San Antonio Police Officers' Association

"In the interest of efficiency and welfare of the San Antonio Police Department and its members"

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To: The Honorable Mayor and City Council
From: Detective Michael F. Helle President of the San Antonio Police Officers Association
Subject: Recent December 23, 2017 Smuggling case handle by SAPD

There has been a tremendous amount of attention drawn to our city over the recent events involving the decision by our Chief of Police to release 12 undocumented aliens and deviate from normal SAPD procedures to prosecute a smuggling case. As the elected voice of the men and women working for the San Antonio Police Department that represents them through contract negotiations, work related issues, healthcare, and grievances it is my duty to call for action. Never in my 28-year tenure working for the San Antonio Police Department have we witnessed such actions, taken by a Chief as were done on Dec 23, 2017 that have attracted so much media attention.
As a matter of reference for members of council, in 2016 our **ENTIRE** department, through in-service training, were taught the differences and proper way to handle human trafficking and smuggling cases and all available resources that support victims of such crimes. Although recent event descriptions through communications of our Chief have intertwined the definitions to create a plausible explanation for his most recent actions. The City of San Antonio has an entire page dedicated for explanation and understanding of the crimes. https://www.sanantonio.gov/SAPD/Human-Trafficking
Below are definitions that explain the difference between human trafficking and human smuggling.

- Human Trafficking is defined as the recruitment, harboring, transportation, provision or obtaining of a person for labor or services through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery. It includes any **act in which a commercial sex act is induced by force, fraud or coercion, or in which the person** induced to perform such act has not attained 18 years of age.
- Human Smuggling is defined as the importation of people into the United States involving deliberate evasion of immigration laws. This offense includes bringing illegal aliens into the United States as well as the unlawful transportation and harboring of aliens already in the United States.
- Human Trafficking and Human Smuggling are not interchangeable terms. Smuggling is transportation-based. Trafficking is exploitation-based.

These definitions do not go into the details of the proper way to investigate and prosecute these crimes as they are technical and very difficult and require the proper technical training and field experience to manage a positive outcome. As has been very well published, our department has received federal grant monies to teach and partner with our federal counterparts in fighting these types of horrible crimes. Our department has several SAPD detectives assigned to Homeland, and deputized as federal agents who work side by side with Homeland Security Investigation (HSI), in the investigation and prosecution of such cases. Our department already has a working protocol and has been taught through in-service training that Homeland agents along with our detectives are the experts in these types of cases. Hold down the scene and call them to investigate and take over. From that point, SAPD will assist where needed in transportation, any medical attention if necessary etc. On December 23, 2017, that was exactly what was happening until our Chief of Police, unrequested showed up at the scene. The City Manager is correct and that he can go to any call he wishes and change the rules of our operations as it

allow the experts to handle the case. The Chief instructed the HSI agent he wasn't needed and that SAPD would handle the case.

1. Why wouldn't he allow the proper investigating agency to handle this case? Hindsight will prove that his decision may have completely forfeited any prosecution of the actor(s).
2. Why were 12 of the subsequent actors involved (not victims being transported as noted in the definition of smuggling) released without properly identifying them? They all were released by order of the Chief, out the rear of our police headquarters to the charity agency he had called and arranged for pickup. (note: none of the institutions called by the chief are even listed in source material by the city) He continues to describe these actors as victims but, by definition, are a party to the offense committed. All suspects, even if you are unsure of their potential classification for your case should always be run through our SAPD database, TCIC and NCIC at the very least. For proper prosecution everyone must be identified if summoned to court, but in this case, all were released without proper vetting of identification. Basically, SAPD doesn't know who they really are or even how to find them again if needed for court. To add insult to injury, our databases are limited hence why we collaborate with Federal Agency's to utilize their extensive network of data for such cases.
3. Why did the Chief order that no one be properly identified? If not, who did? Another reason his deviation is noteworthy is that the last case our Bexar County DA's Office handled for smuggling was back in 2011. All cases are filed federally for proper prosecution jurisdiction and to maximize the penalty for committing these terrible crimes.
4. Why would the he decide to prosecute for a lesser state offense in lieu of a more serious federal offense?

These are only a few of the questions regarding the Chief's actions and decisions made on 12/23/2017. As president representing the membership, I feel the actions he took that day were in direct conflict with the expectations set by the departments rules and regulations. The specific actions taken can be seen as contradictory with the previous disciplinary actions taken by the Chief in prior disciplinary cases. Prior punishments for offenses he has reviewed have resulted in severe disciplinary actions, such as terminations. Only time will tell us the full impact of his decisions but, our outcry to you is to place him on Administrative leave pending the full investigation of a State or Federal agency best equipped in understanding the complexities of this situation and to investigate if any State or Federal laws have been violated, in addition to the obvious violations of the general manual. This action would eliminate any appearance of special treatment or the fear of possible retaliation.

In closing, I would like to thank you for your time and consideration in this most serious matter. I apologize for the lengthy correspondence but due to the complexity of the matter it was unfortunately necessary. I am at your disposal to further discuss, clarify or provide additional details.

Respectfully,

Detective
Michael F. Helle
President San Antonio Police Officers Association

City of San Antonio website

HOW TO REPORT HUMAN TRAFFICKING

If you suspect that you or someone else is a victim of human trafficking, please contact Sex Crimes by email: or call the Sex Crimes Unit at 210-207-2313, Monday – Friday, between 7:45 am and 4:30 pm. The after-hours contact number for the Night Detectives is 210-207-7389. If a criminal offense is in progress, please call 911 for a life threatening emergency, or the non-emergency line for a non-life threatening event at 210-207-SAPD or 210-207-7273.

ADDITIONAL RESOURCES AND INFORMATION

San Antonio Police Department You Tube Channel: https://www.youtube.com/channel/UC3-Sd7y6-2eKzSLfS3e-Xdw
Immigrations and Customs: http://www.ice.gov/human-trafficking/
FBI: http://www.fbi.gov/about-us/investigate/civilrights/human_trafficking
US Department of Labor: http://www.dol.gov/ilab/programs/ocft/