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## **Police chief outlines changes to department policies**

By Mollie Bryant

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Amarillo Police Chief Robert Taylor has outlined changes made within his department since the indictment of a former officer whose charges were later dropped.

The department has moved its overtime-paid directive patrol to the ProActive Criminal Enforcement Unit, which focuses on patrolling high-crime areas and arrests, he said. The unit, a reorganization of the Community Oriented Policing and Problem Solving Unit, has expanded its shifts to cover later hours.

The department is also reviewing its internal affairs policies, Taylor said, after charges against former officer Saulo Bravo were dropped due to information from the internal and criminal investigation being combined.

Another major issue has come to light with APD's recent release of the criminal investigation for the shooting.

"They didn't have probable cause — no probable cause whatsoever," Chief Robert Taylor said.

One of the officers involved, Marcus Bettag, admitted to a detective that the pair didn't have probable cause to enter the backyard on North Arapahoe Street or in another incident described in the report.

In that case, Bravo and Bettag entered an unfenced backyard on Bowyer Street to take VIN numbers for a trailer before it had even been reported stolen, according to the report. The next day when the theft was reported, the trailer was recovered.

Since 2014, Sgt. Earnest Douglass had approved undercover assignments for Bravo and Bettag, but the supervisor expressed concerns about Bravo's treatment of an informant on the day of the shooting.

According to the report, the informant told an APD sergeant that Bravo had kept his driver's license, "holding it hostage to gain cooperation."

As the officers began their shift the day of the shooting, Douglass expressed concerns about this, but gave Bravo permission to meet with an informant that day if a uniformed officer shadowed him, the report said.

In September, Bravo was indicted on a felony and misdemeanor charge, wherein prosecutors claimed he had concealed an affidavit, destroyed a supplement to an incident report and altered the report.

The investigation report shows that at the time of the shooting — about 2:30 a.m. Aug. 24 — Bravo didn't have an affidavit of suspected criminal activity at the Arapahoe house. He also held onto the report for days before turning it over to a detective, the report said.

According to the affidavit, a Suddenlink employee had visited the home to collect a payment.

He saw about five disconnected flatscreen TVs he thought had been stolen as well as surveillance cameras, and he thought the resident might be using drugs, he said.

None of these suspicions have led to criminal charges against residents of the home.

The Suddenlink employee had spoken about the house with his neighbor, an APD officer who mentioned the information during muster at the beginning of Bravo and Bettag's shift, the report said.

APD logs show Bravo visited the home of the Suddenlink employee during his shift on the evening of Aug. 24, the report said.

Bravo and Bettag often worked clandestinely together.

Cpl. Anthony Kennedy, who also was disciplined in connection with the shooting, told the detective that Bravo and Bettag routinely asked for an unmarked car and worked in plainclothes, but he didn't know what they did when they worked undercover, the report said.

Douglass was later placed on administrative leave for inadequate supervision of Bravo and Bettag.

After the shooting, Sgt. Mike Dunn was assigned the criminal investigation, and the Uniform Division, which former Col. Perry Gilmore oversaw, was assigned the internal investigation.

On March 20, 47th District Attorney Randall Sims dropped both of Bravo's charges, saying APD's criminal and internal investigations had comingling information, which reduced what his office could use as evidence.

Statements that police make during internal investigations can't be used as evidence against them, said Adam Bates, a policy analyst for Cato Institute's project on criminal justice. If a prosecutor is somehow exposed to Garrity material from the internal portion, it can't be used as evidence.

"The best way to do it is you just have to keep them completely segregated from each other," Bates said.

"You can't have material coerced from police officers in the internal investigation through the use of Garrity warnings, and you can't have that exposed to the prosecution team."

Some departments postpone internal investigations until after the criminal portion has been completed, but Bates said police have argued that could potentially delay removing rogue officers from the street.

"So you have perpetual tension and conflicting interests between police management and prosecutors' offices about whose investigation should take precedence," he said.

Sims said he knew when Bravo was indicted that he and Bettag had given Garrity statements, meaning an internal investigation was underway, but he thought at the time it would be acceptable if the internal and criminal investigations were kept separate. His office later discovered they had comingled.

"None of us had ever been through this before," Sims said.

"None of us are employment lawyers. ... There's nobody at fault here. Nobody did anything wrong."

Taylor said he wouldn't outrule requesting an outside organization investigate similar cases in the future, but APD does have staff trained to conduct internal investigations.

After Bravo's charges were dropped, Taylor ordered an internal review of the investigation that found Gilmore had expressed bias toward Douglass during the criminal investigation.

According to the investigation, Gilmore told an investigator, "The worst he (Douglass) was gonna get is a yellow sheet, even if he did order this kid to change his report."

Taylor said he wasn't aware of Gilmore's comments until after Bravo's charges were dropped, months after the investigation had wrapped up.

The chief said the case was locked and he relied on briefings for the case, during which no one mentioned the comments, he said.

He said Jeff Lester, who was head of the detective division at the time, would have been responsible for sharing the comments, but because the case was locked, Taylor is uncertain if the captain knew about them.

