

ORDINANCE NO. 20181115-016

AN ORDINANCE AMENDING THE CITY CODE TO ADD A NEW CHAPTER 2-15 TO CREATE THE OFFICE OF POLICE OVERSIGHT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The council finds:

- (A) A high level of public trust in the Austin Police Department (APD) is crucial to public safety and the wellbeing of the residents of Austin, as well as to the effective operations of APD.
- (B) Public confidence in the internal administrative processes by which APD investigates alleged police officer misconduct, and an appropriate level of public transparency in such processes, are important to maintaining this high level of public trust in APD.
- (C) An additional oversight function within the city government and outside of APD enhances the city manager's ability to oversee and direct the operations of APD.
- (D) An additional oversight function within the city government and outside of APD increases public trust in APD, enhances the integrity of APD's internal investigative processes, and provides transparency to the public about these processes and their outcomes.
- (E) Any oversight function involving APD's administrative investigation processes must protect the privacy rights of both APD officers and residents of Austin, and must comply with the requirements of applicable laws.

PART 2. Chapter 2 of the City Code is amended to add a new Chapter 2-15 to read:

CHAPTER 2-15: POLICE OVERSIGHT

§2-15-1 DEFINITIONS.

- (A) In this chapter:

- (1) ANONYMOUS COMPLAINT means a complaint in which the identity of the complainant is unknown, or the complainant wishes to remain unknown.
- (2) COMPLAINT means a verbal or written communication alleging that an officer may have violated a civil service rule established by the City of Austin Firefighters', Police Officers' and Emergency Medical Services Personnel's Civil Service Commission, and any expansion of the definition of a complaint established in a labor agreement with the Austin Police Association.
- (3) COMPLAINANT means a person alleging to be the victim of police misconduct in a complaint.
- (4) DEPARTMENT means the Austin Police Department.
- (5) DIRECTOR means the director of the Office of Police Oversight established in section 2 of this chapter.
- (6) DISCIPLINE means a disciplinary suspension, demotion, uncompensated duty, written or oral reprimand, education-based discipline, or any combination of those actions.
- (7) INVESTIGATION means an administrative review of a complaint conducted by the department or other investigator in accord with Texas Local Government Code Chapter 143.
- (8) OFFICER means a commissioned police officer employed by the Austin Police Department.
- (9) OFFICE means the Office of Police Oversight established in section 2 of this chapter.

§2-15-2 THE OFFICE OF POLICE OVERSIGHT.

- (A) The Office of Police Oversight is created as an administrative department and shall report to the city manager.
- (B) The office shall:

- (1) advise the city manager on the processes and results of investigations involving officers, and any other activities of the department as directed by the city manager;
- (2) advise the city manager on the effectiveness and appropriateness of the department's policies and procedures concerning complaints of police officer misconduct, police officer training, use of force by police officers, community relations, and any other activities of the department as directed by the city manager;
- (3) receive complaints, including anonymous complaints, from the public concerning the conduct of police officers;
- (4) serve as a liaison between complainants and the department during investigations of complaints;
- (5) participate as an observer during investigations of complaints as determined by the police monitor;
- (6) make recommendations to the police chief concerning discipline based on the investigation of complaints and department policies;
- (7) address other department activities of public concern as directed by the city manager;
- (8) report at least annually to the public on the results of its activities; and
- (9) report annually to the council on the results of its activities;
- (10) advise the city manager on public release of police video recordings, as soon as permitted by law, including vehicle dash camera and body worn camera video, involving incidents of significant public interest taking into consideration the City's law enforcement and public safety needs and the findings in Ordinance No. 20181115-016;
- (11) conduct preliminary reviews of external complaints and make recommendations regarding potential department policy violations and the department's investigative review classifications;

(12) conduct random assessments of the department's use of force reviews and body camera usage; and

(13) conduct community engagement activities.

(C) Personnel in the office shall:

(1) have direct access as permitted by law to department personnel and to records of the department, including records concerning investigations, necessary to carry out the responsibilities in part (B) of this section; and

(2) make public, as permitted under Chapter 143 of the Texas Local Government Code or the terms of any labor agreement with the Austin Police Association, information received from the department.

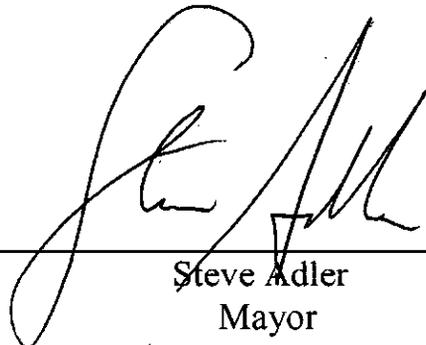
(D) The city manager shall appoint the director, who shall supervise and direct all activities of the office.

PART 3. This ordinance takes effect on November 26, 2018.

PASSED AND APPROVED:

_____, November 15, 2018

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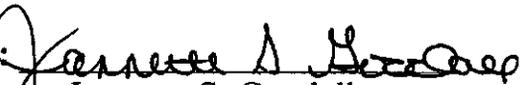
Steve Adler
Mayor

APPROVED:



Anne L. Morgan
City Attorney

ATTEST:



Jannette S. Goodall
City Clerk