appointment, a Victims Referral Card did not exist and officers were not in compliance with state law. Therefore, Captain Cisneros utilized the HPD model and created a Victims Referral Card which provides the victim with the resources available to them in Waller County and distributed it out to all PVPD Officers with detailed instructions on when to hand it out. (See Exhibit 6)

15. NIBRS (National Incident Base Reporting System)

On December 22, 2019, Chief Lopez encountered an email requesting a report status regarding NIBRS. The email cited that there had been no activity in regards to the PVPD moving forward with the reporting certification to bring the agency in compliance with the new Federal Crime Reporting System. Chief Lopez contacted Austin, Texas to make an inquiry and discovered that \$33, 642.41 was paid by the PVPD to assist in the transition and if our agency complied with certification by the pending deadline, the State of Texas/Federal grant would reimburse the city the full amount paid. Chief Lopez reported to the PVPD for duty on

January 3, 2020 and began to focus on the NIBRS grant in the hopes of making the deadline that was already 8 months behind schedule without being touched. Chief Lopez was able to complete all required tasks and was able to recover the full reimbursement (\$33,642.41) to the city on July 2, 2020. This certification should have been completed a year ago, however the prior administrators in charge of the PVPD failed to follow up. This was a very extensive and methodical process that needed to be completed.

Closing Statement addressing the 2013 Overview Suggested Repair Process

1. Develop and implement a plan to ensure all officers complete 40 hours of required training annually – To date, Chief Lopez monitors all officer's training and firearms qualifications and schedules training. Chief Lopez personally administers the firearms qualifications annually for all classified employees.
2. Include Taser qualifications - Chief Lopez has made arrangements to have an outside agency come in and hold Taser qualifications.
3. Terminate services of Reserve Officers not providing service – Chief Lopez has terminated the last Reserve Officer who was not providing adequate service to the city and all department property was recovered.
4. For all members of the department, conduct a complete background investigation – to date, Chief Lopez and instructed Captain Cisneros to conduct a thorough background investigation on all new applicants that includes a personal history statement, Criminal History/Driving History Check.
5. Prepare and distribute new Policy Manual – Since the date of the 2013 review, a 2015 version of the Policy Manual was implemented. Chief Lopez and Captain Cisneros have reviewed the latest edition and found it to be sufficient to the needs of the Prairie View Police Department and comparable to the policies and procedures of the Houston and Dallas Police Departments.
6. Make contact with other law enforcement agencies – Both Chief Lopez and Captain Cisneros have met with members of all the surrounding agencies as well as members of the Waller County District Attorney's office in order to develop new professional relationships and offer assistance to those agencies when needed.
7. Allow the Chief to reorganize the department as needed to accomplish the goals of the department to include reassignment, demotion, or termination of staff, if required subject to the approval of the Administrator (Mayor). – Chief Lopez has attempted to implement temporary leadership programs which provides senior officers the ability to learn leadership enhancement skills. However, when the said officer wasn't able to

perform in that capacity and violated the very policies that were trying to be implemented department wide, he was met with resistance from some members of City Council. Chief Lopez has ordered Internal Affairs Investigations when severe violations of department policies were discovered and discipline was issued.

Since January of 2020, in 6 months' time, Chief Lopez and Captain Cisneros have made great strides in progress towards a fully functional and professional Police Department. Citizens are verbally praising the department for police services that they are now currently receiving. The Waller County District Attorney's Office has stated that the number of charge rejections has drastically improved. The department now has assets in place that it never previously had and now capable of safely responding to Active Shooter situations. The department now has a fully functional Criminal Investigations Division that is capable of handling any type of scenes, up to and including Capital Murder Investigations. Respectfully, with sufficient support from the Mayor and City Council, Chief Lopez and Captain Cisneros are now poised to take the PVPD to the next level of professionalism and readiness.

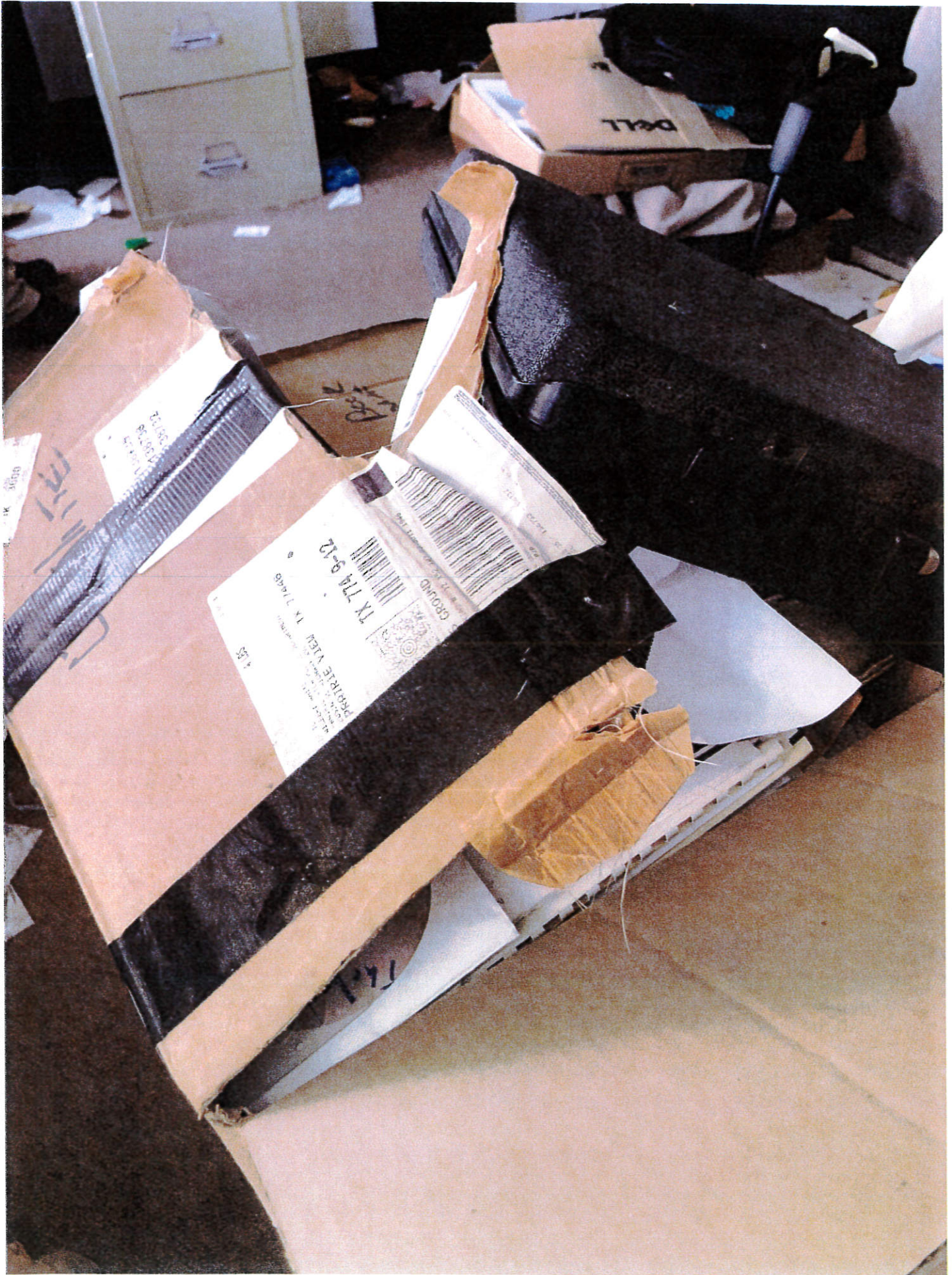
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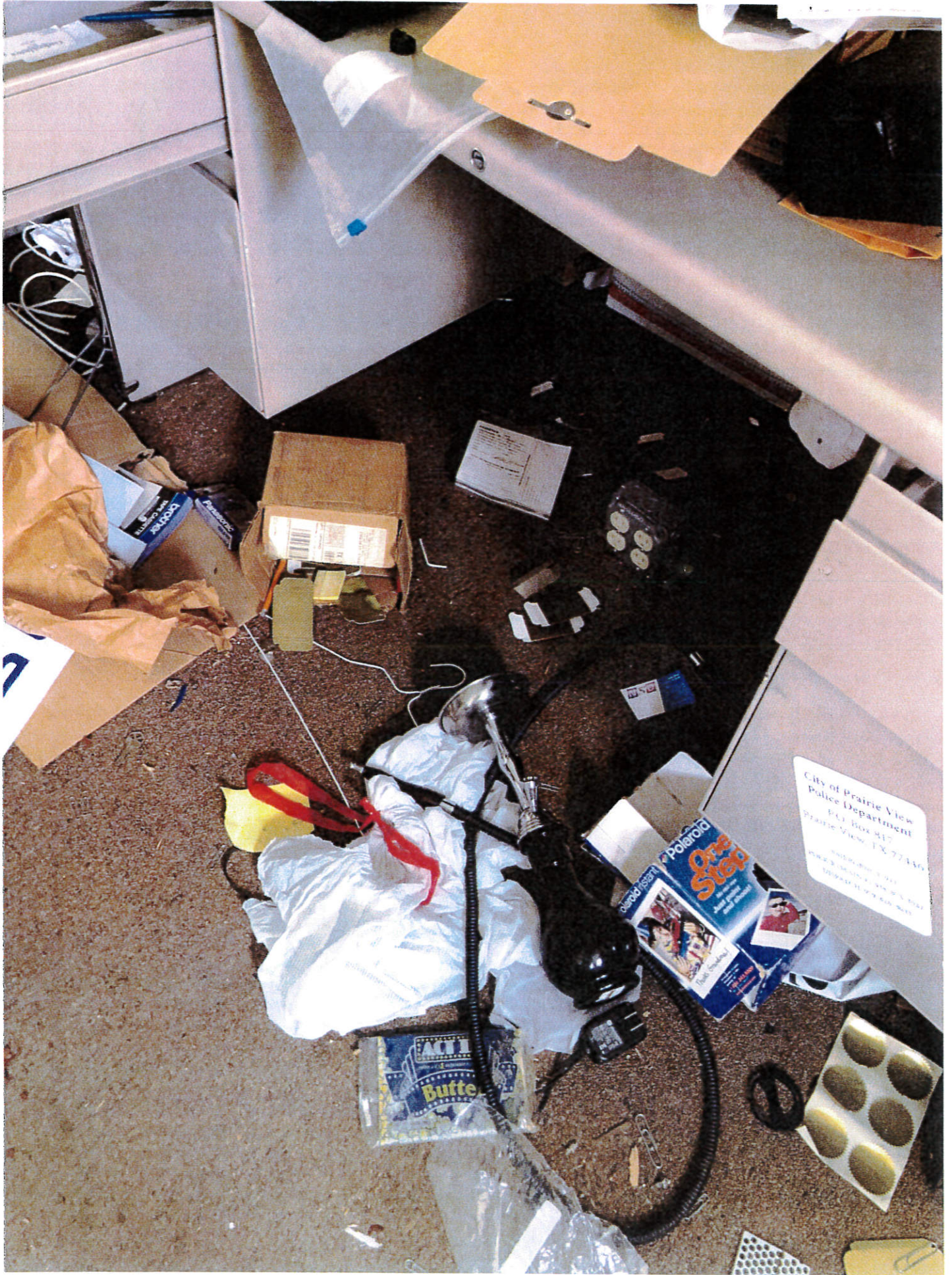




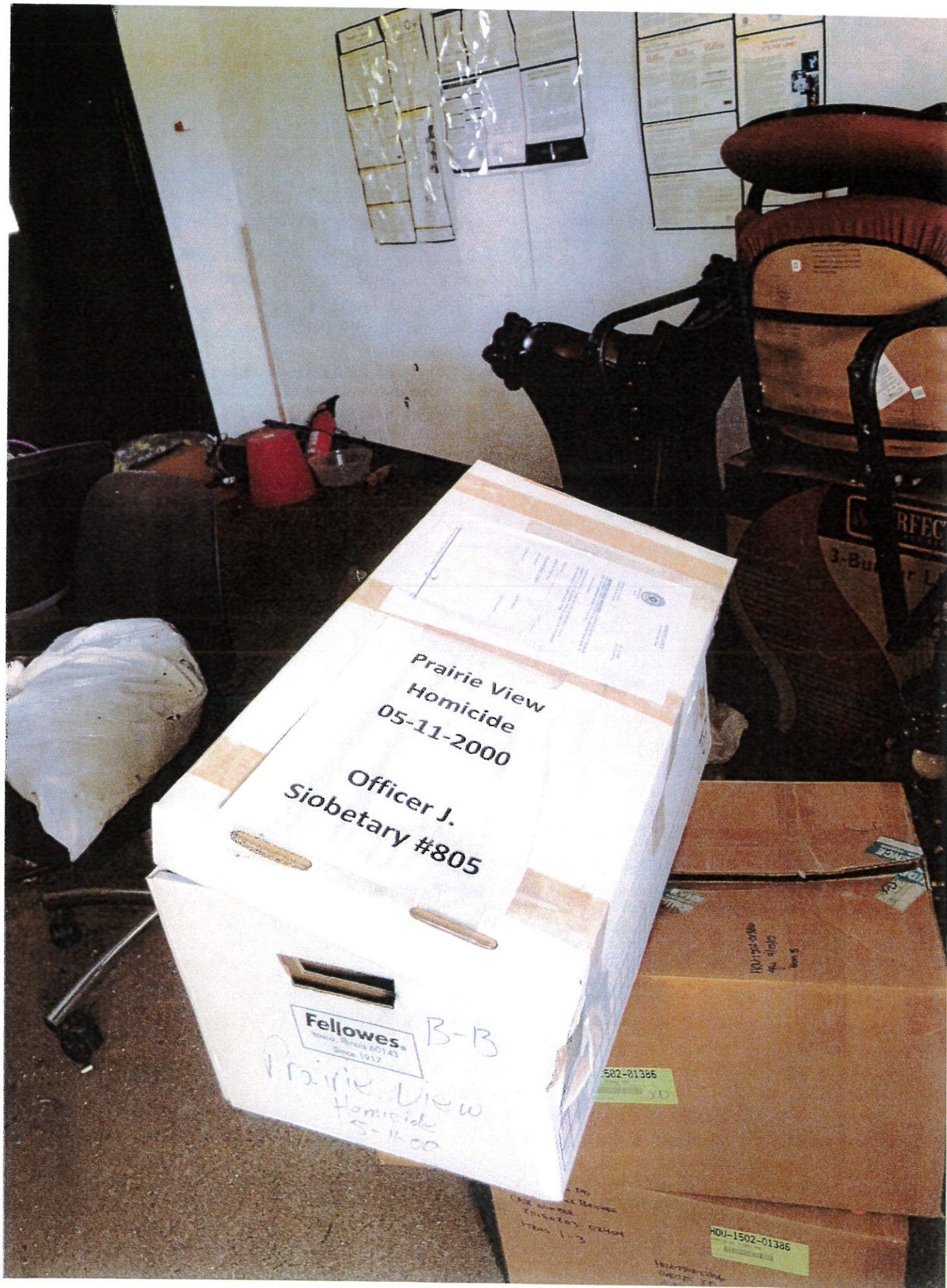
















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