



City of Elgin

Office of the City Manager

City Hall · 310 North Main Street · P.O. Box 591
Elgin, Texas 78621

STATUS REPORT CITY OF ELGIN POLICE DEPARTMENT

June 19, 2020

At the start of the current City Manager's administration in 2016, the Elgin Mayor and City Council expressed a desire to see a variety of changes and improvements in City operations. Concerns were expressed regarding various departments; and a definitive change was deemed necessary in response to the group's assessment of existing conditions and feedback received from city residents.

In several areas, it was determined that a change in leadership would be necessary to achieve the desired upgrades in City operations and services. This was particularly true within the City of Elgin Police Department (EPD), where Councilmembers identified several concerns and perceived shortcomings within many aspects of the department - including officer conduct, public contacts, communications with the administration, and the general professional expertise of the personnel employed at that time.

Given the goal of change in the overall culture of police services in Elgin, it became obvious that a new Chief of Police would have to come from outside the organization. Subsequently, Patrick South began his service as the Elgin Chief of Police on January 2, 2018.

Since that time, Chief South has implemented several changes and improvements within the EPD, but has been primarily focused on assembling a qualified, high-performing team of professionals.

Recent social media postings – some by anonymous and unreliable sources - may have contributed to some confusion amongst some of the Elgin citizenry regarding EPD practices and procedures. As such, the following is provided as a general review of City of Elgin and EPD operations and procedures:

Management of EPD and City Personnel

The City of Elgin operates under a Council-Manager form of government as mandated by the City Charter adopted by Elgin voters in 1985. Under the Council-Manager form (which is utilized by nearly all Texas cities), the City Council, *as a whole*, is responsible for legislative functions such as establishing policy, passing local ordinances, approving the annual budget, and developing an overall vision for the City - much like a corporate board of directors.

The position of Mayor is a largely ceremonial title with no executive functions, similar to a non-executive chairman in a corporation. Under Elgin's Charter, the Mayor's authority is equal to that of any individual Councilmember.

The Mayor and City Council appoints the City Manager to oversee the day-to-day operations and personnel and implement Council-defined policies. The City Manager position is similar to that of corporate chief executive officer (CEO), providing professional management to the board of directors. In addition to the City Manager, the City Council is also responsible for the appointment of one other City official, the Municipal Court Judge.

The City Council hires a City Manager "*solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office*" (Elgin City Charter) - and NOT based on his/her political allegiances.

All City personnel/employees – including all EPD officers and employees – work under the exclusive direction of the City Manager. Members of the City Council are not responsible for the management, selection, or discipline of City personnel (other than the City Manager and Municipal Court Judge). In fact, the City Charter specifically prohibits Councilmembers from intervening in personnel decisions: “*The council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager ...*” (Elgin City Charter).

It is within this organizational framework that the EPD operates. The Council-Manager form is designed to assure that day-to-day operations are managed by an experienced, qualified, professional staff, and not political appointees. This system also provides all City employees with security and confidence that the performance of their duties will not be unfairly or adversely impacted by political pressure – which in turn provides overall operational stability to the residents and taxpayers of Elgin

Employee Turnover

Like nearly all small, rural municipalities with limited resources to devote to compensation, the EPD has consistently experienced relatively high personnel turnover. That turnover rate, though, has been generally consistent through recent years.

Since 2016, the EPD has seen **twenty-one (21)** Patrol Officers separate their employment for a variety of reasons. Of that count, **nine (9)** Officers left their positions in 2016-17; and **thirteen (13)** Officers have left since the beginning of 2018 (the start of Chief South’s tenure).

However, of the thirteen officers that left their employment since 2018, two (2) were Officers who were unable to complete their probationary period and one retired strictly due to medical reasons. These numbers (combined with the fact that the comparisons are between a 2-year period and a 2-1/2-year period) demonstrate that the general turnover rate in the EPD has basically been the same for years.

One positive note related to this topic is the fact that several Officers who voluntarily separated prior to 2018 consistently cited “low pay” as a reason for their leaving. Since 2018, and the City Council’s approval of a Step-Pay Plan developed by Chief South, no Officer has cited “low pay” as their reason for leaving the EPD.

Most recently, long-time city employee Phil Taylor was terminated from his employment with the EPD on June 12, 2020. The City Council acknowledges and accepts the decisions made by the Chief of Police and City Manager in this regard; and no City Councilmember has expressed disagreement with the decisions made by city staff as it relates to Mr. Taylor’s termination. The City anticipates no additional public comment regarding this matter.

EPD Diversity

It is the stated goal of the City to have a Police Department that is demographically reflective of the community at large. With every new hire, City staff strives to improve or upgrade our diversity. However, we are often limited by the pool of qualified candidates from which we make these selections. Diversity within the EPD has clearly improved over the last two years, but there is still room for improvement.

The current EPD personnel roster includes **twenty-three (23)** Caucasian employees, **three (3)** African-American employees, and **six (6)** Hispanic employees. Of this group, **over 30%** are female. Further statistical evidence of the recent commitment to develop a more diverse department shows that since 2016, the EPD has hired **five (5)** African-American employees, **nine (9)** Hispanic employees and **fourteen (14)** Female employees.

Staff efforts will continue to focus on increased diversity within the EPD, but it is believed that the current staffing and effort made in hiring practices over the last two years may have already achieved the most ethnically and racially diverse EPD in the City’s history.

New Hires/Promotions/Discipline

The Chief of Police and the Human Resources Manager (like all other City departments and Department Heads) collectively manage the recruitment and hiring process for all EPD positions. Promotions and/or disciplinary actions follow a similar process. The City Manager technically has the final sign-off on all new hires, promotions, and terminations.

Appeals of Discipline or Termination

Within the Council-approved City of Elgin Personnel Policy, there is a system/procedure made available to all employees – including EPD employees – to appeal decisions or file grievances regarding any adverse personnel action. For that system to work, however, employees must engage in that process if they have a legitimate claim or grievance to be heard.

It is important to note that only one of the and thirteen (13) Officers who have left the EPD since 2018 have appealed their termination/separation of employment to the City Manager.

Complaints Against EPD Employees

The EPD has established an easy to use, fair, and impartial *Citizen Complaint Process* that allows “any citizen to file a complaint against a member, procedure, or policy” of the department.

All such complaints must be filed in writing and must be signed by the complaining party (No third-party complaints will be accepted unless they are filed by a parent or legal guardian). Complaints must be filed within 180 days of the incident in question. All other complaints will still be investigated, but no discipline greater than a reprimand will be issued unless the investigation reveals a crime.

Once a complaint is received, an EPD representative will send the complainant a written notice within three working days verifying the opening of an investigation. Within ten calendar days, the investigating supervisor will contact the complainant with a progress report on the investigation. All complaint investigations will be completed within 180 days.

Within 10 calendar days of receiving a completed investigative report, the Chief of Police will issue a final report on the complaint, that will include any disciplinary findings (if applicable).

Further information on the EPD *Citizen Complaint Process* (including forms in both English and Spanish) is available on the EPD website or by calling the EPD.

Open Records

The City of Elgin fully complies with the requirements of the Texas Public Information Act (often referred to as the Open Records Act) that provides a mechanism for citizens to inspect or copy government records. The law also provides that governmental bodies may withhold government records from the public in specific instances.

Most of the City of Elgin’s records are available to the general public through the submission of an Open Records Request (to the City Secretary’s Office). Certain personnel records for all City employees – including EPD staff – are also available to the public through this process.

Citizen Comments or Concerns

The City Manager and Chief of Police are – and have been - open to reasonable dialogue with any and all Elgin citizens or taxpayers regarding any issue related to the EPD. Given the times in which we now live, we are especially cognizant of creating and maintaining an appropriate and responsive relationship between the City of Elgin Police Department and our citizenry.



Thomas L. Mattis
City Manager