

RESOLUTION NO. 2020- R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS OPPOSING THE SENSELESS DEATH OF MR. GEORGE FLOYD AND SUPPORTING THE SAN MARCOS POLICE DEPARTMENT'S CURRENT POLICIES REGARDING THE USE OF FORCE; REQUIRING ANNUAL REVIEW AND UPDATES OF THOSE POLICIES; AND PROVIDING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the death of George Floyd at the hands of members of the Minneapolis, Minnesota Police Department has focused national attention, once again, on police practices involving the use of force against citizens, and particularly against people of color;

WHEREAS, police policies regarding the use of force can serve to minimize the risk of injuries to or death of citizens who come in contact with the police; and

WHEREAS, use of force policies provide a means to provide police officers direction and hold police officers accountable for their use of force by: requiring prompt reporting of instances in which force is used; requiring officers who observe the excessive use of force to intervene and report it; providing a process for internal review of instances involving the use of force; and, in appropriate cases, forming the basis for disciplinary action including termination or criminal prosecution of officers who use excessive force to seriously injure or kill citizens; and

WHEREAS, San Marcos police officers are trained to de-escalate tense situations and to treat citizens with respect and dignity; and

WHEREAS, the San Marcos training program, does not allow for the use of choke holds or restraints designed or intended to restrict a person's ability to breathe and uses full-body wrap restraint devices to humanely restrain persons who are being violent and aggressive during the arrest process and allows them to be seated upright with a seatbelt when being transported; and

WHEREAS, the San Marcos Police Department's general orders require reporting by an officer who uses or threatens the use of force; and

WHEREAS, the San Marcos Police Department general orders require immediate intervention and reporting by other officers if they observe a fellow officer using excessive force; and

WHEREAS, the San Marcos Police Department has, in the past, terminated and brought criminal charges against an officer who was observed using unlawful and excessive force against a citizen in an internally identified incident; and

WHEREAS, the San Marcos Police Department's use of force policy requires that officers use only the force reasonably necessary to effectively bring an incident under control because the Department values the protection and sanctity of human life; and

WHEREAS, the policy prohibits firing warning shots, firing at moving vehicles unless continued operation of the vehicle presents an imminent danger of death or bodily injury, and requires officers to identify themselves as law enforcement officers and to state their intent to shoot, if the situation allows this, prior to discharging a firearm and only in situations when an officer reasonably believes that the use of deadly force is necessary to protect the officer or others from an immediate threat of death or serious bodily injury; and

WHEREAS, the San Marcos Police Department voluntarily reports serious use of force data to the Federal Bureau of Investigation; and

WHEREAS, the San Marcos Police Department has been and desires to remain an agency of character that aims to be responsive to and respectful toward all people in this diverse community;

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. The City Council joins with cities across the nation in expressing opposition to the circumstances and tactics that led to the death of George Floyd at the hands of specific individuals of the Minneapolis Police Department.

PART 2. The City Council supports the San Marcos Police Department's current policies regarding the use of force and hereby requires the Department to review those policies annually and update them to minimize the risk of injury or death of citizens who come in contact with the police and to reflect the values this community places on treating all people with dignity and protecting the sanctity of human life.

PART 3. This resolution is effective immediately upon adoption.

ADOPTED on June 16, 2020.

Jane Hughson
Mayor

Attest:

Tammy K. Cook
City Clerk