

**City of Austin**

**Office of the Police Monitor**

**2007 Annual Report**

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## **EXECUTIVE SUMMARY**

The Office of the Police Monitor (OPM) annual report is intended as a disclosure tool for the public. It enables the OPM to provide transparency into the Austin Police Department (APD) complaint investigative process, review behavior patterns of APD officers, and build policy recommendations. The statistics herein were gathered at the OPM as well as via the APD Internal Affairs Division (IAD) and the City of Austin Human Resources Division. Below are some of the key findings from 2007.

### **The year 2007 saw great change at the OPM.**

In January of 2007, the OPM welcomed new Police Monitor Mr. Cliff Brown, Esq. Mr. Brown is an attorney with over 17 years experience. Mr. Brown has extensive litigation experience and has worked both sides of the aisle as both a defense attorney and prosecutor. He has held the position of Assistant District Attorney with the Bronx District Attorney's Office in New York City as well as being a partner in a private law firm.

Mr. Brown and his family relocated to Austin in 2000, whereupon he accepted a position with the Travis County District Attorney's Office. In 2004 Mr. Brown was selected to serve in a newly-created position as a Community Prosecutor in the North Central area of Austin. In January of 2007, Mr. Brown was selected by the City Manager to serve as the City of Austin's Police Monitor.

Another major personnel change occurring in 2007 was the hiring of new Austin City Police Chief, Art Acevedo. Chief Acevedo began his duties with APD in July 2007 after serving over 20 years with the California Highway Patrol (CHP).

The OPM changed its approach towards community outreach in 2007. Prior to 2007, the OPM would maximize on meetings organized by different community groups and take its message of oversight and information on its services to as many of these meetings as possible. In 2007, the OPM continued to attend multiple community meetings but also concentrated on bringing its message to each of APD's area commands. The OPM held separate community meetings in five of the nine APD area commands in 2007 and plans to hold similar meetings in the remaining area commands in 2008.

Also in 2007, the OPM and IAD engaged in the creation of a joint database that would house complaint information for both agencies. Prior to this, the OPM and IAD maintained independent databases, making for much data entry duplication as well as discrepancies in numbers provided in annual reports. Some statistics included in this report were extracted using the joint database, while others are from the original OPM database. In future reports, all data will come from the joint IAD-OPM database—the Internal Affairs Case Management System (ICMS).

### **In 2007, the OPM processed the greatest number of complaints since the inception of the Office.**

The OPM saw an increase of 49 percent in the total number of contacts between 2006 and 2007. In 2007, the OPM received 1,419 contacts. The greatest number of contacts prior to 2007 was 1,249 in 2005.

A “contact” is defined as any instance where an individual reaches out to the OPM with the intention of filing a complaint. So, while the number of people who contacted the OPM with the intention to file a complaint went up, the number of actual complaints, i.e., supervisory inquiries and formal complaints, also increased but not as drastically with smaller increases of 16 and 21 percent, respectively.

In 2007, the OPM monitored 344 formal complaints compared to 285 in 2006. The increase revolved primarily around the number of external complaints (complaints lodged by the public) which increased by 37 percent between 2007 and 2006. Internal complaints (complaints lodged within IAD) remained relatively stable, with a slight increase of only 8 percent.

#### **What is a contact?**

Contacts include all individuals contacting the OPM with the intention of filing a complaint. During a consultation with a complaint specialist, the complainant is made aware of the types of complaints available to her/him. Contacts are divided into three types:

- 1) **Supervisory inquiries** – informal complaints handled by the officer’s supervisor within 30 days of the inquiry;
- 2) **Formal complaints** – complaints investigated by IAD; and,
- 3) **Contacts** – an individual calls with the intention of filing a complaint but the incident does not:
  - Meet the criteria outlined in APD’s General Orders, Policies, and Procedures;
  - The individual does not provide sufficient information for follow up;
  - The individual is not available for follow up;
  - The individual chooses not to follow through with the complaint process;
  - The incident involves a complaint against a law enforcement agency other than APD; or,
  - Is a matter best handled by the courts or other agency.

Of those individuals who contacted the OPM, 43 percent filed some type of complaint—either a supervisory inquiry or a formal complaint. This is a smaller proportion than that seen in 2006, when 54 percent of contacts evolved into actual complaints. Interestingly, in 2005 when there was also a higher number of contacts, only 46 percent evolved into actual complaints. There could be a variety of reasons as to why when the number of contacts goes up, the number of actual complaints goes down. The OPM will continue to monitor this in order to form a factual conclusion.

The OPM does not solicit complaints. However, the OPM does actively engage in outreach to the Community to increase awareness of its services. It is possible that the overall increase in contacts was partly a result of the change in the OPM outreach approach described earlier. The OPM held separate community meetings in five of the nine APD area commands. Meetings were held in the Central East, North Central, Southeast, Southwest, and Downtown area commands. Interestingly, increases in the number of complaints were seen in all of these area commands, especially in the Southeast, Southwest, and North Central area commands. In order to determine if this change in outreach activities has, in fact, had a direct impact on the number of contacts to the OPM, the OPM may survey complainants to learn where they first heard of the Office.

IAD and the OPM have agreed to collaborate to make their services more accessible to the public by extending their business hours when necessary. These efforts are intended to make the OPM's services available to all members of the public.

**Recommendations:**

- 1) The OPM will monitor and record changes in contacts received in order to determine how these may be related to past outreach efforts as well as to help in planning future efforts.
- 2) Continue to offer flexible business hours for those individuals with stricter work and family schedules.
- 3) Continue its outreach efforts as well as expand the breadth and depth of its events and activities.

**Number of allegations increased by 26 percent between 2006 and 2007.**

Complaints are made up of allegations. A single complaint can contain one or more allegations involving one or more officers. The number of allegations investigated by IAD and monitored by the OPM in 2007 increased by 26 percent from the number investigated and monitored in 2006. This increase was generally evenly distributed among supervisory inquiry allegations and formal allegations, with increases of 33 and 22 percent, respectively. It is important to remember how the complaint process works when assessing these increases in the numbers of allegations. In the past, IAD would select a group of main allegations that it would include in its investigation of a complaint, regardless of the number of allegations presented by the complainant. Previously, the process allowed IAD to determine the number of allegations that would be investigated. In other words, a complainant might have made five allegations but IAD may have only chosen to investigate four of the five.

Another factor that could contribute to changes in the number of allegations is the use of IAD's "Other Factors to be Considered by the Chain of Command" section of their investigative reports. In this section, IAD presents allegations that were not brought forth by the complainant, but were discovered during the investigation. This section may also include allegations that were brought forth by the complainant but that IAD did not deem to be major complaints and/or issues that, in their opinion, rose to the level of a policy violation. In July of 2007, after hearing from a complainant at a Citizen Review Panel meeting, newly-appointed APD Chief Art Acevedo stated that he would work towards IAD fully addressing the concerns of complainants and assigning an allegation to each of these concerns. This approach brings the OPM and IAD closer to adequately responding to an individual's complaint and investigating all allegations brought forth by a complainant as well as to any violations discovered during an investigation. Only this process allows the OPM to truly present the actual number of allegations brought against officers of APD per year and for APD to address all issues confronting its force. It is possible that this new approach also contributed to the increases in allegations between 2006 and 2007.

**Code of Conduct is still the most common allegation presented by the public; Use of Police Vehicles was the most common allegation from within the Police Department**

**What is a Code of Conduct allegation?**

Code of Conduct allegations include:

- **Compliance** – knowing, understanding, complying with, and reporting violations of laws, ordinances, and governmental orders;
- **Individual Responsibilities** – dishonesty, acts bringing discredit to the department, police action when off-duty, etc.;
- **Responsibility to the Community** – courtesy, impartial attitude, duty to identify, etc.;
- **Responsibility to the Department** – loyalty, accountability, duty to take action, etc.; and
- **Responsibility to Co-workers** – relations with co-workers, sexual harassment, etc.

Of all the allegations reviewed by IAD, 56 percent of all supervisory inquiries and formal complaint allegations were related to Code of Conduct issues. Code of Conduct general orders do not merely provide a guideline as to what is expected behavior for APD officers but these general orders go beyond the scope of policing and many times cover issues of moral fortitude. Within the umbrella of Code of Conduct fall a few allegations that are of a particularly sensitive nature. These include: impartial attitude – the equitable treatment of all parties; compliance of laws, ordinances, and governmental orders; acts bringing discredit to the department; dishonesty; and sexual harassment. APD's goals and mission include maintaining a level of professionalism, engendering trust in the Community, and improving the quality of life of Austin residents. APD must continue to stay true to its mission and hold officers accountable for actions that do not coincide with its goals.

**Recommendations:**

- 1) The OPM will continue to monitor cases in a way that ensures IAD investigates all allegations brought forth by a complainant as well as any allegations discovered during the investigation.
- 2) Considering the comportment of a police force will show how it values excellent community policing and how it is abiding by its goals and objectives, it is the OPM's recommendation that supervisors and fellow officers continue to hold their colleagues to the highest standard of behavior and report possible code of conduct violations to IAD.

## **More Critical Incidents in 2007 than in any prior year.**

In 2007, APD investigated 8 Critical Incidents involving citizens, up from 2 in 2006. Of the 8 incidents, officers were disciplined in two.

### **What is a Critical Incident?**

Critical Incidents, regardless of any allegations of misconduct, include:

- Pursuits resulting in serious bodily injury or death;
- Officer-involved shootings; or,
- Any incident resulting in serious injury or death of a person.

## **The Downtown Area Command continues to lead in the total number of allegations as well as Use of Force allegations. The Southwest, Southeast, and North Central area commands also experienced increases in the total number of allegations.**

North Central (NC), Southeast (SE), Southwest (SW), and Downtown (DTAC) area commands all experienced increases in the number of allegations from 2006 to 2007. Central East (CE), Central West (CW), Northeast (NE), South Central (SC), and Northwest (NW) experienced decreases in the number of allegations during this same time period. The Community pays particular attention to certain types of allegations, Use of Force being one of these. In reviewing the types of allegations filed by area command, Downtown continues to have the greatest number of excessive Use of Force allegations. In 2006, Downtown experienced a drop in the number of allegations and only a slight increase in the number of complaints. In 2007, Downtown increased in number of complaints, number of allegations, and incurred the greatest number of excessive Use of Force allegations. Allegations of excessive Use of Force are not unique to Downtown, however, as of 2007, Central East, Southwest, and Southeast experienced a large increase in the number of Use of Force allegations as well. APD and supervisors in these area commands must strive towards the use of de-escalation tactics that diffuse volatile situations.

### **Recommendation:**

- 1) The OPM recognizes the unique nature of the entertainment districts, i.e., the Downtown command area. However, the OPM encourages APD to continue to use tactics of de-escalation in order to diffuse these volatile situations. Further, the OPM encourages APD to address Use of Force allegations in all sectors where increases in allegations are experienced and not just the Downtown area command.

## **Increase in bias-based allegations in 6 of the 9 area commands.**

Another allegation of particular interest to the Community and the OPM is the allegation of bias-based profiling. There was an overall increase of 73 percent in the total number of bias-based allegations between 2006 and 2007. In fact, all area commands, except for Northwest, South Central, and Southwest, saw increases in the number of bias-based profiling allegations between 2007 and the previous year. A common saying at the OPM is that "perception is reality." While the OPM and APD have very few ways of truly determining if an officer has racially profiled a complainant, the reality to the complainant is that of bias. APD must continue

to dismantle the sense of distrust and belief in bias that some members of the Community have. For this reason, APD and supervisors in the command areas that experienced increases in bias-based profiling allegations should evaluate possible reasons for this increase as well as continue to reach out to community members in order to maintain a sense of trust and service.

**Recommendation:**

- 1) In light of the increases in bias-based profiling allegations seen in most area commands in 2007, the OPM recommends that APD supervisors evaluate reasons for these increases and continue to reach out to the Community in order to maintain a sense of trust between APD and the public.

**Agreement between IAD and the OPM regarding case classification and IAD allegation recommendations increases.**

Since the OPM began its mission of oversight, there has been notable agreement gap between IAD and the OPM in relation to case classifications and allegation recommendations. This was particularly true for external versus internal cases. Cases are classified by IAD according to the severity of the allegations included in the case. Generally, agreement rates were relatively high for cases that received the more severe allegation classifications. However, for those cases that received the less severe allegation classifications, there was less agreement between IAD and the OPM.

**How IAD classifies a complaint.**

IAD uses the following criteria in classifying complaints:

- **Administrative Inquiry** – no allegation of misconduct can be found but the matter is considered of concern to the public and/or the Department. All critical incidents begin as Administrative Inquiries.
- **A** – allegations are of a serious nature;
- **B** – allegations are less serious violations of department policy, rules, and regulations;
- **C** – allegations do not rise to the level of a policy violation, but contain a training or performance issue; allegations are initiated after a prolonged period of time; allegations are made against an officer who cannot be identified; allegations are of a less serious nature and the complainant refuses to cooperate; and/or allegations involve an ongoing criminal investigation – IAD will investigate the administrative violations after the criminal investigation is completed; or
- **D** – there is no allegation or misconduct by an officer.

In 2007, while discrepancies in case classification between external and internal cases continued, agreement rates increased. Nineteen percent of internal cases were classified as “A.” This compared with 5 percent of external cases receiving the same classification. One factor that likely contributed to the increase in agreement in case classifications is that IAD and the OPM now share a common database. This means that information between the two entities now flows at a greater and less impeded way.

Similar to case classifications, the OPM reviews each IAD allegation recommendation and determines whether it agrees or disagrees with the recommendation. In 2007, the OPM agreed with 85 percent of external case allegation recommendations. This rate was 78 percent in 2006.



The OPM agreement rate for internal allegation recommendations in 2007 was 96 percent, compared to 94 percent in 2006. These high agreement rates were seen despite the apparent discrepancy in the allegation recommendations made for internal versus external cases. The difference in agreement rates between internal vs. external cases is likely explainable in that internal cases are cases brought by one officer upon another. Those bringing the case would have a higher level of understanding of APD's general orders than would the general public. It stands to reason, therefore, that internal cases will likely contain accusations that can be directly mapped to a specific policy violation.

**What kind of recommendations can IAD make on allegations?**

IAD can choose from any of the following recommendations:

- **Exonerated** – The incident occurred but is considered lawful and proper.
- **Sustained** – The allegation is supported or misconduct discovered during investigation.
- **Unfounded** – The allegation is considered false or not factual.
- **Inconclusive** – There is insufficient evidence to prove/disprove the allegation.
- **Administratively Closed** – No allegations were made or misconduct discovered and/or complaint closed by a supervisor.

The following breakdown outlines some of the allegation recommendations for internal and external cases. Forty-nine percent of external allegations were recommended to be "Administratively Closed," whereas a smaller portion (8 percent) of internal case allegations received this same IAD recommendation. In contrast, the majority (81 percent) of internal cases, compared to 12 percent of external cases, were "Sustained." Also, more external cases than internal cases were "Unfounded" (17 percent and 4 percent, respectively). These distinctions in IAD allegation recommendations have been observed in numerous previous OPM Annual Reports, where the majority of external allegations were either "Administratively Closed" or "Unfounded" and the majority of internal allegations were "Sustained." In 2007 agreement rates between IAD and the OPM relating to allegation recommendations continued to increase. Some of the factors described in the case classification section may apply here as well.

Examination of IAD case classifications as well as IAD allegation recommendations will continue to be monitored by the OPM.

**Recommendation:**

- 1) The OPM will continue to work with IAD to decrease time between intake, case classification, and allegation recommendation.
- 2) The OPM will maximize use of the joint database and promptly enter opinions as soon as the necessary IAD information is available.
- 3) The OPM should continue to monitor the apparent discrepant treatment of external versus internal cases.

**Age of officer, not years of service, appears to separate repeat subject officers from subject officers with single cases.**

In 2005, an analysis of the characteristics and demographics of officers referenced in complaints revealed that some newer or less experienced officers were more likely to incur complaints than others. While the number of years served by subject officers ranged from seven months to over 31 years, the average number of years served was slightly less than 11 years, and the most common number of years served by officers cited in complaints was 1.5 years. In 2006, the number of years served included a similar range of approximately seven months to 31 years and a similar mean of 10 years. However, the most common number of years served was 4 years. Similarly, in 2007 subject officers ranged in years of service from 1 to 29 years and average tenure was 9 years. These findings show that officers with between five to nine years of service incurred more complaints in 2007. Such findings suggest that some officers may benefit from refresher training offered following their fifth through tenth years with the Department and that this training focus on commonly seen allegations, such as code of conduct, use of police vehicles, and use of force.

The OPM also compared the demographics of subject officers with multiple complaints in one year and those with only one complaint. Of the 487 officers referenced in complaints, 154 officers incurred multiple complaints during 2007. Repeat subject officers had between 2 and 5 distinct complaints filed against them during that same year. Repeat subject officers were more often male officers with an average of 8 years of service. In addition to years of service, the OPM compared ages of the repeat subject officers and those officers with single cases. Findings suggested that repeat subject officers were somewhat younger than single case officers. The most common age for repeat subject officers was 28 years, while the most common age for single-case subject officers was 39 years. These findings suggest that in addition to experience, APD supervisors should also consider the age of the officer, especially when addressing recurring issues.

An analysis of the racial breakdown of officers referenced in 2007 complaints revealed that subject officers have a similar racial breakdown to officers making up all of APD. Subject officers consisted of 66 to 71 percent white officers, compared to 69 percent white officers in the entire Department; and 8 to 12 percent African-American officers, compared to 10 percent African-American officers in the entire Department. Latino officers appeared to be somewhat over-represented in supervisory inquiries but under-represented in formal complaints, making up 24 percent of supervisory inquiries and 15 percent of formal complaints, compared to 20 percent Latino officers in the entire Department.

The Chains of Command has invaluable input regarding its officers. By paying special attention to the characteristics described above as well as collaborating with the OPM, IAD, and the policy review team, the Chains of Command could see equitable and improved compliance among officers. Further, the Chains of Command should maximize their access to the Guidance Advisory Program (GAP), APD's early warning system for potential problem officers, in order to identify officers at risk of accruing multiple complaints or displaying an undesired behavior pattern. The OPM will continue to examine demographic characteristics of officers and the complaints filed against them in an attempt to discover any additional underlying factors.

**Recommendation:**

- 1) The OPM recommends APD supervisors evaluate officers with five to ten years of service and provide refresher training courses focused on commonly seen allegations, such as code of conduct, use of police vehicles, and use of force.
- 2) The OPM also recommends that APD supervisors consider the age as well as the years of experience an officer has when addressing allegations brought against an officer, especially when they are recurring allegations.
- 3) The OPM recommends the Chain of Command utilize its early warning system to identify officers who may be at risk of accruing multiple complaints during a short period of time.
- 4) The OPM will continue to engage the Chains of Command to gain insight into how cases from repeat subject officers are ultimately addressed.

**Complainants seen at the OPM come from diverse demographic and geographic backgrounds.**

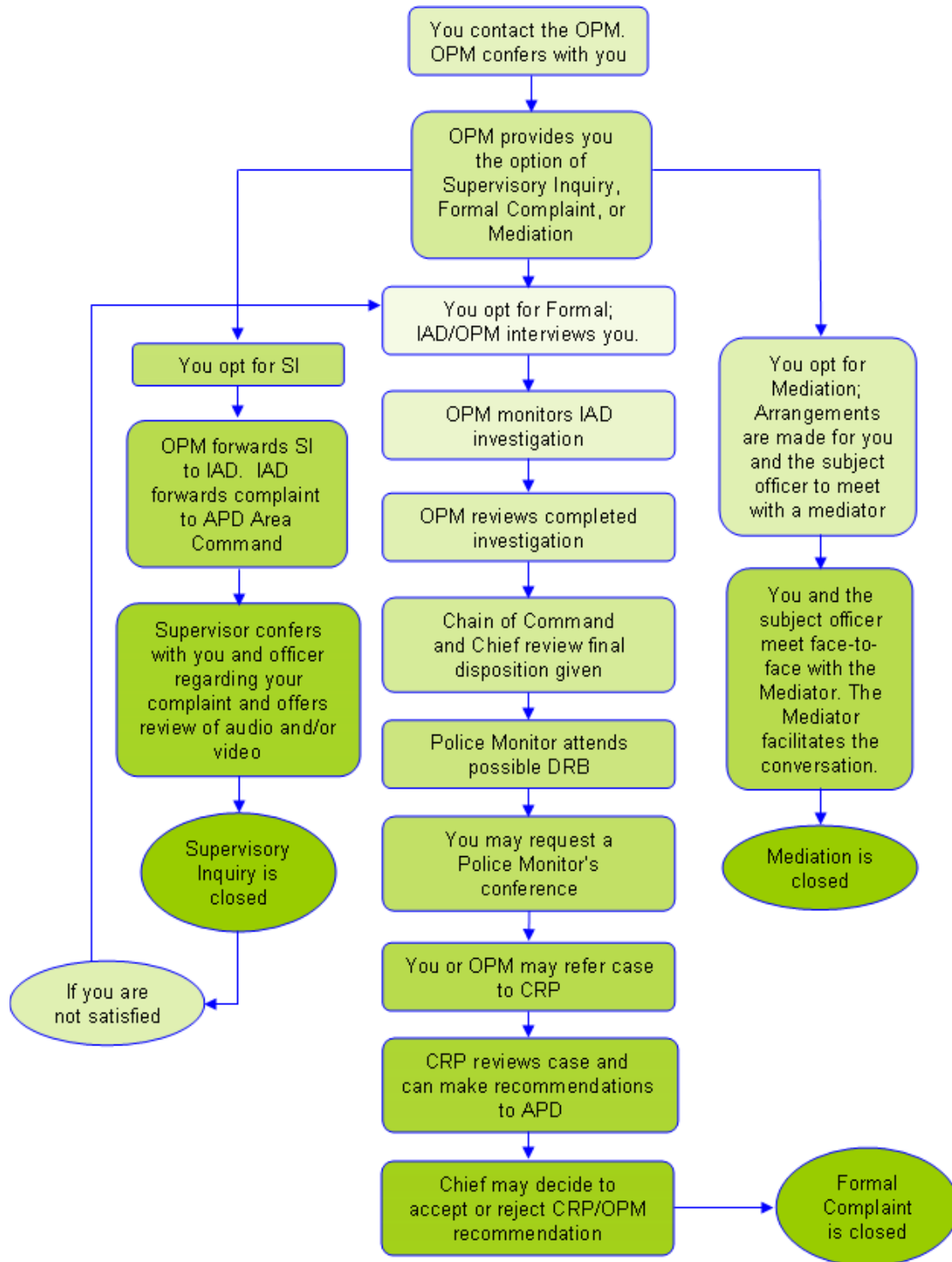
Of complainants who provided their race/ethnicity, 36 percent reported being white, another 24 percent reported being African-American, and 20 percent reported being Latino. Another 3 percent reported being Asian/Pacific Islander, American Indian, or of another race/ethnicity. Race/ethnicity was not known for 17 percent of contacts. The OPM saw slightly more males than females, with 56 percent being male and 44 percent being female. Interestingly, males were more likely than females to file formal complaints rather than supervisory inquiries. While ages of complainants ranged from teens to over fifty, those in their twenties and those fifty and over made up the greatest percent of complainants filing supervisory inquiries and formal complaints.

**Recommendation:**

- 1) The OPM will continue to reach out to all parts of the City, paying special attention to higher complaint volume areas.
- 2) The OPM will focus its outreach messages to the demographic characteristics of their complainants and continue to offer the most convenient methods to file a complaint.

In light of the findings presented above, the OPM will continue its outreach efforts throughout the entire City, paying special attention to areas of high complaint volume such as Downtown, Central East, and Southeast. Also, the OPM will continue to maximize on its access to the OPM-IAD joint database and aim to more promptly enter data as well as monitor discipline meted out to repeat subject officers. Only by addressing the issues raised in this annual report can the OPM continue to shed more light on the IAD administrative complaint process, meet the objectives set for the OPM by the citizens of Austin, and fulfill its mission statement.

**Figure 1. OPM Complaint Process**



**OPM:** Office of the Police Monitor    **APD:** Austin Police Department    **IAD:** Internal Affairs Division  
**SI:** Supervisory Inquiry    **CRP:** Citizen Review Panel    **DRB:** Disciplinary Review Board

## OFFICE OF THE POLICE MONITOR MISSION AND OBJECTIVES

The Office of the Police Monitor (OPM) is the primary resource for accepting and filing the general public's complaints against officers of the Austin Police Department (APD). Through numerous outreach efforts, the OPM aims to educate both the Community and law enforcement and promote the highest degree of mutual respect between them. The OPM seeks to enhance public support, trust, and confidence in the fairness and integrity of APD through the fostering of honest dialogue relating to issues and incidents that affect APD and the Community.

### Duties:

- Assess complaints involving APD officers;
- Monitor APD's entire process for investigating complaints;
- Attend all complainant and witness interviews;
- Review the patterns and practices of APD officers;
- Make policy recommendations to the Chief of Police, City Manager, and City Council; and,
- Help the Citizen Review Panel (CRP) fulfill its oversight duties.

To file a complaint with the OPM, an individual can contact the office in person, by phone at (512) 974-9090, by fax at (512) 974-6306 or by e-mail at [police.monitor@ci.austin.tx.us](mailto:police.monitor@ci.austin.tx.us). The office is located in the City of Austin Rutherford Complex at 1520 Rutherford Lane, Bldg. 1, Suite 2.200A. For more information, including a full copy of this report, please visit the OPM website at [www.austinpolicemonitor.com](http://www.austinpolicemonitor.com).

## 2007 GENERAL COMPLAINT INFORMATION

### Findings:

- The total number of "contacts" nearly doubled between 2006 and 2007. The number of supervisory inquiries increased by 16 percent, and the number of formal complaints increased by 21 percent.
- There was an increase of 37 percent in the number of external complaints filed, but the number of internal complaints filed remained relatively constant with only a slight increase of 8 percent.
- The year 2007 saw a large increase in the number of critical incidents, from two incidents in 2006 to 8 incidents in 2007.
- The Downtown Area Command continues to have the largest number of complaints, with an increase of 19 percent in 2007.
- The Central West and Northeast sectors experienced decreases in the number of complaints from 2006 to 2007. The largest percent decrease, a decrease of 58 percent, was seen in the Central West area command.
- The Southeast, North Central, Southwest, Northwest, South Central, Central East and Downtown area commands experienced increases in the percent of complaints from 2006 to 2007. The largest percent increase was seen in the Southeast sector, with an increase of 211 percent.

In 2007 the OPM reviewed 1,419 contacts. This figure represents an increase of approximately 50 percent from 2006, when 953 contacts were processed. Contacts include all individuals who contact the OPM with the intention of filing a complaint. This includes all phone calls, emails, in-person visits, and APD referrals.

Many contacts do not mature to complaints. Some reasons for this include:

- the incident does not meet the criteria outlined in APD's General Orders, Policies, and Procedures;
- the individual does not provide sufficient information for follow up;
- the individual is not available for follow up;
- the individual chooses not to follow through with the complaint process;
- the individual is calling regarding a complaint against a law enforcement agency other than APD; or,
- the incident involves a matter best handled by the courts or other agency.

Fifty-seven percent (808) of initial contacts failed to become complaints because of one or more of the reasons outlined above.

Of the remaining contacts reviewed by the OPM in 2007, 19 percent (267) were filed as **supervisory inquiries** and 24 percent (344) were pursued as **formal** complaints through IAD. Formal complaints and supervisory inquiries filed in 2007 increased by 16 and 21 percent, respectively. For more details about the difference between formal complaints, supervisory inquiries, and contacts, please see Appendix I of this report.

**Table 1. Type of Contacts by Year**

Type of Contact	2004	2005	2006	2007	Percent Change 2006 vs. 2007
Supervisory Inquiries	51% (306)	20% (259)	24% (231)	19% (267)	15.6%
Formal Complaints	35% (340)	26% (339)	30% (285)	24% (344)	20.7%
Contact	14% (85)	54% (685)	46% (437)	57% (808)	84.9%
Total	731	1,249	953	1,419	48.9%

The numbers in parentheses represent the raw numbers associated with each percentage.

### Supervisory Inquiries

Of the contacts that developed into actual complaints, 44 percent were filed as supervisory inquiries. Supervisory inquiries are initially handled by the individual officer's supervisor and sometimes her/his entire chain of command. The process was developed jointly by APD and the OPM in an effort to provide civilians filing minor complaints with an option to speak directly with an officer's supervisor. This option is normally chosen by complainants with less serious allegations.

When a civilian chooses to file a supervisory inquiry, the complaint is forwarded in writing to IAD. IAD then sends the complaint to the subject officer's Chain of Command. The supervisor reviews the case, collects the fundamental facts, and calls the complainant to attempt resolution of the matter. Normally, no disciplinary action results from these cases. Rather, the officer is interviewed by his supervisor and may be orally counseled or reprimanded. At any time during or after the completion of the supervisory inquiry process, a citizen dissatisfied with the process or result of the inquiry may file a formal complaint.

The OPM assesses complainant satisfaction with the Chain of Command's resolution of the inquiry via a follow-up conversation with the complainant. During this time, the complainant is made aware that if they are not satisfied, they have the option to file a formal complaint. Of the supervisory inquiries where follow up occurred, 65 percent of complainants stated they were satisfied with the outcome of their case while 35 percent stated they were dissatisfied. Of the dissatisfied complainants, 23 percent opted to escalate their inquiry to a formal complaint. One possible reason that other dissatisfied complainants chose not to continue the formal process could be due to the lengthier and more involved process when filing a formal complaint.

## Formal Complaints

In 2007, 344 formal complaints were filed with the OPM, up 21 percent from 2006 when 285 complaints were filed.

Formal complaints are divided into two distinct types:

- **External** – complaints filed by a civilian against an APD officer, and
- **Internal** – complaints filed by an APD officer, typically a member of the Chain of Command, against another APD officer.

Of the 344 formal complaints processed in 2007, 51 percent (174) were external complaints and 49 percent (170) were internal. The number of internal, formal cases remained relatively constant from 2006 to 2007, with a slight increase of 8 percent. However, in 2007 there was an increase of 37 percent in the number of external complaints filed, as can be seen in Table 2.

**Table 2. Type of Formal Complaint by Year<sup>1</sup>**

Type of Formal Complaint	2004	2005	2006	2007	Percent Change 2006 vs. 2007
Internal	64% (218)	60% (204)	55% (158)	49% (170)	7.6%
External	36% (122)	40% (135)	45% (127)	51% (174)	37.0%
Total	340	339	285	344	20.7%

The numbers in parentheses represent the raw numbers associated with each percentage.

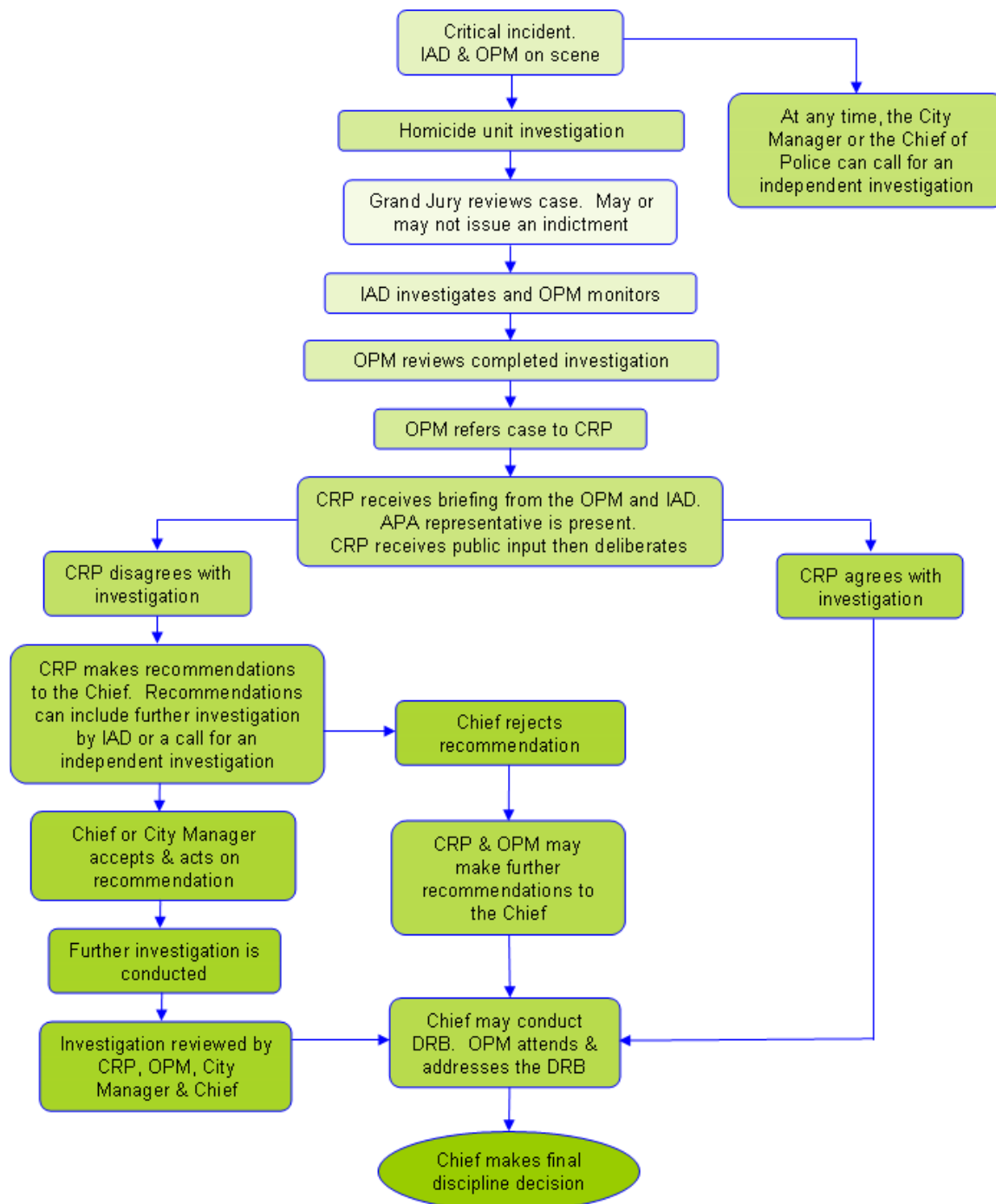
The OPM does not fully monitor a portion of internal cases as many are minor incidents, such as traffic violations and collisions involving police vehicles. These are normally investigated by an officer's Chain of Command. Although these cases are not fully monitored, they are still included in the figures above in order to maintain congruence between the OPM and IAD annual report figures. However, the OPM does monitor all cases directly investigated by IAD, including all **Critical Incidents**, which includes cases of officer-involved shootings and any other incident resulting in serious bodily injury or death of a person.<sup>11</sup>

In 2007, the OPM monitored the investigation of 8 critical incidents. This is up from 2006 when there were just two. Critical incidents undergo a different investigative process. Please see Figure 2 below for more details on the investigative process for critical incidents.

<sup>1</sup> In previous years, the OPM did not include all internal cases as many were minor incidents, such as minor traffic violations, which are normally handled by the Chain of Command. However, in order to provide more uniformity between the OPM and the IAD annual reports and figures, the OPM included all internal complaints in the 2007 report.

<sup>11</sup> Definition extracted from APD's General Orders, Policies, and Procedures, A109.01

**Figure 2. Investigative Process for Critical Incidents**



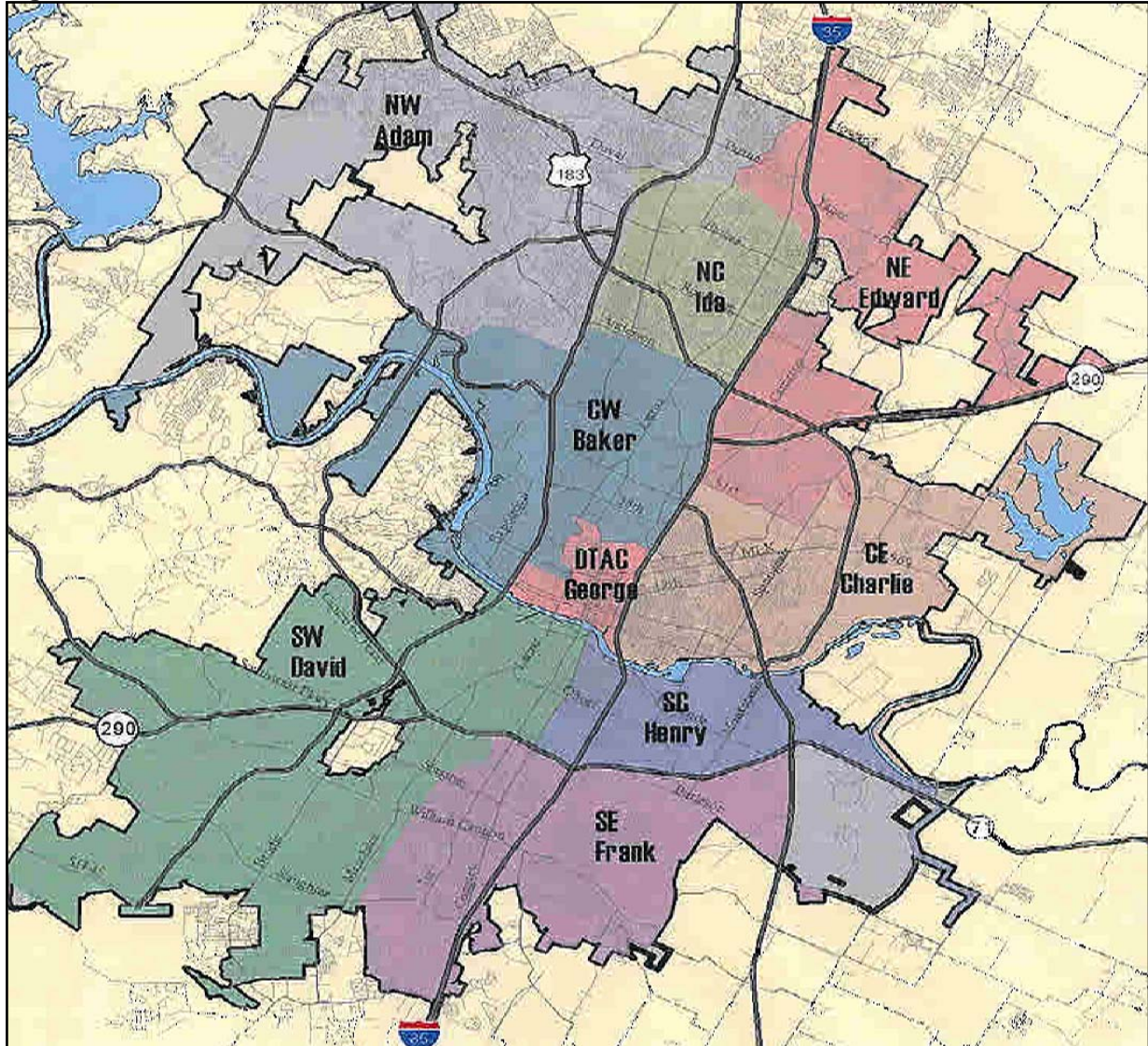
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The OPM also collects data on the location where a complaint incident took place. Incident locations are mapped against APD's **Area Commands**. See Figure 3 for a map of APD's area



commands. This mapping is done in a more consistent fashion for external, rather than internal, complaints because the OPM focuses on these area commands but does not currently collect information on any specialized units, such as Street Response, Highway Enforcement, or Homeland Security, which are likely to be assigned to multiple area commands or citywide. Internal complaints usually capture this additional information, but the OPM is currently not set up to process complaints in this way. Instead, for internal cases the OPM uses the area command where the incident took place, when this information is available. Table 3 below includes the number of external complaints and the area of Austin in which the incidents occurred.

**Figure 3. APD Area Commands**



**Table 3. External Complaints per Area Command by Year**

Area Command	2004	2005	2006	2007	Percent Change 2006 vs. 2007
Downtown (DTAC)	25% (30)	19% (26)	21% (27)	18% (32)	18.5%
Southeast (SE)	10% (12)	10% (13)	7% (9)	16% (28)	211.1%
Central East (CE)	12% (14)	13% (18)	17% (21)	15% (25)	19.0%
Southwest (SW)	3% (4)	10% (13)	8% (10)	10% (17)	70.0%
Northeast (NE)	17% (20)	10% (14)	14% (18)	9% (16)	-11.1%
North Central (NC)	7% (8)	7% (9)	6% (7)	9% (16)	128.5%
Northwest (NW)	4% (5)	8% (11)	8% (10)	7% (12)	20.0%
South Central (SC)	7% (9)	9% (12)	8% (10)	6% (11)	10.0%
Outside	4% (5)	5% (6)	2% (2)	4% (7)	250.0%
Central West (CW)	9% (11)	7% (10)	9% (12)	3% (5)	-58.3%
Unknown	4% (2)	2% (3)	1% (1)	3% (5)	400.0%
Total	122	135	127	174	37.0%

\*Red text signifies a drop from the previous year.

The numbers in parentheses represent the raw numbers associated with each percentage.

Table 3 above reveals that some areas of the city had an increase in the percent of complaints in 2007 from 2006, while other areas saw a decrease in the percent of complaints filed against APD officers. The Downtown Area Command continues to have the largest number of complaints. Also, Downtown's number of external complaints increased by 19 percent between 2006 and 2007. Other area commands that experienced increases in the number of complaints filed in 2007 include Southeast, North Central, Southwest, Northwest, South Central, and Central East. The increase seen in the Southeast area command was particularly pronounced, increasing by 211 percent after receiving 28 complaints in 2007. Another significant increase was seen in the outside areas of Austin, rising from two incidents in 2006 to seven incidents in 2007.

The Northeast and Central West area commands experienced a decrease in the number of complaints when compared to 2006. Central West area command saw a decrease in complaints of 58 percent (down seven complaints from 2006). The number of complaints in the Northeast sector dropped by 11 percent (from 18 complaints in 2006 to 16 in 2007).

## 2007 IAD CASE CLASSIFICATIONS

### Findings:

- External complaints are more likely to receive the least serious case classifications—19 percent of internals were classified as “A,” while only 5 percent of externals received the same classification.
- Concurrence rates between the OPM and IAD increased from 2006 to 2007. The lowest rate of agreement was seen in “C” cases, with an agreement rate of 82 percent.

Once a formal complaint is filed against an APD officer, and before the investigation begins, the complaint is evaluated and classified by IAD, according to the seriousness of the allegations. The classification categories are as follows:

- **A** – allegations of a serious nature;
- **B** – less serious allegations of violation of department policy, rules, and regulations;
- **C** – allegations that do not rise to the level of a policy violation, but contain a training or performance issue; allegations initiated after a prolonged period of time; allegations made against an officer who cannot be identified; allegations of a less serious nature and the complainant refuses to cooperate; and/or allegations involving an ongoing criminal investigation – IAD will investigate the administrative violations after the criminal investigation is completed;
- **D** – no violation allegation or misconduct by an officer; or
- **Administrative Inquiry** – no allegation of misconduct can be found but the matter is considered of concern to the public and/or the department.<sup>iii</sup>

In the past, OPM has reported that the most serious allegation classification of “A” has usually been reserved for internal complaints. In 2007, there was a decrease in “A” classifications for both internal and external complaints. While the percent of internal “A” cases remained relatively stable, with only a 9 percent decrease, external “A” cases dropped by 47 percent. As in years past, the largest percent of cases, internal and external, were classified as “B” cases. “B” classifications increased in 2007 by 8 percent for internals and 28 percent for externals. Findings also revealed a large increase, 137 percent, in the number of external cases classified by IAD as “C” complaints in 2007. A greater number of external cases were classified as “D” complaints as well, with a 32 percent increase from 2006. As in past years, Table 4 shows that more external than internal cases were classified as “C” (26 percent and zero cases, respectively) and “D” complaints (26 percent and less than 1 percent, respectively). Whether internal or external, few cases were classified as “Administrative Inquiries,” with 6 percent of internal and 2 percent of externals receiving this classification in 2007. However, there was an increase of 100 percent for internal “Administrative Inquiries” and 33 percent for external “Administrative Inquiries” between 2006 and 2007.

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<sup>iii</sup> Classifications further defined in APD’s General Orders, Policies, and Procedures, A109.04.

**Table 4. IAD Classification of Formal Complaints by Year**

IAD Case Classification	2005		2006		2007		Percent Change 2006 vs. 2007	
	Internal	External	Internal	External	Internal	External	Internal	External
Admin Inquiry	5% (10)	1% (1)	3% (5)	2% (3)	6% (10)	2% (4)	100.0%	33.3%
A	16% (32)	10% (14)	22% (35)	13% (17)	19% (32)	5% (9)	-8.6%	-47.1%
B	77% (158)	44% (59)	74% (117)	43% (54)	74% (126)	40% (69)	7.7%	27.8%
C	1% (2)	14% (19)	--	15% (19)	--	26% (45)	--	136.8%
D	1% (2)	31% (42)	1% (1)	27% (34)	<1% (1)	26%(45)	--	32.4%
Other	--	--	--	--	<1% (1)	1% (2)	100.0%	200.0%
Total	204	135	158	127	170	174	7.6%	37.0%

The numbers in parentheses represent the raw numbers associated with each percentage.

The following are some reasons why IAD may classify a higher percentage of internal cases as “A” when compared to external cases.

- 1) Internal cases include Critical Incidents. Critical Incidents are, by definition, always classified as “A” due to the severity of the allegations.
- 2) Internal cases are filed by fellow officers who are familiar with APD’s General Orders. Whereas external cases typically involve civilians, who are unfamiliar with these orders but who are filing complaints.
- 3) Supervisors generally do not file formal complaints about less serious incidents. Instead less serious issues are usually addressed by the Chains of Command directly with the officer through counseling or training.

Fewer low-severity cases plus more high-severity cases in the internal category explains some of the disparity in the classification of internal and external cases.

Reasons 2 and 3 suggest that community members may be filing complaints that are less severe in nature or less applicable to APD General Orders. However, since there are two types of complaint processes – formals (more severe allegations) and supervisory inquiries (less severe allegations) – it would seem that filtering the less severe allegations into the supervisory inquiry category would yield a greater concurrence rate for those external cases processed as formals. But even with this filter in place, utilized in 44 percent of complaints in 2007, there continues to be a smaller proportion of external cases classified as “A” and “B” when compared to the proportion of internal cases classified in this same way.

Once IAD classifies a case, the OPM reviews the case and assigns an agreement value of **Agree** or **Disagree**. This measure helps identify the level of concurrence between IAD and the OPM on case classifications. Table 5 depicts the OPM’s agreement of IAD’s classification of external and internal cases for 2005 through 2007.

**Table 5. OPM Agreement of IAD Case Classification by Year**

IAD Classification	OPM Agreement Rates					
	External Cases			Internal Cases		
	2005	2006	2007	2005	2006	2007
<b>Admin Inquiry – no policy violation, but concerning to the public</b>	100%	100%	100%	94%	80%	100%
<b>A – serious allegations</b>	93%	94%	100%	93%	94%	100%
<b>B – less serious allegations</b>	90%	89%	90%	95%	99%	94%
<b>C – policy/training issues</b>	89%	74%	82%	67%	--	--
<b>D – no policy violation</b>	69%	76%	90%	--	0%*	100%*

signifies Zero cases. Numbers in red signify an agreement rate of less than 75%.

\*There was one (1) Internal “D” classification in 2006 and one (1) Internal “D” classification in 2007 reviewed by the OPM.

Concurrence rates for the most serious internal and external cases were quite high. Table 5 shows that OPM agreement levels were lowest for external “C” cases, with an agreement rate of 82 percent. Agreement rates in 2007 were higher than they have been in past years. This is likely due to the availability of information through the IAD/OPM shared database.

## 2007 TYPES OF ALLEGATIONS MADE

### Findings:

- The number of total allegations processed in 2007 was greater than that processed in 2006. This increase was generally evenly distributed among supervisory inquiry allegations as well as formal allegations, with increases of 33 and 22 percent, respectively.
- The majority of all complaints, i.e., supervisory inquiries, internals, and externals, involved allegations of code of conduct violations.
- The second most common allegation for external cases involved use of force and duty weapons allegations; the second most common allegation for internal cases involved the operation of police vehicles (such as minor collisions, etc.).
- The greatest number of external case allegations came from the Downtown, Southeast and Central East area commands.
- The Southeast, Southwest, North Central, and Downtown area commands experienced increases in the total number of allegations in 2007, with the largest increase, an increase of 238 percent, seen in the Southeast area command.
- The Central West, Northeast, South Central, Central East, and Northwest area commands experienced a drop in the total number of allegations, with the largest decrease, 48 percent, seen in the Central West area command.



- The Southeast area command had the greatest number of code of conduct allegations; Downtown led in the number of excessive use of force allegations; Central East had the greatest number of bias-based profiling and incident documentation allegations; Southwest had the greatest number of allegations involving interviews, stops, & arrests as well as the greatest number of allegations involving preliminary, follow-up, and collision investigations.

Complaints are made up of allegations. A single complaint may, at times, include multiple allegations. A greater number of allegations were processed in 2007 than in 2006, with 891 allegations processed in 2007 and 708 allegations processed in 2006. Of the 891 allegations, 37 percent (328) were allegations from supervisory inquiries, and 63 percent (563) were allegations from formal cases. In 2006, 35 percent (247) of allegations were attributed to supervisory inquiries and 65 percent (461) were attributed to formal cases. Of the 563 formal complaint allegations in 2007, 56 percent (314) were external allegations and 44 percent (249) were internal allegations. This compares with 51 percent (233) of external and 49 percent (228) of internal allegations processed in 2006.

**Table 6. Number of Allegations by Type of Contact per Year**

Number of Allegations	2005	2006	2007	Percent Change 2006 vs. 2007
Supervisory Inquiries	29% (258)	35% (247)	37% (328)	32.8%
Formal Complaints	71% (617)	65% (461)	63% (563)	22.1%
External	46% (283)	51% (233)	56% (314)	34.8%
Internal	54% (334)	49% (228)	44% (249)	9.2%
Total	875	708	891	25.8%

The numbers in parentheses represent the raw numbers associated with each percentage.

### Supervisory Inquiry Allegations

Using APD's General Orders, Policies, and Procedures handbook to analyze supervisory inquiry allegations revealed that 73 percent (240) of the allegations involved code of conduct<sup>IV</sup> violations; an additional 6 percent (19) pertained to policy involving the use of police vehicles, emergency operation of police vehicles, and pursuits; another 5 percent (17) pertained to allegations of preliminary, follow-up, and collision investigations; 4 percent (14) involved allegations of interviews, stops, and arrests, arrest and booking procedures, and care and transport of prisoners; 3 percent (11) related to excessive use of force; 2 percent (5) involved allegations of bias-based profiling and incident reporting and documentation; and the remaining 7 percent (21) involved issues regarding interpreter services, property and evidence, impounding vehicles, family violence, and handling of juveniles.

<sup>IV</sup> The General Orders distinguishes between B116 Bias-Based Profiling and A201 Code of Conduct.03A (Impartial Attitude). In order to maintain the integrity of the data, Bias-Based Profiling and Impartial Attitude allegations are also separated here.

**Table 7. Type of Allegations by Type of Contact**

Allegation	2005*			2006*			2007		
	SI	External	Internal	SI	External	Internal	SI	External	Internal
Code of Conduct	61% (157)	55% (156)	38% (128)	78% (193)	49% (114)	39% (89)	73% (240)	52% (162)	38% (95)
Use of Force, Duty Weapons, Firearm Discharges	3% (9)	15% (41)	7% (23)	4% (10)	16% (37)	12% (28)	3% (11)	24% (74)	15% (38)
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants / Care & Transport of Prisoners	7% (17)	12% (33)	2% (7)	3% (8)	16% (38)	1% (2)	4% (14)	9% (27)	<1% (1)
Bias-Based Profiling / Incident Reporting & Documentation	--	5% (15)	1% (4)	2% (5)	5% (11)	1% (2)	2% (5)	6% (19)	<1% (1)
Preliminary, Follow-up, & Collision Investigations	8% (21)	3% (8)	1% (2)	4% (10)	3% (7)	1% (3)	5% (17)	2% (6)	--
Police Vehicles / Emergency Use of Police Vehicles / Pursuit Policy	9% (23)	2% (6)	41% (137)	4% (9)	--	34% (76)	6% (19)	1% (4)	40% (100)
Secondary Employment / Attendance & Leave / Workplace Environment/ Alcohol & Drug Free Workplace	--	--	2% (8)	--	1% (2)	4% (10)	--	<1% (1)	4% (9)
Internet & Network Computer Use / Radio & Telecommunications / Mobile Video Recorder Operation / Telephone & Mail Protocol	--	--	4% (13)	--	1% (3)	2% (4)	<1% (1)	--	1% (2)
Other	12% (31)	8% (24)	4% (12)	5% (12)	9% (21)	6% (14)	5% (16)	6% (20)	<1% (1)
Unknown							2% (5)	<1% (1)	1% (2)
<b>Total</b>	<b>258</b>	<b>283</b>	<b>334</b>	<b>247</b>	<b>233</b>	<b>228</b>	<b>328</b>	<b>314</b>	<b>249</b>

\*2005 and 2006 figures only include internal allegations from investigations monitored by the OPM

-- Zero cases documented

The numbers in parentheses represent the raw numbers associated with each percentage.

### External Allegations

A similar analysis of external case allegations found that 52 percent (162) of allegations involved code of conduct violations; 24 percent (74) related to excessive use of force and duty weapons; another 9 percent (27) involved allegations of interviews, stops, and arrests, arrest and booking procedures, and care and transport of prisoners; 6 percent (19) involved

allegations of bias-based profiling and incident reporting and documentation; another 2 percent (6) pertained to allegations of preliminary, follow-up, and collision investigations; and the remaining 7 percent (26) involved issues regarding family violence, network and computer use, DWI enforcement, property and evidence, telephone and mail protocol, and mobile video recorder operation.

### **Internal Allegations**

Internal case allegations analyses revealed that 40 percent (100) involved allegations of improper use of police vehicles, emergency use of police vehicles, and pursuit policies; 38 percent (95) involved code of conduct allegations; another 15 percent (38) were allegations of excessive use of force and duty weapons; 4 percent (9) were allegations pertaining to attendance and leave and secondary employment; and the remaining 3 percent (7) included allegations relating to workplace environment, arrests and booking, arrests, interviews and stops, bias-based profiling, internet/network use, radio and telecommunications, mobile video recording equipment, and telephone and mail protocol, and others.

As described in Table 7, the most common type of allegation for external and internal complaints was code of conduct allegations. Code of conduct policies include:

- **Compliance** – knowing, understanding, complying with, and reporting violations of laws, ordinances, and governmental orders;
- **Individual Responsibilities** – honesty, acts bringing discredit to the department, police action when off-duty, etc.;
- **Responsibility to the Community** – courtesy, impartial attitude, duty to identify, etc.;
- **Responsibility to the Department** – loyalty, accountability, duty to take action, etc.; and,
- **Responsibility to Co-Workers** – relations with co-workers, sexual harassment, etc.

External allegations were also analyzed by the area command in which the incident took place. Overall, there was an increase of 35 percent in the number of external allegations between 2006 and 2007. This increase in allegations resulted in percent increases seen in the following area commands: Southeast, Southwest, North Central, and Downtown. Despite the overall increase in allegations, 5 command areas experienced a decrease in the number of allegations. These areas include Central West, Northeast, South Central, Central East, and Northwest.



**Table 8. Number of Allegations from External Cases per Sector by Year**

Area Command	2005	2006	2007	Percent Change 2006 vs. 2007
Downtown	65	43	64	48.8%
Southeast	22	16	54	237.5%
Central East	40	46	42	-8.7%
Southwest	23	14	35	150.0%
Northeast	25	34	26	-23.5%
North Central	28	11	25	127.3%
South Central	29	23	19	-17.4%
Northwest	12	17	16	-5.9%
Central West	16	25	13	-48.0%
Outside	17	3	13	333.3%
Unknown	6	1	7	600.0%
Total	283	233	314	34.8%

Tables 9 through 13 show specific types of external allegations which are of interest to the OPM and the Community. Allegations are divided by APD area command. In 2007, the Southeast area command led in the number of code of conduct allegations. Large increases in the number of code of conduct allegations were also seen in the North Central and Southwest area commands.

**Table 9. Number of Code of Conduct Allegations per Sector by Year**

Area Command	2005	2006	2007	Percent Change 2006 vs. 2007
Southeast	9	12	30	150.0%
Downtown	31	20	25	25.0%
Northeast	13	15	16	6.7%
Southwest	19	7	16	128.6%
North Central	16	2	15	650.0%
Northwest	11	10	13	30.0%
Central East	25	25	13	-48.0%
South Central	11	8	11	37.5%
Central West	9	11	5	-54.5%
Outside	10	3	13	333.3%
Unknown	2	1	5	400.0%
Total	156	114	162	42.1%

For the sixth year in a row, Downtown led in the number of use of force and duty weapons allegations, experiencing a 113 percent increase in the number of these allegations between 2006 and 2007. In fact, increases in the number of use of force allegations were seen in all area commands, except for Central West, which experienced a 25 percent decrease between 2006 and 2007. The Northeast area command remained stable in use of force allegations between 2007 and the prior year.

**Table 10. Number of Use of Force, Duty Weapon, and Firearm Discharge Allegations per Sector by Year**

Area Command	2005	2006	2007	Percent Change 2006 vs. 2007
Downtown	20	15	32	113.3%
Central East	3	7	14	100.0%
Southeast	2	3	9	200.0%
Southwest	0	2	5	150.0%
North Central	5	3	4	33.3%
South Central	0	2	4	100.0%
Central West	0	4	3	-25.0%
Northwest	1	0	2	200.0%
Northeast	5	1	1	0.0%
Outside	3	0	0	0.0%
Unknown	2	0	0	0.0%
Total	41	37	74	100.0%

There were overall drops in the number of interviews, stops, and arrests allegations as well as in preliminary, field, and collision investigation allegations. However, Southwest and Southeast saw large increases in interviews, stops, and arrests allegations. The following sectors saw decreases in the number of interviews, stops, and arrests allegations: Northeast, Northwest, South Central, Central West, and Downtown. Southwest, South Central, and Downtown saw increases in the number of allegations relating to preliminary, field, and collision investigations. The remaining area commands either did not change or decreased in the number of the same type of allegation.

**Table 11. Number of Interviews, Stops, & Arrests; Arrest & Bookings; Fugitive Warrants; and Care & Transport of Prisoners Allegations per Sector by Year**

Area Command	2005	2006	2007	Percent Change 2006 vs. 2007
Southwest	1	2	7	250.0%
Southeast	1	0	5	500.0%
Central East	3	4	5	25.0%
Downtown	10	7	4	-42.9%
South Central	1	8	2	-75.0%
Central West	3	5	2	-60.0%
North Central	2	1	2	100.0%
Northeast	5	7	0	-100.0%
Northwest	0	4	0	-100.0%
Outside	3	0	0	0.0%
Unknown	4	0	0	0.0%
Total	33	38	27	-28.9%

**Table 12. Number of Preliminary, Follow-Up, and Collision Investigations Allegations per Sector by Year**

Area Command	2005	2006	2007	Percent Change 2006 vs. 2007
Southwest	1	0	2	200.0%
Northeast	1	2	1	-50.0%
Central East	0	1	1	0.0%
Downtown	2	0	1	100.0%
South Central	1	0	1	100.0%
Northwest	0	0	0	0.0%
Central West	0	2	0	-100.0%
Southeast	2	1	0	-100.0%
North Central	1	1	0	-100.0%
Outside	0	0	0	0.0%
Unknown	0	0	0	0.0%
Total	8	7	6	-14.3%

An overall increase was seen in the number of bias-based profiling and incident reporting allegations. Central East had the greatest number of bias-based profiling allegations, but North Central and Southeast had the largest increases between 2006 and 2007. South Central was the only area command that experienced a drop in the number of bias-based profiling allegations between 2006 and 2007.

**Table 13. Number of Bias-Based Profiling and Incident Reporting & Documentation Allegations per Sector by Year**

Area Command	2005	2006	2007	Percent Change 2006 vs. 2007
Central East	3	5	6	20.0%
North Central	2	0	4	400.0%
Southeast	5	0	3	300.0%
Central West	1	1	2	100.0%
Northeast	0	1	2	100.0%
South Central	4	4	1	-75.0%
Downtown	0	0	1	100.0%
Northwest	0	0	0	0.0%
Southwest	0	0	0	0.0%
Outside	0	0	0	0.0%
Unknown	0	0	0	0.0%
Total	15	11	19	72.7%

## IAD ALLEGATION RECOMMENDATIONS AND APD DECISIONS

### Findings:

- Overwhelmingly, IAD recommended more internal than external allegations be sustained. IAD recommended that 81 percent of allegations for internal cases be sustained, compared to 12 percent of external allegations.
- OPM and IAD agreement rates increased slightly for internal and, more significantly, for external IAD allegation recommendations. The rate of agreement on external case allegation classifications increased from 78 percent in 2006 to 85 percent in 2007. The rate of agreement for internal allegation classifications slightly increased from 94 percent in 2006 to 96 percent in 2007.
- The Chief of Police and the Chains of Command acted in accordance with IAD's recommendations on 94 percent of allegations. The OPM agreed with 97 percent of the Chains' and 98 percent of the Chief's decisions on external and internal allegations (that were recommended to be sustained by IAD).
- The most common form of discipline meted out to officers involved in an internal complaint that resulted in sustained allegations was a written reprimand. For external complaints, the most common form of discipline was an oral reprimand. Nine officers were dismissed from APD as a result of IAD investigations.

For formal cases, IAD makes recommendations to the officer's Chain of Command and the Chief of Police for each allegation investigated. Allegations are reviewed and disposition recommendations are made using the following categories:

- **Exonerated** – The incident occurred but is considered lawful and proper.
- **Sustained** – The allegation is supported or misconduct discovered during investigation.
- **Unfounded** – The allegation is considered false or not factual.
- **Inconclusive** – There is insufficient evidence to prove/disprove allegation.
- **Administratively Closed** – No allegations were made or misconduct discovered and/or complaint closed by a supervisor.<sup>v</sup>

IAD made recommendations on all of the 314 external case allegations. IAD recommended to "Administratively Close" 49 percent (155) of external allegations, "Sustain" 12 percent (36), "Unfounded" 17 percent (54), and "Exonerate" 15 percent (46) of external allegations. An additional 7 percent (23) of allegations were deemed "Inconclusive" by IAD.

Similar to case classifications, the OPM reviews each IAD allegation recommendation and determines whether it agrees or disagrees with the recommendation. In 2007, the OPM agreed with 85 percent of external case allegation recommendations. This rate compares to a 78 percent agreement rate in 2006. OPM-IAD agreement was particularly high in allegations recommended to be "Sustained" and "Administratively Closed."

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<sup>v</sup> Definitions extracted from APD's General Orders, Policies, and Procedures, A109.08.

**Table 14. IAD Recommendations and OPM Opinion per Type of Formal by Year**

IAD Recommendation	2005		2006		2007	
	External	Internal	External	Internal	External	Internal
Sustained	17% (48)	72% (238)	26% (59)	78% (178)	12% (36)	81% (201)
Administratively Closed	38% (105)	10% (33)	37% (85)	5% (11)	49% (155)	8% (20)
Unfounded	17% (46)	9% (30)	17% (40)	8% (18)	17% (54)	4% (10)
Inconclusive	16% (44)	5% (17)	6% (14)	5% (10)	7% (23)	5% (11)
Exonerated	12% (32)	2% (7)	14% (33)	4% (11)	15% (46)	2% (6)
Total	275	325	231	228	314	248
OPM Agreement Rate	72%	92%	78%	94%	85%	96%

Numbers in red signify an agreement rate of less than 75%

The numbers in parentheses represent the raw numbers associated with each percentage.

Internal cases in 2007 included 249 allegations. Only 248 allegations received recommendations from IAD due to one officer resigning during the investigation. In contrast to external case allegations, 81 percent (201) of internal case allegations were “Sustained,” 8 percent (20) were “Administratively Closed,” 4 percent (10) were “Unfounded,” 5 percent (11) were considered “Inconclusive,” and 2 percent (6) were “Exonerated.” The OPM agreement rate for internal allegation recommendations in 2007 was 96 percent, a slight increase from the 2006 rate of 94 percent.

Table 14 reveals that 49 percent of external allegations were recommended to be “Administratively Closed,” whereas only 8 percent of internal case allegations received this same recommendation. In contrast, the majority (81 percent) of internal cases, compared to 12 percent of external cases, were “Sustained.” Also, more external cases than internal cases were “Unfounded” (17 percent and 4 percent, respectively). These distinctions in IAD recommendations were also observed in the three previous OPM annual reports, where the majority of external allegations were either “Administratively Closed” or “Unfounded” and the majority of internal allegations were “Sustained.” OPM agreement rates regarding allegation recommendations in both internal and external cases narrowed in 2007 making it more difficult to determine if there is a true discrepancy in how internal versus external cases are treated.

### APD Decisions

While IAD makes a recommendation for each allegation, the Chain of Command of the officer and ultimately the Chief of Police make the final determination on any discipline and the ultimate resolution of the allegation.

As can be seen in Table 14 above, IAD recommended that 237 (201 internal plus 36 external) allegations be “Sustained.” Six allegations were not included in Table 15 below due to the officers retiring or resigning during their investigations. Table 15 depicts the decisions made by the Chains of Command and the Chief of Police on the remaining 195 allegations that IAD recommended be “Sustained.” When the Chains’ and the Chief’s dispositions of these allegations were compared with IAD’s recommendations, some disagreement between the Chains of Command and the Chief of Police versus IAD was revealed. Specifically, the Chains of Command and the Chief of Police did not on 14 allegations recommend sustaining despite IAD making that recommendation(s). This ratio yielded an agreement rate between IAD and the Chains of Command/Chief of 94 percent.

As can be seen in Table 15, the OPM was in agreement with the Chains of Command and the Chief on 97 percent of the external case decisions and 98 percent of the internal case

decisions. This OPM agreement rate with the Chains of Command and the Chief was calculated by evaluating only those allegations recommended to be sustained by IAD. Therefore, the agreement between the OPM and the Chains of Command and the Chief appears to be greater than that with IAD. However, when APD decisions on all allegations are evaluated, the agreement rate between the OPM and the Chains of Command/Chief of Police drops to 85 percent for external allegations and 93 percent for internal allegations. Therefore, in 2007, as in 2006 and 2005, it was found that the OPM had a greater agreement rate with IAD than with the final disposition of the Chains of Command and the Chief of Police on internal cases. OPM agreement with IAD and the Chains of Command on both internal and external cases was equal in 2007.

**Table 15. APD Decisions on Allegations Recommended to be Sustained by IAD and OPM Opinion per Type of Formal Complaint by Year**

APD Decision	2005		2006		2007	
	External	Internal	External	Internal	External	Internal
Sustained	77% (37)	89% (212)	86% (51)	91% (160)	89% (32)	93% (182)
Exonerated	6% (3)	1% (3)	3% (2)	1% (2)	8% (3)	2% (4)
Inconclusive	10% (5)	3% (8)	6% (3)	2% (4)	--	2% (3)
Unfounded	--	<1% (1)	3% (2)	2% (4)	3% (1)	2% (3)
Administratively Closed	4% (2)	<1% (1)	2% (1)	3% (5)	--	2% (3)
Added/Changed at DRB	2% (1)	<1% (1)	--	1% (1)	--	--
Total	48	226	59	178	36	195
OPM Agreement Rate	77%	95%	90%	93%	97%	98%

-- Zero allegations were given this category by APD.

The numbers in parentheses represent the raw numbers associated with each percentage.

The Chief of Police is ultimately responsible for deciding if any disciplinary action will be taken against an officer involved in a complaint. Table 16 shows the disciplinary action meted out to the officers who had "sustained" allegations in 2007. Discipline results are shown by distinct case for each subject officer and not by allegation. Three hundred forty-nine officers were involved in formal complaints. Of these, 144 received some type of discipline as a result of IAD's investigation of the complaint filed against them and the Chains' and Chief's disposition. The most common discipline received by officers involved in internal complaints was a written reprimand. The most common discipline received by officers involved in external complaints was an oral reprimand. Twenty-six officers received suspensions, ranging from 1 day to 90 days. A total of 9 officers were dismissed from APD. Two additional officers resigned during their investigations.

**Table 16. Disciplinary Action Taken by APD per Type of Formal Complaint**

Disciplinary Action Taken	2005		2006		2007	
	External	Internal	External	Internal	External	Internal
Oral Reprimand / Counseling	6	73	13	40	10	42
Written Reprimand	8	44	8	59	6	73
Days Suspension	6	46	10	29	5	21
Indefinite Suspension / Termination*	2	4	2	2	2	7
Demotion	--	--	--	--	--	1
Total	22	167	33	130	23	144

\*Includes Resignations and Retirements

## COMPLAINANT DEMOGRAPHICS

### Findings:

- Citizens who filed complaints with the OPM represent a wide cross-section of people. They do not cluster around any particular racial or geographic group.
- A larger number of white complainants filed supervisory inquiries rather than formal complaints. Larger proportions of African-Americans and Latinos filed formal complaints rather than supervisory inquiries.
- More males than females filed formal complaints in 2007.
- Individuals in their twenties and those fifty or over filed supervisory the most complaints.

OPM Annual Reports have consistently found that complainants are of diverse demographic and geographic characteristics. This finding was replicated in the OPM 2007 Annual Report.

Complainants have the right to file as many complaints as they would like, provided they involve unique incidents. Also, complainants may begin the complaint process by filing a supervisory inquiry, but if they are dissatisfied with the end result, they have the option to proceed to a formal complaint. Further, complainants from within APD are not counted as citizen complainants. Since some complainants file multiple complaints and/or begin with a supervisory inquiry and progress into the formal complaint process, or are APD employees, the findings below will show fewer complainants than the total number of complaints processed by the OPM in 2007. It should be noticed that while a total of 1,419 contacts were processed by the OPM in 2007, only 1,221 were filed by unique individuals who were also not APD employees. Similarly, of the 642 supervisory inquiries and formal complaints filed in 2007, only 439 were filed by non-APD complainants and unique complainants. The figures in the tables below show demographics only for those unique individuals.

In reviewing the complainant demographics below it is important to consider that complaints can be filed at the OPM in person, over the phone, or via e-mail, fax or letter. Because of the various methods of contacting the OPM available to complainants, at times the OPM finds thorough data collection of all demographic data points somewhat challenging. This challenge is particularly problematic with supervisory inquiries and contacts, as can be noted in the high percentages of missing or unknown data in some of the subsequent tables. It is often the case, a complainant simply does not want to provide their demographic information over the phone. The OPM will continue to work on improvements to data collection methods with the goal to have more complete data for supervisory inquiries in future reports.

Table 17 shows that the individuals filing the 1,221 contacts comprise 36 percent (439) white, 24 percent (292) African-American, and 20 percent (241) Latino complainants. Two percent (20) of complainants reported "Other" for their race category, less than 1 percent (10) reported being American Indian and another less than 1 percent (10) reported being of Asian race. Race/ethnicity was unknown for 17 percent (209) of complainants.

Table 17 also shows that the 439 complaints, externals and supervisory inquiries comprise 45 percent (199) white, 25 percent (110) African-American, and 23 percent (103) Latino complainants. One percent (5) of complainants reported "Other" for their race category, less than 1 percent (3) reported being American Indian and another less than 1 percent (3) reported

being of Asian race. Race/ethnicity was unknown for 4 percent (16) of complainants. These findings suggest that white complainants more often opt for a supervisory inquiry, while African-American and Latino complainants may be more likely to file formal complaints. This finding should be interpreted cautiously in that it is possible that other variables may be affecting the decision to file a supervisory inquiry versus a formal complaint, e.g., the nature of the allegation(s). For instance, a complainant with a courtesy complaint may be more inclined to file a supervisory inquiry, while a person with a more serious allegation may decide to file a formal complaint. Nonetheless, in 2007 more white complainants opted to file supervisory inquiries and larger proportions of African-Americans and Latinos opted to file formal complaints.

**Table 17. Complainant Race / Ethnicity by Type of Contact**

Race / Ethnicity	Supervisory Inquiries	External Formal Complaints	Contacts	Total
Non-Latino White	51% (136)	38% (63)	31% (240)	36% (439)
Non-Latino African American	20% (54)	33% (56)	23% (182)	24% (292)
Latino	21% (56)	28% (47)	18% (138)	20% (241)
American Indian	<1% (1)	1% (2)	1% (7)	<1% (10)
Asian/Pacific Islander	1% (3)	--	1% (7)	<1% (10)
Other	1% (3)	1% (2)	2% (15)	2% (20)
Unknown	6% (16)	--	25% (193)	17% (209)
<b>Total</b>	<b>269</b>	<b>170</b>	<b>782</b>	<b>1,221</b>

-- Zero complainants reported this race/ethnicity category.  
The numbers in parentheses represent the raw numbers associated with each percentage.

While age was one of the demographic variables least recorded by the OPM, of those with this information available, the majority were in their twenties, thirties, or forties. Of those complainants filing formal complaints, 28 percent were in their twenties and 25 percent were fifty and over. One fourth of complainants filing supervisory inquiries were fifty or over, and 23 percent were in their twenties. While the differences in the proportions of the age groups is not large, these findings suggest that more mature individuals as well as individuals in their twenties are encountering more problematic interactions with APD officers.

**Table 18. Complainant Age by Type of Contact**

Complainant Age	Supervisory Inquiries	External Formal Complaints	Contacts	Total
Teens	2% (7)	2% (4)	2% (18)	2% (29)
Twenties	23% (61)	28% (47)	18% (139)	20% (247)
Thirties	21% (56)	22% (37)	16% (127)	18% (220)
Forties	19% (52)	23% (39)	16% (127)	18% (218)
Fifty and over	25% (67)	25% (42)	13% (100)	17% (209)
Not recorded	10% (26)	<1% (1)	35% (271)	25% (298)
<b>Total</b>	<b>269</b>	<b>170</b>	<b>782</b>	<b>1,221</b>

The numbers in parentheses represent the raw numbers associated with each percentage.

More males, 56 percent, than females, 44 percent, contacted the OPM in 2007. Men were more likely than women to file formal complaints in comparison to supervisory inquiries. A similar difference is seen in the gender of individuals filing supervisory inquiries, albeit to a smaller degree. Again, these findings do not take into account other factors that may influence the decision to file a formal versus a supervisory complaint, such as the nature of the allegation(s).



**Table 19. Complainant Gender by Type of Citizen Complaint**

<b>Complainant Gender</b>	<b>Supervisory Inquiries</b>	<b>External Formal Complaints</b>	<b>Contacts</b>	<b>Total</b>
Male	55% (147)	64% (109)	55% (428)	56% (684)
Female	45% (122)	36% (61)	45% (354)	44% (537)
Total	269	170	782	1,221

The numbers in parentheses represent the raw numbers associated with each percentage.

## **SUBJECT OFFICER DEMOGRAPHICS**

### **Findings:**

- Findings show that subject officers typically have served between 5 to 9 years.
- Race/ethnicity of subject officers is similar to racial breakdown of all APD officers. However, Latino officers are somewhat over-represented in supervisory inquiries, but under-represented in formal complaints.
- While years of service appear to be similar for repeat subject officers and those with single complaints in 2007, findings suggest repeat subject officers appear to be younger in age when compared with their single complaint counterparts.

The 611 formal complaints and supervisory inquiries processed by the OPM referenced 487 unique APD officers, meaning that 487 out of 1,415 sworn officers and 127 cadets, or 32 percent of all APD-sworn personnel and cadets, were the subject of one type of complaint or another. Please note officers that were referenced in multiple complaints were only counted once. However, officers may have been referenced in both formal complaints and supervisory inquiries. In the figures below, statistics are provided separately for formal complaints and supervisory inquiries. These figures may not sum to 487 because officers were referenced in both types of contacts. Of the 487 officers referenced in complaints, 339 officers were mentioned as subject officers in formal complaints and 224 officers were mentioned as subject officers in supervisory inquiries.

Subject officers' years of service varied from less than one year to approximately 33 years. The average tenure served by officers referenced in complaints was nine years. The midpoint for the age range of subject officers was seven years of service. In 2007, the most common number of years served by subject officers was five years for supervisory inquiries and six years for formals. These findings suggest that officers with approximately five to nine years of experience are more vulnerable to allegations and/or violations of policy. At times it has been suggested that less seasoned officers garner more complaints than their more experienced counterparts. These findings suggest that officers with five to 10 years of experience may benefit from refresher courses on general orders commonly seen in complaints, such as code of conduct issues.

**Table 20. Years of Service of Subject Officers for 2007**

	Supervisory Inquiries	Formal Complaints
Average tenure	9	9
Longest tenure	29	33
Shortest tenure	1	<1
Tenure midpoint	7	7
Most common tenure	5	6

In line with the gender make-up of all APD sworn personnel, most subject officers, 91 percent, were male. This finding is outlined in Table 21.

**Table 21. Subject Officer Gender by Type of Complaint**

Gender	Supervisory Inquiries	Formal Complaints	Percent of All APD Sworn Personnel
Female	9% (21)	11% (36)	12% (183)
Male	91% (203)	89% (303)	88% (1,359)
Total	224	339	1,542

The numbers in parentheses represent the raw numbers associated with each percentage.

Table 22 depicts the race/ethnicity of officers referenced in complaints in 2007. Similar to the make-up of APD, most subject officers were white. Table 22 also reveals that Latino officers were slightly over-represented in the subject officer category for supervisory inquiries, but under-represented in formal complaints, making up 20 percent of APD in 2007, but 24 percent of subject officers referenced in supervisory inquiries and 15 percent of subject officers involved in formal complaints.

**Table 22. Subject Officer Race/Ethnicity by Type of Complaint**

Race/Ethnicity	Supervisory Inquiries	Formal Complaints	Percent of All APD Sworn Personnel
White	66% (149)	71% (241)	69% (1,061)
African American	8% (18)	12% (41)	10% (153)
Latino	24% (53)	15% (51)	20% (306)
Asian/Pacific Islander	2% (4)	2% (6)	1% (21)
American Indian	--	--	<1% (1)
Total	224	339	1,542

-- Zero subject officers reported this race/ethnicity category.

The numbers in parentheses represent the raw numbers associated with each percentage.

Of the 487 officers referenced in complaints, 154 officers incurred multiple complaints during 2007. Repeat subject officers had a range of two to five distinct complaints during 2007. Tables 23 to 26 display findings comparing the demographics of repeat subject officers with single-case subject officers and the Department as a whole.

The gender breakdown of subject officers, single case and repeat, was similar to the gender breakdown seen in the Department as a whole. Similarly, the racial/ethnic breakdown for repeat and single-case subject officers was also fairly similar to the racial/ethnic breakdown for all APD sworn personnel. Also, the years of service of repeat subject officers did not differ much from that of single-case subject officers. However, when the ages of repeat subject officers were compared with those of single-case subject officers, it was found that repeat subject officers tended to be younger than single-case subject officers. The most common age for repeat subject officers was 28 while it was 39 for single-case subject officers.

**Table 23. Gender of Repeat Subject Officers, Single-Case Subject Officers, and All APD Sworn Personnel**

Gender	Repeat Subject Officers	Single Case Subject Officers	All APD Sworn Personnel
Female	10% (16)	11% (37)	12% (183)
Male	90% (138)	89% (296)	88% (1,359)
Total	154	333	1,542

The numbers in parentheses represent the raw numbers associated with each percentage.

**Table 24. Race/Ethnicity of Repeat Subject Officers, Single-Case Subject Officers, and All APD Sworn Personnel**

Race/Ethnicity	Repeat Subject Officers	Single Case Subject Officers	All APD Sworn Personnel
White	66% (101)	72% (239)	69% (1,061)
African American	12% (19)	9% (31)	10% (153)
Latino	19% (29)	18% (60)	20% (306)
Asian/Pacific Islander	3% (5)	1% (3)	1% (21)
American Indian	--	--	<1% (1)
Total	154	333	1,542

-- Zero officers reported this race/ethnicity category.

The numbers in parentheses represent the raw numbers associated with each percentage.

**Table 25. Years of Service of Subject Officers for 2007**

	Repeat Subject Officers	Single Case Subject Officers
<b>Average tenure</b>	8	10
<b>Longest tenure</b>	29	33
<b>Shortest tenure</b>	1	<1
<b>Tenure midpoint</b>	6	8
<b>Most common tenure</b>	6	5

**Table 26. Age of Subject Officers for 2007**

	Repeat Subject Officers	Single Case Subject Officers
<b>Average age</b>	36	38
<b>Greatest age</b>	59	61
<b>Lowest age</b>	23	22
<b>Age midpoint</b>	34	38
<b>Most common age</b>	28	39

Repeat subject officers are very similar to their single-case counterparts as well as the Department as a whole. However, repeat subject officers did appear to be younger than single-case subject officers. While APD currently employs the use of an early warning system called the Guidance Advisory Program (GAP), the Department must strive to continue to offer subject officers, especially repeat subject officers, interpersonal training that will improve upon their mediation skills and help to effectively portray an impartial, equitable stance towards all members of the public. This type of training appears to be of particular importance following an officer's fifth year with the Department. The OPM also intends to more closely monitor the disciplinary actions taken by the Chain of Command towards officers who trigger GAP and incur multiple complaints within a year as well as the types of remedial training that are required following such repeat offenses.

## COMPLAINANT FOLLOW-UP OPTIONS

After the OPM reviews IAD's investigative file and/or the Chains of Command/Chief's decision(s), the complainant is notified of the results of the investigation. If the citizen is not satisfied with the decision or simply wishes to have more information regarding their case, they have two options. One is to request a **Police Monitor's Conference (PMC)**. The other is to appear before the **Citizen Review Panel (CRP)**.

A PMC is a meeting with the complaint specialist who handled the case as well as the police monitor or the assistant police monitor. In the meeting, details from the IAD file will be shared with the complainant. In 2007, 14 percent (24 of 174) of the complainants who filed a formal complaint attended a PMC. This figure is approximately equal to that of 2006 when 13 percent (17 of 127) of complainants attended a PMC.

After the PMC, a complainant who continues to have concerns about the case can request to present the case to the CRP. The CRP consists of seven volunteer members and residents of the Austin Community. Each member is appointed by the City Manager. Each member serves a two-year term with no member serving more than two full consecutive terms. Before sitting on the panel, CRP members receive extensive training, including the APD Citizens' Police Academy, ride-alongs in police vehicles in each of the nine police area commands, Internal Affairs training, and communications with key people in the Community and oversight interests.

CRP members in 2007 included:

Janet Blake,  
Dominic Gonzalez,  
Sylvia Hardman,  
Joseph Hawkins, Chair  
Ketan Kharod,  
Thomas Martinez, and  
Dick Neavel.

The CRP meets once a month to review complaints and listen to complainants' concerns about the resolution or processing of their cases. The CRP reviewed 32 cases in 2007, which included cases from 2006 and 2007. While the CRP does not have the ability to render decisions or enforce discipline, it can make recommendations to the City Manager and the Chief of Police.

## CONCLUSION

The OPM underwent many changes in 2007, beginning with the appointments of new Police Monitor Cliff Brown and APD Chief Art Acevedo. Further, the OPM began work to create a joint database for IAD and the OPM to house all data related to complaints against officers with APD. This new database will help to reduce discrepancies in figures presented in the agencies' annual reports as well as improve the efficiency of the two agencies. Also, the OPM tweaked its community outreach approach. In 2007, it conducted meetings in five of the nine area commands, including Central East, North Central, Southeast, Southwest, and Downtown.

The OPM processed more contacts in 2007 than in 2006. In 2006, the OPM experienced its first decline in the number of contacts since it opened its doors. However, in 2007 not only did

the number of contacts increase by 49 percent but also surpassed the number of contacts of any previous year. The greatest number of contacts prior to 2007 was 1,249 in 2005. In 2007, the OPM processed 1,419 contacts. While most of these contacts did not develop into actual complaints, increases were still seen in the number of supervisory inquiries and formal complaints, with increases of 16 and 21 percent, respectively. The OPM monitored 344 formal complaints in 2007 compared to 285 in 2006. The increase in formal complaints was in the number of external complaints which experienced an increase of 37 percent. This compared to an increase of 8 percent for internal complaints.

Of those individuals who contacted the OPM, 43 percent filed some sort of complaint, i.e., a supervisory inquiry or formal complaint. This is a smaller proportion than that seen in 2006, when 54 percent of contacts developed into an actual complaint. Interestingly, in 2005 when there was also a large number of contacts, only 46 percent of contacts developed into a complaint. These findings suggest that as the number of contacts increases, the proportion of contacts developing into complaints decreases. There are a variety of reasons why this could be happening and the OPM will continue to monitor this in order to form a factual conclusion.

Part of the increase in the number of contacts seen in 2007 is likely due to the OPM's new outreach approach. In the past, the OPM mostly maximized on meetings held by community groups by bringing its message of oversight to these events rather than coordinating separate OPM events. In 2007, the OPM continued to attend community meetings but also conducted separate community meetings in five of the nine APD area commands. Meetings were held in the Central East, North Central, Southeast, Southwest, and Downtown area commands. Interestingly, increases in the number of complaints were also seen in all of these area commands, especially in the Southeast, Southwest, and North Central area commands. Of course, one cannot assume that this single change caused an increase in the number of complaints seen in these areas. However, steps can be taken to better assess the effects of the new OPM outreach approach.

The number of allegations investigated by IAD in 2007 increased by 26 percent from the number investigated in 2006. This increase was generally evenly distributed among supervisory inquiry allegations and formal allegations, with increases of 33 and 22 percent, respectively. In the past, IAD used to select a group of main allegations to include in its investigation of a complaint, regardless of the number of allegations presented by the complainant. The process allowed IAD to determine the number of allegations that it would investigate. This is one factor that may have contributed to a deviation in the number of allegations investigated in a year. Another factor that could have contributed to changes in the number of allegations this year was the use of IAD's "Other Factors to be Considered by the Chain of Command" section of its investigative reports. In this section, IAD had presented allegations that were not brought forth by the complainant, but were discovered during the investigation. It also included allegations that may have been brought forth by the complainant, but IAD did not deem to be a major complaint and/or issue that, in their opinion, rose to the level of a policy violation. In July of 2007, after hearing from a complainant at a Citizen Review Panel meeting, newly-appointed APD Chief Art Acevedo stated that he would work towards IAD fully addressing the concerns of complainants and assigning an allegation to each of these concerns. This approach brings the OPM and IAD closer to adequately responding to an individual's complaint and investigating all allegations brought forth by a complainant in addition to any violations discovered during an investigation. Only this process has allowed the OPM to truly present the actual number of allegations brought against officers of APD per year and APD to address all issues confronting its force.

Of all those allegations reviewed by IAD in 2007, 56 percent of all supervisory inquiry and formal complaint allegations were related to code of conduct issues. Code of conduct general orders do not merely provide a guideline as to what is expected behavior for APD officers, these general orders go beyond the scope of policing and many times cover issues of moral fortitude. Within the umbrella of code of conduct fall a few allegations that are of a particularly sensitive nature. These include: impartial attitude – the equitable treatment of all parties; compliance of laws, ordinances, and governmental orders; acts bringing discredit to the department; dishonesty; and sexual harassment. APD's goals and mission include maintaining a level of professionalism, engendering trust in the Community, and improving the quality of life for Austin residents. APD must continue to stay true to its mission and hold officers accountable for actions that do not coincide with its goals.

There continues to be a notable difference in IAD case classifications, especially when comparing classification of external cases to internal cases. A trend of case classification discrepancies was initially reported in the OPM 2004 annual report, and it is again apparent in this current annual report. Several explanations for this have been examined, including the make-up of internal cases and the additional filter provided by supervisory inquiries in external cases. In 2007, 19 percent of internal cases were classified as "A." This compares with 5 percent of external cases receiving the same classification. Despite this continued discrepancy in the classification of external versus internal cases, OPM agreement of IAD classifications increased from 78 to 85 percent for external cases and 94 to 96 percent for internal cases. In the absence of change in the classification of external versus internal cases, several factors likely contribute to the increase in agreement in case classification. One factor that could account for this agreement is the shared OPM-IAD database. This database has allowed for an increase in the flow of information between the two agencies. Additionally, IAD supervisors have made a concerted effort to decrease the amount of time it takes from when a complaint is lodged to classifying it and assigning the case to an investigator. IAD supervisors continue to work towards this goal and limit the time between intake and case classification. Further, in order to maintain the integrity of the OPM opinions on case classifications, OPM complaint specialists must enter their opinions as soon as the necessary information is provided by IAD.

This discrepancy between the treatment of external and internal cases was also seen in IAD allegation recommendations, where 81 percent of internal allegations were sustained, while only 12 percent of external allegations received this recommendation. However, this discrepancy was not reflected in the OPM's agreement rate which increased from 82 to 100 percent in 2007. Some of the factors described in the case classification section may apply here as well. Examination of IAD case classifications and recommendations and OPM opinion of these will continue to be analyzed in subsequent reports.

While IAD and the OPM may not always agree on how a case should be classified or how an allegation should be handled, allegations from within and outside of the Department are in high agreement. Both the Department and the public commonly allege violations of code of conduct. Code of conduct allegations are concerning since the comportment of a police force is likely to show how its officers value the laws of the land, the Department, community policing, as well as their fellow officers. Any steps taken to lower the number of code of conduct allegations, both internally and externally, would greatly benefit the Department.

North Central (NC), Southeast (SE), Southwest (SW), and Downtown (DTAC) area commands experienced increases in the number of allegations between 2006 and 2007. Central East (CE), Central West (CW), Northeast (NE), South Central (SC), and Northwest (NW) experienced decreases in the number of allegations during this same time period. In reviewing the types of

allegations filed by area command, Downtown continues to have the greatest number of excessive use of force allegations. While in 2006, Downtown experienced a drop in the number of allegations and only a slight increase in the number of complaints, in 2007, Downtown increased in number of complaints, and the number of allegations, and incurred the greatest number of excessive use of force allegations. Allegations of excessive use of force are not unique to Downtown. In 2007, Central East, Southwest, and Southeast experienced a large increase in the number of use of force allegations. APD and supervisors in these area commands should strive towards the use of de-escalation tactics that can diffuse volatile situations.

Another allegation that is of particular interest to the Community and the OPM is the allegation of bias-based profiling. There was an overall increase of 73 percent in the total number of bias-based allegations between 2006 and 2007. In fact, all area commands, except for Northwest, South Central, and Southwest, saw increases in the number of bias-based profiling allegations between 2007 and the previous year. A common saying at the OPM is that "perception is reality." While the OPM and APD have very few ways of truly determining if an officer has racially profiled a complainant, the reality to the complainant is that of bias. APD must continue to dismantle the sense of distrust and belief in bias that some members of our community have. For this reason, APD and supervisors in the areas that experienced increases in bias-based allegations should evaluate possible reasons for this increase as well as continue to reach out to community members in order to maintain a sense of trust and service.

In 2005, an analysis of the characteristics and demographics of officers referenced in complaints revealed that some newer or less experienced officers were more likely to incur complaints than more seasoned officers. However, in 2006, the median and average years of services of officers referenced in complaints rose to eight and ten years, respectively. Similar findings were seen in 2007, with average and median ages at 9 and 7 years, respectively. These findings suggest that complaints can no longer be attributed to an officer's lack of experience. Supervisors paying special attention and giving guidance to officers of all levels of experience could yield improved compliance to APD policy and procedures as well as a decrease in complaints. These findings further suggest that officers entering their fifth year of service could benefit from refresher training courses focused on commonly seen allegations, such as code of conduct, use of police vehicles, and use of force.

In 2007, the OPM conducted a separate analysis of officers who incurred multiple complaints in the span of one year compared to officers who had only one complaint filed against them. These findings revealed that repeat subject officers were more often white males with approximately eight years of service. Further, this analysis demonstrated that while experience is an important variable to consider, so is the age of the officer. When the ages of repeat subject officers were compared to the ages of single-case subject officers, it was found that the most common age of repeat subject officers was 28 years while it was 39 years for single-case subject officers. The Chains of Command should maximize their access to the Guidance Advisory Program (GAP), APD's early warning system, in order to identify officers at risk of accruing multiple complaints or displaying an undesired behavior pattern.

The OPM will also continue to examine other aspects of this issue. Future analyses of complaints and allegations will involve looking at complainant race/ethnicity, type of allegation, duty/assignment, disciplinary action taken, as well as other variables. The OPM will increase its use of GAP reports in order to assess Chain of Command resolutions to triggers of the early warning system.

The OPM aims to use the findings highlighted and questions raised by this report to shed more light on the IAD administrative complaint process, meet the objectives set for the OPM by the citizens of Austin, and fulfill its mission statement.

## RECOMMENDATIONS

Part of the OPM’s oversight responsibility includes drafting and issuing recommendations upon completing the review of IAD investigative files and in response to any observed patterns within the Department. The most common types of recommendations made to IAD/APD include case-specific recommendations, such as case reclassification, allegation reclassification, further investigation of a case, or request for IAD to follow proper administrative complaint procedures. Other recommendations are developed by reviewing particular cases, but focus more on change to current policies and procedures or addition of a new policy or procedure. Further, the OPM can also suggest that a particular officer receive certain training/re-training and/or counseling.

The reader may recall that the OPM had varying degrees of agreement with IAD case and allegation classifications as well as the final dispositions rendered by the Chains of Command and the Chief of Police. Table 27 below details the different recommendations made by the OPM and the CRP to IAD/APD, along with APD’s response, during 2007. In those areas where a blank is present rather than a response, OPM attempted to locate APD’s response, but no response was found.

**Table 27. OPM and CRP 2007 Recommendations and APD Response**

Type of Recommendation	Recommending Party	Recommendation	APD Response
Global Recommendation	Citizen Review Panel	Recommendation that additional training be provided to all officers regarding appropriate (and inappropriate) Taser usage.	
Global Recommendation	Citizen Review Panel	Recommendation that a videotape of a single specific incident be used as a training tool to demonstrate how not to interact with the public and when not to employ the Taser.	
Global Recommendation	Citizen Review Panel	Recommendation that in instances where any supervisory officer overturns or rejects a disciplinary decision or recommendation made by a subordinate, that the supervisor then counsel the subordinate in order make clear his/her reason(s), and to provide direction regarding what behavior is acceptable and what is not.	



Specific Recommendation	Citizen Review Panel	Recommended additional training regarding appropriate conduct in dealing with the public during traffic stops and other encounters for one specific officer.	
Specific Recommendation	Citizen Review Panel	In this memo, the CRP stated it agreed with APD's findings and recommended that one specific officer be placed on indefinite suspension.	No specific response to the CRP could be located but the officer was placed on indefinite suspension.
Global Recommendation	Citizen Review Panel	Recommendation that policy be revised to require maintenance of all videotapes of incidents for at least 180 days or as long as a complaint, civil or criminal action is pending, whichever is longer.	Memo received which advised that policy on non-evidentiary in-car camera recordings will be extended to 180 days; evidentiary tapes continue to be retained until the final disposition of the case.
Global Recommendation	Citizen Review Panel	Recommendation that policy be revised to specifically require each allegation be investigated and addressed.	Memo received which advised there are Standard Operating Procedures to address this matter and that multiple allegations may all be centered around one issue, e.g., "rudeness." The cases that do not rise to the level of a policy violation will be handled by the Chains of Command.
Global Recommendation	Citizen Review Panel	Recommendation that officers be continuously made aware that (quickly) escalating to force simply because the civilian is not complying fast enough harms APD's image in the community.	Memo received which advised that the IAD process will soon include regular meetings with the Training Division. The Training Division will develop programs on positive interaction with an emphasis on correcting behavior that leads to mistrust or dissatisfaction in the community.

Global Recommendation	Citizen Review Panel	Recommendation that additional training on seatbelt laws could be warranted.	Memo received which advised that this was an isolated incident and that a misinterpretation of the law is not widespread in the department.
Specific Recommendation	Citizen Review Panel	Requested that the Office of the Chief try to resolve an issue regarding a claim that personal property is missing.	Memo received which advised the Chief did not think the officer took the property but that more specificity in the officer's written report from the night of the incident could have corrected the problem. Therefore, the Training Division will make this a future topic for roll-call or in-service training.
Specific Recommendation	Citizen Review Panel	As no Use of Force report was filed despite the complainant receiving bruises, scratches and possibly a chipped tooth during the incident, the Panel requested being informed about how the chain of command handled the issue.	Memo received which advised that the Department is completely revising its Use of Force investigation and reporting procedures to include safeguards against omissions. Also, in the future, supervisors will conduct on-scene investigation of all incidents where force is used.
Specific Recommendation	Citizen Review Panel	Recommendation that a specific officer be placed on Indefinite Suspension because of his actions in a shooting death.	No specific response to the CRP could be located but the officer was placed on indefinite suspension.
Global Recommendation	Citizen Review Panel	Requested clarification regarding APD's policy on dishonesty, specifically what constitutes dishonesty, the consequences of a sustained allegation of dishonesty, and the difference between a dishonest act that warrants termination versus one that doesn't.	Memo received advising that the General Order had been revised.

Global Recommendation	Citizen Review Panel	Requested that revisions to current understanding or application of policy be incorporated into a written policy.	Memo received advising that the General Order had been revised.
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## DEPARTMENTAL DECISIONS ON SIGNIFICANT CASES IN 2007

The following list of case descriptions and resulting disciplines can provide insight and transparency into the IAD investigative process, the APD decision-making process, and the overall oversight process.

- On March 14, 2007, officers were dispatched to a domestic disturbance call involving a person that had threatened violence with a knife. Upon arrival, the scene was ascertained, but no suspect was found. Several minutes later the suspect, as described by witnesses, was seen on a nearby pedestrian bridge. Two additional officers that responded to the scene quickly proceeded to the bridge when the suspect began to flee on foot prompting the officers to engage in a foot pursuit. While in pursuit the officers yelled out verbal commands for the suspect to stop, but the suspect would not comply. The suspect had a significant lead on the officers and was able to make it across the bridge and down a spiral walkway that lead to an open parking lot of a strip mall that was busy with early morning activity. One of the officers (Officer A) was closing on the suspect while the other officer (Officer B) was further behind. Officer B yelled more commands to stop and drew his weapon and fired at the suspect as he and Officer A were moving through the spiral walkway. As Officer A and the suspect continued through the open parking lot, Officer B fired another shot into the parking lot from atop the pedestrian bridge striking a vehicle that was occupied by two children who were waiting for their mother to return from a nearby clinic. Officer A was able to tackle and take the suspect into custody. Officer B was indefinitely suspended for violating the penal code (reckless conduct) and the police department's use of force policy based on the fact that he shot at a fleeing suspect who did not pose an imminent threat to the safety of the officers or another person. The officer appealed his termination and an agreement was reached prior to the appeal taking place that resulted in the officer resigning.
- On May 18, 2007, an FTO, or field training officer, was on routine patrol when he and a cadet responded to a call for service involving a hit and run collision. The cadet was allowed to work the call, but when it became apparent that the complainants were becoming agitated because the officers would not pursue the suspect, the FTO intervened on behalf of the cadet. He explained that the suspect had crossed the city limit lines and also offered an explanation regarding penal code and departmental policy. When the complainants continued to insist the officers take some kind of significant action, the FTO stated that his supervisor told them to just write a report and the matter would be handled through a different channel. The patrol unit in use was equipped with a video recording system and it clearly shows that at no time does the FTO consult with his supervisor either by radio or by any other means. A commander over the area was forwarded the citizen complaint and after careful scrutiny asked the FTO about the incident to which the FTO responded dishonestly to the commander about his role in the matter stating that he, in fact, had communicated with his supervisor about the call. The FTO was disciplined on a violation involving responsibility to the Department but the

allegation concerning honesty was deemed to be inconclusive even though there was documented proof from the unit's video recorder.

- On June 3, 2007, a sergeant and other officers were working an interdiction assignment involving an after hours club that had received numerous complaints from residents about pedestrian loitering and loud music. A private security detail that was contracted to assist with the concerns reported to the sergeant that persons had approached him and informed him that an individual had been passed a firearm. The individual was pointed out and the sergeant, along with another officer, approached the individual in a crowd. As he approached the person, the sergeant attempted to put his hands on the individual when a quick struggle ensued and the person broke free creating a foot pursuit. The sergeant and other officer gave chase through the parking lot onto an adjoining apartment complex. The two officers became separated and the sergeant met up with the suspect in an open courtyard area. The sergeant yelled out verbal commands to stop. The suspect allegedly turned as if indicating he was going to reveal a weapon when the sergeant shot and killed the suspect believing that the suspect had possession of the firearm with an intention to use it on him. No handgun was found on the suspect, however, a handgun was found just outside the courtyard in the area where the suspect was running just before encountering the sergeant. The sergeant was indefinitely suspended by the Department for his tactics, judgment and a violation of APD's use of force policy. The sergeant appealed the decision and his termination was upheld.
- On August 13, 2007, a senior police officer became the subject of a complaint involving his neighbors. The neighbors, a husband and wife, claim that for several years the officer has continuously harassed the couple because the husband is a convicted sex offender and is not wanted in the neighborhood. The issues occurred when the officer was off duty, but spilled over into the complaint process due to the couple feeling that because a police officer was behaving this way, the issue warranted departmental intervention. The officer's chain of command attempted on several occasions to mediate the situation and had imposed specific directives to the officer to avoid the couple at all costs. Over the next several months the officer and the couple had negative exchanges which resulted in multiple complaints and one sustained allegation of the officer for which he was disciplined.
- In September 15, 2007, two sergeants were disciplined in their role for failing to report an incident involving another officer. The first Sergeant (Sergeant A) was on duty the night of the incident and was called to the scene to investigate the complaint. His conversation with the victim and her friend were recorded on the police car's video recorder. Sergeant A notified the officer's immediate supervisor, Sergeant B, who was not working the night of the incident. Sergeant B refused to handle the matter and told Sergeant A that since Sergeant A was working that night, it was his responsibility to handle it. Sergeant A also failed to turn in the in-car video in a timely manner. Both sergeants were disciplined for dereliction of duty. Only Sergeant B appealed his 15 day suspension, which was upheld.
- On September 25, 2007, a commander was addressing a cadet class at the APD academy and made offensive comments about females to the cadet class and training staff. The commander had made remarks about alternative lifestyles that offended individuals in the cadet class as well as staff. In addition, a female sergeant alleged that after she requested a transfer, that she has been discriminated against by the

commander based on her gender and possibly her sexual orientation. The commander was the subject of an Internal Affairs investigation for potential discrimination and while it was found that he did not discriminate against the female officer regarding her transfer, he was suspended for twenty days for failing to demonstrate an impartial attitude and acts bringing discredit upon the police department. The commander subsequently retired.

- On December 5, 2007, a lieutenant alleged that his commander belittled and ridiculed other officers and administrators as well as APD policies and practices, and communicated with subordinates in an aggressive, yelling, and intimidating tone. The commander also allegedly transferred the lieutenant in retaliation for the lieutenant reporting these alleged policy violations to Internal Affairs. As a companion, the commander also used the same degree of behavior with a sergeant when it was discovered that he had mishandled a case a detective had submitted to federal court. The commander retired shortly after the completion of the Internal Affairs investigations.
- On December 10, 2007, it was discovered that for over a year a Senior Patrol Officer had also engaged in on and off duty inappropriate conduct with a known prostitute. The officer maintained that he knew the woman from the streets and had frequent interaction with her, but denied any kind of relationship with the woman. The woman in fact rebuked the officer's claims by giving specific details about his person, vehicles, and house. The officer was indefinitely suspended from the department for numerous violations of police department policy, including dishonesty, and for violations of the Texas Penal Code. The officer appealed his firing, which was upheld. The officer was indicted by a Travis County Grand Jury for numerous felonies and misdemeanors.
- In addition, on December 10, 2007, it was discovered that two officers on the above subject officer's shift were questioned by IA about their knowledge involving the subject officer and the woman. Both officers told Internal Affairs they had not discussed the investigation with the subject officer but it was later discovered that the subject officer had met with and spoken to the officers individually at his home and via telephone discussing the details of the allegations in the investigation. When confronted with their failure to cooperate with the investigation, both officers admitted that they had spoken to the subject officer, who had asked them to cover up for him. The two officers were both suspended for 90 days for failing to cooperate with Internal Affairs.
- On December 13, 2007 a civilian employee of the Austin Police Department filed a complaint alleging that for several weeks her immediate supervisor had verbally and sexually harassed her on multiple occasions. The civilian stated that her supervisor, who was a sergeant, would make inappropriate comments about her dress and her relationship with another officer. An investigation subsequently followed and it was determined that the sergeant had, in fact, made such comments, but claimed that his actions were not meant to be hurtful or damaging, but were made in jest to create a laid back working atmosphere. The sergeant was indefinitely suspended for sexual harassment and dishonesty.

## COMMUNITY OUTREACH

Concentrating on bringing its message of oversight to each of APD's command areas was this year's outreach focus.

The OPM held separate community meetings in five of the nine APD area commands. Plans to target the remaining four commands remain in place for 2008. Meetings were held in the Central East, North Central, Southeast, Southwest, and Downtown area commands.

Along the way, the Office of the Police Monitor partnered with several worthy organizations, including the Austin Housing Authority, which secured meeting space and distributed leaflets announcing the meetings. The Parent Support Office of the Austin Independent School District readily supplied equipment that allowed Spanish-speakers to hear the English-language presentation simultaneously in their own language via a translator. The Austin Police Department officers within the various commands supported the effort by notifying their community contacts and attending the meeting to greet and answer pertinent questions from the attendees.

To prepare for each of the command area meetings, the office publicized the effort to organizations, associations, schools, individuals, and other key contacts. Some of these efforts resulted in invitations to present before specific groups, while others distributed the information via the internet and their newsletters.

At the University of Texas, located in the Downtown Area Command (DTAC), Police Monitor Cliff Brown, who joined the office in January, spoke to about 80 student government leaders representing an array of student organizations. Notice of his impending visit was widely publicized several times in their weekly newsletter that reaches an estimated 7,000 students. An article subsequently appeared in the University's newspaper, the Daily Texan.

Downtown also houses a well-recognized institution that provides varied services for the city's homeless population. Clients of the Austin Resource Center (ARCH) for the Homeless heard the Police Monitor talk about oversight at one of their gatherings. The message was further augmented when ARCH staff began televising a PowerPoint highlighting OPM services in their main lobby.

This relationship resulted in an invitation to participate in Stand Down, an annual event that provides homeless individuals access to clothing, hair cuts, medical services, and other resources in order to help them transition from the streets and shelters back into their communities.

Meanwhile, the Greater Southwest Optimist Club bestowed their annual "Respect for Law Award" to the community liaison for working on behalf of the Community.

The Office of the Police Monitor continues its commitment to education by working with the African American Men and Boys Conference, as well as the Greater Austin Chamber of Commerce mentorship program at the former Johnston High School.

See Appendix II for a detailed listing of the groups and individuals with whom the OPM worked during 2007.

*This piece was written by Hermelinda Zamarripa, Community Liaison for the OPM. She joined the OPM in June of 2002.*

## APPENDIX I: OUTREACH EFFORTS IN 2007

Jan. 8	Austin Police Department (APD) Town Hall Meeting, Waller Creek Center
Jan. 24	Austin Heights Neighborhood Association presentation, Mi Madre Restaurant
Jan. 25	APD Northeast Commander's Forum, St. John Community Center
Jan. 26	Norman Elementary School Career Day Activities
Jan. 31	Downtown Austin Alliance meeting, 211 E. 7th St.
Jan. 31	Ridgetop Neighborhood Association Crime Committee, Flight Path Coffee Shop
Feb. 1	Men with a Purpose meeting, YMCA at Ed Bluestein
Feb. 1	Urban League Banquet
Feb. 2	Ridgetop Elementary School bilingual presentation for parents
Feb. 5	APD Central East Command presentation, East Substation
Feb. 8	Coronado Hills Neighborhood Association presentation, Clifton Career Center
Feb. 9	Greater Austin Hispanic Chamber of Commerce annual banquet, Hilton Hotel downtown
Feb. 10	Windsor Park Neighborhood Association presentation, Memorial United Methodist Church
Feb. 12	Ridgetop Neighborhood Association meeting, First Workers Center
Feb. 13	APD North Central Commander's Forum presentation, Barrington Elementary School
Feb. 15	Scofield Farms Neighborhood Association presentation, 12720 Picket Rope Lane
Feb. 15	LBJ Neighborhood Association presentation, University Hills Library
Feb. 26	Jordan Elementary School, informational booth
Feb. 28	Office of the Police Monitor North Central Community Meeting, Pickle Elementary School
March 7	Mexican Consulate, informational booth
March 29	Cesar Chavez Awards dinner, Conley-Guerrero Senior Activity Center
April 10	Brooke Elementary School presentation to parents
April 11	Sims Elementary School presentation to parents
April 13	Ortega Elementary School presentation to parents

April 24	Office of the Police Monitor Central East Community Meeting, Booker T. Washington housing community
May 29	Greater Southwest Optimist Club Community Service Award presented to Community Liaison Hermelinda Zamarripa
June 12	Office of the Police Monitor Southeast Community Meeting, Dove Springs Recreation Center
June 19	Juneteenth Celebration, information booth, Rosewood Park
June 23	APD South Central Safety Fair, information booth, Burton at Riverside Dr.
July 31	APD Southwest Commander's Forum, South substation
August 6	Oak Hill Rotary Club, presentation, Gattitown
August 7	National Night Out, information booth, Pan American Recreation Center
August 8	Oak Hill Association of Neighborhoods, presentation, Austin Community College Pinnacle Building
August 14	Office of the Police Monitor Southwest Community Meeting, El Buen Samaritano
October 2	Office of the Police Monitor Downtown Community Meeting, Waller Creek Center
October 17	Austin Resource Center for the Homeless presentation
October 23	University of Texas Student Government presentation, Student Services Building
Nov. 3	Stand Down, information booth, Pan American Recreation Center
Nov. 28	Montopolis Business Leaders luncheon, Ruiz Library
Dec. 19	AISD Vertical Team meeting presentation, Webb Middle School



## **APPENDIX II: COMPLAINT PROCESS**

OPM complaint specialists are tasked with addressing citizen issues concerning APD activity. Complaint specialists take phone calls, e-mails, faxes and complaints via US mail about allegations of police misconduct or questionable activities. Persons may also visit the OPM in order to speak with a complaint specialist in person either during the day or after business hours through special appointment. The OPM is readily accessible to physically challenged, hearing impaired, and non-English speaking complainants.

When a complaint is received by the OPM, a complaint specialist conducts an interview with the complainant to gather the relevant facts of the complaint. Each complaint is unique in composition and level of severity. The complaint specialist will explain the three courses of action available to the complainant— filing a supervisory inquiry, filing a formal complaint, or seeking mediation.

Through Civil Service Standards, a complaint must be filed within 180 days of the incident in order for an officer to receive any type of formal discipline. Complaints that are filed after 180 days can only result in a written reprimand.

### **Supervisory Inquiries**

Supervisory inquiries are reserved for less severe policy violations or to clarify APD's rules and regulations. The supervisory inquiry is for those complainants who do not wish to go through the formal process and would like a faster result. Many people utilize this course of action because they want to make the department aware of an unpleasant issue.

After the OPM assesses the complaint and the complainant chooses the supervisory route, the complaint is forwarded to the officer's supervisor or their Chain of Command by Internal Affairs. This process allows the complainant to communicate directly with the officer's supervisor and is completed within 30 days. At the conclusion of this option, individuals who believe that their concerns were not fully addressed may still request that a formal complaint be filed.

### **Formal Complaints**

The OPM staff documents complaints through a complainant's interview with a complaint specialist. The interview is digitally recorded and the complainant's statement is typed, signed, and notarized. The statement and recording are then forwarded to Internal Affairs (IA) for review of potential policy violations and case classification. Complaints classified as A and B have been deemed to present potential policy violations that warrant closer examination in order to identify, address, and correct officer conduct. Class C or D complaints are not investigated in a traditional manner but are relegated to supervisors to identify performance and or training issues. IA investigates or reviews all formal complaints. If a complaint is investigated by IA, an OPM staff member is present at all interviews and monitors the progress of the investigation. Once an investigation is completed, the OPM reviews the investigation for completeness and fair application and interpretation of rules, regulations, and policy. The OPM has unfettered access to the IA investigative process.

The complainant is given the investigation decision in writing. A complainant may then sit down with the police monitor or assistant police monitor to find out the details of the investigation during a Police Monitor's Conference (PMC) should they choose to do so. Written documentation of the investigation is not given to the complainant due to civil service limitations on what can and cannot be provided. If the complainant is not satisfied with the investigation,

they may also seek assistance from the Citizen's Review Panel (CRP). The Citizen's Review Panel is a volunteer group of seven citizens that meet once a month to hear cases in dispute as brought by either the complainant or the OPM or to discuss oversight issues. If a complainant chooses to utilize the CRP to hear their case, they are given 10 minutes during a public portion of the meeting to outline their issues with APD and/or the outcome of the investigation. The CRP may ask clarifying questions of the complainant during this time. Afterwards, the CRP will meet in a private executive session to deliberate on the actions necessary to address the case. The CRP may make recommendations concerning the complaint to the chief of police or choose to leave the case in its current status.

### **Mediation**

Mediation is designed so that a complainant may have a professional dialogue with the subject officer in the presence of a neutral mediator. It is an opportunity for a complainant to air their grievances. It is also an opportunity for both parties to express individual points of view and perspectives. Both the complainant and the officer have to agree to mediation. No discipline is administered, mediation does not go into the officer's personnel file, and the supervisory/formal complaint processes cannot be utilized if mediation is chosen.

*This piece was written by complaint specialist with the OPM Louis Gonzales III. He has been with the OPM since its inception in 2002.*