



# 2012 Six Month Update January 1—June 30

The Office of the Police Monitor is pleased to present the Six Month Update for 2012. This update covers the first six months of the 2012 calendar year and includes data and statistics relating to the number and types of complaints, geographic area of the incidents, as well as a breakdown by the race/ethnicity of complainants.

In the first half of 2012, 618 people contacted the OPM with the in-

tent of filing a complaint. As of this writing, it looks like calendar year 2012 will be the third year in a row where the overall number of complaints received will fall below that of the previous year for both External Formal complaints as well as Supervisory Inquiries.

The Mediation program got into full swing during the first half of 2012. Find more information on page 5.

Part of the OPM's charter is to help improve relations between the public and the APD. Along these lines, the OPM has undertaken a program reaching out to middle school students who have incarcerated family members. More on this program is available on page 6.

Finally, the OPM presents another approach to predicting police behavior—one already in widespread use in many industries. Read more on page 7.

## Functions of the Police Monitor's Office

- ☐ Assess citizens' complaints
- ☐ Monitor Internal Affairs' investigations
- ☐ Monitor APD policies and practices
- ☐ Publish Reports on Activities of the Office
- ☐ Conduct community outreach programs and educational forums

The OPM was created and developed to promote mutual respect between the Austin Police Department (APD) and the community it serves.

Through the OPM's outreach efforts, we will educate the community and law enforcement to promote the highest degree of mutual respect between police officers and the public. By engaging in honest dialogue over issues and incidents that impact the community and law enforcement, the Office of the Police Monitor will enhance public confidence, trust, and support in the fairness and integrity of the Austin Police Department.

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<http://www.ci.austin.tx.us/opm/>

### Special points of interest:

- *External Formal complaints as well as Supervisory Inquiries are down over this time last year*
- *Code of Conduct issues are again the most frequently reported allegations*
- *Complainants are somewhat disproportionate to their representation within the City*

## Number/Types of Contacts—External & Internal

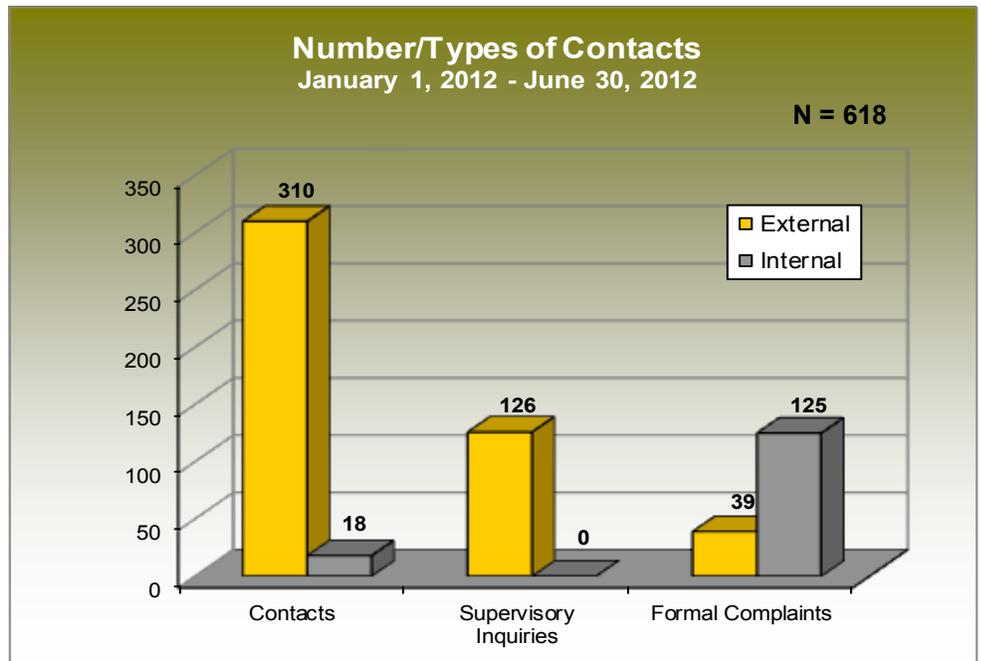
During the first half of 2012, the OPM was contacted by 618 people wishing to make some sort of complaint against a member of the APD. In this graph, there are three categories of complaint types. The first is “contacts.” This category includes persons that reached out to the OPM with the intention of filing a complaint but, for whatever reason, did not do so or it was discovered that the complaint involved an agency other than the APD.

Supervisory Inquiries are a complaint type reserved for less severe policy violations or to clarify the APD’s rules and regulations.

Formal complaints are typically reserved for cases alleging a more severe policy violation.

If, as in the past three years, the OPM takes in fewer complaints in the second half of the year, the number of External Formal complaints will be down significantly from 2011 where the year ended with 103 External Formal complaints. It is anticipated that the number in Internal complaints will be on par with 2011 or slightly higher.

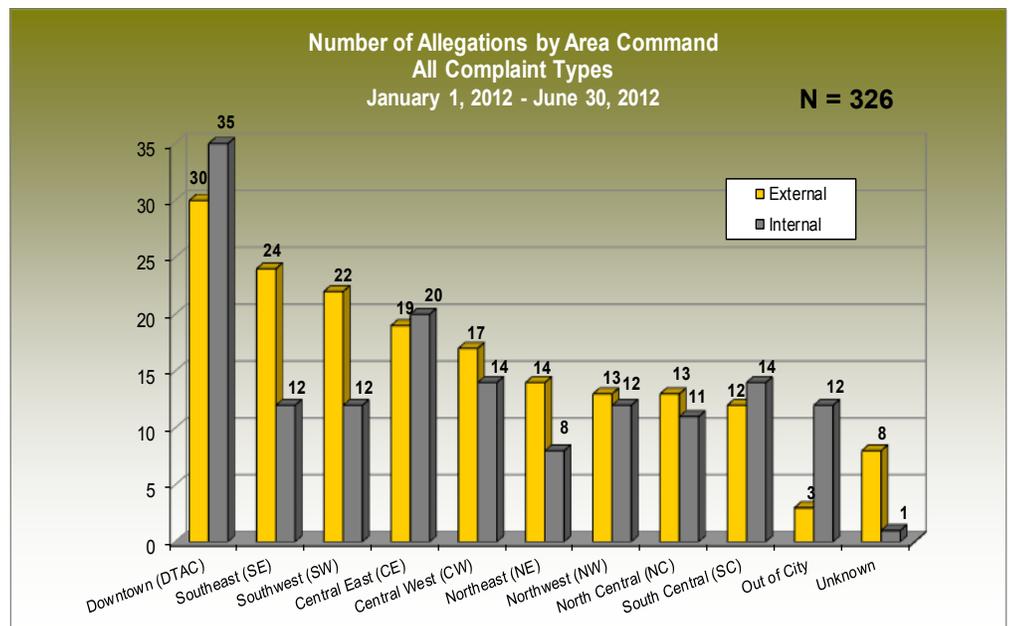
At the current pace, there will likely be even fewer Supervisory Inquiries in 2012 than in 2011 putting 2012 at a 5 year low with regard to the overall number of complaints.



## Number of Allegations by Area Command—External & Internal

In the first six months of 2012, there were 326 allegations listed against the APD. This number includes all Formal complaints as well as all allegations associated with Supervisory Inquiries.

The Downtown area command had the greatest number of allegations asserted during the first six months of 2012 with 65. The second and third highest number of allegations were in the Southeast and Southwest area commands with 36 and 34 allegations, respectively. Almost all of these allegations have to do with Code of Conduct-related issues. Out of City complaints are those involving alleged conduct by APD officers occurring outside the city limits of Austin, usually while off duty.

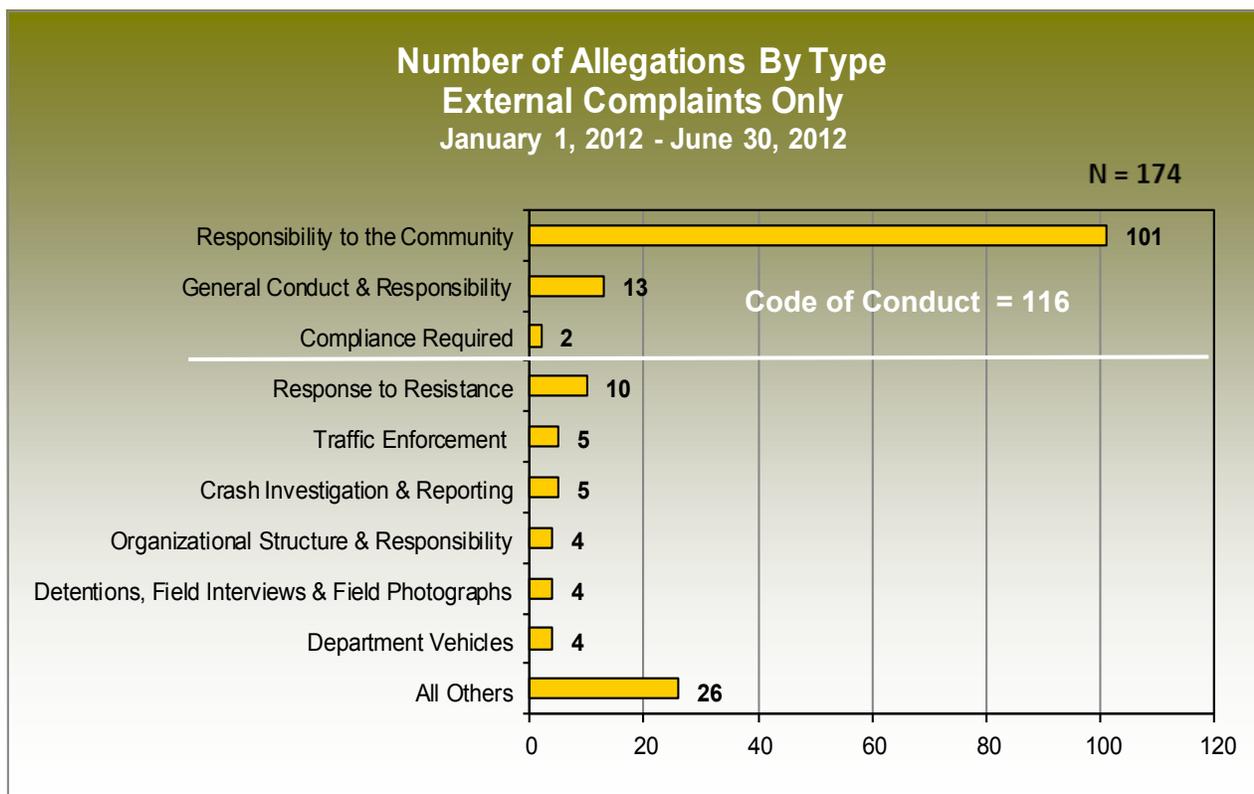


# Number/Types of Allegations—External Complaints

For the past 18 months, the OPM has reported a spike in one particular allegation—Interviews, Stops and Arrests. For the first half of 2012, there are no allegations of this type to report. Instead, Code of Conduct-related issues again stand alone as the single most-reported allegation at 116.

With the switch in 2011 from the old General Orders to the new policies entitled “Lexipol,” the language used in the table below may appear slightly different than what has been reported in the past. For example, note that there are three allegations, 1) Responsibility to the Community, 2) General Conduct and Responsibility, and 3) Compliance Required, that when summed total the 116 Code of Conduct allegations. Under the General Orders, these would have been listed as one allegation, i.e., Code of Conduct.

The vast majority of Code of Conduct complaints revolved around “Responsibility to the Community.” This allegation includes, but is not limited to, impartial attitude, courtesy, duty to identify as a police officer, and neutrality in civil actions.



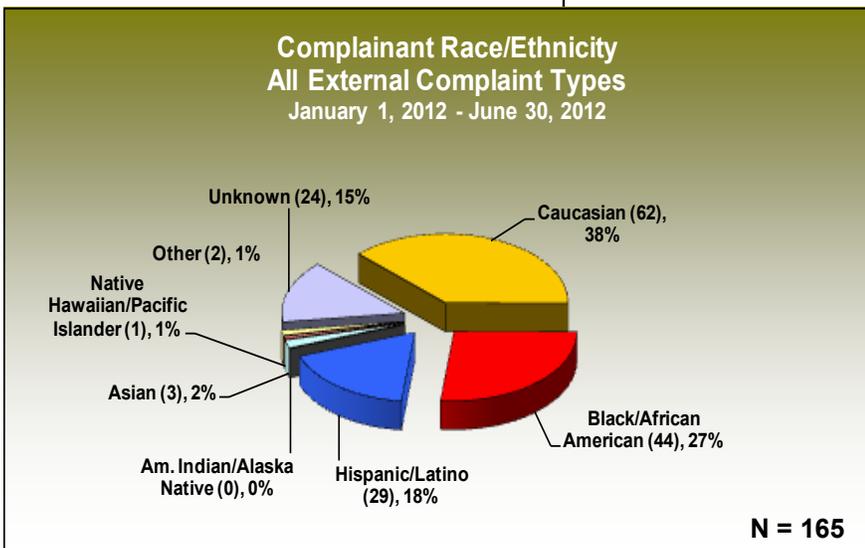
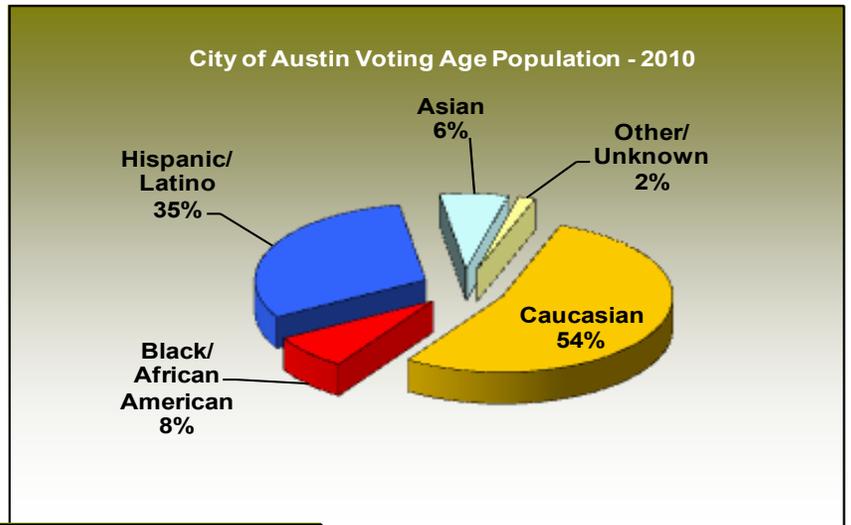
**Note:**

1. The graph on this page includes external complaint allegations only, specifically, External Formal complaints and Supervisory Inquiries.

# Complainant Demographic Information

The members of the public that classify themselves as Caucasian filed more complaints overall than any other group in the first half of 2012. The filing rate of every racial/ethnic group was lower than their representation within the voting age population of the City except for the Black/African American community. Overall, Blacks/African Americans filed at a rate that is two-thirds greater than their representation within the voting age population of the City.

Again, when looking at Supervisory Inquiries and External Formal complaints combined, the percentage of complaints from

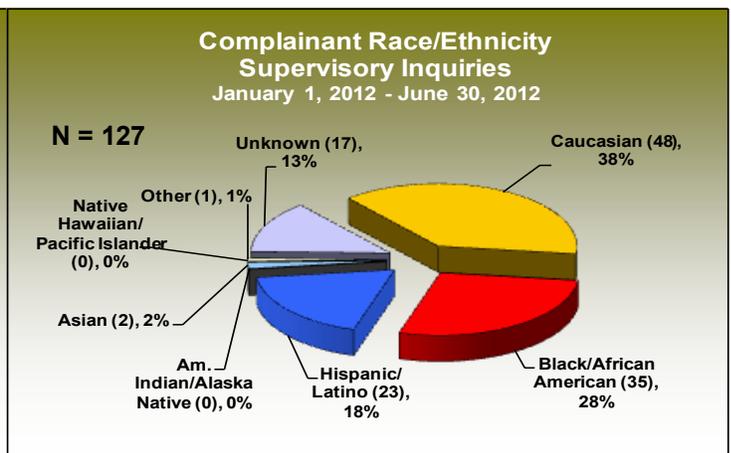
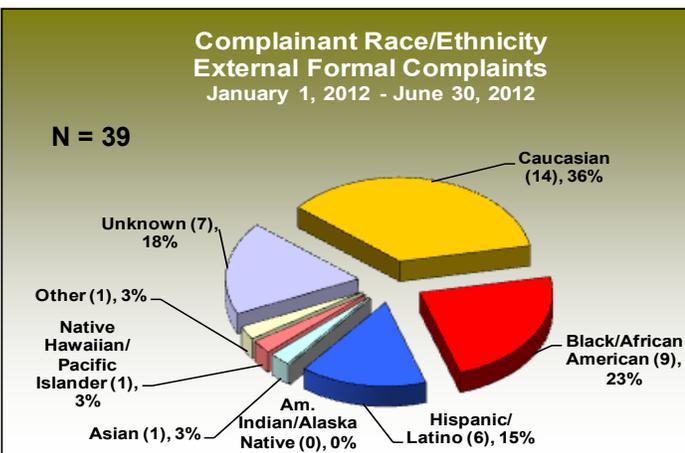


Caucasians in the first half of 2012 has remained relatively constant since 2010. During this same timeframe, the percentage of Hispanic/Latino complainants took a slight drop. The number of complaints from Black/African Americans experienced a very slight increase.

When looking at these numbers by type of complaint and focusing on External Formal complaints only, in the first half of 2012, the number of Formal complaints filed by Caucasians, unlike 2011, was higher than that of Black/African Americans.

In the first half of 2012, there was a very high number of people filing complaints

that did not provide demographic information, however, given that the percentage of complaints by racial/ethnic group is consistent with what the OPM has seen in the past, the OPM does not believe this would have a substantive impact on any one group.



# Mediation: An Alternative to the Complaint Process

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The Austin Police Department (APD), working collaboratively with the Office of the Police Monitor, the Austin Police Association, and the Dispute Resolution Center (DRC), has developed a mediation program for police officers and citizens to resolve minor complaints. Mediation will allow police officers and complainants an opportunity to sit down for a face-to-face conversation related to complaints. This process allows the officer and the complainant to resolve their differences themselves, rather than rely on the judgment of others.

Mediations will be mediated by volunteers and will occur at the Dispute Resolution Center, a neutral facility located inside the Chase Bank building at Capital Plaza. The mediation sessions between APD officers and complainants will not yield any written agreements between the parties, nor will they result in any discipline for the involved officer. Information shared in the mediation session is confidential and nothing revealed during the course of the session can be used at a later date in any court matter or civil proceeding. Additionally, the mediation sessions will not be recorded.

Unlike typical mediation, the parties are not required to make any offers in compromise and are not asked to work toward an equitable resolution of their differences. The APD policy only requires that the parties participate in a respectful and productive conversation related to the complaint. Neither party is required to admit any wrongdoing or make any apologies for their actions. The parties may, however, after talking to one another and hearing the other's perspective, extend an apology. Complaints that are successfully mediated will not be returned to the APD's Internal Affairs Division for investigation.

With strong support from the Austin Police Association, the Austin Police Department, and the Office of the Police Monitor, these entities sincerely hope that members of the public and Austin police officers will avail themselves to mediation as a complaint resolution option.

An informational brochure and training video on the mediation process is available on the OPM website. The Austin Police Department, the Austin Police Association and the Dispute Resolution Center are currently working with their website developers to include this information on their websites as well.

# Community Outreach: The “Behind Bars” Youth Program

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Many school children in Austin have family members in prison. When a person is incarcerated, much of the family’s attention is focused on saving the accused. Children are usually not part of the conversation and may be left bewildered, as they powerlessly witness the unfortunate circumstances unfolding. They try to make sense of what’s going on, but may have more questions than answers. All they really know is that a loved one is gone and may never return. In a sense, it feels like they are also “serving time.” Left unattended, the hurt and pain these children carry can manifest in negative ways. *Behind Bars: Doing Time on the Outside*, is an initiative geared toward middle-school students that brings this delicate and complex topic to the forefront. In a group setting, students meet others facing the same challenges. They begin to understand they are not alone in the world, that there are others in the same school, perhaps in the same grade, with loved ones in prison.

Many of these children blame the police for taking away their parent or other loved one, particularly if they witnessed law enforcement forcibly removing a loved one from the home. These children may have trusted police officers before, yet many no longer will after seeing their loved one being taken away. *Behind Bars* takes steps to address these feelings.

The program introduces uniformed Austin Police Department officers to the children who are selected on their ability to connect well with middle-school students. Most presenters mirror the ethnic background of the students in the program, providing positive role models to whom the children can more directly relate.

During the course of the program, the officer engages participants in an overview of investigations. Each student becomes an “investigator” and together, guided by the officer, students seek clues to solve a fictional crime. In more than one instance, a student has come forward to express his or her interest in becoming a police officer.

Once the fictional investigation is complete, the case file is transferred to a guest judge. Among other things, the judge will share the importance of having “probable cause” in order to proceed in court. This session generally yields an assortment of student questions such as whether judges enjoy sending people to prison, questions about notorious cases, or questions related to the child’s personal situation.

By far, the most surprising session in the series is when a police officer talks about what it was like for him when his family member went to prison. Students are usually very surprised to hear that a police officer could possibly have had this experience. The conversations are frank, with the officer acknowledging that he loves his family regardless of what they did.

The eight-week series concludes with a celebration. Attendees receive certificates of appreciation and enjoy pizza and soft drinks or fancy cupcakes.

*Behind Bars: Doing Time on the Outside* is crafted to meet the needs of each specific school. At a charter school that receives students who have been removed from their neighborhood school, extra sessions are provided to meet their needs.

The program debuted at three schools in the Spring of 2012 and is scheduled at three more in Fall 2012. Conversations are ongoing to include additional middle schools.

# Another Approach to Predicting Police Behavior

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Over the past few half yearly updates, the OPM has spent some time discussing how to predict and mitigate inappropriate police conduct. Earlier discussions included use of an early warning system as well as identifying certain traits as predictors of behavior. In this article, the OPM will be discussing how to measure and then use variables to weed out applicants as part of the police cadet selection process. In eliminating applicants based on measureable tendencies, not only is it possible to cut down on misconduct but also to save the expense of training an officer only to be forced to expend even more revenue in handling complaints down the road.

A study published in 2006 entitled, “Profiling Police: Evaluating the Predictive and Structural Validity of an Actuarial Method for Screening Civil Liabilities Among Police Officer Candidates” found that an actuarial approach, i.e., measuring tendencies, when conducting police candidate screening can offer a robust prediction of behavior. The use of actuarial techniques is prevalent in many industries including banking and insurance. For example, the insurance industry uses actuarial techniques every day whereby a company will use these techniques to predict a person’s life expectancy or likelihood of having a car accident when deciding whether to issue an insurance policy and when assessing a premium. This study took actuarial practices and applied them to predict behavior of police applicants. What was found was that candidates with certain tendencies were more likely to become “bad” officers. It also identified those were more likely to become “good” officers but that might need a bit of training in some areas.

For those deemed more likely to fall into the “bad” category, these tendencies identified included evasiveness, bizarre mentality, family problems, insubordination, and prior complaints related to previous employment. How these tendencies were identified was by comparing a candidate’s profile, generally determined through psychological screenings, to thousands of preexisting profiles of police officers to determine whether the candidate was more similar to “good” cops or “bad” ones. In this particular study, only three models were developed—tendencies toward Excessive Force, Racially Offensive Behavior and Sexually Offensive Behavior.

The candidates were compared to a pool of 2,852 police officers who had completed assessments at a private psychological practice. Indices of “good” and “bad” officers were determined on the basis of post-test assessments, supervisor ratings, incident reports, reprimands and complaints from the public. What was discovered was that those displaying evasive tendencies along with infractions from previous employment were also the most likely to use excessive force. Those displaying evasive tendencies along with family problems were most likely to exhibit sexually offensive behavior. In this study, having a history of offensive and volatile behavior was the only significant predictor of racially offensive behavior.

This is just one study and, therefore, the OPM advocates significantly more research be done before the methods tested here be put into widespread use. If, however, after more testing, it is proven that an actuarial approach to screening police officer candidates could provide a robust prediction of behavior, these techniques could go a long way toward improving the overall perception of police departments as well as protecting members of the public.

The full report may be found at: <https://www.ncjrs.gov/pdffiles1/nij/grants/214121.pdf>



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*The Police Monitor's Office is the main location for accepting complaints filed by members of the public against police officers. To file a complaint with the Office of the Police Monitor, the public can contact our office by telephone, facsimile, mail, email, or in person. The Police Monitor or a member of the Police's Monitor's office will conduct an initial interview with the complainant and will explain the oversight and investigative processes. The Internal Affairs Division of the Austin Police Department or the subject officer's chain of command will conduct an investigation. The Office of the Police Monitor will participate in the APD investigation. The Office of Police Monitor will make policy recommendations to APD. Upon conclusion of the investigation, the complainant will be notified in writing of the outcome.*