



Six Month Update 2009 January 1—June 30



Message from the Police Monitor

I am pleased to bring you the Six Month Update for 2009. This update covers the first six months of the year and includes data and statistics relating to the number and types of complaints, geographic area of the incidents, as

well as a breakdown by race/ethnicity of the citizens bringing the complaints.

For most of the OPM's history, the number of complaints has increased every year. If the second half of 2009 follows the trend of the first half, 2009 will see the greatest number of complaints ever registered with the OPM. All that said, we are seeing a decrease in Use of Force complaints; rather, most complaints received now revolve around Code of Conduct allegations.

These include, but are not limited to, honesty, responsibility to the community, impartial attitude, and courtesy.

As part of the discussion, we have included a brief article on early intervention systems. Not to be confused with an early warning system, an early intervention system attempts to use prevention instead of discipline to help eradicate police misconduct.

We hope you find this information useful.

Cliff Brown

Functions of the Police Monitor's Office

- ☐ Assess citizens' complaints
- ☐ Monitor Internal Affairs' investigations
- ☐ Monitor APD policies and practices
- ☐ Publish Reports on Activities of the Office
- ☐ Conduct community outreach programs and educational forums

The OPM was created and developed to promote mutual respect between the Austin Police Department (APD) and the community it serves.

Through the OPM's outreach efforts, we will educate the community and law enforcement to promote the highest degree of mutual respect between police officers and the public. By engaging in honest dialogue over issues and incidents that impact the community and law enforcement, the Office of the Police Monitor will enhance public confidence, trust, and support in the fairness and integrity of the Austin Police Department.

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<http://www.ci.austin.tx.us/opm/>

Special points of interest:

- *The number of contacts between the OPM and the citizenry continues to increase*
- *Code of Conduct allegations continue to be the subject of the cast majority of complaints*
- *Complainants are somewhat disproportionate to their representation within the City*

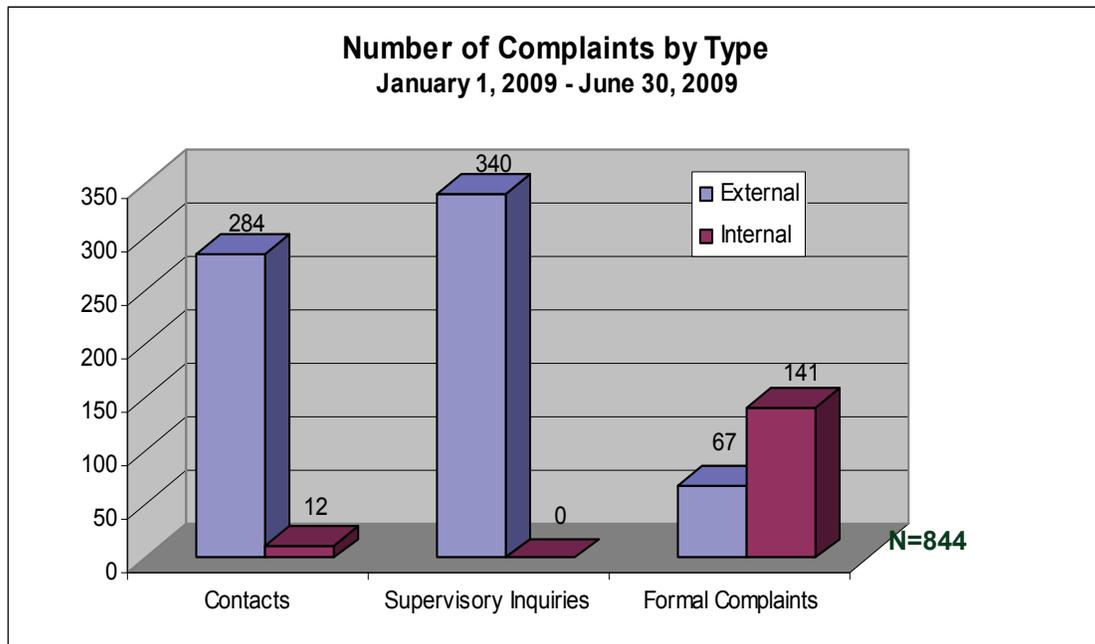
Number/Types of Contacts—External & Internal

For the first half of 2009, the OPM was contacted by 844 people wishing to make some sort of complaint against a member of the APD. At this pace, the OPM will receive more contacts in the current year than in any previous year.

In this graph, there are three categories of complaint types. The first is “contacts.” This category includes persons that reached out to the OPM with the intention of filing a complaint but then, for whatever reason, did not do so.

Supervisory inquiries are a complaint type reserved for less severe policy violations or to clarify APD’s rules and regulations.

Formal complaints are typically reserved for cases alleging a more severe policy violation.



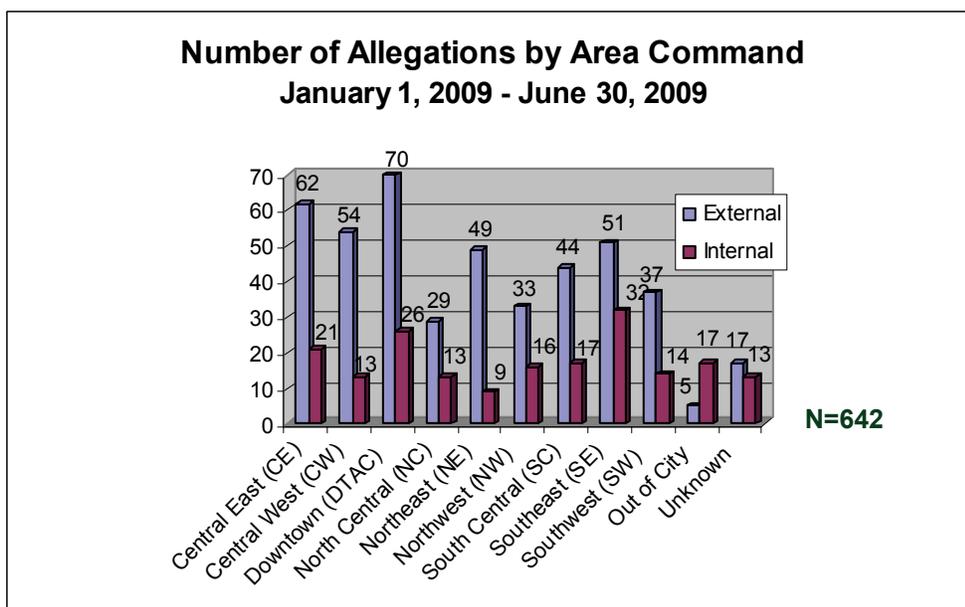
It should be noted that the types of complaints have shifted from what has been seen historically. In the first half of 2009, the OPM saw significantly more Supervisory Inquiry complaints than in 2008 (↑ 70%) but fewer Formal complaints (↓ 30%).

Number of Allegations by Area Command—External & Internal

In the first half of 2009, there were 642 allegations levied against members of the APD.

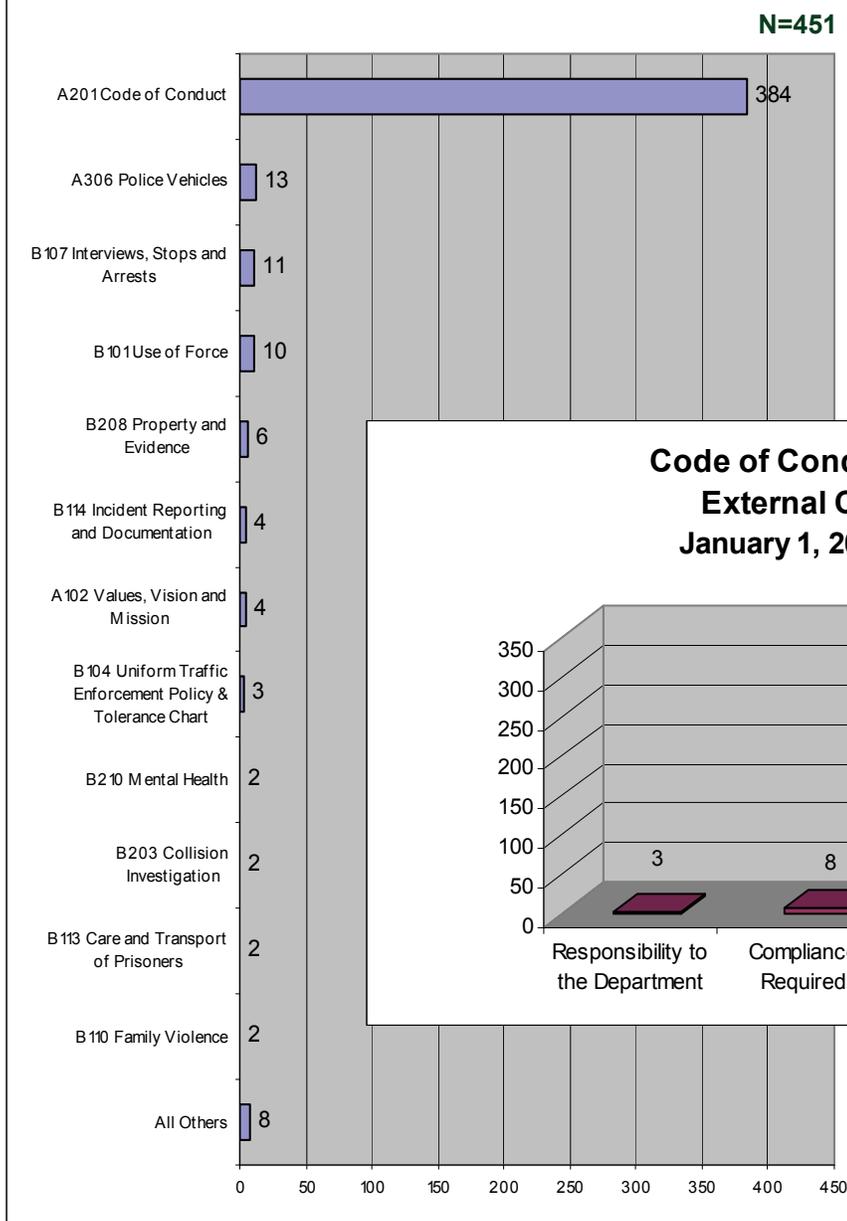
The Downtown area command (DTAC) once again had the greatest number of allegations brought forward. This is consistent for this area command largely because it comprises the City’s largest entertainment district.

With the exception of Out of City complaints, External allegations are being brought at a much higher rate than Internal allegations in the first half of 2009.



Number/Types of Allegations—External Complaints

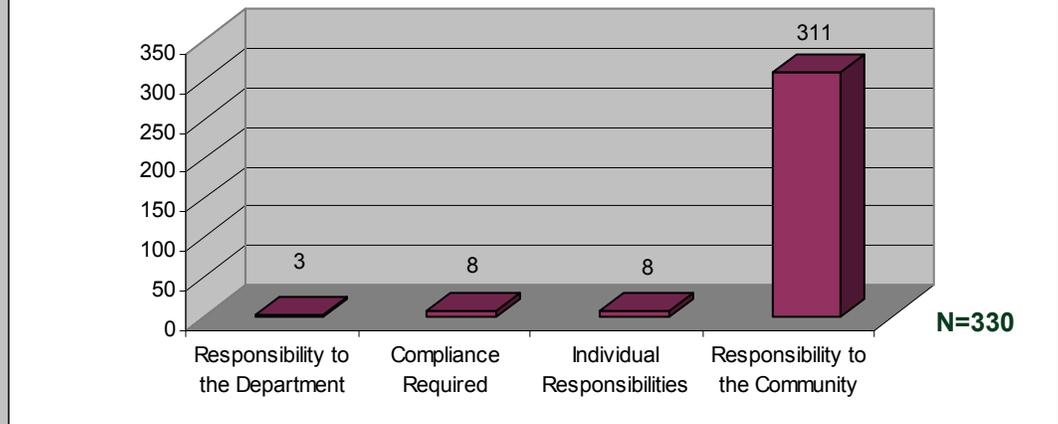
**Number of Allegations by Type
External Complaints Only
January 1, 2009 - June 30, 2009**



Code of Conduct allegations are again those brought most often. This is very consistent with what the OPM has seen in the past.

Code of Conduct allegations can include, but are not limited to, responsibility to know and understand the law, honesty, acts bringing discredit to the department, responsibility to the department, personal conduct, responsibility to the community, impartial attitude, courtesy, and duty to identify.

**Code of Conduct Subcategories
External Complaints Only
January 1, 2009 - June 30, 2009**



In the first half of 2009, the vast majority of Code of Conduct complaints revolved around “Responsibility to the Community.” This allegation

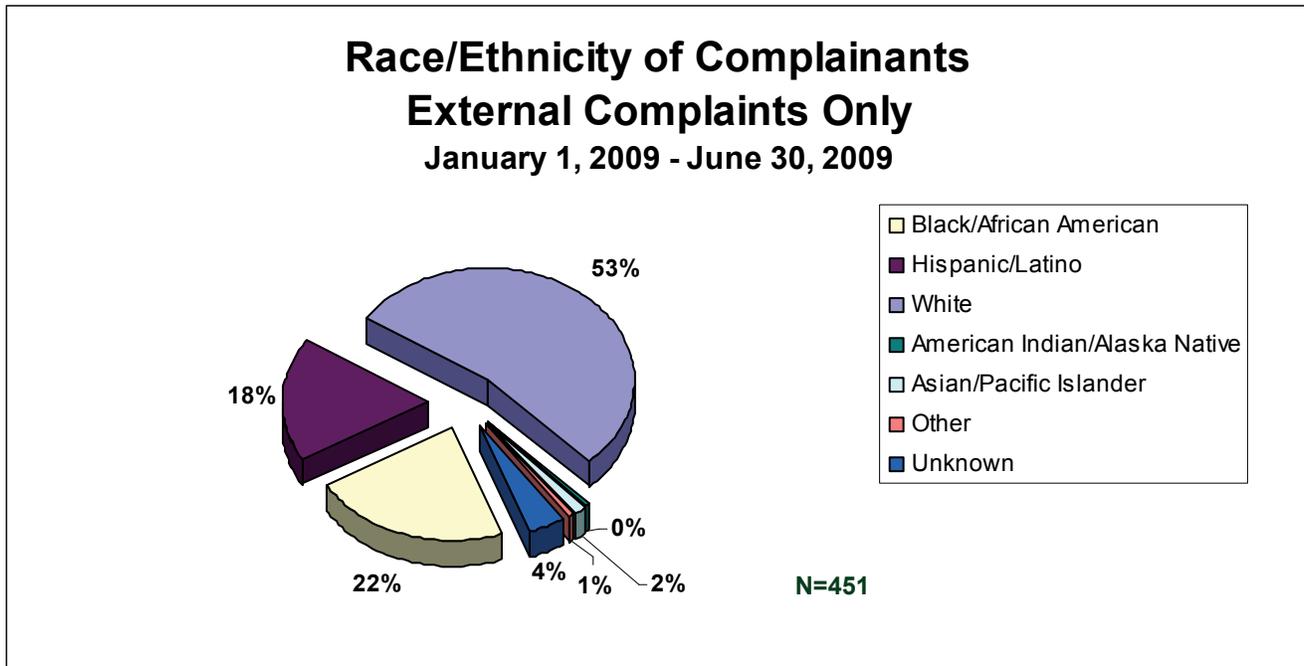
includes, but is not limited to, impartial attitude, courtesy, duty to identify as a police officer, and neutrality in civil actions.

Note:

1. Both graphs on this page include external complaint allegations only.
2. The Code of Conduct Subcategory graph will not sum to the total number of Code of Conduct allegations because not all Code of Conduct allegations have a subcategory assigned.

Complainant Demographic Information

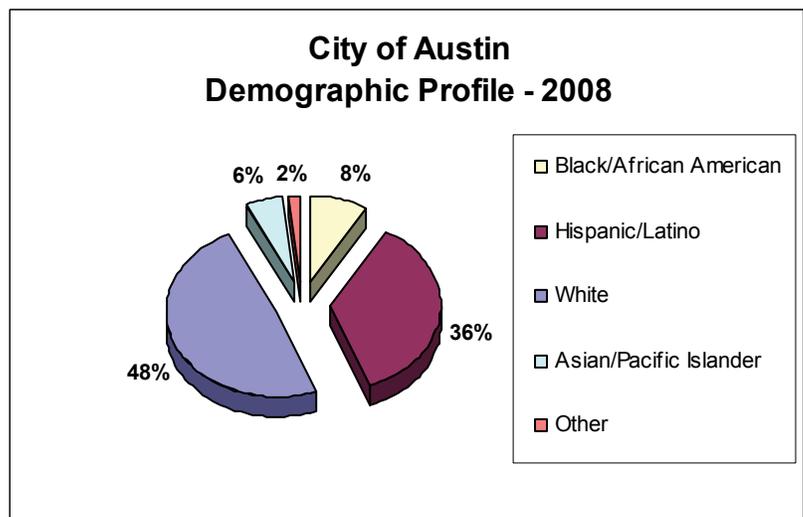
Citizens that classify themselves as White file more complaints than any other group combined. This, however, approximates their percent representation of the population of the City.



Hispanics/Latinos file complaints at a rate this is about half of their population.

Blacks/African Americans file at a rate that is about two-thirds greater than their representation in the population.

Again, these levels of complaints are consistent with what the OPM has seen in the past.



Using Early Intervention to Reduce Citizen Complaints

For several years now, the OPM has reported that if an APD officer becomes the subject of a complaint, on average, that first complaint occurs in the officer's sixth to ninth year of service. Naturally, this raises the question as to what is happening to or with the officer during this timeframe. Nationwide, the average for first-time citizen complaints is at about the officer's twelfth year of service. Why is Austin different? This is a question the OPM intends to explore in greater detail. While we gather additional data that we hope will help us answer this question, we thought we would look at early intervention systems (EIS).

A study looking at EIS was conducted by the Police Executive Research Forum (PERF) in December 2005. It was supported by a grant from the US Department of Justice Office of Community Oriented Policing Services (COPS Office) and was entitled, "Supervision and Intervention within Early Intervention Systems." The research found that the success of EIS rested on two key components—well-trained supervisors and the availability of a broad range of "interventions" to help address any issues officers are facing on the street. It also cited five guiding principles that are needed in establishing a successful system. These guiding principles are:

1. An EIS should be part of an agency's larger effort to support and improve officer performance.
2. First-line supervisors are the linchpin to a successful EIS.
3. Options within the system should vary in order to meet a wider range of officers' needs.
4. The chief executive of the force, e.g., the chief of police, is ultimately responsible for the operations of the law enforcement agency. Therefore, without their leadership, the system will fail.
5. Early intervention systems are a valuable tool in enhancing accountability and integrity within a law enforcement agency.

Because of the first guiding principle, it becomes clear as to why the second guiding principle, i.e., first-line supervisors, are so vital to the process. In most cases, it is the supervisor who is first to observe potentially problematic behavior. They can be instrumental in reaching out to the officer to discover the underlying reason (or reasons) for the behavior and then help design some sort of intervention options that will fit that officer's needs.

As each officer will have their own issues, it is important that an EIS be able to offer varying options so that the unique needs of that officer can be addressed.

The study found both formal and informal approaches to making an EIS work. An example of a more formal approach comes from Pittsburgh, PA. Each quarter, command staff and the chief meet to review data regarding the behavior of officers that are still above an undesirable threshold. At these meetings, the chief looks to supervisors to make recommendations on how to prevent officers from reaching that threshold.

A more informal approach is employed by the Los Angeles County Sheriffs Department. In addition to informal counseling that occurs on the street when sergeants talk with officers about conduct they feel needs

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Early Intervention Systems—Continued from page 5

improvement, the sergeants in one station also hold informal meetings where they compare notes on what officers are doing, problems they see, and what steps they are taking to correct them. The sessions are often frank and critical but the authors of the study note that these sessions represent a collective effort to improve the department. It is also not unusual for the chief to drop in to meet with the supervisors.

Of course, none of this matters if there is no buy-in from the top. The head of the law enforcement agency must be supportive of this type of system in order for it to work. It is through his or her leadership that this type of program will succeed or fail. In the formal and informal successful examples given above, the chiefs of each respective department are active participants in the process.

In the study, the authors cite as the final guiding principle that EIS are a valuable tool in enhancing accountability and integrity. We at the OPM believe this but think that this final guiding principle is really still just about buy-in. We believe any EIS will only be as good as the amount of participation it receives. All members of the force from the rank and file and all the way up to the chief, must choose to participate. If successful, programs of this type can serve to improve relations with the community by intervening before an issue manifests itself as a problem on the street.



The Police Monitor's Office is the main location for accepting complaints filed by members of the public against police officers. To file a complaint with the Office of the Police Monitor, the public can contact our office by telephone, fax, mail, email, or in person. A member of the Police's Monitor's office will conduct an initial interview with the complainant and will explain the oversight and investigative processes. The Internal Affairs Division of the Austin Police Department, or the subject officer's chain of command, will conduct an investigation. The Monitor's office will participate in the APD investigation. The Police Monitor will make policy recommendations to APD. Upon conclusion of the investigation, the complainant will be notified in writing of the outcome.

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