

A photograph of the Austin skyline at dusk, featuring several prominent skyscrapers with illuminated windows. The city is reflected in the water of the Colorado River, which flows under a bridge in the foreground. The sky is a mix of blue and orange from the setting sun. A large blue diagonal graphic element is on the right side of the image.

PRELIMINARY POLICE OVERSIGHT ANALYSIS

Office of the Police Monitor | 2018



OFFICE OF THE
POLICE MONITOR

Presentation Outline



Oversight Models

Auditor/Monitor Model

Investigative Model

Review Focused Model

Police Oversight - Comparative Analysis

Preliminary Recommendation - Cities for Further Analysis

Police Oversight Advisory Working Group

Proposed Timeline

Background



March 22, 2018 - City Council Resolution - 20180322-047

“The City Manager is directed to develop evidence-based best practices regarding police oversight and to report back within 90 days to City Council with any recommendations to improve the effectiveness, transparency, and efficiency of our current system. The best practices should also include evidence-based evaluation tools to assess the effectiveness of any adopted accountability strategy. As a part of the development process the City Manager should consult with various stakeholders.”

May 22, 2018 - City Council Work Session Presentation

Oversight Models and Preliminary Observations from contacts with Civilian Police Oversight Directors.

June 2018 - Further Research and Analysis on Civilian Police Oversight

AUDITOR/MONITOR MODEL

The Auditor Model calls for a review of the completeness and thoroughness of Internal Affairs investigations while the Monitor Model calls for a monitoring of the entire internal investigations from beginning to end. In both models, incidents are reviewed for broad patterns in investigations, findings, and discipline.



STRENGTHS

- May be more effective at promoting long term, systemic change in police departments by tracking whether the police department implements recommendations and determining whether those changes have resulted in organizational improvements
- More robust reporting
- Greater staffing resources to conduct community outreach



WEAKNESSES

- Some skepticism because the agency is staffed by full time, paid staff
- Subject to criticism by both community and police
 - Role of office is to be fair, unbiased and evidence based
- Strongly dependent on the quality of the staff hired
 - Requires a high level of sophistication and training

INVESTIGATIVE MODEL

The Investigative Model generally involves a civilian led agency that investigates complaints of police misconduct.



STRENGTHS

- Most independent form of oversight
- May reduce bias in investigations of citizen complaints
- Full time civilian investigators have higher specialized training
- Civilian led investigations may increase community trust in the investigative process



WEAKNESSES

- Most expensive and organizationally complex form of civilian oversight
- Civilian investigators may face strong resistance from police personnel
- Disillusionment over time when the community expectations for change are not met

REVIEW FOCUSED MODEL



In the Review Focused Model, the agency examines the quality of internal affairs investigations.



STRENGTHS

- Ensures community input in the investigation process
- Community review may increase public trust
- It is generally the least expensive form of civilian oversight because it primarily relies on volunteers
- Ability to identify deficiencies in policy or training as they apply to individual cases being reviewed



WEAKNESSES

- Has limited authority and fewer organizational resources
- Volunteer board members may have less expertise in police issues
- Volunteers have limited time to perform their work reviewing cases
- May be less independent than other forms of oversight
- Limited ability to promote large scale systemic change because they primarily focus on individual case investigations

Common Characteristics and Forms of Authority by Oversight Model

	Auditor/Monitor Model	Investigative Model	Review Focused Model	Austin OPM
Receives Community Complaints	Frequently			Always
Decides how a complaint will be handled*	Sometimes	Frequently	Rarely	Never
Reviews Police Complaint investigations for thoroughness, completeness and accuracy	Frequently	Sometimes	Frequently	Always
Conducts independent fact finding investigations	Sometimes	Frequently	Rarely	Never
Performs data driven policy evaluations	Frequently	Sometimes		Always
Recommends findings on investigations**	Frequently		Sometimes	Sometimes
Recommends discipline to the police chief	Sometimes		Rarely	Always
Attends Disciplinary Hearings	Sometimes		Rarely	Always
Has a board composed of community members	Sometimes	Frequently		Always
Hears Appeals***	Rarely	Sometimes		Never
Has Paid Professional Staff	Frequently		Sometimes	Always

* Determines whether or not it will be investigated

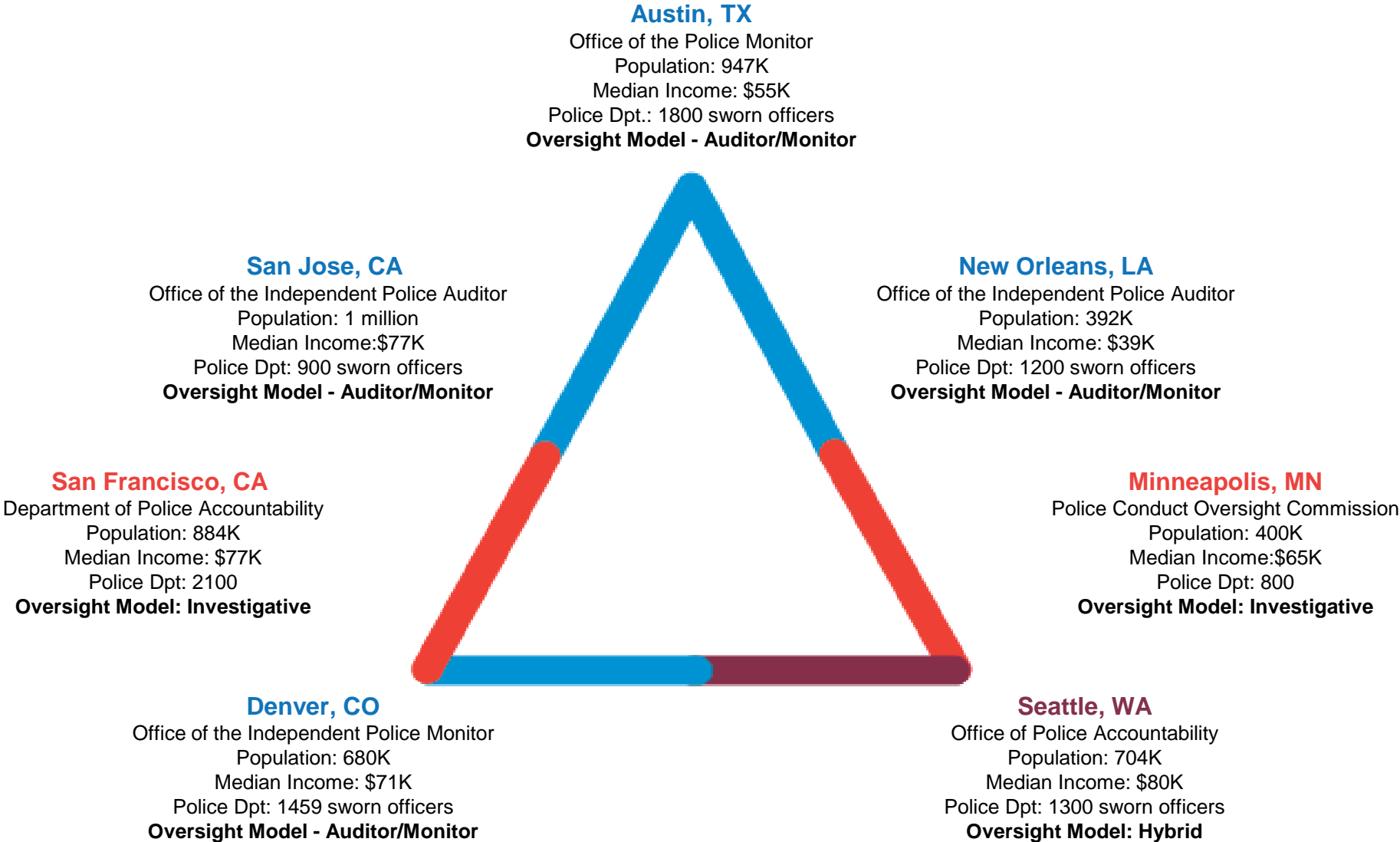
** Findings include: Sustained, Exonerated, Unfounded, Not Sustained, Withdrawn, Other

*** Hear appeals of the complainant

Comparative Analysis - Functions Not Performed by the OPM

	Austin OPM	Auditor/Monitor Model	Investigative Model	Review Focused Model
Accepts Anonymous complaints	NO	Frequently	Sometimes	
Have Subpoena Power	NO	Rarely	Frequently	Sometimes
Authority to implement policies or procedures	NO	Rarely		
Authority to Implement discipline	NO	Never		Rarely
Chief of Police required to respond to recommendations	NO	Sometimes	Frequently	Sometimes
Performance Evaluated by External stakeholders	NO	Sometimes	Frequently	Sometimes
Decides how a complaint is filed	NO	Frequently		Rarely
Conduct independent fact finding investigations	NO	Sometimes	Frequently	Rarely
Hear appeals from complainants	NO	Rarely	Sometimes	

Preliminary Recommendation - Cities for Further Analysis



Sample Comparison - Key Oversight Functions



	Authority	Decides how a complaint is handled	Subpoena Power	Civilian Board	Accepts Anonymous Complaints	Investigation Time Frame
Office of the Police Monitor Austin, TX	Charter Via City Manager	NO	NO	YES Via Meet and Confer Agreement	NO	180 DAYS
Independent Police Auditor San Jose, CA	Charter	Yes	No	No, Advisory Committee	Yes	360 days
Dpt. of Police Accountability San Francisco, CA			Yes	Yes, Police Commission		
Independent Police Monitor Denver, CO	Charter and Ordinance		No	Yes, Citizen Oversight Board		None
Office of Police Accountability, Seattle, WA	Ordinance		Yes	Yes, Police Commission		
Police Conduct Oversight Commission Minneapolis, MN			No	Yes, Police Conduct Commission		
Independent Police Auditor New Orleans, LA	Charter and Ordinance		No	No		120 days

Police Oversight Advisory Working Group



- Farah Muscadin, Office of the Police Monitor
- Sukyi McMahon, Austin Justice Coalition
- Dominic Gonzales, Former Citizen Review Panel
- Alexis Gonzales, Former Citizen Review Panel
- Nelson Linder, NAACP
- Quincy Dunlap, Austin Urban League
- Yvonne Massey Davis, Task Force on Institutional Racism & Systemic Inequities - Civil and Criminal Justice Committee
- Amber Vazquez Bode, Austin Criminal Defense Lawyers Association
- Christopher Harris, Grassroots Leadership
- Cary Roberts, Greater Austin Crime Commission
- Deven Desai, Labor Relations Office
- Matt Simpson, ACLU
- Rebecca Webber, Public Safety Commission
- Brian Manley, Austin Police Department
- Sheldon Askew, Austin Police Association
- Human Rights Commission (to be appointed by the Commission on June 25, 2018)

Proposed Police Oversight Timeline

UPDATED TIMELINE	
JUNE 21, 2018	First Meeting What Does Success Look Like?
JULY 2, 2018	Work Group Meeting Co Creation Session with the Innovation Office What is the problem that we are trying to solve?
JULY 10, 17, and 24, 2018 TUESDAY 1130 - 200 PM	Video Conference Meetings - City Hall 6 Cities: San Jose, San Francisco, Denver, Minneapolis, New Orleans, Seattle
AUGUST 2, 2018	Work Group Meeting
AUGUST 16, 2018	Work Group Meeting
AUGUST 31, 2018	Draft Proposal Target Date
SEPTEMBER, 2018	Community Outreach
SEPTEMBER 27, 2018	Work Group Meeting
OCTOBER 16 OR 30, 2018	Presentation to City Council
NOVEMBER, 2018	Meet and Confer Negotiation on Police Oversight



Questions

City of Austin, Office of the Police Monitor