



MEMORANDUM

Austin Police Department
Office of the Chief

TO: Spencer Cronk, City Manager
Rey Arellano, Assistant City Manager
FROM: Brian Manley, Chief of Police
DATE: April 29, 2020
SUBJECT: Preliminary Response to the Tatum Investigation

The Austin Police Department remains committed to working within our department, as well as within the community, to address the issues brought forward in the Tatum Law Independent Investigation in a collaborative and solution-based approach. It is important that we maintain the trust we have within the community and department and build trust in those areas where it is lacking. We will make all necessary changes to ensure our employees have a work environment and culture that promotes equity, fairness, and frees them from concerns of retaliation. The Department has put forth significant effort as an agency in the area of unconscious bias and racial and cultural sensitivity training, and we see the report as an opportunity to implement additional measures to ensure we are solidly on the path to improving as a Department. Our immediate and long-term actions will address the findings raised in the report, including:

- Institutional racism and sexism
- Fear of retaliation
- Doubts that substantive change would transpire
- File management and record retention
- Personnel management and training
- Implicit bias and racial/cultural sensitivity
- Equipment policies
- Internal Affairs investigations

Departmental Culture, Fear of Retaliation, and Substantive Change

While the report highlighted clear cultural issues in need of attention, we have work to do to determine the breadth and scope of the issues, which is essential for developing actionable strategies to effectively address the problems. Accordingly, APD leadership has already taken the following steps:

- Held meetings with the respective presidents of the Austin Police Association, Austin Police Women's Association, Amigos in Azul, Texas Peace Officers Association, and the

Lesbian & Gay Peace Officers Association to better understand the concerns of their membership and discuss the path forward. All were willing to work together on these issues.

- Prior to the Tatum report being issued, APD was already working with the Equity Office on an equity assessment and had met with Joyce James, CEO and owner of Joyce James Consulting. Ms. James previously led the Center for Elimination of Disproportionality and Disparities at the Texas Health and Human Services Commission, and, in that role, she addressed issues at Child Protective Services like those identified in the Tatum report. We met with her again after receiving the report to discuss what an engagement with her firm would look like in addressing the issues the report brought forward.
- Continued the process of revising our policies regarding promotions and transfers that were already in progress when the Tatum report came out. Among other issues, these revisions were focused on ensuring equity and fairness in the process through consistency in standards. We are taking the findings of the report into consideration as we finalize these updates.
- Updated our policy 914 – *Equal Employment and Opportunity and Non-Discrimination* in February, prior to receiving the Tatum report. The policy was expanded and now covers discrimination, harassment, sexual harassment, and retaliation. Additionally, the policy now states, “APD Human Resources shall notify the COA Human Resources Director and/or the Human Resources Department Employee Relations Division for all complaints of discrimination, harassment, sexual harassment, or retaliation”. This directly addresses the issues Ms. Tatum later brought up in her report regarding the inclusion of those with expertise in employment law during our Internal Affairs investigations of these matters.

Additionally, APD leadership will take the following steps moving forward:

- Contract with an independent consultant that specializes in addressing the cultural issues identified in the report. This is anticipated to be a long-term engagement.
- Conduct a comprehensive, anonymized survey of departmental personnel that is administered by an independent organization to better define how the fear of retaliation and the issues surrounding racism and sexism are manifesting themselves from the perspective of our employees. We need to identify those specific actions that have created this atmosphere so we know where to exert our efforts. The results of this survey will identify and inform additional steps we will take to address the findings.
- Establish a Chief’s Advisory Committee, which will be comprised of a diverse group of employees (commissioned and civilian) from ranks and assignments across the Department and will meet regularly with the Executive Staff. This committee will better establish lines of communication across the department so issues/concerns can be addressed timely and directly.
- Create a Chief Diversity Officer position within APD. The Department has been engaged with the Equity Office over this past year on a departmental equity assessment. During this work, we began discussions about the feasibility of creating a Chief Diversity Officer position within APD. We have identified a position that we intend to reclassify for this purpose and will request authority to do so as we further define the role and scope.

APD anticipates some of these issues will be concurrently addressed by the ongoing or upcoming reviews of the Department under City Council Resolution 20191205-066.

Policies and Training

The report also raised concerns about departmental policies and procedures and these concerns are more readily addressed. Issues pertaining to file management, record retention, equipment usage, and harnessing the subject-matter expertise of the Human Resources bureau during certain Internal Affairs investigations have been or will be rectified by amending or strengthening established protocols. We will complete the necessary updates to the following policies by June 15, 2020:

- 111 - APD Standing Committees
- 455 - Social Media Policy
- 902 - Administrative Investigations – We have been working with the Office of Police Oversight on this policy to ensure all investigations into policy violations are formally documented in the IAD database and available to them. This will also ensure all disciplinary memorandums related to Internal Affairs investigations are maintained in the case file and readily accessible.
- 942 - Training and Career Development
- 972 - Employee Speech, Expression, and Social Networking
- 1000 - Department Technology Use
- 1002 - Electronic Mail (Email) Communications
- 1003 - Telephone and Mail Protocol
- 1004 - Department Owned Cell Phones

In addition to the review of these policies, APD has also created a tracking mechanism for the Special Response Team and is in the process of archiving all previous master rosters since 2017. We will now have an easy way to track the membership and activities of this team.

The report called for increased unconscious bias, and racial and cultural sensitivity and awareness training. Efforts in this area—some of which were completed prior to the issuance of the Tatum report—include:

- APD has instituted implicit bias and cultural awareness training for all sworn personnel and new recruits.
- All APD Executives, Commanders, and civilian managers have attended the Undoing Racism workshop.
- The entire Training Academy leadership cadre has attended Beyond Diversity training. They are now developing a modified version of this training for future cadet classes.
- APD hired a Development and Training Manager with a doctorate in psychology and expertise in cross-cultural perspectives to develop and execute curriculum review strategies and assess teaching and learning methodology at the Training Academy.

- APD worked with the Office of Police Oversight and the UT School of Law to design and implement the comprehensive *Racial History of Policing* curriculum for our future cadet classes.
- The Department will continue to explore opportunities, both independently and in consultation with others reviewing our department, to bolster our training options in areas to include cultural sensitivity and equity.

The potential need for additional management training was another concern raised in the report. APD currently offers or sponsors the following coursework pertaining to leadership and management:

- Front-Line Leadership
- Leadership Command College
- New Supervisor School
- Detective/Corporal School
- Performance, Assessment and Accountability for Supervisors
- Ethics, Professionalism and Decision Making
- Managing Stress and Burnout
- QPR (Question, Persuade, Refer)
- Resolving Conflict
- Toxicity
- FBI National Academy
- Police Executive Leadership Institute
- Senior Management Institute for Police
- Certified Public Manager Program
- Women's Leadership Institute

The Department implemented a Servant Leadership program last year, and, as an outgrowth of that work, we have been evaluating the creation of a leadership, mentorship, and succession planning position. We have identified a position we are considering converting to this purpose. While we have formalized trainings to prepare those promoting into investigative or first-line supervisory assignments, we do not have a specific training or protocol for those promoting into middle management or executive level positions, or for those transferring between assignments while remaining in the same rank. This issue was also brought up in the Tatum report, which further highlights the need for additional work in this area. The new position will also be able to promote greater access and equity in selection procedures.

The Austin Police Department is actively addressing the issues brought forward in the Tatum report. This memorandum highlights our initial action steps to ensure we promote and maintain a culture of equity and fairness, free from fear of retaliation, for all personnel. We will likely identify and implement additional measures as identified through this work.