



## MEMORANDUM

**TO:** Mayor and Council Members

**FROM:** Farah Muscadin, Director, Office of Police Oversight  
Joseph Chacon, Interim Chief of Police, Austin Police Department *Farah Muscadin* *Joseph Chacon*

**DATE:** Friday April 23, 2021

**SUBJECT:** Renewed Commitment and Collaboration between Austin Police Department and Office of Police Oversight

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This memorandum outlines the renewed commitment between the Austin Police Department (APD) and the Office of Police Oversight (OPO), and the steps that both departments will take to facilitate a comprehensive and impartial review of complaints and policy recommendations.

### **Background**

Both OPO and APD have a vested interest in ensuring that the Internal Affairs Division (IAD) conducts thorough and impartial investigations of complaints. While there have historically been barriers to achieving this shared objective, both departments believe that there are now new opportunities to improve the investigative process by enhancing the level of cooperation between OPO and APD. Interim Chief Joseph Chacon highlighted these opportunities when Council Member Gregorio Casar questioned him at his Council Confirmation on March 25, 2021. Since then, OPO and APD have begun working together to address concerns regarding APD's handling of administrative investigations.

### **Improving the Working Relationship Between OPO and APD**

To enhance collaboration between OPO and APD, our departments are creating joint standard operating procedures. These joint standard operating procedures detail the respective roles and responsibilities for both OPO staff and IAD investigators. The joint standard operating procedures also outline each phase of the complaint process and ensure that IAD thoroughly investigates all complaints. In addition, the joint standard operating procedures provide the framework for resolving disagreements between APD and OPO. The current draft of the joint standard operating

procedures has been under review by APD Executive Staff and was submitted to OPO for approval on April 19, 2021. Pending OPO approval, APD Executive Staff commits to finalizing and signing the joint standard operating procedures by April 30, 2021.

### **Internal and External Complaint Investigations**

The quality of the IAD investigations, including the individuals interviewed, the questions asked, and the written investigative summaries must be comparable regardless of whether it is an internal or external complaint.

To address these concerns, APD commits to:

- Ensuring that IAD investigators conduct a robust review of all complaints regardless of whether they originate from an internal or external source; and
- That investigations, specifically of community complaints, are presumed as prescribed by the joint standard operating procedures.

To address these concerns, OPO commits to:

- Continuing to recommend complaints for investigation after conducting a thorough preliminary review; and
- Continuing to provide feedback and recommendations to APD.

### **OPO Questions During Investigatory Interviews**

The 2018 Meet and Confer Agreement states that a representative from OPO may request that an IAD investigator ask additional questions during an interview. However, whether the questions are asked is within the discretion of the IAD investigator. IAD investigators must not use this discretion in ways that prevent relevant questions from being asked and hinder the progress of the investigation.

To address these concerns, APD commits to:

- Ensuring that leadership fosters a cooperative and collaborative working relationship between OPO staff and IAD investigators;
- Providing additional training to IAD investigators on the form and scope of questioning during administrative investigations;
- Instituting procedural safeguards to prevent abuse of discretion in the administrative investigation process; and
- Collaborating with OPO to ensure that these issues are addressed in the joint standard operating procedures.

To address these concerns, OPO commits to:

- Ensuring that any questions suggested are pertinent to the investigation; and
- Participating in any additional training that OPO and APD deem necessary and beneficial for the collaboration between the two departments.

## **Policy Recommendations from OPO**

### Revisions to the General Orders

In June 2020, City Council directed OPO to facilitate a rewrite of APD's General Orders. Both APD and OPO are committed to seeing this task through to fruition and ensuring that it is accomplished in a way that implements community feedback and increases transparency.

To facilitate this process, APD commits to:

- Engaging in a collaborative review process for all proposed revisions to the General Orders. Specifically, when OPO recommends a policy revision, APD will promptly provide a written response agreeing or disagreeing with the recommendation and providing detailed reasoning to support that position.
- Prioritizing responses to the key policy recommendations OPO has already made related to the 8 Can't Wait initiative and the protest-related policies outlined in Resolution 20200611-095.

To facilitate this process, OPO commits to:

- Engaging in a collaborative review process for all proposed revisions to the General Orders
- Posting APD's written responses on the OPO website in a timely manner.

Over the next weeks, APD and OPO will come to an agreement on an appropriate timeframe within which APD will issue its responses and OPO will post them. This timeframe will be shared with the public.

## **Conclusion**

To achieve the goals of transparency and accountability, our departments will collaborate to ensure that IAD conducts unbiased, fair and thorough investigations of all complaints, regardless of their origin. Through fulfilling the commitments outlined here, OPO and APD will improve the complaint process and, ideally, increase the level of trust that community members have in the process. In addition, OPO and APD commit to a collaborative review process to ensure that policy recommendations and revisions prioritize the community and align with best practices and the

directives of City leadership. We are confident that our departments will be able to come together to achieve these goals.

cc: Spencer Cronk, City Manager  
Nuria Rivera Vandermyde, Deputy City Manager  
Rey Arellano, Assistant City Manager