

# Audit of the Austin Police Department (APD) Handling of Complaints Follow-Up



## Original Audit

### Background

- Members of the public who believe they have had a negative interaction with an Austin police officer can file a complaint with APD or the Office of Police Monitor (OPM).
- APD's Internal Affairs investigates these complaints and the officer's chain of command determines if a policy was violated and an appropriate discipline.

### Results

Cultural issues and other barriers limit the ability of members of the public to make complaints about interactions with APD. Issues with APD policies and practices affect the consistency of how complaints are handled. The ability of OPM to provide oversight is limited. These issues may lead to a more negative perception of law enforcement and may erode the public trust in APD.

Cover: Aerial view of downtown Austin, iStock.com/RoschetzkyStockPhoto

## Follow-Up Audit

### Background

- In September of 2016, the Office of the City Auditor conducted an audit of APD handling of complaints and issued 11 recommendations to APD, OPM, and the City Manager's Office.
- Management agreed to implement our recommendations with the exception of 1 recommendation to APD regarding documenting the justification for discipline.
- Labor agreement negotiations this year affected the implementation of some recommendations

### Objective

To test the implementation of recommendations from the Audit of the APD Handling of Complaints.

### What We Found

We tested 10 recommendations issued in September 2016 Audit of the APD Handling of Complaints and found that management took action as follows:

	IMPLEMENTED	UNDERWAY
Police Monitor	1	1
Police Department	5	2
City Manager's Office	0	1

# What We Found - Details

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## To Police Monitor

1. Expand efforts to increase awareness about the Police Monitor and the complaint process. **IMPLEMENTED**  
pending labor agreement to regain their role in complaint process and continue efforts
2. Review the complaint process, identify barriers people may face when attempting to make a complaint, and implement methods to reduce or eliminate those barriers. **UNDERWAY as reported**  
methods proposed, pending labor agreement process

## To Police Department

3. Ensure that all staff are aware of, and comply with, the requirement that all complaints should be sent to Internal Affairs for inclusion in the complaint database **IMPLEMENTED**
4. Create administrative inquiries for high-profile incidents and ensure they are investigated by Internal Affairs. **IMPLEMENTED**
5. Revise the record retention schedule to ensure that evidence that could be used in complaint investigations is available to Internal Affairs investigators for at least 180 days. **IMPLEMENTED**
6. Revise APD's current classification process to: reflect complaints as pending until initial evidence is reviewed, assign classification based on potential discipline or corrective action, limit changes to classifications once assigned, and include a conclusion (e.g. sustained, exonerated, unfounded) for all complaints. **IMPLEMENTED**
7. Implement a process to document justification for discipline, including how disagreements with the Police Monitor are addressed. **NOT TESTED**  
management did not agree to implement this recommendation
8. Provide the Police Monitor with automatic access to all electronic records maintained by Internal Affairs. **IMPLEMENTED**  
currently limited due to pending labor agreement process
9. Ensure that regular meetings between stakeholders in the complaint process occur, as prescribed in the agreement with the Austin Police Association. **UNDERWAY reported as implemented**  
on hold due to pending labor agreement process
10. Ensure that data is accurate, complete and consistent. This may include working with the City's Communication and Technology Management Department to identify and implement updates to the complaint database, including: required fields that cannot be blank when cases are closed; and field level controls to ensure dates are reasonable. **UNDERWAY reported as implemented**  
multiple improvements made, some are underway

## To City Manager

11. Pursue opportunities to expand oversight functions through changes to City Code and/or the City's agreement with the Austin Police Association. **UNDERWAY as reported**  
language proposed, pending labor agreement process