



CITY OF AUSTIN



OFFICE OF THE POLICE MONITOR

2010 ANNUAL REPORT

To file a complaint with the OPM, an individual may contact the office in person, by telephone at (512) 974-9090, by facsimile at (512) 974-6306, by e-mail at police.monitor@ci.austin.tx.us, or by mail. The office is located in the City of Austin Rutherford Complex at 1520 Rutherford Lane, Bldg. 1, Suite 2.200A, Austin, TX 78754. The mailing address is: PO Box 1088, Austin, TX 78767.

For more information, including a full copy of this report, please visit the OPM website at www.austinpolicemonitor.com.

Cover Photo: Rowers traverse Lady Bird Lake near the Drake Bridge. The Lady Bird Lake portion of the Colorado River flows south of downtown providing an urban oasis with its adjacent parkland and hike-and-bike trail.

City of Austin Photo

Table of Contents

» The Office of the Police Monitor	5
» 2010 Serious Incident Review	10
» Executive Summary	12
» End of Year Statistics	16
<u>Complaints</u>	16
<i>Number & Types of Complaints</i>	16
<i>Race/Ethnicity of Complainants</i>	18
<i>Gender of Complainants</i>	25
<i>Complaints by Area Command</i>	26
<i>Classification of Complaints</i>	28
<u>Allegations</u>	30
<i>Number & Types of Allegations</i>	30
<i>Allegations & Complainant Demographics</i>	35
<i>Allegations by Area Command</i>	36
<u>Investigative Findings</u>	39
<i>APD Decisions</i>	39
<i>Disciplinary Action</i>	40
<u>Subject Officer Demographics</u>	41
<i>Years of Service</i>	41
<i>Gender of Officers</i>	44
<i>Race/Ethnicity of Officers</i>	46
<i>Age of Officers</i>	48
Appendix A: 2010 Data Tables	50
Table 1: Type of Contact by Year	50
Table 2: Type of Formal Complaint by Year	50
Table 3: Total Contacts vs. Complaints Filed	50
Table 4: Race/Ethnicity of Complainants by Complaint Type	50
Table 5: External Formal Complainant Race/Ethnicity by Year	51
Table 6: Supervisory Inquiry Complainant Race/Ethnicity by Year	51
Table 7: Race/Ethnicity of Persons Stopped & Searched by APD - 2010	51
Table 8: APD "Hit Rate" by Race/Ethnicity of Persons Searched - 2010	52
Table 9: Complainant Age by Type of Complaint	52
Table 10: Complainant Gender by Type of Complaint	52
Table 11: External Formal Complaints by Area Command and Year	53
Table 12: Supervisory Inquiry Complaints by Area Command	53

Table 13: External Formal Complaints Classifications by Year.....	54
Table 14: Internal Formal Complaint Classifications by Year	54
Table 15: Number of Allegations by Complaint Type and Year.....	54
Table 16: Number of Allegations by General Order, Complaint Type, and Year.....	55
Table 17: Number of Code of Conduct (Subcategory) Allegations by Complaint Type.....	55
Table 18: Supervisory Inquiry Allegation Categories by Complainant Race/Ethnicity	55
Table 19: External Formal Complaint Allegations by Area Command and Year	56
Table 20: External Formal Code of Conduct Allegations by Area Command and Year.....	56
Table 21: Supervisory Inquiry Code of Conduct Allegations by Area Command - 2010.....	57
Table 22: External Formal Use of Force, Duty Weapon, and Firearm Discharge Allegations by Area Command and Year	57
Table 23: APD Decisions by Complaint Type and Year	57
Table 24: Disciplinary Action Taken by APD by Complaint Type and Year	58
Table 25: Subject Officer Years of Service by Complaint Type.....	58
Table 26: Repeat vs. Single-Case Subject Officer Years of Service by Complaint Type	58
Table 27: External Formal Allegations by Subject Officer Years of Service	59
Table 28: Supervisory Inquiry Allegations by Subject Officer Years of Service.....	59
Table 29: Subject Officer Gender by Complaint Type	60
Table 30: External Formal Allegations by Subject Officer Gender.....	60
Table 31: Supervisory Inquiry Allegations by Subject Officer Gender	61
Table 32: Gender of Repeat vs. Single-Case Subject Officers.....	61
Table 33: Subject Officer Race/Ethnicity by Complaint Type.....	61
Table 34: External Formal Allegations by Subject Officer Race/Ethnicity	62
Table 35: Supervisory Inquiry Allegations by Subject Officer Race/Ethnicity	62
Table 36: Race/Ethnicity of Repeat vs. Single-Case Subject Officers	63
Table 37: Ages of Repeat vs. Single-Case Subject Officers.....	63
Table 38: Subject Officer Age by Complaint Type Allegations	63
Table 39: External Formal Allegations by Subject Officer Age.....	64
Table 40: Supervisory Inquiry Allegations by Subject Officer Age	64
Appendix B: Austin Police Department’s Discipline Matrix	65
Appendix C: Community Outreach Conducted in 2010.....	68
Appendix D: Critical Incident Monitoring Process	73
Appendix E: Meet and Confer Contract, Article 16.....	74

» The Office of the Police Monitor

Mission and Objectives

The Office of the Police Monitor (OPM) is the primary resource for accepting and filing of the complaints brought by the general public against officers of the Austin Police Department (APD). The Office also takes complaints within APD, i.e., internal complaints by one officer concerning the conduct of another officer. Through its outreach efforts, the OPM 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 OPM's goal is to enhance public confidence, trust, and support in the fairness and integrity of the APD.

The duties of the Office of the Police Monitor include:

- Assessing complaints involving APD officers;
- Monitoring the APD's entire process for investigating complaints;
- Attending all complainant and witness interviews;
- Reviewing the patterns and practices of APD officers;
- Making policy recommendations to the chief of police, city manager, and city council; and
- Assisting the Citizen Review Panel (CRP) in fulfilling its oversight duties.

How the Process Works

OPM complaint specialists are tasked with addressing allegations of police misconduct or questionable activities raised by the public. Complaint specialists take complaints via telephone, e-mail, facsimile, and mail. The public may also visit the OPM at any time during the day in order to speak with a complaint specialist in person or they may visit after business hours through special appointment. The OPM is readily accessible to physically challenged, hearing impaired, and non-English speaking complainants.

When a complaint is received by the OPM, a complaint specialist conducts a preliminary interview with the complainant to gather the relevant facts and ascertain whether a possible violation of policy exists. Each complaint is unique in composition and level of severity. In situations where it appears no policy violation will be found, the complaint specialist educates and informs the complainant about the particular APD General Orders, Policies and Procedures¹ applicable to the complainant's

¹ The General Orders, Policies, and Procedures are the guidelines, rules, and regulations set forth by the Chief of Police that govern the day to day activities of the Austin Police Department.

situation. During a consultation with a complaint specialist, the complainant is made aware of the types of complaints available to her/him.

These are:

- 1) **Formal complaints** – complaints investigated or reviewed by the Internal Affairs Division (IAD) or by a chain of command;
- 2) **Supervisory inquiries** – complaints of a less serious nature handled by the officer's chain of command; and
- 3) **Contacts** – an individual calls with the intention of filing a complaint but:
 - The incident does not meet the criteria outlined in the APD's General Orders, Policies, and Procedures;
 - The individual does not provide sufficient information for follow up;
 - The individual is not available for follow up;
 - The individual fails to follow through with the complaint process;
 - The incident involves a complaint against a law enforcement agency other than APD; or
 - Is a matter best handled by the courts or other agency.
- 4) **Mediation** – an opportunity for the complainant to be in a neutral location with the officer and a mediator in order to discuss areas of concern or issues.

When a person has an issue with APD they would like addressed, they typically file a "Supervisory Inquiry" or a "Formal" complaint. Mediation is also an option but the results of this will not appear in an officer's personnel file and the officer will not be disciplined unless the officer fails to show up for the mediation session.

Supervisory Inquiries

Supervisory Inquiries are commonly used for less severe policy violations, such as complaints about the department as a whole, the police system, broad allegations of discourtesy, rudeness, or a disagreement about police activities. The Supervisory Inquiry is suitable for those complainants who do not wish to go through the formal process and would like a faster result. Many people utilize this course of action because they want to make the department aware of an unpleasant interaction with an officer but do not wish to file a formal complaint.

The complaint specialist gathers the information from the complainant and forwards this information to the IAD. The IAD will then forward the complaint on to the involved officer's chain of command. From this point, a supervisor (usually the immediate supervisor) conducts an inquiry to gather the facts including the officer's version of the incident to better ascertain the nature of the complaint. During this stage, if the immediate supervisor or the IAD commander determines that a more serious infraction has occurred, a formal investigation may be initiated by IAD or by the

officer's chain of command. The supervisor can also address the issue with the officer through counseling or reprimands. In most cases, the complainant may also opt to be contacted by the officer's immediate supervisor to discuss the matter at greater length and to achieve a degree of closure on the issue. At any time during the Supervisory Inquiry process, the complainant may opt to file a Formal complaint.

Formal Complaints

There are two types of Formal complaints – Internal and External. The difference between internal and external cases is:

- **Internal** – complaints filed by an APD officer, typically a member of the officer's chain of command, regarding the conduct of another APD officer;
- **External** – complaints filed by a member of the public regarding the conduct of an APD officer.

Regardless of whether the complaint is Internal or External, the Formal Complaint process is designed to register complaints, review the matter, and have an investigation conducted by the IAD.

The process begins when a complainant indicates they want to utilize the formal process. After a brief explanation of the process, a statement is taken by the complaint specialist via dictation from the complainant onto an official affidavit form. The interview is tape recorded and the complainant is given an opportunity to review the statement and make any corrections that are necessary. Once the complainant is in agreement with the statement, the complainant then signs the statement and the statement is notarized to make the document official. The complaint specialist then submits the paperwork to the IAD and a copy is provided to the complainant if one is requested.

The complaint specialist will notify the complainant through a letter when the case has been assigned to an investigator. The complaint specialist attends all complainant, witness, and involved officer interviews. IAD will prepare an investigative summary which the OPM reviews. The complaint specialist reviews the entire file upon its completion and forwards comments, concerns, or issues about the case to the Police Monitor. If the OPM does not agree with the outcome of the investigation or IAD's conclusions, the OPM may make recommendations to the Citizen Review Panel (CRP), the chief of police, and/or IAD. The OPM may also provide input during the investigative process.

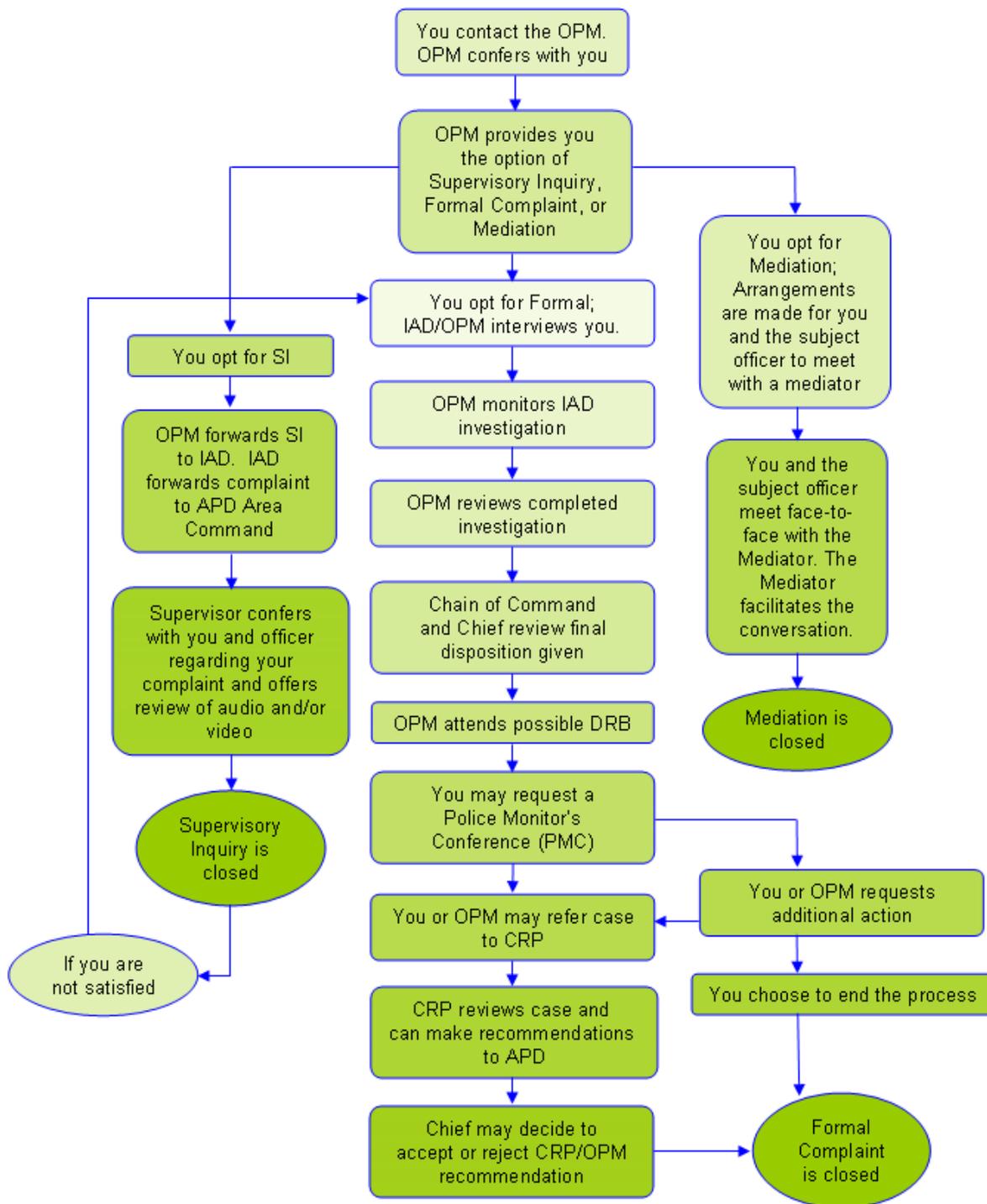
The complainant is given the investigation decision in writing. A complainant may then hold a meeting with the OPM—a Police Monitor's Conference (PMC)—to find out the details of the investigation. The written documentation of the underlying

investigation (i.e., statements, documentary evidence, etc.) is not given to the complainant due to contractual limitations on what can and cannot be provided. If the complainant is not satisfied with the investigation, the complainant may also seek review by the Citizen's Review Panel (CRP). The CRP is a volunteer group of seven citizens that meet once a month to hear cases in dispute as brought by the complainant or the OPM. They may also meet simply to discuss oversight issues. If a complainant chooses to utilize the CRP to hear their case, they are given ten (10) minutes during a public portion of the meeting to outline their issues with APD and/or the outcome of the investigation. The CRP may ask clarifying questions of the complainant during this time. Afterwards, the CRP will meet in a private executive session to deliberate on the actions necessary to address the case. The CRP may make recommendations to the chief of police or choose to leave the case in its current status.

Mediation

Mediation is a third option available to a complainant. Mediation is designed to provide the complainant an opportunity to be in a neutral location with the officer and a mediator in order to discuss areas of concern or issues with how the officer treated the complainant. If the mediation option is utilized, the complainant cannot opt for a Formal Complaint once the mediation process has concluded regardless of the outcome. In addition, the nature of the complaint itself must reach the level of a class "B" investigation in order for the mediation process to be utilized. The use of this process will bring the officer and the complainant together with a third-party in order to air and, it is hoped, resolve their issues. This option will not result in any discipline for the involved officer (or officers) and will not be placed in the officer's personnel record.

Figure 1. OPM Complaint Process



OPM: Office of the Police Monitor **APD:** Austin Police Department **IAD:** Internal Affairs Division
SI: Supervisory Inquiry **CRP:** Citizen Review Panel **DRB:** Disciplinary Review Board

» 2010 Serious Incident Review

While there were many complaints brought throughout 2010, below is a brief summary of the more serious cases. In each of these cases, either at least one allegation against an officer was sustained or the information has otherwise been made public.

When determining the type and severity of discipline to be administered to an officer, APD consults its Discipline Matrix. The Matrix is attached in Appendix B. The Matrix serves as a guideline when assessing discipline on sustained allegations. Different policy violations carry different discipline; discipline becomes more severe if an officer has violated a particular policy more than once.

The cases are presented in chronological order.

On January 12, 2010, Officer Quintana was arrested in Leander, TX for DWI after being involved in a single car collision. Officer Quintana was indefinitely suspended, but appealed the decision. An arbitrator overturned the indefinite suspension and reduced it to a 15-day suspension. During the Internal Affairs investigation of the DWI allegation, it was discovered that Officer Quintana had been involved in several domestic violence incidences with his girlfriend/fiancée. That prompted a second administrative investigation that resulted in a sustained finding leading to another indefinite suspension. This finding was also appealed but this time the indefinite suspension was upheld at arbitration.

On April 29, 2010, it was brought to the attention of the APD that Officer Martinez had been declining to appear in court on Thursdays. The Municipal Court had indicated that the absences were frequent and were affecting cases on the court docket. Officer Martinez stated he had received approval from his supervisor to stagger his leave and vacation times throughout the calendar year as it related to his work duties. Officer Martinez received a 7 day suspension for Neglect of Duty and Court Appearances.

On September 25, 2010, APD received several 911 calls related to a domestic disturbance where a firearm might be involved. As officers arrived at the residence, the person in question fled resulting in a vehicle pursuit. The suspect took officers on a high speed pursuit covering many miles. The suspect's car finally became disabled due to APD tactical efforts. Eventually, the suspect exited the vehicle and pointed his firearm at the occupants of another vehicle. At that point, Corporal Bustos fired one shot wounding the suspect and causing him to drop to the ground. The suspect then turned his firearm on himself and died as a result of a self-inflicted gunshot wound. The investigation of the incident concluded that Corporal Bustos had acted within policy.

On October 1, 2010, officers responded to a silent alarm at the Big Lots store at 801 E. William Cannon. As officers approached the store, they observed two people inside the store. Responding officers were able to provide accurate descriptions of the suspects as

well as their whereabouts in the store. Officer Bowman had taken his unit to the back of the store when he was informed that it appeared the suspects might be making their way to the back entrance of the store. As Officer Bowman was relayed this information, one of the suspects exited out a back door facing Officer Bowman. From the video, it appeared that the suspect pointed a firearm in Officer Bowman's direction. Officer Bowman discharged his weapon mortally wounding the suspect. The suspect was pronounced dead at the scene. The investigation of the incident concluded that Officer Bowman acted within policy.

On November 2, 2010, officers responded to a 911 call that a person was injured. When the officers attempted to enter the residence, the suspect fired at the officers with Officer Martin returning fire. The suspect then fled the residence out the back door and proceeded through the neighborhood on foot. As the suspect was making his way from yard to yard, he came to the back entrance of another residence. The suspect then fired his assault rifle at a woman inside the house striking her in the abdomen. The suspect then fled again. Eventually, the suspect was spotted at the Jaguar dealership. As officers searched the parking lot of the dealership, the suspect allegedly pointed his rifle at Officer Ray. Officer Ray discharged his weapon mortally wounding the suspect. The suspect was pronounced dead at the scene. The investigation of the incident concluded that Officer Ray acted within policy.

On December 23, 2010, Officer Wilson and another officer were paired up in a unit in a residential area when Officer Wilson observed a vehicle roll through a stop sign. As Officer Wilson engaged the vehicle, the suspect sped through the neighborhood abruptly stopping at a residence. The suspect exited the vehicle and fled on foot jumping a nearby fence. According to Officer Wilson, he gave chase but stopped and did not enter the yard into which the suspect had fled due to the presence of dogs. Officer Wilson could not see the suspect and returned to his unit. He then began to search the neighborhood for the suspect. Officer Wilson saw the suspect a few blocks over and again exited his vehicle and gave chase. When Officer Wilson found the suspect in another backyard, they engaged in a physical struggle. As Officer Wilson attempted to handcuff the suspect, the suspect managed to get free and broke through the yard's wooden fence. Officer Wilson once again caught up to the suspect and engaged in another physical struggle. As Officer Wilson and the suspect were involved in the struggle, the suspect pulled a knife from Officer Wilson's duty belt and cut Officer Wilson across the neck. Officer Wilson drew his weapon and fired one round into the suspect. The suspect released his grip from Officer Wilson and staggered off collapsing in the driveway of another residence. The suspect later died from his wounds. Officer Wilson sustained a life threatening injury to his throat but has recovered after surgery. The investigation into this case is ongoing as of this writing.

» Executive Summary

The Office of the Police Monitor's (OPM) annual report is presented to the public as a means to provide transparency into the Austin Police Department's (APD) complaint investigative process. This report reviews behavior patterns of APD officers and makes policy recommendations. Below are some of the key findings from the 2010 reporting year.

- The Office of the Police Monitor was contacted 1,497 times in 2010 by the public or members of the APD wishing to lodge a complaint against an APD officer or officers — a 6% decrease from 2009 (page 16).
- Of these 1,497 contacts, 1,270 were contacts from the public. Of these 1,270 contacts, 526 (of the 753 total complaints) resulted in some sort of complaint being filed against one or more members of the APD by members of the public (page 16).
- The number of External Formal cases dropped again in 2010 to 89 (from its previous lowest level of 108 in 2009) (page 16).
- The number of Supervisory Inquiries also fell. In 2010, there were 437 Supervisory Inquiry cases filed which is 131 fewer than in 2009 (page 17).
- Overall, Caucasians continue to file more complaints than any other race/ethnic group — 39% of all complaints originating from the public (page 18). This, however, is significantly less than their representation of the City population (currently 50%) (page 19).
- Hispanics/Latinos again did not file complaints at a rate that is representative of their population percentage. In 2010, this group filed only 18% of External Formal complaints despite making up 35% of the population of the City (pages 18-19). The OPM believes this group may be afraid to contact the OPM because of language or immigration status concerns, or both. The OPM will continue to focus specific outreach efforts toward this community (page 20).
- When looking at just External Formal complaints, there is again a disproportionate number of complaints filed by Blacks/African Americans compared to this group's representation in the City population (35% of External Formal complaints; 8% of the City population) (pages 20-21).
- The percentage of External Formal complaints filed by Blacks/African Americans is particularly concerning for three reasons. One, Formal complaints are typically more serious. Two, the gap between this group (who make up 8% of

the City population) and Caucasians (who make up 50% of the City population) is only 3% when filing External Formal complaints. Three, the 2010 APD Racial Profiling Report clearly shows disproportionate treatment of this group as it relates to searches originating from traffic stops (page 21).

- Despite the disproportionate number of searches of both Blacks/African Americans and Hispanics/Latinos, the APD did not find contraband at a rate significantly higher than for Caucasians (page 21).
- The percentage of Supervisory Inquiries for Caucasians has been falling for the past four years. In this same time period, for both Blacks/African Americans and Hispanics/Latinos, the percentage of Supervisory Inquiry complaints has either remained constant or grown (page 22).
- Male members of the public file External Formal complaints at a rate much higher than their representation of the City population (65% of External Formal complaints versus making up 53% of the City population). Females file External Formal complaints at a rate much lower than their representation of the City population (35% of External Formal complaints versus making up 47% of the City population) (page 24).
- The percentage of External Formal cases classified as a “D” fell from 53% in 2009 to 47% in 2010. The OPM sees this as a step in the right direction (page 28).
- The OPM documented 31 prejudicial behavior allegations in Supervisory Inquiries in 2010. Because of the lack of documentation previously captured for Supervisory Inquiry complaints, it is unclear as to whether this number is more or less than has been alleged in the past. Therefore, the OPM will be publishing a special report on this subject sometime in 2011 (page 32).
- The number of Interviews, Stops and Arrests, et al, allegations in Supervisory Inquiry complaints appears to have increased in 2010. The demographic group bringing the greatest number of these allegations was women over 50 years old. Just like the prejudicial behavior allegations, however, it is unclear as to whether this number is, in fact, more or less than has been alleged in this type of complaint in the past. In order to establish a baseline, the OPM will have to undertake a special project for this allegation type as well (page 33).
- The areas with the greatest decreases in the number of allegations were the South Central and Central West commands (down 14 and 13 allegations, respectively) (page 34).

- The majority of all Code of Conduct allegations in External Formal complaints occurred Downtown. When combined with allegations occurring within the Central East, Southeast and Northeast area commands, these four area commands account for the vast majority of all Code of Conduct allegations (page 35).
- Seven of the nine area commands had Use of Force allegations filed in External Formal complaints in 2010. There were five (5) filed in the Downtown area command. APD's 2010 Response to Resistance report was not published as of this writing, but the OPM has no reason to believe that the amount of activity that occurred in 2010 will differ greatly from that of 2009. Therefore, given the usual number of events, so few Use of Force allegations originating from the public may indicate a lack of awareness by the public of how and where to file a complaint (page 37).
- There were more findings of "Inconclusive" in External Formal complaints in 2010 than in 2009 (8% in 2010 versus 3% in 2009). In contrast, there were also fewer allegations that were "Administratively Closed" (46% in 2010 versus 59% in 2009). The OPM continues to advocate the sparing use of the "Administratively Closed" finding (page 38).
- No officer lost their job as the result of an external complaint in 2010. Yet, 13 officers either resigned or were indefinitely suspended as the result of an internal complaint in 2010 (page 39).
- Once again, the average number of years of service an officer has before a complaint was filed was 8-9 years. The most common tenure was three (3) years for External Formal complaints and eight (8) years for Supervisory Inquiries (pages 39-40).
- For officers with three years or less of service, the types of allegations being brought forward were a little more diverse than those for more experienced officers. This group also has the most allegations. The officers with ten or more years of service have primarily Code of Conduct allegations filed against them. They are also the group with the second highest number of total allegations (pages 40-41).
- Male officers make up the vast majority of the APD. The number of allegations filed in 2010 is more or less reflective of this. With this in mind, there is still something of a disparity between male and female officers with regard to Use of Force, et al, and Interviews, Stops & Arrests, et al, allegations in 2010 (page 42).

- Only two female officers were the subject of more than one complaint in 2010 (page 44).
- Caucasian officers receive the most complaints and at a higher rate than their representation on the APD. Blacks/African Americans officers have a complaint rate that is only slightly higher than their representation on the APD while Hispanics/Latinos officers have a complaint rate that is lower than their representation within the APD (page 44).
- The primary allegation filed against any officer in an External Formal complaint involves Code of Conduct. Code of Conduct allegations make up about half of all allegations filed against Caucasians officers but are the vast majority of allegations filed against Black/African American officers. Hispanic/Latino officers seem to have a slightly higher percentage of Use of Force allegations filed against them when compared to Caucasians and Blacks/African Americans officers (page 45).
- Caucasians officers make up the majority of officers with more than one complaint in 2010 (page 46).
- Subject officers ranged in age from 23 to 59 years old. The group with the highest number of allegations filed was officers in their 30s. Typically, by the time an officer reaches this age, they have been on the force for 7-10 years, or more (page 47).
- As officers age, the types of allegations they have filed against them narrows. Younger officers have a more even distribution of allegations filed against them (page 47).

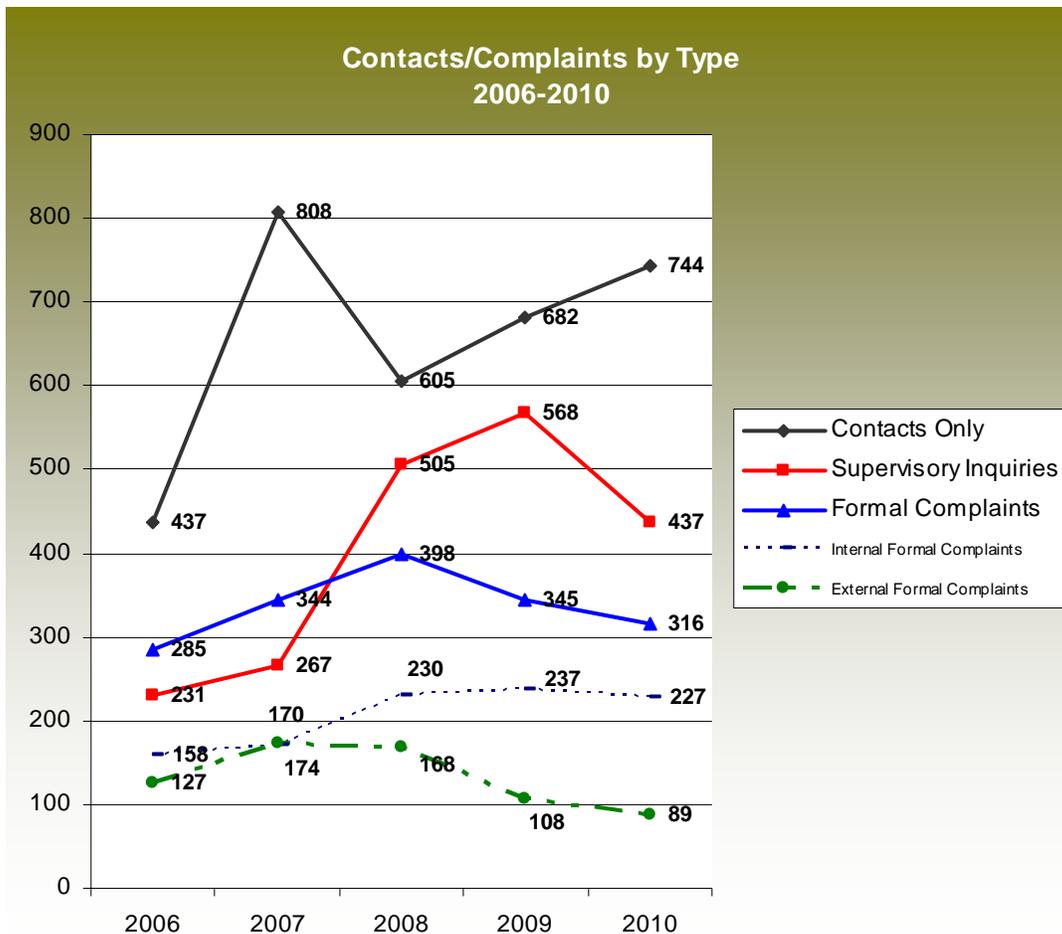
» End of Year Statistics

Complaints

Number & Types of Complaints

In 2010, the OPM was contacted a total of 1,497 times by persons wishing to file a complaint against one or more members of the APD. This was a decrease of 6% (98 contacts/complaints) from 2009. Of these contacts, half (753 of the 1,497) actually resulted in some type of complaint.

The graph below includes all individuals contacting the OPM with the intention of filing a complaint. In this figure, the term “contacts only” means that a person reached out to the OPM but then, for whatever reason, did not file a Supervisory Inquiry or a Formal complaint.

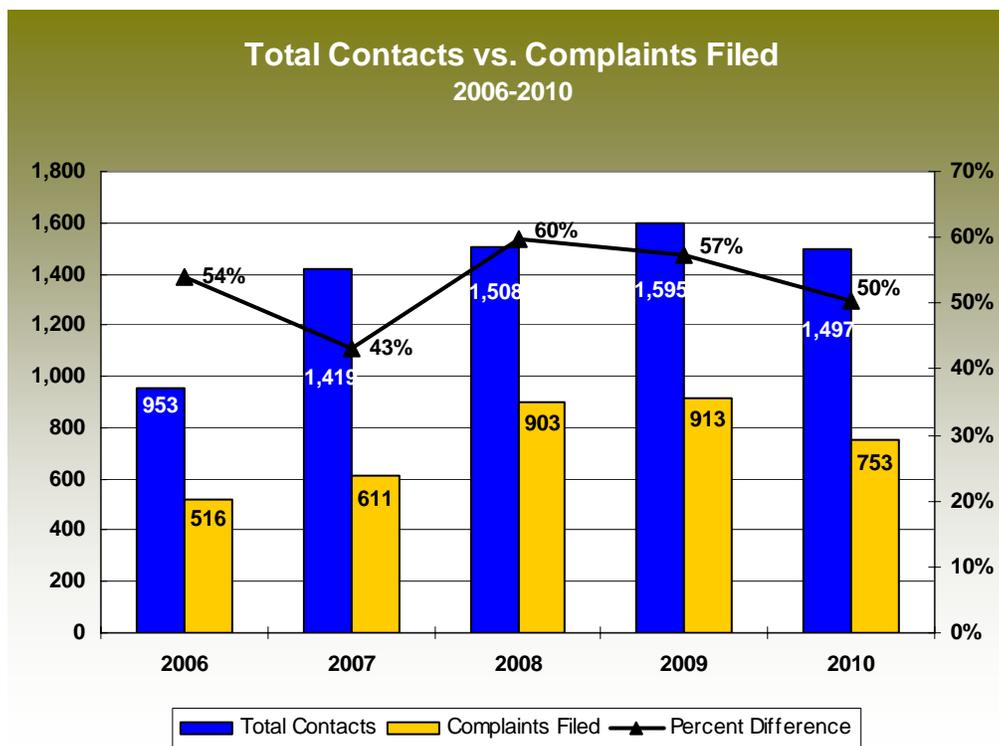


There were 316 Formal complaints filed in 2010. This was a decrease of 8% (29 cases) from the number filed in 2009. Of the 29 fewer cases, there were 19 fewer External Formal complaints and 10 fewer Internal Formal complaints.

The total number of Supervisory Inquiries monitored by the OPM was also down in 2010 to 437 complaints, a decrease of 23% (131) from 2009. Supervisory Inquiries had increased steadily from 2006 through 2009 but decreased in 2010. During this same time period, the number of External Formal complaints climbed from 2006 to 2008 but dropped in 2009 and again in 2010.

When a member of the public files a complaint with the OPM, they are made aware of the avenues available to them during a consultation with a complaint specialist. They have a choice regarding the type of complaint they would like to file and whether to file a complaint at all. Should they choose to proceed with their complaint, they have the option of filing a Supervisory Inquiry or filing a Formal complaint.

Fewer persons who contacted the OPM in 2010 chose to actually file a complaint as compared to 2009 — 50% filed in 2010 compared to 57% in 2009. It is difficult to quantify the reasons for not proceeding with a complaint, but anecdotal evidence suggests that often the caller just wants someone to listen to their concern and have it documented. Once their concern has been expressed, they are satisfied and do not pursue the matter further. Occasionally, it will be discovered that the complaint involves an agency other than the APD but this is rare.



When a complainant files a Supervisory Inquiry, they have the option of speaking directly to an officer’s supervisor about the issue. Supervisory Inquiries are initially handled by the individual officer’s supervisor and sometimes by the entire chain of command. The process was developed jointly by the APD and the OPM in an effort to

provide civilians who are filing complaints about behavior which is less serious in nature the option to speak directly with an officer’s supervisor.

While the OPM believes the option of speaking directly to an officer’s supervisor is one of the factors leading complainants to choose this avenue, other factors may also come into play. One factor is time—Supervisory Inquiries normally take less than 30 days to complete while a Formal complaint may take as long as 180 days. The other is that, in general, the vast majority of complaints brought forth do not involve accusations of serious misconduct.

The OPM assesses complainant satisfaction with the resolution of the Supervisory Inquiry via a follow-up conversation with the complainant. During this time, the complainants are made aware that if they are not satisfied with the outcome of the case, they have the option to file a Formal complaint. In 2010, only 9 complainants chose to advance to a Formal complaint after first going through the Supervisory Inquiry process.

Race/Ethnicity of Complainants

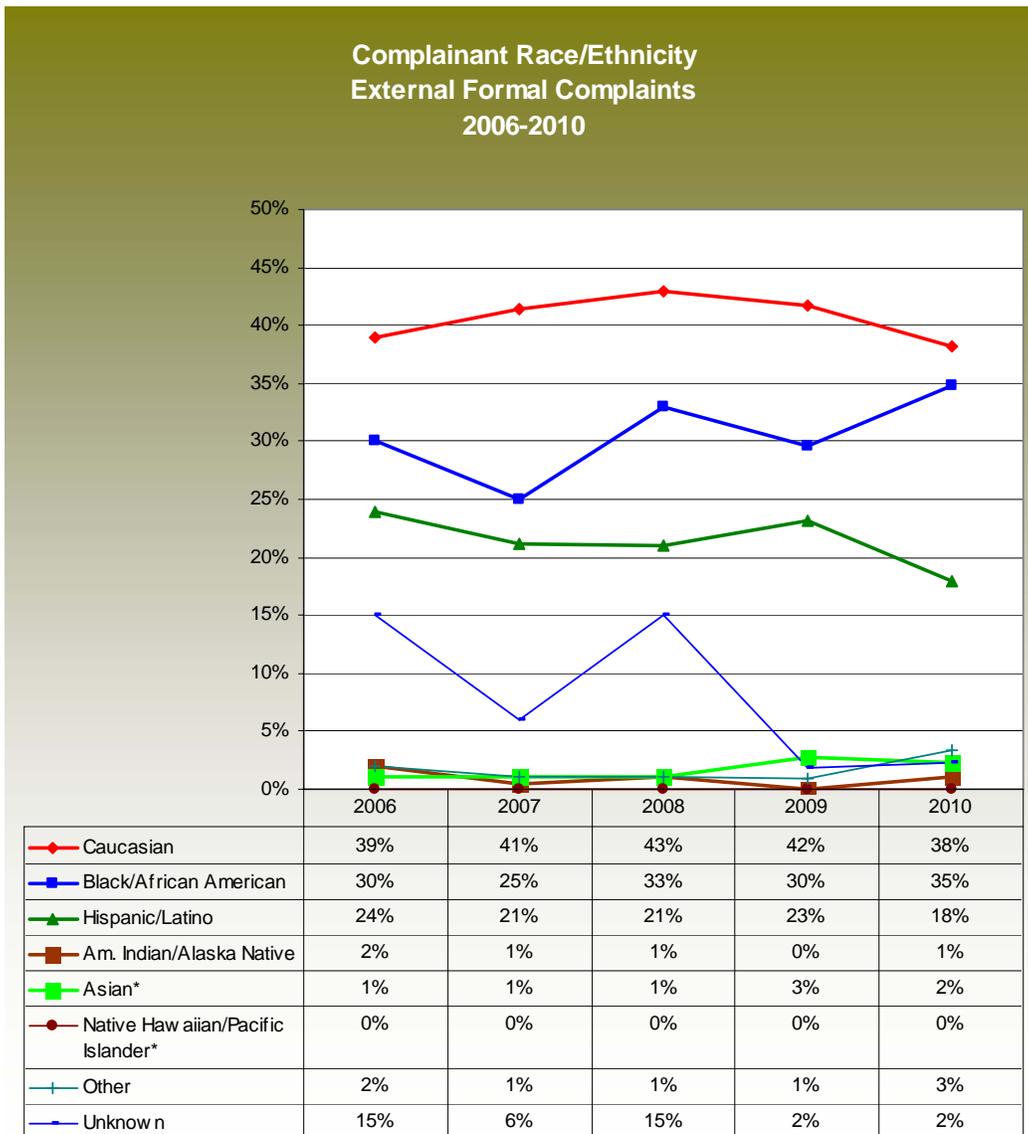
Complaints may be filed at the OPM in person, by telephone, e-mail, facsimile, or mail. Because of the various methods of contacting the OPM, at times, the OPM finds thorough collection of all demographic data points somewhat challenging. Often complainants simply do not wish to share this information, particularly over the telephone. This challenge proves to be even more problematic with Supervisory Inquiries as can clearly be seen in the high percentage of missing or unknown data in this category. The OPM will continue to strive to improve data collection methods and aims to have more complete data in future reports.

Please note that the data presented in the table below are not made up of unique individuals as a person may file more than one complaint or more than one type of complaint, or both.

Ethnicity/Race	Supervisory Inquiries		External Formals		Total	
	#	%	#	%	#	%
Caucasian	169	39%	34	38%	203	39%
Black/African American	105	24%	31	35%	136	26%
Hispanic/Latino	93	21%	16	18%	109	21%
Am. Indian/Alaska Native	4	1%	1	1%	5	1%
Asian*	3	1%	2	2%	5	1%
Native Hawaiian/Pacific Islander*	2	<1%	0	0%	2	<1%
Other	9	2%	3	3%	12	2%
Unknown	52	12%	2	2%	54	10%
Total	437		89		526	

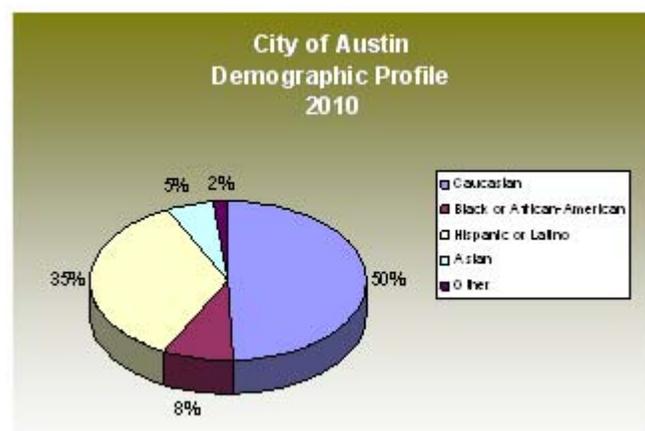
*NOTE: In previous years, the Asian and Native Hawaiian/Pacific Islander groups were combined.
 -May not total to 100% due to rounding.

When combining complaint types, the percentage of each group does not shift much from what has been seen in the past. Nevertheless, when looking at External Formal complaints, a very different picture emerges.



-May not total to 100% due to rounding.

Overall, Caucasians continue to file more complaints than any other single group. In 2010, the percentage of External Formal cases filed by Caucasians was well below this group's representation in the population (50% of the population vs. 38% of External Formal complaints; 39% of complaints overall). While this is not the first year



this has been true, it is the greatest percentage difference the OPM has seen to date.

Hispanics/Latinos did not file more complaints in 2010 than their representation in the City population. This has been true since the OPM opened its doors. In 2010, Hispanics/Latinos made up 35% of the City population but filed only 18% of the External Formal complaints. This may be reflective of a fear by some members of the Hispanic/Latino community to contact the OPM due to language or immigration status concerns, or both. The OPM will continue to focus specific outreach efforts on the Hispanic/Latino community.

Blacks/African Americans again filed External Formal complaints at a rate disproportionately higher to their representation in the City population (8% of the population vs. 35% of all External Formal complaints). Again, this is something the OPM has reported in the past. The OPM is making a special note this year, however, because of a few other disturbing factors. For one, as a percentage, Blacks/African Americans filed more External Formal complaints than they filed Supervisory Inquiries. This is concerning because External Formal complaints are typically of a more serious nature. Of course, this may also be attributable to a belief by the complainant that the officer's supervisor will not take the complaint seriously or that the complainant wishes to have the OPM more involved in the investigation, or both. Two, the gap between the percentage of cases filed by Caucasians and those filed by Blacks/African Americans has narrowed to 3 percent. This is relevant because, despite the double digit differences in population, the percentage of complaints is not reflective of the population difference. Blacks/African Americans filed External Formal complaints at a rate four times higher than their representation within the City. Moreover, the only other time in five years the gap between the two groups has been in the single digits was in 2006 when it was 9 percent. A third factor is related to the 2010 Racial Profiling Report published by the APD in March of 2011.

In March of 2011, APD published its 2010 Racial Profiling report. In this report, APD stated that Blacks/African Americans were stopped 28,949 times; which is 12% of all traffic stops and, therefore, fairly in line with this group's representation of the total Austin population. But, in that same report, it is noted that Blacks/African Americans were searched 4,356 times, or 22% of all searches. Based on the APD report, Blacks/African Americans were searched one out of every seven times a member of this group was stopped.

This same report shows that Hispanics/Latinos were stopped 68,327 times, or 29% of all traffic stops. This percentage of stops is actually slightly less than this group's representation in the population (35%). Still, this group was searched 8,140 times, or 42% of all searches. Based on the APD report, Hispanics/Latinos were searched one out of every eight times a member of this group was stopped.

Caucasians (“White” in the table below) were stopped 127,661 times, or 55% of all traffic stops. This percentage of stops is actually slightly higher than this group’s representation in the population (50%). Caucasians were searched 6,724 times, or 34% of all searches. Based on the APD report, Caucasians were searched one out of every nineteen times a member of this group was stopped.

APD Category*	2010 Traffic Stops*		2010 Searches*		Likelihood of Being Searched if Stopped		
White	127,661	54.83%	6,724	34.45%	5.27%	1 out of	19
Hispanic	68,327	29.34%	8,140	41.70%	11.91%	1 out of	8
Black	28,949	12.43%	4,356	22.32%	15.05%	1 out of	7
Asian	6,611	2.84%	237	1.21%	3.58%	1 out of	28
American Indian	100	0.04%	8	0.04%	8.00%	1 out of	13
Middle Eastern	1,200	0.52%	54	0.28%	**		
Unknown/Other	**	**	**	**	**		
	232,848		19,519				

*Source: APD’s 2010 Racial Profiling Report
https://www.ci.austin.tx.us/police/downloads/2010_racial_profiling_report_to_council.pdf

The APD has long held that it does not pull people over based on their race/ethnicity. This assertion holds true when looking at the data on stops. Despite this, the data does indicate that after the stop, a clear disparity emerges. This disparity is not who is being stopped nor in the number of stops, but rather what occurs after the stop. Blacks/ African Americans are almost three times (2.71) as likely as a Caucasian to be searched while Hispanics/Latinos are over twice as likely (2.37) as a Caucasian to be searched.

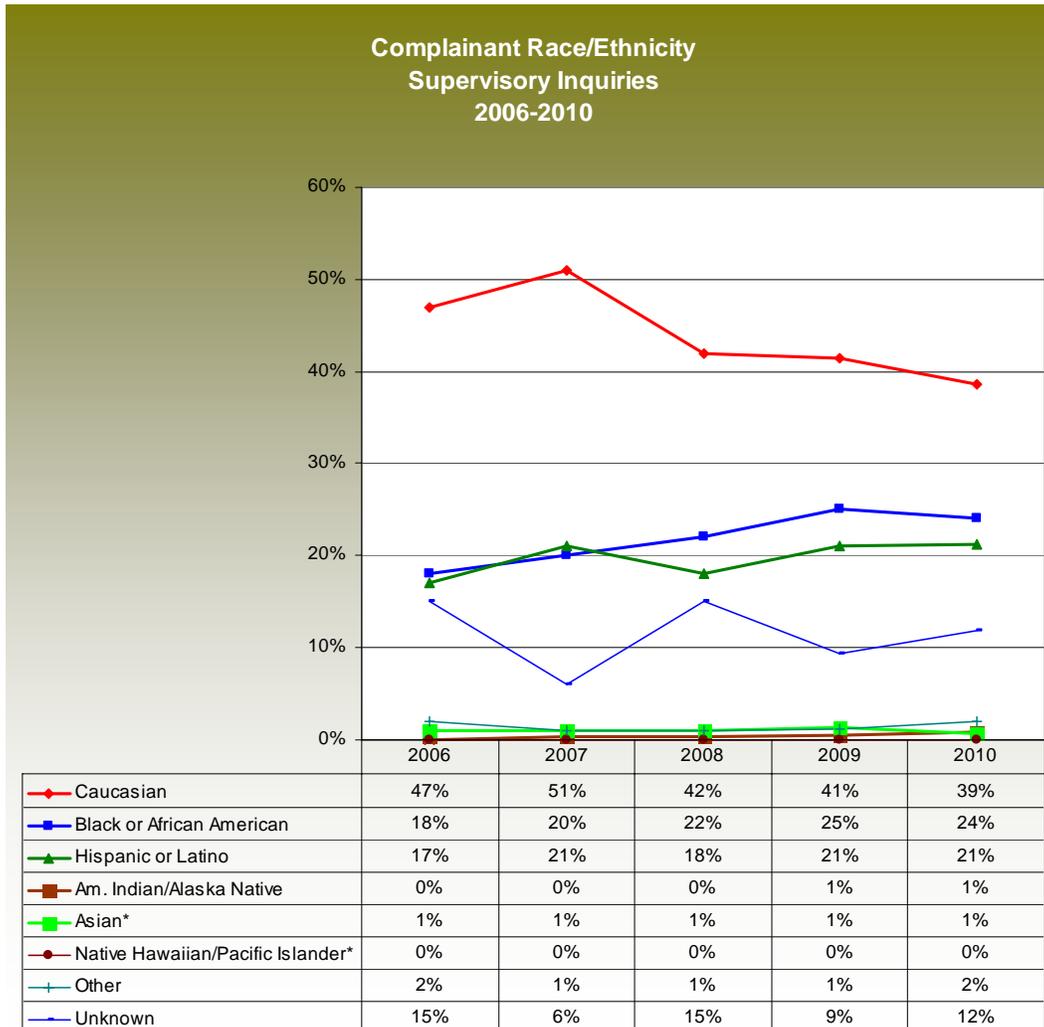
APD calls the finding of some form of contraband a “hit.” Again, looking at APD’s 2010 Racial Profiling Report, it can be seen that searches of Caucasians yielded a hit in 27% of searches. For Blacks/African Americans, the hit rate was 32% despite being searched almost three times as often as Caucasians. The hit rate for Hispanics/Latinos was 28% despite being searched over twice as often as Caucasians. Even with the disparity in search rates, there is actually a slight difference in the amount of contraband found as a result of a search.

APD Category*	2010 Searches*		2010 Hits*		APD "Hit Rate"
White	6,724	34.45%	1,806	33.22%	26.86%
Hispanic	8,140	41.70%	2,259	41.55%	27.75%
Black	4,356	22.32%	1,372	25.23%	31.50%
Asian	237	1.21%	**	**	**
American Indian	8	0.04%	**	**	**
Middle Eastern	54	0.28%	**	**	**
Unknown/Other	**	**	44	0.81%	**
	19,519		5,437		

*Source: APD’s 2010 Racial Profiling Report
https://www.ci.austin.tx.us/police/downloads/2010_racial_profiling_report_to_council.pdf

These numbers clearly show that searching Blacks/African Americans and Hispanics/Latinos more often does not yield a significantly higher hit rate; therefore, the practice seems futile and calls any justification of it into question.

Finally, the percentage of Supervisory Inquiries has been declining amongst Caucasians for the past four years. For Blacks/African Americans and for Hispanics/Latinos, the percentage of complaints in the same time period has either remained constant or grown.

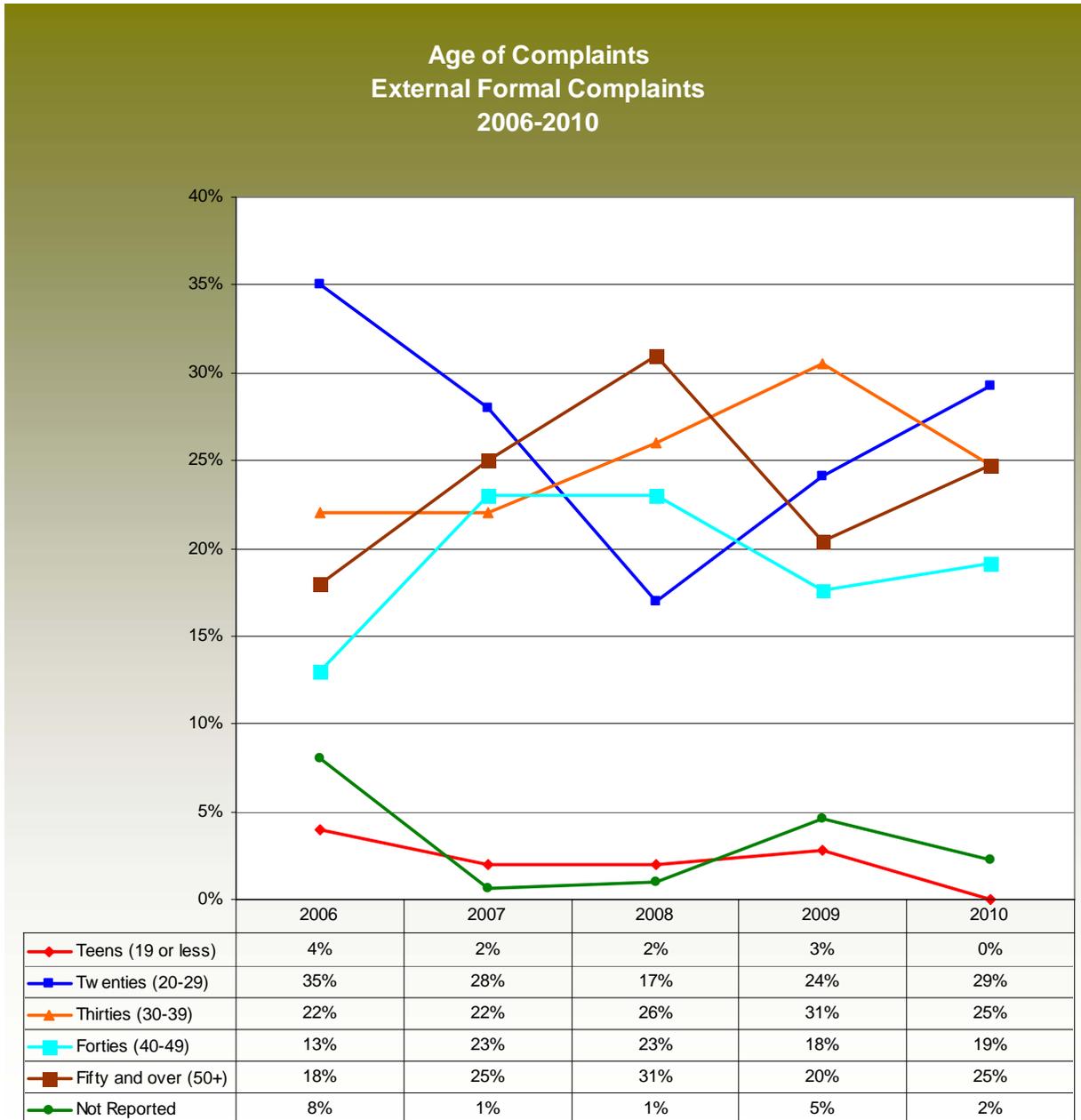


Age of Complainants

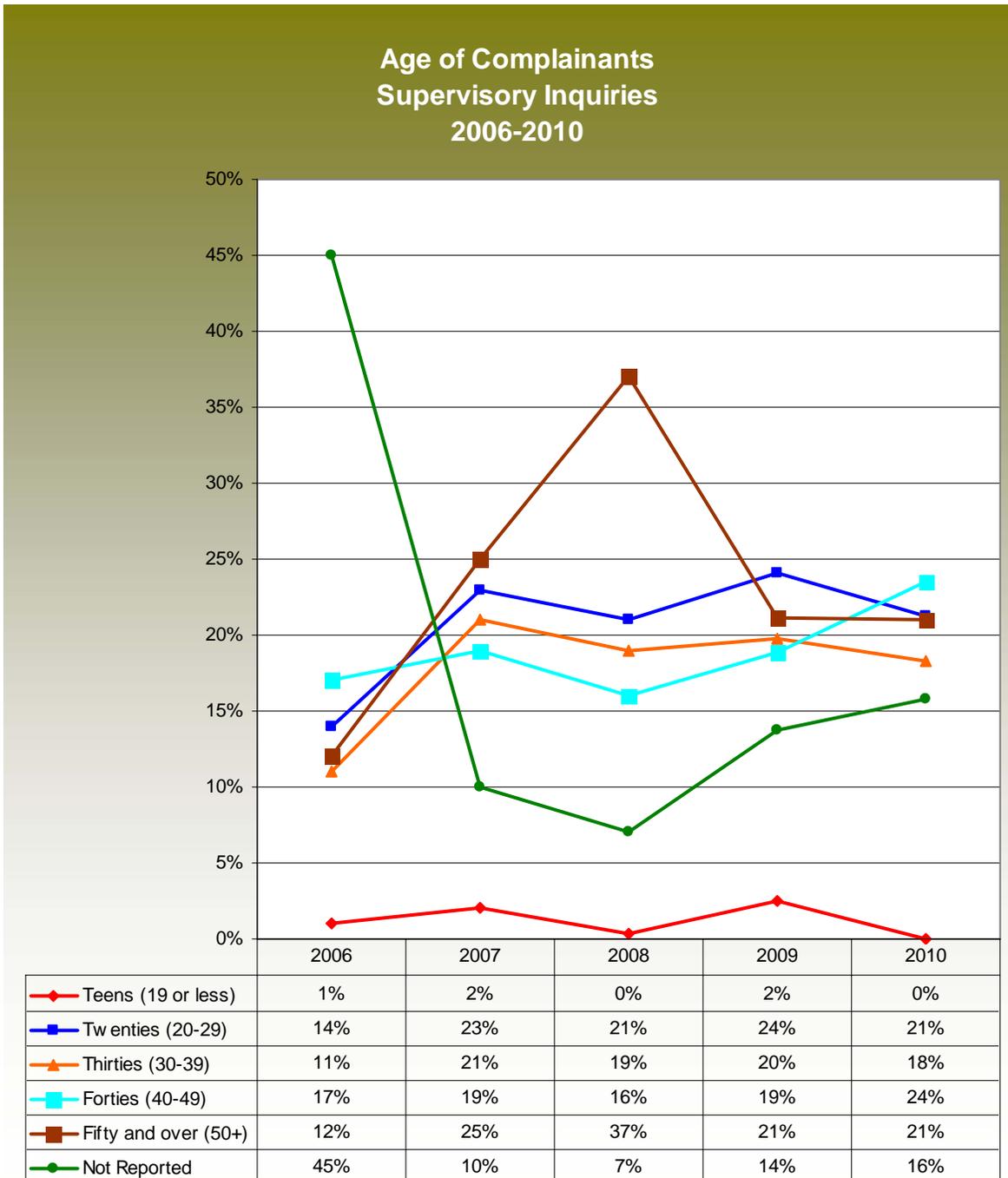
Over the past five years, External Formal complaints stemming from members of the public that are 30-39 years old had been steadily increasing, however, it appears to have peaked in 2009. Given the high number of college and university students along with the large number of night clubs in the City, it is not unreasonable to expect to see the greatest percentage of complaints being reported by members of the public that are 20-29 years old.

The percentage of complaints from members of the public 50 years of age and older is back up in 2010 (25%) after dropping in 2009 (20%).

In 2010, overall, the percentage of complaints amongst all the age groups is somewhat proportional with Teens being the exception.



The age of persons filing Supervisory Inquiry complaints has remained relatively consistent over the past five years except in 2008 when a large percentage of people over 50 filed a complaint. The only notable increase in 2010 is within the 40-49 year old group with an increase of 5% over last year.



Gender of Complainants

The gender composition of Austin in 2010 was estimated at approximately 53% male and 47% female. When looking at complainant gender (below), it can be seen that both overall and for Supervisory Inquiries, both males and females file complaints at a rate that is fairly consistent with their representation in the population.

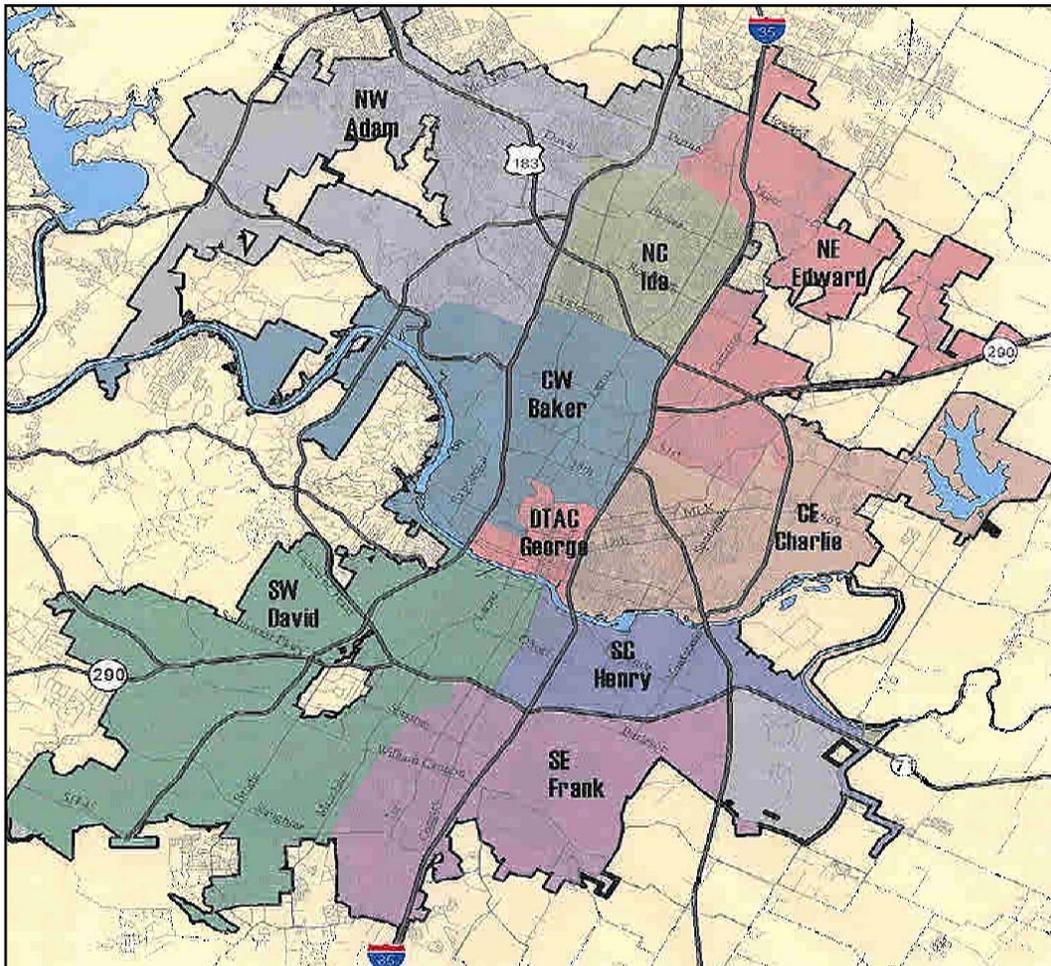
When looking at External Formal complaints, there is a notable disparity between the complaint rates and the population percentages. Males file External Formal complaints at a rate much higher than their representation within the City (65% of External Formal complaints versus making up 53% of the City population) while females file at a rate much lower (35% of External Formal complaints; 47% of the City population).

Complainant Gender	Supervisory Inquiries		External Formals		Total of Complaints		City Population
	#	%	#	%	#	%	%
Female	203	46%	31	35%	234	44%	47%
Male	229	52%	58	65%	287	55%	53%
Not Reported	5	1%	0	0%	5	1%	--
Total	437		89		526	100%	100%

-May not total to 100% due to rounding.

Complaints by Area Command

The City of Austin had nine (9) area commands in 2010. Below find a map of the geographic areas.



NW = Northwest; **CW** = Central West; **CE** = Central East; **SW** = Southwest; **NE** = Northeast; **SE** = Southeast; **DTAC** = Downtown; **SC** = South Central; **NC** = North Central

As External Formal complaints as a whole were down in 2010, it would not be unreasonable to assume that there would be fewer complaints in each of the area commands. This was true with two exceptions – there was an increase of four complaints in the North Central (NC) area command and an increase of two complaints occurred in an unknown area command.

The Downtown area command (home to most entertainment venues) continues to receive the most External Formal complaints of any area command, although in 2010 the total number of complaints in this area dropped by 19% (4).

As can be seen in the table below, when adding in Supervisory Inquiry complaints, the top three area commands in terms of total complaints shifts only slightly when compared to reporting External Formal complaints only.

Area Command	Supervisory Inquiries		External Formal		Total Complaints	
	#	%	#	%	#	%
Downtown (DTAC)	52	12%	17	19%	69	13%
Central East (CE)	56	13%	12	13%	68	13%
Southwest (SW)	53	12%	10	11%	63	12%
South Central (SC)	49	11%	10	11%	59	11%
North Central (NC)	45	10%	10	11%	55	10%
Northeast (NE)	47	11%	5	6%	52	10%
Northwest (NW)	41	9%	8	9%	49	9%
Southeast (SE)	38	9%	8	9%	46	9%
Central West (CW)	38	9%	4	4%	42	8%
Out of City	2	0%	3	3%	5	1%
Unknown	16	4%	2	2%	18	3%
Total	437		89		526	100%

Some caution should be used when reviewing this table, however, since sometimes a complaint may not be associated with one particular area command. This is easily seen in the high number of “Unknown” area commands. In cases where an area command is “Unknown,” it may be that a specific officer could not be identified, that the complaint was more generic in nature rather than relating to a specific officer, or that there were patterns of behavior that occurred in varying locations.

Classification of Complaints

When a formal complaint is filed, it is sent to IAD for classification. The classification is intended to identify the severity of a case. When classifying complaints, IAD uses the following criteria:

- **Administrative Inquiry** – an inquiry into a critical incident, ordered by the Chief or their designee, that could destroy public confidence in, and respect for, the APD or which is prejudicial to the good order of the APD;
- **A** – allegations of a serious nature, that include, but are not limited to: criminal conduct, objectively unreasonable force resulting in an injury requiring emergency treatment at a medical facility;
- **B** – allegations of a less serious nature, that include, but are not limited to: less serious violations of APD policy, rules or regulations, objectively unreasonable force with injury or with minor injuries not requiring emergency treatment at a medical facility, negligent damage or loss of property, negligent crashes;
- **C** – allegations that do not fit into a Class A or B category and do not rise to the level of a policy violation, or those that would be best handled through other APD processes (such as training or a performance improvement plan); or
- **D** – the allegation is not a policy violation, a preliminary investigation using audio or video recordings show the allegation is not true, or the complaint is about the probable cause for arrest or citation.

Please remember that only Formal complaints will receive one of the classifications listed above. Supervisory Inquiries are not subject to the same classifications as they typically contain less serious allegations.²

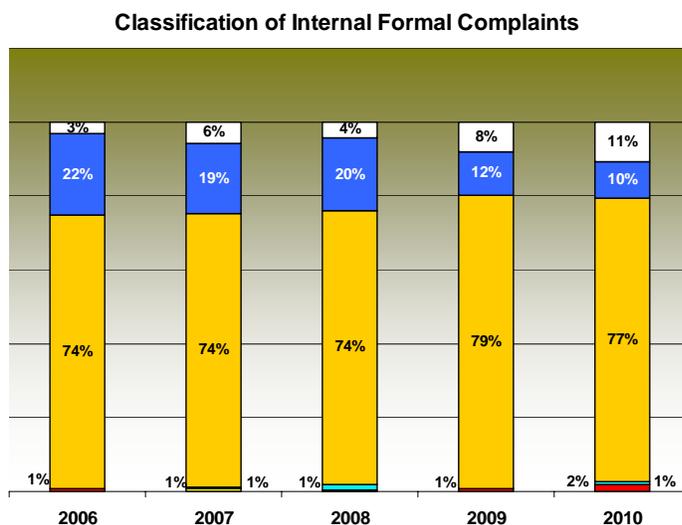
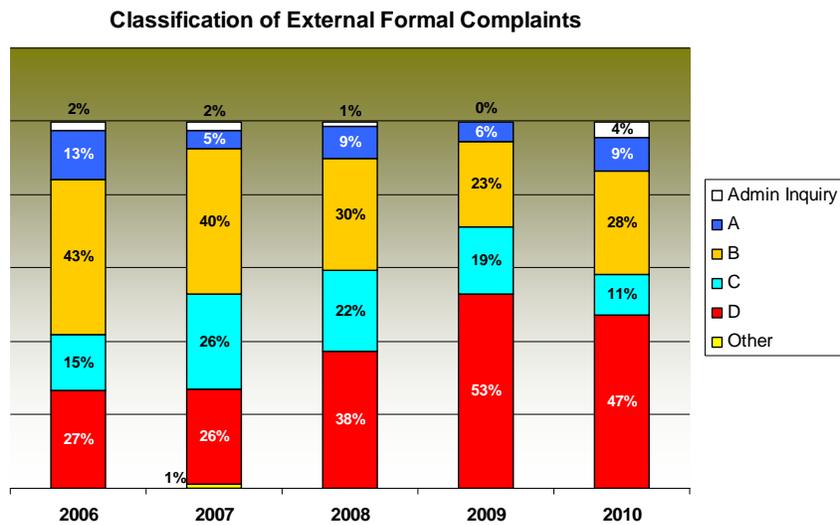
Since the OPM began its mission of oversight, there has been a notable difference in case classifications between external and internal cases. Cases are classified by IAD according to the severity of the allegations included in the complaint. At this point, it is generally accepted that the discrepancy in case classifications between internal and external complaints has much to do with the cases themselves.

When an internal case is filed, it typically involves a supervisor bringing forth an allegation concerning the conduct of another officer. In these circumstances, the officers involved will have extensive knowledge of the general orders under which the complaint has been brought. The assignment of a classification, therefore, is fairly

² Should more serious allegations be uncovered during a Supervisory Inquiry, the case would be elevated to a Formal complaint and would then be classified.

apparent. As such, Internal Formal complaint classifications have remained relatively static over the years. External Formal Complaints have seen more flux.

In 2010, 47% of all External Formal complaints received a “D” classification. This is a decrease from 2009 and seen by the OPM as a step in the right direction. The OPM’s concern with “D” classifications stems from the fact that per APD General Orders, a “D” is defined as a complaint that carries an allegation that is a) not a policy violation, b) a preliminary review of the allegation shows it is not true (e.g., video or audio recording shows allegation is false), or c) the complaint is about the probable cause for an arrest or citation.



The problem with this system is that classifying a complaint as a “D” seems to almost forecast the result of the investigation or preclude actually doing one. As written,

classifying something as a “D” seems to infer from the beginning that IAD has determined the allegation has no merit.

To be fair, it should be noted that over the years, the OPM’s agreement rate on IAD’s case classifications has steadily increased. The OPM believes this is due in part to the greater transparency afforded through the shared database that came online in 2007 as well as the OPM’s ability to protest case classifications at an early point in the process. With most cases, there is very little dispute regarding the severity and, therefore, there is no disagreement between the OPM and IAD on how a case is classified. Historically, most of the disagreement in case classifications has stemmed from those cases that were ultimately classified by IAD as lower level cases.

Allegations

Number & Types of Allegations

The Austin Police Department has a set of rules known as the General Orders, Policies, Procedures, Enforcement Operations and Patrol Standard Operating Procedures. The “General Orders” as they are known, contain all the policies by which members of the APD must abide. When a complaint is made, the IAD assigns an allegation(s) based on the alleged policy violations after reviewing the description of events. In 2010, the data show that 69 fewer allegations were levied in Formal complaints versus in 2009. Of these, there were 52 fewer allegations filed as part of External Formal complaints. Proportionally, the result is about the same average number of allegations per complaint as has been seen in the past.

Number of Allegations	2006		2007		2008		2009		2010		Change 2010 vs. 2009	
	#	%	#	%	#	%	#	%	#	%	#	%
Supervisory Inquiries	247	35%	328	37%	494	44%	354	39%	376	44%	22	6%
Formal Complaints	461	65%	563	63%	630	56%	548	61%	479	56%	-69	-13%
External	233	51%	314	56%	326	52%	222	41%	170	35%	-52	-23%
Internal	228	49%	249	44%	304	48%	326	59%	309	65%	-17	-5%
Total	708		891		1,124		902		855		-47	-5%

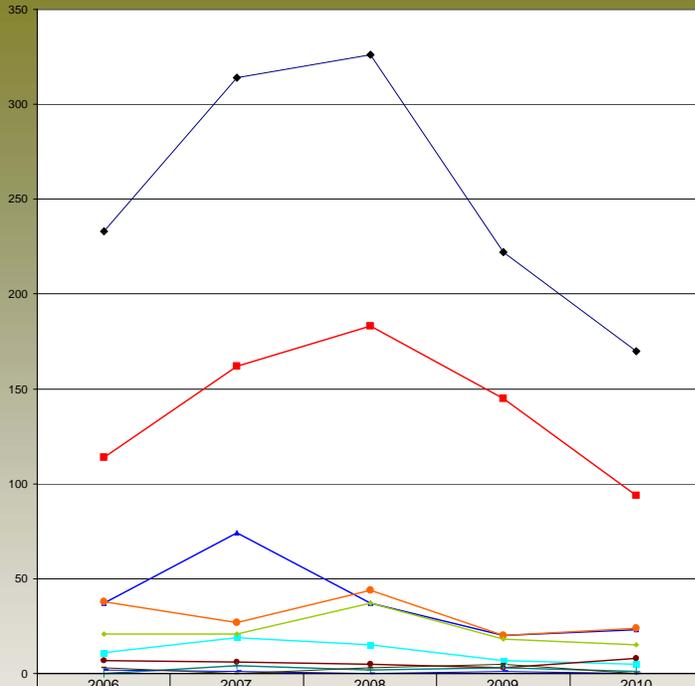
It should be noted that a single complaint may include multiple allegations, and they often do. Over the past five years, the average number of allegations contained in External Formal complaints was 1.9; for Internal Formal complaints, this number was 1.4. These multiple allegations can apply to a single officer or there may be a single allegation brought against multiple officers. Either way, since each allegation is counted, the total number of allegations should always equal or exceed the total number of complaints.

As in years past, Code of Conduct issues continue to be the most frequently reported allegation for both Supervisory Inquiries as well as External Formal complaints. This has been the case since the OPM began tracking complaints.

Code of Conduct allegations include, but are not limited to, the following:

- **Compliance** – knowing, understanding, complying with, and reporting violations of laws, ordinances, and governmental orders;
- **Individual Responsibilities** – dishonesty, acts bringing discredit to the department, police action when off-duty, etc.;
- **Responsibility to the Community** – courtesy, impartial attitude, duty to identify, etc.;
- **Responsibility to the Department** – loyalty, accountability, duty to take action, etc.; and
- **Responsibility to Co-workers** – relations with co-workers, sexual harassment, etc.

**Number & Type of Allegations
External Formal Complaints
2006-2010**



◆ Total Allegations	233	314	326	222	170
■ Code of Conduct	114	162	183	145	94
◆ Use of Force/ Duty Weapons/ Firearm Discharges	37	74	37	20	23
◆ Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	38	27	44	20	24
◆ Bias-Based Profiling/ Incident Reporting & Documentation	11	19	15	7	5
◆ Preliminary, Follow-Up & Collision Investigations	7	6	5	3	8
◆ Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	0	4	2	3	1
◆ Secondary Employment/ Attendance & Leave/ Workplace Environment/ Alcohol & Drug Free Workplace	2	1	0	1	0
◆ Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	3	0	3	5	0
◆ Other	21	21	37	18	15

Given that the vast majority of allegations involve Code of Conduct issues and because the Code of Conduct policies are so numerous, the OPM had requested last year that the IAD provide more detail regarding these types of allegations. For the most part, this has been done as can be seen in the table below.

Code of Conduct Allegations by Subcategory	Supervisory Inquiries		External Formal	
	#	%	#	%
Compliance Required	1	0%	12	15%
Individual Responsibilities	3	1%	8	10%
Responsibility to the Community	208	98%	57	70%
Responsibility to the Department	0	0%	4	5%
Responsibility to Co-Workers	0	0%	0	0%
Total	212		81	

Even at the sub-categorical level, however, there is still one allegation listed far more than any other – “Responsibility to the Community.” The Responsibility to the Community subcategory includes policy regarding:

- Impartial Attitude;
- Courtesy;
- Duty to Identify;
- Neutrality in Civil Actions;
- Negotiations on Behalf of Suspect, and
- Customer Service and Community Relations.

“Courtesy” is always the most frequent complaint made against officers. More troubling, however, is the allegation of “Impartial Attitude.” The Impartial Attitude policy states that (APD) employees are “expected to act professionally, treat all persons fairly and equally, and perform all duties impartially, objectively, and equitably without regard to personal feelings, animosities, friendships, financial status, sex, creed, color, race, religion, age, political beliefs, sexual preference, or social or ethnic background.”

In the past, when an allegation regarding bias-based profiling (i.e., prejudicial behavior) was filed, it was often filed using an incorrect General Order. There is a General Order entitled “Bias-Based Profiling” and this was frequently used to report an allegation of prejudicial behavior. Nonetheless, this particular General Order has to do with how this type of act is documented and not the fact that some sort of prejudicial behavior may have occurred. It is fairly easy to see, given the name of this General Order, how it was listed erroneously so often. It should be noted that listing an incorrect General Order did not have an impact on how investigations proceeded as each case contains a description of events that make it clear as to the nature of the specific complaint. In other words, this was simply an administrative error.

With the revision of the General Orders in 2009 and new staff in IAD, this issue seems to have been mostly straightened out as there were only five (5) instances where the “Bias-based Profiling” allegation was recorded in an External Formal complaint in 2010. Between the “Bias-based Profiling” General Order, the sub-category of Code of Conduct

“Impartial Attitude” and generic Code of Conduct allegations, however, the OPM has documented a total of 13 prejudicial behavior allegations in External Formal complaints and 31 in Supervisory Inquiries in 2010.

The number of documented allegations in External Formal complaints is not significantly different than in years past. Supervisory Inquiries are another story, but there is a separate issue here. Because Supervisory Inquiries are not technically “complaints” (as defined by the Meet & Confer contract), they have not historically been documented in the IAD with the same rigor as Formal complaints. As a result, there is a lack of information regarding the number of cases wherein prejudicial behavior may have been alleged. Therefore, as of this writing, the OPM does not know if the Supervisory Inquiry numbers are higher or lower than what would be typical. Despite the lack of quantifiable data, or because of it, the OPM is concerned that there may also be a lack of recognition regarding what constitutes prejudicial behavior. Prejudicial behavior is not limited strictly to race or color. Given how important this issue is to the public, the OPM will be producing a special report on this topic in 2011.

Allegation/Allegation Category	2010					
	SI		External		Internal	
	#	%	#	%	#	%
Code of Conduct	226	60%	94	55%	96	31%
Use of Force/ Duty Weapons/ Firearm Discharges	7	2%	23	14%	30	10%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	63	17%	24	14%	1	0%
Bias-Based Profiling/ Incident Reporting & Documentation	2	1%	5	3%	4	1%
Preliminary, Follow-Up & Collision Investigations	28	7%	8	5%	1	0%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	12	3%	1	1%	146	47%
Secondary Employment/ Attendance & Leave/ Workplace Environment/ Alcohol & Drug Free Workplace	0	0%	0	0%	10	3%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	12	3%	0	0%	9	3%
Other	26	7%	15	9%	12	4%
Total	376		170		309	

With the additional information available regarding Supervisory Inquiries, the OPM has identified a second issue of concern involving the allegations of Interviews, Stops, and Arrests, et al.

The Interviews, Stops and Arrests General Order includes, but is not limited to, interviews, stops, arrests, searches, and explanations to persons. The category in the above table also includes the General Orders regarding Arrests and Bookings, Fugitive Warrants, and Care and Transport of Prisoners. Of course, the same problem exists here as with the Impartial Attitude allegation categories — because allegation categories were often not entered into the records of Supervisory Inquiry complaints by the IAD, there is currently no baseline by which to tell if this number is higher or lower than typical. In other words, just looking at the numbers from years past is not sufficient because the data may or may not have been entered. As with the Impartial Attitude allegation types, the OPM will undertake a special project in order to establish a baseline for these types of allegations.

Allegations & Complainant Demographics

For now, though, the OPM did look at the composition of these allegation types in Supervisory Inquiries in 2010. What was discovered was that 20% of the allegation types filed in Supervisory Inquiries by Blacks/African Americans and Hispanics/Latinos involve Interviews, Stops & Arrests, et al; it was 14% for Caucasians. Interestingly, slightly over half of the Interviews, Stops & Arrests allegations were filed by women (36 of the 63 allegations). Of these 36 allegations, Black/African American women filed 14 allegations (39%) and Caucasian women filed 11 (33%). Nine of the 36 allegations filed by women stemmed from incidents occurring in the Central East area command. The age group filing the most allegations in this category was women 50 and over (12 allegations).

SUPERVISORY INQUIRIES	Caucasian		Black/ African American		Hispanic/ Latino		Am Indian/ Alaska Native		Asian		Native Hawaiian/ Pacific Islander		Other		Unknown	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Code of Conduct	96	66%	59	56%	42	55%	5	63%	2	67%	0	0%	6	86%	16	55%
Use of Force/ Duty Weapons/ Firearm Discharges	3	2%	0	0%	3	4%	0	0%	0	0%	0	0%	0	0%	1	3%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	20	14%	21	20%	15	20%	0	0%	0	0%	2	100%	1	14%	4	14%
Bias-Based Profiling/ Incident Reporting & Documentation	0	0%	0	0%	2	3%	0	0%	0	0%	0	0%	0	0%	0	0%
Preliminary, Follow-Up & Collision Investigations	4	3%	14	13%	7	9%	0	0%	1	33%	0	0%	0	0%	2	7%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	9	6%	0	0%	1	1%	0	0%	0	0%	0	0%	0	0%	2	7%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	4	3%	4	4%	1	1%	3	38%	0	0%	0	0%	0	0%	0	0%
Other	10	7%	7	7%	5	7%	0	0%	0	0%	0	0%	0	0%	4	14%
Total	146		105		76		8		3		2		7		29	

Sixty-five percent of all allegations filed by Caucasians as Supervisory Inquiries were Code of Conduct related; this number was 54% for Blacks/African Americans and 55% for Hispanics/Latinos. Of those Code of Conduct allegation categories where a sub-

category was captured, 97% of those filed by Caucasians were Responsibility to the Community-related. This percentage was 98% for Blacks/African Americans and 100% for Hispanics/Latinos.

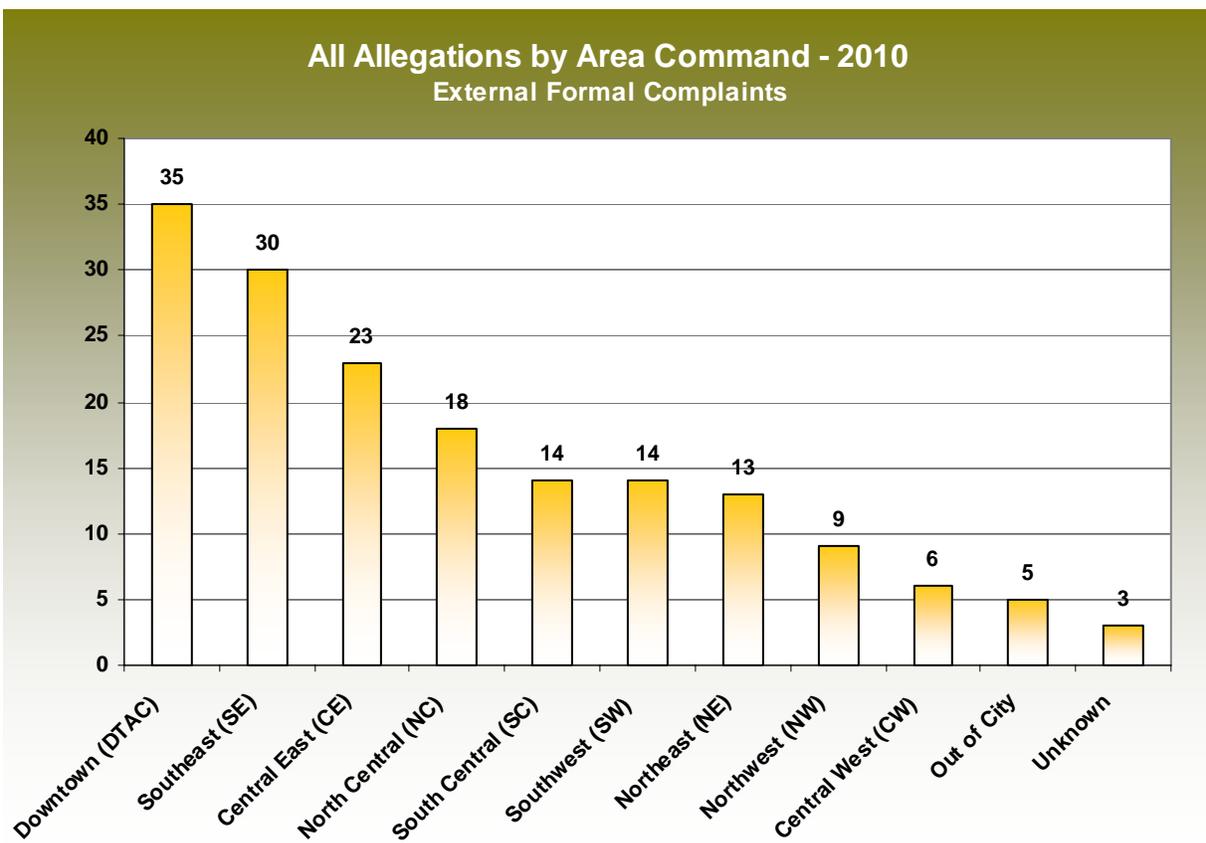
Allegations by Area Command

Because fewer External Formal complaints are being filed, there are also fewer allegations. Allegation counts fell City-wide with two exceptions – the Southeast and the North Central area commands.

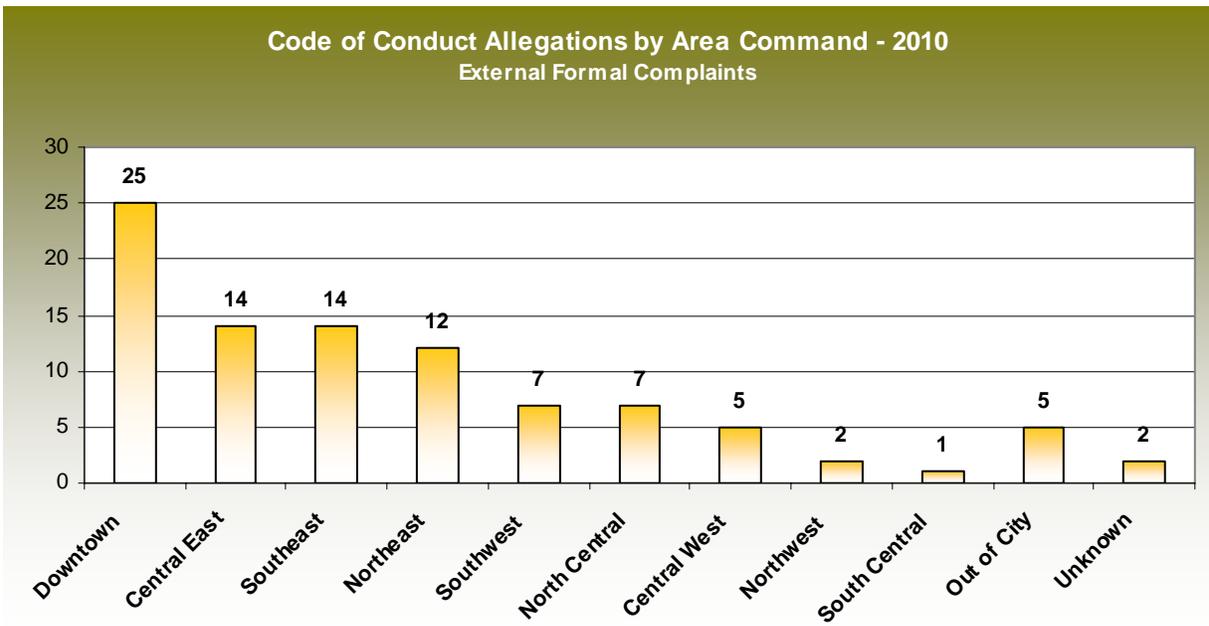
The majority of all allegations (52%) occurred within three area commands – Downtown, Southeast and Central East.

A notable shift from 2009 in allegations by area command is in the South Central area. Last year, it ranked in the top three area commands for the most allegations (39 last year). This year, that number fell by 14 allegations (↓ 64%).

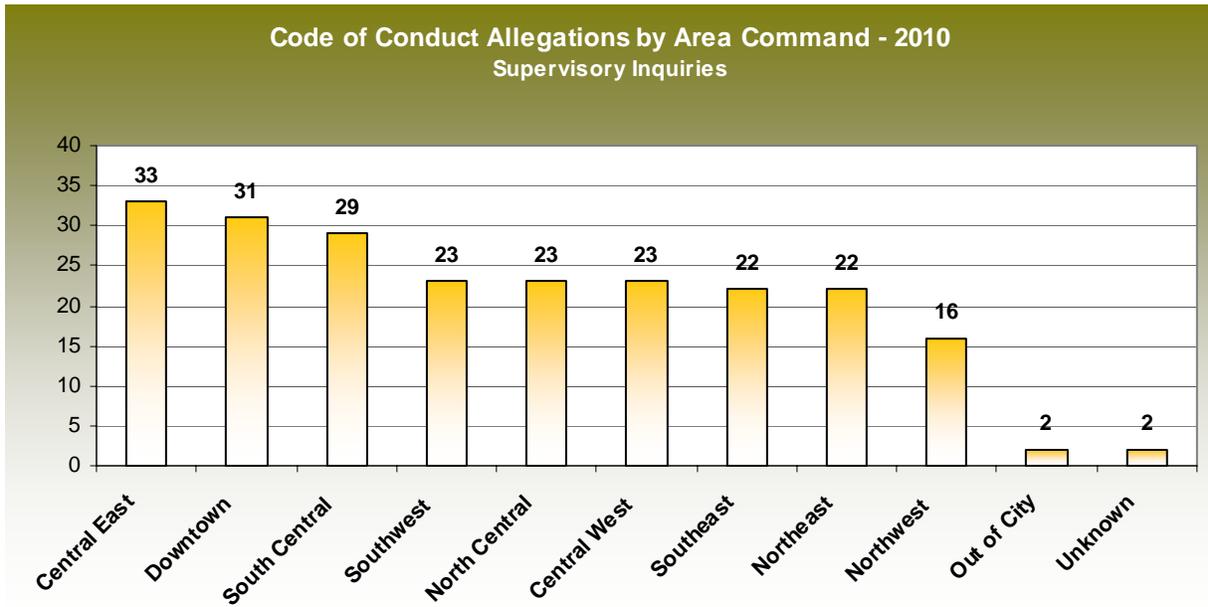
The number of allegations filed against the Central West area command also fell, dropping from 19 in 2009 to 6 in 2010 (↓ 68%).



The majority of all Code of Conduct allegations in External Formal complaints occurred Downtown. When combined with allegations occurring within the Central East, Southeast and Northeast area commands, these four area commands account for the vast majority of all Code of Conduct allegations.

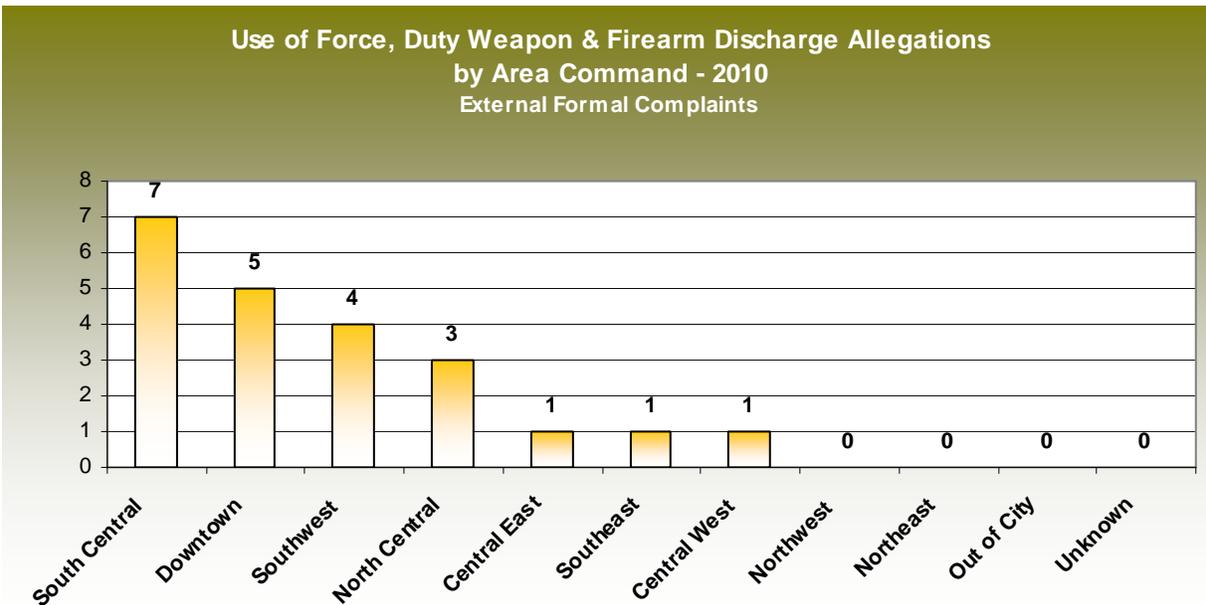


For Supervisory Inquiries, the number is split a little more evenly although the Central East, Downtown, and South Central area commands made up 41% of all Code of Conduct allegations in the City.



There were very few Use of Force allegations brought forward by the public in any type of external complaint in 2010. There were only seven total allegations in Supervisory Inquiries and 23 in External Formal complaints in 2010. Of the Use of Force allegations

associated with External Formal complaints, only seven of the nine area commands had at least one Use of Force allegation filed at all.



The Downtown area command reported five (5) Use of Force allegations in External Formal complaints in 2010. Last year, the OPM raised a concern regarding the relatively low number being reported because of the data cited by APD in its 2009 Response to Resistance report. In the 2009 Response to Resistance report, 28% of the 1,709 response-to-resistance events occurred in the Downtown area. The 2010 Response to Resistance report is not yet available. The OPM, however, has no reason to believe that the amount of activity that occurred in 2010 will differ greatly from that of 2009. Therefore, given the usual number of events, so few Use of Force allegations originating from the public may indicate a lack of awareness by the public of how and where to file a complaint.

In 2010, there were 30 Use of Force-related allegations filed in Internal Formal complaints. This dearth of Use of Force allegations in Internal Formal complaints calls into question whether the Response to Resistance policy is being followed. The lack of Internal Formal Use of Force allegations is another area the OPM needs to continue to research and monitor further.

Investigative Findings

APD Decisions

Once an investigation is finished, IAD or the chain of command will make a recommendation on the outcome of the case. In other words, they will issue a finding. These findings will fall into one of the following categories:

- **Exonerated** – The incident occurred but is considered lawful and proper;
- **Sustained** – The allegation is supported or misconduct discovered during investigation;
- **Unfounded** – The allegation is considered false or not factual;
- **Inconclusive** – There is insufficient evidence to prove/disprove the allegation; or
- **Administratively Closed** – No allegations were made or misconduct discovered and/or complaint closed by a supervisor.

OF SPECIAL NOTE: In 2008 there was a practice change wherein the APD chain of command began investigating lower-level class B formal complaints. In 2010, the IAD began the practice of not making recommendations to findings; instead they presented the results of the investigation to the chains of command for a decision. With these changes, the IAD may or may not have also made a recommendation on each allegation. Since then, the distinction between an “IAD Recommendation” and an “APD Decisions” has essentially disappeared and all investigatory decisions are simply documented under “APD Decisions.”

APD Decisions	External						Internal					
	2008		2009		2010		2008		2009		2010	
	#	%	#	%	#	%	#	%	#	%	#	%
Sustained	32	10%	22	10%	19	11%	234	81%	218	71%	228	79%
Inconclusive	21	7%	6	3%	14	8%	14	5%	16	5%	5	2%
Exonerated	31	10%	11	5%	17	10%	4	1%	9	3%	9	3%
Administratively Closed	160	51%	128	59%	78	46%	23	8%	42	14%	42	15%
Unfounded	72	23%	49	23%	42	25%	14	5%	24	8%	4	1%
Added/Changed at DRB	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Total	316		216		170		289		309		288	

NOTE: Total numbers listed here may be lower than the number of allegations due to resignations/retirements

There were more Inconclusive findings in External Formal cases in 2010 than in 2009 (8% in 2010 vs. 3% in 2009). In contrast, there were fewer allegations where the finding was Administratively Closed. This percentage was 46% in 2010 which is less than in 2009 when 59% of all allegations were Administratively Closed.

The OPM advocates that “Administratively Closed” be used sparingly. It is the opinion of the OPM that making a finding regarding the conduct of an officer adds credence to the process. There are likely several factors within APD that are driving the decision to

Administratively Close an allegation as opposed to rendering a more definitive decision. The OPM believes these include, among others, issues related to the revision of the APD General Orders and the relationship between allegation decisions and the APD’s early intervention system.

Disciplinary Action

After an investigation is completed, and if allegations against an officer are sustained, the chain of command will then administer discipline. Discipline ranges from oral counseling to termination (i.e., an “Indefinite Suspension”). When looking at the table below, it is important to remember that disciplinary action is related to each unique allegation and not to the number of cases. So, for example, an officer may be suspended for one allegation and counseled on another all within the same complaint. Also, the APD’s General Orders provide guidelines for the type and severity of discipline that may be administered. These guidelines are called the “Discipline Matrix.” A copy of the matrix is attached in Appendix B.

EXTERNAL	2006		2007		2008		2009		2010		2010 vs. 2009
Disciplinary Action Taken	#	%	#	%	#	%	#	%	#	%	% Change
Oral Reprimand / Counseling	13	39%	10	43%	13	41%	8	31%	11	50%	38%
Written Reprimand	8	24%	6	26%	11	34%	8	31%	6	27%	-25%
Days Suspension	10	30%	5	22%	8	25%	3	12%	5	23%	67%
Termination*	2	6%	2	9%	0	0%	7	27%	0	0%	-100%
Demotion	0	0%	0	0%	0	0%	0	0%	0	0%	0%
Total	33		23		32		26		22		-15%

*Includes Resignations or Retirements occurring while the officer was under investigation

Again, because the total number of External Formal complaints is down, the number of allegations is also down. With fewer allegations, there will also be less disciplinary action taken. Interesting to note, however, is that in 2010, as a percentage, the most common form of discipline—an oral reprimand (or counseling)—was back up.

No officer lost their job as a result of an external complaint in 2010; however, thirteen (13) officers were Indefinitely Suspended, Resigned Under Investigation, or Retired Under Investigation as a result of an internal complaint.

The table below comprises the disciplinary action taken on each allegation filed in an internal complaint in 2010.

INTERNAL	2006		2007		2008		2009		2010		2010 vs. 2009
Disciplinary Action Taken	#	%	#	%	#	%	#	%	#	%	% Change
Oral Reprimand / Counseling	40	31%	42	29%	81	35%	84	36%	79	31%	-6%
Written Reprimand	59	45%	73	51%	92	40%	75	32%	77	31%	3%
Days Suspension	29	22%	21	15%	44	19%	47	20%	51	20%	9%
Termination*	2	2%	7	5%	13	6%	25	11%	44	18%	76%
Demotion	0	0%	1	1%	0	0%	3	1%	0	0%	0%
Total	130		144		230		234		251		7%

*Includes Resignations or Retirements occurring while the officer was under investigation

As is typically the case, the vast majority of the Indefinite Suspensions/Terminations listed above were associated with a Code of Conduct allegation.

The OPM would again like to point out that the number of actions that are included in the realm of “Code of Conduct” are exceedingly numerous and include a broad range of behavior. It is generally agreed that all parties should do a better job documenting these types of allegations, particularly in light of the fact that these allegations are the most frequently filed. Steps were taken in 2010 to do a better job but it is clear even more needs to be done.

Subject Officer Demographics

Presented in this section is some background information on the officers that were the subjects of complaints in 2010. This information is provided only for complaints filed by the public, that is, external complaints only.

Please note that it is possible for a single officer to be involved in more than one complaint and in more than one type of complaint. Therefore, the data presented in the tables below may count the same officer more than once if that officer was the subject of more than one type of complaint.

Years of Service

The average length of time an officer had served on the force until the date of the incident with the public was eight (8) years for Supervisory Inquiries and nine (9) years for Formal complaints. This average length of service is one year greater than what was reported in 2009 but still typical of what the OPM has reported in the past. The most common length of time an officer had been on the force before receiving their first complaint was eight years for Supervisory Inquiries and three years for External Formal complaints.

Years of Service	2010	
	Supervisory Inquiries	External Formals
Average tenure	8	9
Longest tenure	32	33
Shortest tenure	<1	<1
Tenure midpoint	7	7
Most common tenure	8	3

It is not surprising that the most common tenure of officers when they receive their first formal complaint is three years of service. Most of this group will be fresh out of the Academy and, possibly, less experienced.

The range of experience of officers named in complaints in 2010 varies widely from less than one year to over 32 years of service. For the most part, there are not any significant differences between repeat and single-case officers in terms of years of service.

Years of Service	Repeat Subject Officers	Single Case Subject Officers
Average tenure	9	8
Longest tenure	24	32
Shortest tenure	<1	<1
Tenure midpoint	8	7
Most common tenure	3	3

When looking at allegation types in 2010 and comparing this to years of service, the OPM found that in External Formal complaints during an officer's first three years of service, the types of allegations being brought forward were a little more diverse than those for more experienced officers. Use of Force allegations were more common with the less experienced officers. As always, however, Code of Conduct allegations were the most frequently brought forward. For officers with 10 or more years of experience, this was especially true. This is more in line with what the OPM has seen nationwide. Nationally, most research points to officer burnout as the reason officers receive more complaints involving Code of Conduct after their tenth year of service.

EXTERNAL FORMAL Allegations	Years of Service							
	0-3		4-6		7-9		10+	
	#	%	#	%	#	%	#	%
Code of Conduct	26	44%	12	44%	10	50%	46	72%
Use of Force/ Duty Weapons/ Firearm Discharges	10	17%	7	26%	0	0%	6	9%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	9	15%	6	22%	4	20%	5	8%
Bias-Based Profiling/ Incident Reporting & Documentation	2	3%	0	0%	2	10%	1	2%
Preliminary, Follow-Up & Collision Investigations	4	7%	1	4%	2	10%	1	2%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	1	2%	0	0%	0	0%	0	0%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	0	0%	0	0%	0	0%	0	0%
Other	7	12%	1	4%	2	10%	5	8%
Total	59		27		20		64	

In Supervisory Inquiries, the distribution of allegations was slightly different than for External Formal complaints. This is to be expected given that Supervisory Inquiries typically involve less serious complaints. What is interesting to note, however, is the

number of allegations. For both Supervisory Inquiries and for External Formal complaints, the quantity of allegations is greatest for the least experienced officers with the most experienced officers having the second highest number of allegations. Again, the OPM believes this is due to the lack of experience for the one group and burnout for the other. The OPM does not currently have access to officer shift information so it is unknown if any of this could be attributed to where an officer is assigned or for how long the officer was assigned to an area (both duration and number of hours in a day). Nationally, research has shown that placing less experienced officers into areas where more police intervention is required is not the best course. Over the longer haul, research has shown that burnout occurs more frequently with officers who have been assigned to the same area for extended periods of time.

SUPERVISORY INQUIRIES Allegations	Years of Service							
	0-3		4-6		7-9		10+	
	#	%	#	%	#	%	#	%
Code of Conduct	82	58%	32	60%	40	58%	68	64%
Use of Force/ Duty Weapons/ Firearm Discharges	1	1%	1	2%	4	6%	1	1%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	29	21%	11	21%	7	10%	15	14%
Bias-Based Profiling/ Incident Reporting & Documentation	1	1%	0	0%	1	1%	0	0%
Preliminary, Follow-Up & Collision Investigations	13	9%	4	8%	7	10%	4	4%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	3	2%	0	0%	3	4%	6	6%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	1	1%	1	2%	1	1%	8	7%
Other	11	8%	4	8%	6	9%	5	5%
Total	141		53		69		107	

Missing Frequency = 6

Gender of Officers

As has been the case in years past, the public brought complaints against male officers at a higher rate than female officers relative to the demographic make-up of the police force.

Gender of Officer	Supervisory Inquiries		External Formals		Total		Percent of All APD Sworn Personnel	
	#	%	#	%	#	%	#	%
Female	27	7%	9	5%	36	7%	183	11%
Male	349	93%	161	95%	510	93%	1,456	89%
Total	376		170		546		1,639	

*Caution should be used when reading this table. This table is a report by gender only. It should NOT be used as a count of unique officers since an officer may be involved in more than one complaint. Also, many Supervisory Inquiries may have no officer named.

The majority of allegations filed in External Formal complaints against female officers involved Code of Conduct issues. Male officers seemed to have more variety in the types of allegations filed. Clearly, this is strictly numbers related. Male officers make up the majority of the APD and, therefore, have more complaints filed against them. Nonetheless, it is still interesting to note that female officers had no Use of Force, et al, or Interviews, Stops & Arrests, et al, allegations filed against them in 2010.

EXTERNAL FORMAL Allegations	Female Officers		Male Officers	
	#	%	#	%
Code of Conduct	6	67%	88	55%
Use of Force/ Duty Weapons/ Firearm Discharges	1	11%	22	14%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	0	0%	24	15%
Bias-Based Profiling/ Incident Reporting & Documentation	0	0%	5	3%
Preliminary, Follow-Up & Collision Investigations	2	22%	6	4%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	0	0%	1	1%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	0	0%	0	0%
Other	0	0%	15	9%
Total	9		161	

The majority of allegations filed in Supervisory Inquiry complaints against female officers again involve Code of Conduct. As previously noted, the OPM will continue to endeavor to provide greater detail regarding this category of allegation given its prevalence.

While a few of the percentages shift between Supervisory Inquiry and External Formal allegations, there was not much difference between the two other than Use of Force. This makes sense, however, since most Use of Force allegations would be of a more serious nature and, therefore, more likely to be filed as an External Formal complaint.

SUPERVISORY INQUIRIES Allegations	Female Officers		Male Officers	
	#	%	#	%
Code of Conduct	16	59%	210	60%
Use of Force/ Duty Weapons/ Firearm Discharges	0	0%	7	2%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	4	15%	59	17%
Bias-Based Profiling/ Incident Reporting & Documentation	1	4%	1	0%
Preliminary, Follow-Up & Collision Investigations	2	7%	26	7%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	1	4%	11	3%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	2	7%	10	3%
Other	1	4%	25	7%
Total	27		349	

There was a distinct difference in the make-up of repeat subject officers as opposed to single-case officers (below). In 2010, there were only two female officers that were the subjects of more than one complaint.

Gender of Officer	Repeat Subject Officers		Single Case Subject Officers		Total		All APD Sworn Personnel	
	#	%	#	%	#	%	#	%
Female	2	4%	26	8%	28	8%	183	11%
Male	45	96%	285	92%	330	92%	1,456	89%
Total	47		311		358		1,639	
								100%

Race/Ethnicity of Officers

The race/ethnicity of subject officers mostly tracked to their representation within APD (below). Hispanic/Latino officers were slightly underrepresented with regard to the percentage of complaints versus their percentage of the force (15% of all complaints; 21% of the APD).

Race/Ethnicity of Officer	Supervisory Inquiries		External Formals		Total		All APD Sworn Personnel	
	#	%	#	%	#	%	#	%
Caucasian	273	73%	122	72%	395	73%	1,120	68%
Black/African American	42	11%	19	11%	61	11%	150	9%
Hispanic/Latino	54	14%	25	15%	79	15%	344	21%
Asian/Pacific Islander	4	1%	4	2%	8	1%	24	1%
American Indian	0	0%	0	0%	0	0%	1	<1%
Total	373		170		543		1,639	100%

Proportionally, Caucasian officers received more complaints than their representation within the APD (73% of complaints versus being 68% of the APD). When looking at allegation types in External Formal complaints, however, the distribution of allegations is more varied. Black/African American officers had more Code of Conduct allegations filed against them as a group (74%). Hispanic/Latino officers had a slightly higher percentage of Use of Force allegations filed against them (20%) as compared to Caucasian officers (13%) and Black/African American officers (5%).

EXTERNAL FORMAL Allegations	Race/Ethnicity of Officers							
	Caucasian		Black/African American		Hispanic/Latino		Asian/Pacific Islander	
	#	%	#	%	#	%	#	%
Code of Conduct	67	55%	14	74%	11	44%	2	50%
Use of Force/ Duty Weapons/ Firearm Discharges	16	13%	1	5%	5	20%	1	25%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	19	16%	2	11%	3	12%	0	0%
Bias-Based Profiling/ Incident Reporting & Documentation	3	2%	0	0%	2	8%	0	0%
Preliminary, Follow-Up & Collision Investigations	5	4%	1	5%	1	4%	1	25%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	1	1%	0	0%	0	0%	0	0%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	0	0%	0	0%	0	0%	0	0%
Other	11	9%	1	5%	3	12%	0	0%
Total	122		19		25		4	

These percentages do not shift much in Supervisory Inquiries. The percentage of Code of Conduct allegations rises for Hispanic/Latino officers (44% in External Formal complaints and 56% in Supervisory Inquiries).

SUPERVISORY INQUIRIES Allegations	Race/Ethnicity of Officers							
	Caucasian		Black/African American		Hispanic/Latino		Asian/Pacific Islander	
	#	%	#	%	#	%	#	%
Code of Conduct	161	59%	29	71%	30	56%	2	50%
Use of Force/ Duty Weapons/ Firearm Discharges	7	3%	0	0%	0	0%	0	0%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	45	17%	7	17%	9	17%	1	25%
Bias-Based Profiling/ Incident Reporting & Documentation	1	0%	0	0%	1	2%	0	0%
Preliminary, Follow-Up & Collision Investigations	21	8%	1	2%	5	9%	1	25%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	6	2%	2	5%	4	7%	0	0%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	11	4%	1	2%	0	0%	0	0%
Other	20	7%	1	2%	5	9%	0	0%
Total	272		41		54		4	

Missing Frequency = 5

The race/ethnicity of repeat vs. single case subject officers mostly tracks to their representation within APD (below) with the exception of Caucasian officers being the subject of more than one complaint and Hispanic/Latino officers who are slightly underrepresented in the percentage of complaints.

Race/Ethnicity of Officer	Repeat Subject Officers		Single Case Subject Officers		Total		All APD Sworn Personnel	
	#	%	#	%	#	%	#	%
Caucasian	37	79%	218	70%	255	71%	1,120	68%
Black/African American	3	6%	37	12%	40	11%	150	9%
Hispanic/Latino	7	15%	50	16%	57	16%	344	21%
Asian/Pacific Islander	0	0%	6	2%	6	2%	24	1%
American Indian	0	0%	0	0%	0	0%	1	<1%
Total	47		311		358		1,639	

*May not total to 100% due to rounding.

Age of Officers

The average age of subject officers was 36-37 years old. The lowest was 23 and the highest was 59. Most often the subject officer was 26 years old. On average, there was only a slight disparity in age between repeat and single-case subject officers except for the greatest age where the oldest repeat subject officer was 49 years old while the oldest single case subject officer was 59 years old.

Age of Officers	Repeat Subject Officers	Single Case Subject Officers
Average age	36	37
Greatest age	49	59
Lowest age	26	23
Age midpoint	37	36
Most common age	--	26

When looking at the number of allegations by complaint type, the group with the highest number was the 30-39 year olds. The group with the second highest number was the 40-49 year olds. This could again speak to the issue of officer burnout since by the time an officer hits their 30s, they would typically be in their seventh to tenth year of service, or more. By the time they hit their forties, they could easily have in twenty or more years of service.

Age of Officer	Supervisory Inquiries		External Formals		Total	
	#	%	#	%	#	%
20-29	75	20%	37	22%	112	21%
30-39	171	45%	70	41%	241	44%
40-49	103	27%	60	35%	163	30%
50+	23	6%	3	2%	26	5%
Unknown	4	1%	0	0%	4	1%
Total	376		170		546	100%

As with Years of Service, there was a more even distribution of allegations for the younger officers (i.e., those under 40). For the older officers, the types of allegations they had filed against them narrowed.

EXTERNAL FORMAL Allegations	Age of Officer							
	20-29		30-39		40-49		50+	
	#	%	#	%	#	%	#	%
Code of Conduct	14	38%	34	49%	43	72%	3	100%
Use of Force/ Duty Weapons/ Firearm Discharges	8	22%	11	16%	4	7%	0	0%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	6	16%	13	19%	5	8%	0	0%
Bias-Based Profiling/ Incident Reporting & Documentation	1	3%	2	3%	2	3%	0	0%
Preliminary, Follow-Up & Collision Investigations	4	11%	3	4%	1	2%	0	0%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	0	0%	1	1%	0	0%	0	0%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	0	0%	0	0%	0	0%	0	0%
Other	4	11%	6	9%	5	8%	0	0%
Total	37		70		60		3	

In Supervisory Inquiries, the disparity between age groups flattens a bit more than with External Formal complaints.

SUPERVISORY INQUIRIES Allegations	Age of Officer							
	20-29		30-39		40-49		50+	
	#	%	#	%	#	%	#	%
Code of Conduct	40	53%	103	61%	62	61%	17	74%
Use of Force/ Duty Weapons/ Firearm Discharges	0	0%	4	2%	3	3%	0	0%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	14	19%	28	16%	16	16%	4	17%
Bias-Based Profiling/ Incident Reporting & Documentation	0	0%	2	1%	0	0%	0	0%
Preliminary, Follow-Up & Collision Investigations	5	7%	18	11%	5	5%	0	0%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	2	3%	3	2%	6	6%	1	4%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	1	1%	4	2%	5	5%	1	4%
Other	13	17%	8	5%	5	5%	0	0%
Total	75		170		102		23	

Appendix A: 2010 Data Tables

Table 1: Type of Contact by Year

Type of Contact	2006		2007		2008		2009		2010		Change 2010 vs. 2009	
	#	%	#	%	#	%	#	%	#	%	#	%
Supervisory Inquiries	231	24%	267	19%	505	34%	568	36%	437	29%	-131	-23%
Formal Complaints	285	30%	344	24%	398	26%	345	22%	316	21%	-29	-8%
Contacts Only	437	46%	808	57%	605	40%	682	43%	744	50%	62	9%
Total	953		1,419		1,508		1,595		1,497		-98	

Table 2: Type of Formal Complaint by Year

Type of Complaint	2006		2007		2008		2009		2010		Change 2010 vs. 2009	
	#	%	#	%	#	%	#	%	#	%	#	%
Internal	158	55%	170	49%	230	58%	237	69%	227	72%	-10	-4%
External	127	45%	174	51%	168	42%	108	31%	89	28%	-19	-18%
Total	285		344		398		345		316		-29	

Table 3: Total Contacts vs. Complaints Filed

Year	Total Contacts	Complaints Filed	Percent Difference
2006	953	516	54%
2007	1,419	611	43%
2008	1,508	903	60%
2009	1,595	913	57%
2010	1,497	753	50%

Table 4: Race/Ethnicity of Complainants by Complaint Type

Ethnicity/Race	Supervisory Inquiries		External Formals		Total	
	#	%	#	%	#	%
Caucasian	169	39%	34	38%	203	39%
Black/African American	105	24%	31	35%	136	26%
Hispanic/Latino	93	21%	16	18%	109	21%
Am. Indian/Alaska Native	4	1%	1	1%	5	1%
Asian*	3	1%	2	2%	5	1%
Native Hawaiian/Pacific Islander*	2	<1%	0	0%	2	<1%
Other	9	2%	3	3%	12	2%
Unknown	52	12%	2	2%	54	10%
Total	437		89		526	

*NOTE: In previous years, the Asian and Native Hawaiian/Pacific Islander groups were combined.

-May not total to 100% due to rounding.

Table 5: External Formal Complainant Race/Ethnicity by Year

Ethnicity/Race	External Formal									
	2006		2007		2008		2009		2010	
	#	%	#	%	#	%	#	%	#	%
Caucasian	38	39%	63	37%	72	43%	45	42%	34	38%
Black/African American	29	30%	56	33%	56	33%	32	30%	31	35%
Hispanic/Latino	24	24%	47	28%	35	21%	25	23%	16	18%
Am. Indian/Alaska Native	2	2%	2	1%	1	1%	0	0%	1	1%
Asian*	0	0%	0	0%	1	1%	3	3%	2	2%
Native Hawaiian/Pacific Islander*	--	--	--	--	--	--	--	--	0	0%
Other	3	3%	2	1%	0	0%	1	1%	3	3%
Unknown	2	2%	0	0%	3	2%	2	2%	2	2%
Total	98		170		168		108		89	

*NOTE: In previous years, the Asian and Native Hawaiian/Pacific Islander groups were combined.

-May not total to 100% due to rounding.

Table 6: Supervisory Inquiry Complainant Race/Ethnicity by Year

Ethnicity/Race	Supervisory Inquiries									
	2006		2007		2008		2009		2010	
	#	%	#	%	#	%	#	%	#	%
Caucasian	101	47%	136	51%	211	42%	235	41%	169	39%
Black/African American	39	18%	54	20%	111	22%	142	25%	105	24%
Hispanic/Latino	37	17%	56	21%	93	18%	120	21%	93	21%
Am. Indian/Alaska Native	0	0%	1	0%	2	0%	3	1%	4	1%
Asian*	1	0%	3	1%	7	1%	8	1%	3	1%
Native Hawaiian/Pacific Islander*	--	--	--	--	--	--	--	--	2	<1%
Other	4	2%	3	1%	4	1%	7	1%	9	2%
Unknown	32	15%	16	6%	76	15%	53	9%	52	12%
Total	214		269		504		568		437	

*NOTE: In previous years, the Asian and Native Hawaiian/Pacific Islander groups were combined.

-May not total to 100% due to rounding.

Table 7: Race/Ethnicity of Persons Stopped & Searched by APD - 2010

APD Category*	2010 Traffic Stops*		2010 Searches*		Likelihood of Being Searched if Stopped		
White	127,661	54.83%	6,724	34.45%	5.27%	1 out of	19
Hispanic	68,327	29.34%	8,140	41.70%	11.91%	1 out of	8
Black	28,949	12.43%	4,356	22.32%	15.05%	1 out of	7
Asian	6,611	2.84%	237	1.21%	3.58%	1 out of	28
American Indian	100	0.04%	8	0.04%	8.00%	1 out of	13
Middle Eastern	1,200	0.52%	54	0.28%	**		
Unknown/Other	**	**	**	**	**		
	232,848		19,519				

*Source: APD's 2010 Racial Profiling Report

https://www.ci.austin.tx.us/police/downloads/2010_racial_profiling_report_to_council.pdf

Table 8: APD “Hit Rate” by Race/Ethnicity of Persons Searched - 2010

APD Category*	2010 Searches*		2010 Hits*		APD "Hit Rate"
White	6,724	34.45%	1,806	33.22%	26.86%
Hispanic	8,140	41.70%	2,259	41.55%	27.75%
Black	4,356	22.32%	1,372	25.23%	31.50%
Asian	237	1.21%	**	**	**
American Indian	8	0.04%	**	**	**
Middle Eastern	54	0.28%	**	**	**
Unknown/Other	**	**	44	0.81%	**
	19,519		5,437		

*Source: APD's 2010 Racial Profiling Report

https://www.ci.austin.tx.us/police/downloads/2010_racial_profiling_report_to_council.pdf

Table 9: Complainant Age by Type of Complaint

Complainant Age	Supervisory Inquiries		External Formals		Total	
	#	%	#	%	#	%
Teens (19 or less)	0	0%	0	0%	0	0%
Twenties (20-29)	93	21%	26	29%	119	23%
Thirties (30-39)	80	18%	22	25%	102	19%
Forties (40-49)	103	24%	17	19%	120	23%
Fifty and over (50+)	92	21%	22	25%	114	22%
Not Reported	69	16%	2	2%	71	13%
Total	437		89		526	100%

Table 10: Complainant Gender by Type of Complaint

Complainant Gender	Supervisory Inquiries		External Formals		Total of Complaints		City Population
	#	%	#	%	#	%	%
Female	203	46%	31	35%	234	44%	47%
Male	229	52%	58	65%	287	55%	53%
Not Reported	5	1%	0	0%	5	1%	--
Total	437		89		526	100%	100%

Table 11: External Formal Complaints by Area Command and Year

EXTERNAL FORMAL Area Command	2006		2007		2008		2009		2010		Change 2010 vs. 2009		
	#	%	#	%	#	%	#	%	#	%	#	%	
Downtown (DTAC)	27	21%	32	18%	30	18%	21	19%	17	19%	-4	-19%	
Central East (CE)	21	17%	25	14%	29	17%	19	18%	12	13%	-7	-37%	
South Central (SC)	10	8%	11	6%	22	13%	12	11%	10	11%	-2	-17%	
Southwest (SW)	10	8%	17	10%	13	8%	11	10%	10	11%	-1	-9%	
North Central (NC)	7	6%	16	9%	18	11%	6	6%	10	11%	4	67%	
Northwest (NW)	10	8%	12	7%	6	4%	10	9%	8	9%	-2	-20%	
Southeast (SE)	9	7%	28	16%	20	12%	8	7%	8	9%	0	0%	
Northeast (NE)	18	14%	16	9%	18	11%	8	7%	5	6%	-3	-38%	
Central West (CW)	12	9%	5	3%	4	2%	9	8%	4	4%	-5	-56%	
Out of City	2	2%	7	4%	5	3%	4	4%	3	3%	-1	-25%	
Unknown	1	1%	5	3%	3	2%	0	0%	2	2%	2	200%	
Total	127		174		168		108		89		-19		-18%

Table 12: Supervisory Inquiry Complaints by Area Command

Area Command	Supervisory Inquiries	
	#	%
Central East (CE)	56	13%
Southwest (SW)	53	12%
Downtown (DTAC)	52	12%
South Central (SC)	49	11%
Northeast (NE)	47	11%
North Central (NC)	45	10%
Northwest (NW)	41	9%
Southeast (SE)	38	9%
Central West (CW)	38	9%
Out of City	2	0%
Unknown	16	4%
Total	437	

Table 13: External Formal Complaints Classifications by Year

EXTERNAL	2006		2007		2008		2009		2010		Percent Change 2010 vs. 2009
IAD Case Classification	#	%	#	%	#	%	#	%	#	%	%
Admin Inquiry	3	2%	4	2%	2	1%	0	0%	4	4%	400%
A	17	13%	9	5%	15	9%	6	6%	8	9%	33%
B	54	43%	69	40%	51	30%	25	23%	25	28%	0%
C	19	15%	45	26%	37	22%	20	19%	10	11%	-50%
D	34	27%	45	26%	63	38%	57	53%	42	47%	-26%
Other	0	0%	2	1%	0	0%	0	0%	0	0%	0%
Total	127		174		168		108		89		-18%

-May not total to 100% due to rounding.

Table 14: Internal Formal Complaint Classifications by Year

INTERNAL	2006		2007		2008		2009		2010		Percent Change 2010 vs. 2009
IAD Case Classification	#	%	#	%	#	%	#	%	#	%	%
Admin Inquiry	5	3%	10	6%	10	4%	19	8%	24	11%	26%
A	35	22%	32	19%	45	20%	28	12%	23	10%	-18%
B	117	74%	126	74%	171	74%	188	79%	174	77%	-7%
C	0	0%	0	0%	3	1%	0	0%	2	1%	200%
D	1	1%	1	1%	1	0%	2	1%	4	2%	100%
Other	0	0%	1	1%	0	0%	0	0%	0	0%	0%
Total	158		170		230		237		227		-4%

-May not total to 100% due to rounding.

Table 15: Number of Allegations by Complaint Type and Year

Number of Allegations	2006		2007		2008		2009		2010		Change 2010 vs. 2009	
	#	%	#	%	#	%	#	%	#	%	#	%
Supervisory Inquiries	247	35%	328	37%	494	44%	354	39%	376	44%	22	6%
Formal Complaints	461	65%	563	63%	630	56%	548	61%	479	56%	-69	-13%
External	233	51%	314	56%	326	52%	222	41%	170	35%	-52	-23%
Internal	228	49%	249	44%	304	48%	326	59%	309	65%	-17	-5%
Total	708		891		1,124		902		855		-47	-5%

Table 16: Number of Allegations by General Order, Complaint Type, and Year

Allegation	2006*						2007						2008						2009						2010					
	SI		External		Internal		SI		External		Internal		SI		External		Internal		SI		External		Internal		SI		External		Internal	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Code of Conduct	193	78%	114	49%	89	39%	240	73%	162	52%	95	38%	374	76%	183	56%	103	34%	335	95%	145	65%	96	29%	226	60%	94	55%	96	31%
Use of Force/ Duty Weapons/ Firearm Discharges	10	4%	37	16%	28	12%	11	3%	74	24%	38	15%	3	1%	37	11%	18	6%	2	1%	20	9%	39	12%	7	2%	23	14%	30	10%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	8	3%	38	16%	2	1%	14	4%	27	9%	1	<1%	18	4%	44	13%	4	1%	2	1%	20	9%	6	2%	63	17%	24	14%	1	0%
Bias-Based Profiling/ Incident Reporting & Documentation	5	2%	11	5%	2	1%	5	2%	19	6%	1	<1%	4	1%	15	5%	3	1%	0	0%	7	3%	1	0%	2	1%	5	3%	4	1%
Preliminary, Follow-Up & Collision Investigations	10	4%	7	3%	3	1%	17	5%	6	2%	0	0%	9	2%	5	2%	1	0%	5	1%	3	1%	1	0%	28	7%	8	5%	1	0%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	9	4%	0	0%	76	33%	19	6%	4	1%	100	40%	49	10%	2	1%	124	41%	6	2%	3	1%	153	47%	12	3%	1	1%	146	47%
Secondary Employment/ Attendance & Leave/ Workplace Environment/ Alcohol & Drug Free Workplace	0	0%	2	1%	10	4%	0	0%	1	0%	9	4%	0	0%	0	0%	18	6%	0	0%	1	0%	3	1%	0	0%	0	0%	10	3%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	0	0%	3	1%	4	2%	1	0%	0	0%	2	1%	1	<1%	3	1%	1	<1%	0	0%	5	2%	7	2%	12	3%	0	0%	9	3%
Other	12	5%	21	9%	14	6%	21	6%	21	7%	3	1%	38	7%	37	11%	32	11%	4	1%	18	8%	20	6%	26	7%	15	9%	12	4%
Total	247		233		228		328		314		249		494		326		304		354		222		326		376		170		309	

Table 17: Number of Code of Conduct (Subcategory) Allegations by Complaint Type

Code of Conduct Allegations by Subcategory	Supervisory Inquiries		External Formal	
	#	%	#	%
Compliance Required	1	0%	12	15%
Individual Responsibilities	3	1%	8	10%
Responsibility to the Community	208	98%	57	70%
Responsibility to the Department	0	0%	4	5%
Responsibility to Co-Workers	0	0%	0	0%
Total	212		81	

Table 18: Supervisory Inquiry Allegation Categories by Complainant Race/Ethnicity

SUPERVISORY INQUIRIES Allegation	Caucasian		Black/ African American		Hispanic/ Latino		Am Indian/ Alaska Native		Asian		Native Hawaiian/ Pacific Islander		Other		Unknown	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Code of Conduct	96	66%	59	56%	42	55%	5	63%	2	67%	0	0%	6	86%	16	55%
Use of Force/ Duty Weapons/ Firearm Discharges	3	2%	0	0%	3	4%	0	0%	0	0%	0	0%	0	0%	1	3%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	20	14%	21	20%	15	20%	0	0%	0	0%	2	100%	1	14%	4	14%
Bias-Based Profiling/ Incident Reporting & Documentation	0	0%	0	0%	2	3%	0	0%	0	0%	0	0%	0	0%	0	0%
Preliminary, Follow-Up & Collision Investigations	4	3%	14	13%	7	9%	0	0%	1	33%	0	0%	0	0%	2	7%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	9	6%	0	0%	1	1%	0	0%	0	0%	0	0%	0	0%	2	7%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	4	3%	4	4%	1	1%	3	38%	0	0%	0	0%	0	0%	0	0%
Other	10	7%	7	7%	5	7%	0	0%	0	0%	0	0%	0	0%	4	14%
Total	146		105		76		8		3		2		7		29	

Table 19: External Formal Complaint Allegations by Area Command and Year

External Formal ALLEGATIONS	2006		2007		2008		2009		2010		Change 2010 vs. 2009		
	#	%	#	%	#	%	#	%	#	%	#	%	
Downtown (DTAC)	43	18%	64	20%	54	17%	40	18%	35	21%	-5	-13%	
Southeast (SE)	16	7%	54	17%	57	17%	21	9%	30	18%	9	43%	
Central East (CE)	46	20%	42	13%	39	12%	40	18%	23	14%	-17	-43%	
North Central (NC)	11	5%	25	8%	32	10%	9	4%	18	11%	9	100%	
South Central (SC)	23	10%	19	6%	43	13%	39	18%	14	8%	-25	-64%	
Southwest (SW)	14	6%	35	11%	25	8%	19	9%	14	8%	-5	-26%	
Northeast (NE)	34	15%	26	8%	35	11%	16	7%	13	8%	-3	-19%	
Northwest (NW)	17	7%	16	5%	12	4%	13	6%	9	5%	-4	-31%	
Central West (CW)	25	11%	13	4%	12	4%	19	9%	6	4%	-13	-68%	
Out of City	3	1%	13	4%	5	2%	6	3%	5	3%	-1	-17%	
Unknown	1	0%	7	2%	12	4%	0	0%	3	2%	3	300%	
Total	233		314		326		222		170		-52		-23%

Table 20: External Formal Code of Conduct Allegations by Area Command and Year

External Formal CODE OF CONDUCT	2006		2007		2008		2009		2010		Change 2010 vs. 2009		
	#	%	#	%	#	%	#	%	#	%	#	%	
Downtown (DTAC)	20	18%	25	15%	41	22%	24	17%	25	27%	1	4%	
Central East (CE)	25	22%	13	8%	20	11%	27	19%	14	15%	-13	-48%	
Southeast (SE)	12	11%	30	19%	41	22%	18	12%	14	15%	-4	-22%	
Northeast (NE)	15	13%	16	10%	13	7%	11	8%	12	13%	1	9%	
Southwest (SW)	7	6%	16	10%	17	9%	9	6%	7	7%	-2	-22%	
North Central (NC)	2	2%	15	9%	11	6%	6	4%	7	7%	1	17%	
Central West (CW)	11	10%	5	3%	7	4%	17	12%	5	5%	-12	-71%	
Northwest (NW)	10	9%	13	8%	3	2%	7	5%	2	2%	-5	-71%	
South Central (SC)	8	7%	11	7%	16	9%	21	14%	1	1%	-20	-95%	
Out of City	3	3%	13	8%	5	3%	5	3%	5	5%	0	0%	
Unknown	1	1%	5	3%	9	5%	0	0%	2	2%	2	200%	
Total	114		162		183		145		94		-51		-35%

Table 21: Supervisory Inquiry Code of Conduct Allegations by Area Command - 2010

Supervisory Inquiries CODE OF CONDUCT	2010	
	Area Command	#
Central East	33	15%
Downtown	31	14%
South Central	29	13%
Southwest	23	10%
North Central	23	10%
Central West	23	10%
Southeast	22	10%
Northeast	22	10%
Northwest	16	7%
Out of City	2	1%
Unknown	2	1%
Total	226	

-May not total to 100% due to rounding.

Table 22: External Formal Use of Force, Duty Weapon, and Firearm Discharge Allegations by Area Command and Year

External Formal USE OF FORCE, et al	2006		2007		2008		2009		2010		Change 2010 vs. 2009		
	Area Command	#	%	#	%	#	%	#	%	#	%		
South Central (SC)	2	5%	4	5%	0	0%	7	35%	7	30%	0	0%	
Downtown (DTAC)	15	41%	32	43%	5	14%	4	20%	6	26%	2	50%	
Southwest (SW)	2	5%	5	7%	6	17%	2	10%	4	17%	2	100%	
North Central (NC)	3	8%	4	5%	2	6%	1	5%	3	13%	2	200%	
Central East (CE)	7	19%	14	19%	1	3%	6	30%	1	4%	-5	-83%	
Southeast (SE)	3	8%	9	12%	12	34%	0	0%	1	4%	1	100%	
Central West (CW)	4	11%	3	4%	2	6%	0	0%	1	4%	1	100%	
Northwest (NW)	0	0%	2	3%	3	9%	0	0%	0	0%	0	0%	
Northeast (NE)	1	3%	1	1%	2	6%	0	0%	0	0%	0	0%	
Out of City	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	
Unknown	0	0%	0	0%	2	6%	0	0%	0	0%	0	0%	
Total	37		74		35		20		23		3		15%

-May not total to 100% due to rounding.

Table 23: APD Decisions by Complaint Type and Year

APD Decisions	Pre-Process Change								Post-Process Change											
	2006				2007				2008				2009				2010*			
	External		Internal		External		Internal		External		Internal		External		Internal		External		Internal	
#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	
Sustained	51	86%	160	91%	32	89%	182	93%	32	10%	234	81%	22	10%	218	71%	19	11%	228	79%
Inconclusive	3	6%	4	2%	0	0%	3	2%	21	7%	14	5%	6	3%	16	5%	14	8%	5	2%
Exonerated	2	3%	2	1%	3	8%	4	2%	31	10%	4	1%	11	5%	9	3%	17	10%	9	3%
Administratively Closed	1	2%	5	3%	0	0%	3	2%	160	51%	23	8%	128	59%	42	14%	78	46%	42	15%
Unfounded	2	3%	4	2%	1	3%	3	2%	72	23%	14	5%	49	23%	24	8%	42	25%	4	1%
Added/Changed at DRB	0	0%	1	1%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Total	59		176		36		195		316		289		216		309		170		288	

NOTE: Total numbers listed here may be lower than the number of allegations due to resignations/retirements

-May not total to 100% due to rounding.

Table 24: Disciplinary Action Taken by APD by Complaint Type and Year

Disciplinary Action Taken	2006				2007				2008				2009				2010				2009 vs. 2010	
	External		Internal		External		Internal		External		Internal		External		Internal		External		Internal		Percent Change	Percent Change
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%				
Oral Reprimand / Counseling	13	39%	40	31%	10	43%	42	29%	13	41%	81	35%	8	31%	84	36%	11	50%	79	32%	38%	-6%
Written Reprimand	8	24%	59	45%	6	26%	73	51%	11	34%	92	40%	8	31%	75	32%	6	27%	80	32%	-25%	7%
Days Suspension	10	30%	29	22%	5	22%	21	15%	8	25%	44	19%	3	12%	47	20%	5	23%	50	20%	67%	6%
Termination*	2	6%	2	2%	2	9%	7	5%	0	0%	13	6%	7	27%	25	11%	0	0%	41	16%	-100%	64%
Demotion	0	0%	0	0%	0	0%	1	1%	0	0%	0	0%	0	0%	3	1%	0	0%	0	0%	0%	-100%
Total	33		130		23		144		32		230		26		234		22		250			

*Includes Resignations and Retirements

Table 25: Subject Officer Years of Service by Complaint Type

Years of Service	2010	
	Supervisory Inquiries	External Formals
Average tenure	8	9
Longest tenure	32	33
Shortest tenure	<1	<1
Tenure midpoint	7	7
Most common tenure	8	3

Table 26: Repeat vs. Single-Case Subject Officer Years of Service by Complaint Type

Years of Service	Repeat Subject Officers	Single Case Subject Officers
Average tenure	9	8
Longest tenure	24	32
Shortest tenure	<1	<1
Tenure midpoint	8	7
Most common tenure	3	3

Table 27: External Formal Allegations by Subject Officer Years of Service

EXTERNAL FORMAL Allegations	Years of Service							
	0-3		4-6		7-9		10+	
	#	%	#	%	#	%	#	%
Code of Conduct	26	44%	12	44%	10	50%	46	72%
Use of Force/ Duty Weapons/ Firearm Discharges	10	17%	7	26%	0	0%	6	9%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	9	15%	6	22%	4	20%	5	8%
Bias-Based Profiling/ Incident Reporting & Documentation	2	3%	0	0%	2	10%	1	2%
Preliminary, Follow-Up & Collision Investigations	4	7%	1	4%	2	10%	1	2%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	1	2%	0	0%	0	0%	0	0%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	0	0%	0	0%	0	0%	0	0%
Other	7	12%	1	4%	2	10%	5	8%
Total	59		27		20		64	

Table 28: Supervisory Inquiry Allegations by Subject Officer Years of Service

SUPERVISORY INQUIRIES Allegations	Years of Service							
	0-3		4-6		7-9		10+	
	#	%	#	%	#	%	#	%
Code of Conduct	82	58%	32	60%	40	58%	68	64%
Use of Force/ Duty Weapons/ Firearm Discharges	1	1%	1	2%	4	6%	1	1%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	29	21%	11	21%	7	10%	15	14%
Bias-Based Profiling/ Incident Reporting & Documentation	1	1%	0	0%	1	1%	0	0%
Preliminary, Follow-Up & Collision Investigations	13	9%	4	8%	7	10%	4	4%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	3	2%	0	0%	3	4%	6	6%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	1	1%	1	2%	1	1%	8	7%
Other	11	8%	4	8%	6	9%	5	5%
Total	141		53		69		107	

Missing Frequency = 6

Table 29: Subject Officer Gender by Complaint Type

Gender of Officer	Supervisory Inquiries		External Formals		Total		Percent of All APD Sworn Personnel	
	#	%	#	%	#	%	#	%
Female	27	7%	9	5%	36	7%	183	11%
Male	349	93%	161	95%	510	93%	1,456	89%
Total	376		170		546		1,639	

Note: Use caution when reading this table. This table is a report by gender only. It should NOT be used as a count of unique officers as an officer may be involved in more than one complaint.

Table 30: External Formal Allegations by Subject Officer Gender

EXTERNAL FORMAL Allegations	Female Officers		Male Officers	
	#	%	#	%
Code of Conduct	6	67%	88	55%
Use of Force/ Duty Weapons/ Firearm Discharges	1	11%	22	14%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	0	0%	24	15%
Bias-Based Profiling/ Incident Reporting & Documentation	0	0%	5	3%
Preliminary, Follow-Up & Collision Investigations	2	22%	6	4%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	0	0%	1	1%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	0	0%	0	0%
Other	0	0%	15	9%
Total	9		161	

-May not total to 100% due to rounding.

Table 31: Supervisory Inquiry Allegations by Subject Officer Gender

SUPERVISORY INQUIRIES Allegations	Female Officers		Male Officers	
	#	%	#	%
Code of Conduct	16	59%	210	60%
Use of Force/ Duty Weapons/ Firearm Discharges	0	0%	7	2%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	4	15%	59	17%
Bias-Based Profiling/ Incident Reporting & Documentation	1	4%	1	0%
Preliminary, Follow-Up & Collision Investigations	2	7%	26	7%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	1	4%	11	3%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	2	7%	10	3%
Other	1	4%	25	7%
Total	27		349	

-May not total to 100% due to rounding.

Table 32: Gender of Repeat vs. Single-Case Subject Officers

Gender of Officer	Repeat Subject Officers		Single Case Subject Officers		Total		All APD Sworn Personnel	
	#	%	#	%	#	%	#	%
Female	2	4%	26	8%	28	8%	183	11%
Male	45	96%	285	92%	330	92%	1,456	89%
Total	47		311		358		1,639	100%

Table 33: Subject Officer Race/Ethnicity by Complaint Type

Race/Ethnicity of Officer	Supervisory Inquiries		External Formal		Total		All APD Sworn Personnel	
	#	%	#	%	#	%	#	%
Caucasian	273	73%	122	72%	395	73%	1,120	68%
Black/African American	42	11%	19	11%	61	11%	150	9%
Hispanic/Latino	54	14%	25	15%	79	15%	344	21%
Asian/Pacific Islander	4	1%	4	2%	8	1%	24	1%
American Indian	0	0%	0	0%	0	0%	1	<1%
Total	373		170		543		1,639	100%

Missing Frequency = 3

-May not total to 100% due to rounding.

Table 34: External Formal Allegations by Subject Officer Race/Ethnicity

EXTERNAL FORMAL Allegations	Race/Ethnicity of Officers							
	Caucasian		Black/African American		Hispanic/Latino		Asian/Pacific Islander	
	#	%	#	%	#	%	#	%
Code of Conduct	67	55%	14	74%	11	44%	2	50%
Use of Force/ Duty Weapons/ Firearm Discharges	16	13%	1	5%	5	20%	1	25%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	19	16%	2	11%	3	12%	0	0%
Bias-Based Profiling/ Incident Reporting & Documentation	3	2%	0	0%	2	8%	0	0%
Preliminary, Follow-Up & Collision Investigations	5	4%	1	5%	1	4%	1	25%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	1	1%	0	0%	0	0%	0	0%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	0	0%	0	0%	0	0%	0	0%
Other	11	9%	1	5%	3	12%	0	0%
Total	122		19		25		4	

Table 35: Supervisory Inquiry Allegations by Subject Officer Race/Ethnicity

SUPERVISORY INQUIRIES Allegations	Race/Ethnicity of Officers							
	Caucasian		Black/African American		Hispanic/Latino		Asian/Pacific Islander	
	#	%	#	%	#	%	#	%
Code of Conduct	161	59%	29	71%	30	56%	2	50%
Use of Force/ Duty Weapons/ Firearm Discharges	7	3%	0	0%	0	0%	0	0%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	45	17%	7	17%	9	17%	1	25%
Bias-Based Profiling/ Incident Reporting & Documentation	1	0%	0	0%	1	2%	0	0%
Preliminary, Follow-Up & Collision Investigations	21	8%	1	2%	5	9%	1	25%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	6	2%	2	5%	4	7%	0	0%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	11	4%	1	2%	0	0%	0	0%
Other	20	7%	1	2%	5	9%	0	0%
Total	272		41		54		4	

Missing Frequency = 5

-May not total to 100% due to rounding.

Table 36: Race/Ethnicity of Repeat vs. Single-Case Subject Officers

Race/Ethnicity of Officer	Repeat Subject Officers		Single Case Subject Officers		Total		All APD Sworn Personnel	
	#	%	#	%	#	%	#	%
Caucasian	37	79%	218	70%	255	71%	1,120	68%
Black/African American	3	6%	37	12%	40	11%	150	9%
Hispanic/Latino	7	15%	50	16%	57	16%	344	21%
Asian/Pacific Islander	0	0%	6	2%	6	2%	24	1%
American Indian	0	0%	0	0%	0	0%	1	<1%
Total	47		311		358		1,639	100%

Table 37: Ages of Repeat vs. Single-Case Subject Officers

Age of Officers	Repeat Subject Officers	Single Case Subject Officers
Average age	36	37
Greatest age	49	59
Lowest age	26	23
Age midpoint	37	36
Most common age	--	26

Table 38: Subject Officer Age by Complaint Type Allegations

Age of Officer	Supervisory Inquiries		External Formals		Total	
	#	%	#	%	#	%
20-29	75	20%	37	22%	112	21%
30-39	171	45%	70	41%	241	44%
40-49	103	27%	60	35%	163	30%
50+	23	6%	3	2%	26	5%
Unknown	4	1%	0	0%	4	1%
Total	376		170		546	100%

Table 39: External Formal Allegations by Subject Officer Age

EXTERNAL FORMAL Allegations	Age of Officer							
	20-29		30-39		40-49		50+	
	#	%	#	%	#	%	#	%
Code of Conduct	14	38%	34	49%	43	72%	3	100%
Use of Force/ Duty Weapons/ Firearm Discharges	8	22%	11	16%	4	7%	0	0%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	6	16%	13	19%	5	8%	0	0%
Bias-Based Profiling/ Incident Reporting & Documentation	1	3%	2	3%	2	3%	0	0%
Preliminary, Follow-Up & Collision Investigations	4	11%	3	4%	1	2%	0	0%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	0	0%	1	1%	0	0%	0	0%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	0	0%	0	0%	0	0%	0	0%
Other	4	11%	6	9%	5	8%	0	0%
Total	37		70		60		3	

Table 40: Supervisory Inquiry Allegations by Subject Officer Age

SUPERVISORY INQUIRIES Allegations	Age of Officer							
	20-29		30-39		40-49		50+	
	#	%	#	%	#	%	#	%
Code of Conduct	40	53%	103	61%	62	61%	17	74%
Use of Force/ Duty Weapons/ Firearm Discharges	0	0%	4	2%	3	3%	0	0%
Interviews, Stops, Arrests/ Arrests & Bookings/ Fugitive Warrants/ Care & Transport of Prisoners	14	19%	28	16%	16	16%	4	17%
Bias-Based Profiling/ Incident Reporting & Documentation	0	0%	2	1%	0	0%	0	0%
Preliminary, Follow-Up & Collision Investigations	5	7%	18	11%	5	5%	0	0%
Police Vehicles/ Emergency Use of Police Vehicles/ Pursuit Policy	2	3%	3	2%	6	6%	1	4%
Internet & Network Computer Use/ Radio & Telecommunications/ Mobile Video Recorder Operation/ Telephone & Mail Protocol	1	1%	4	2%	5	5%	1	4%
Other	13	17%	8	5%	5	5%	0	0%
Total	75		170		102		23	

Missing Frequency = 6

Appendix B: Austin Police Department's Discipline Matrix

Below find the discipline matrix currently employed by APD. This can be found online at: http://www.ci.austin.tx.us/police/gen_orders_toca.htm.

A109d – Discipline Matrix

This Matrix is designed as a guide to be used in conjunction with the APD Discipline Process policy and Internal Investigative Process policy. This matrix is not an all-encompassing document but should provide some guidance for the vast majority of investigations involving discipline. As a general rule, those violations below that are listed as "IS (indefinite suspension) and "Fact Specific" or those that may include discipline greater than a 15-day suspension will be investigated by IA.

Discipline Matrix			
Violation General Category/Sub Category (APD General Orders)	1st Occurrence	2nd Occurrence	3rd Occurrence
CODE OF CONDUCT A201			
A. Dishonesty – False Official Statements	IS		
B. Criminal Violation while on duty or related to job duties	IS		
C. Other Criminal Violations	Fact Specific		
D. Reporting Responsibilities (Also See B206 Incident Reporting and Documentation)	Oral Reprimand to 1-3 days	Increased one level	Increased one level
E. Individual Responsibilities			
<ul style="list-style-type: none"> Associating with those of ill repute 	Fact Specific		
<ul style="list-style-type: none"> Improper use of City resources not involving personal gain 	Written Reprimand to 1-3 days	Increased one level	Increased one level
<ul style="list-style-type: none"> Improper use of City resources involving personal gain. 	4-15 days	IS	
F. Responsibility to the Community			
<ul style="list-style-type: none"> Duty to identify 	Oral Reprimand to 1-3 days	Increased one level	Increased one level
<ul style="list-style-type: none"> Courtesy (Rudeness Complaints) 			
<ul style="list-style-type: none"> Impartial Attitude 	Fact Specific		
G. Responsibility to the Department			
<ul style="list-style-type: none"> Requirements of duty Time and attention to duty Unprofessional or abusive behavior--co-workers 	Oral Reprimand to 1-3 days	Increased one level	Increased one level
<ul style="list-style-type: none"> Neglect of Duty -Misleading Statements 	Fact Specific		
<ul style="list-style-type: none"> Neglect of Duty 	Fact Specific		
<ul style="list-style-type: none"> Insubordination 	4-15 days	IS	
<ul style="list-style-type: none"> Duty to take action 	Fact Specific		
<ul style="list-style-type: none"> Dereliction of Duty 	4-15 days to Demotion	Demotion to IS	
<ul style="list-style-type: none"> Unauthorized Release of Information 	4-15 days	IS	

A109d – Discipline Matrix (con't'd)

RADIO AND TELECOMMUNICATIONS B201			
A. Inappropriate Electronic Messages ¹	Written Reprimand	1-3 days	4-15 days
INTERNET/NETWORKED COMPUTER USE A312			
A. Internet/Computer Violations	Written Reprimand to 1-3 days	Increased one level	Increased one level
RESPONSE TO RESISTANCE B101a			
A. Objectively Unreasonable Use of Deadly Force	IS		
B. Objectively Unreasonable Use of Force	Fact Specific		
C. Negligent Discharge involving serious bodily injury or death	Fact Specific		
D. Accidental Discharge not involving serious bodily injury or death	1-3 days	4-15 days	4-15 days up to IS
DUTY WEAPONS B101b			
A. Violations of duty weapons policy	Written Reprimand to 1-3 days	Increased one level	Increased one level
OTHER			
A. Negligent/Reckless Conduct Resulting in SBI or Death	IS		
B. Violation of tactics, other than above "A".	Fact Specific		
BIASED BASED PROFILING B205			
A. Biased based profiling	Fact Specific		
B. Failure to document contacts	Written Reprimand to 1-3 days	Increased one level	Increased one level
DRUG AND ALCOHOL FREE WORKPLACE A408a			
A. Failure of random drug test or test resulting from Reasonable Suspicion	IS		
THE WORKPLACE ENVIRONMENT A201c			
A. Quid Pro Quo Sexual Harassment	IS		
INTERNAL AFFAIRS A109a			
A. Refusing to cooperate with Internal Affairs	IS		
SECONDARY EMPLOYMENT A307			
A. Secondary employment violations	Written Reprimand to 1-3 days	Increased one level	Increased one level
MOBILE VIDEO RECORDER OPERATION A306b			
A. Mobile video recording violations	Written Reprimand to 1-3 days	Increased one level	Increased one level
B. Intentional Mobile video recording violations	4-15 days	IS	
C. Intentional MVR violation in a critical incident	IS		
COURT APPEARANCES A304			
A. Missed court appearance	Oral Reprimand to 1-3 days	Increased one level	Increased one level

A109d – Discipline Matrix (con't'd)

FOLLOW-UP INVESTIGATIONS B203a			
PRELIMINARY FIELD INVESTIGATIONS B202a			
A. Failure to properly investigate	Oral Reprimand to 1-3 days	Increased one level	Increased one level
PROPERTY AND EVIDENCE B208			
A. Improper handling of evidence (not related to criminal conduct)	Oral Reprimand to 1-3 days	Increased one level	Increased one level
B. Improper destruction of evidence	Written Reprimand to 4-15 days	Increased one level	Increased one level
ATTENDANCE AND LEAVE A401a			
A. Abuse of sick leave	Oral Reprimand to 1-3 days	Increased one level	Increased one level
EMERGENCY OPERATION OF POLICE VEHICLES B102			
POLICE VEHICLES A306a			
PURSUIT POLICY B103a			
A. Violations of pursuit policy	Written Reprimand to 1-3 days	Increased one level	Increased one level
B. Pursuit policy, Aggravated	1-15 days	4-15 days	4-15 days to IS
C. Operation of Police Vehicles (non-collision)	Oral Reprimand to 1-3 days	Increased one level	Increased one level
D. At-Fault collision (Not involving serious bodily injury or death) ²	Oral Reprimand to 1-3 days	Increased one level	Increased one level

Notes:

*1 If inappropriate Electronic Messages bring discredit to the Department, increase one level.

*2 A written reprimand will normally be administered for violations under this heading as a first occurrence.

Supervisors will take into account the employees previous driving history, the severity of the collision and other contributing factors involve in the negligent collision. (See Discipline Process sections #5 and #8)

Appendix C: Community Outreach Conducted in 2010



Office of the Police Monitor

OUTREACH EFFORTS

January – December 2010

- Jan. 18 Information booth at MLK Celebration at Huston-Tillotson College
- Jan. 20 Catholic Charities of Central Texas Office of Immigrant Concerns meeting with director
- Jan. 22 Collaborative meeting with Travis High School principal and staff assigned to OPM video project
- Jan. 26 OPM video program presentation to Southwest Key chief of community-based programs
- Jan. 26 OPM video program presentation to Garcia Middle School dropout prevention specialist
- Jan. 27 Garcia Middle School meeting with librarian charged with scheduling special school programs
- Feb. 1 OPM video program presentation to Austin Project director and project facilitator
- Feb. 3 Austin Independent School District community summit featuring Dr. Castarphen
- Feb. 8 OPM video program presentation to Boys & Girls Club director of operations who oversees after school programming
- Feb. 16 Greater Austin Hispanic Chamber of Commerce Impact Leaders luncheon
- Feb. 17 OPM video program presentation to Garcia Middle School Impact Team consisting of assistant principal, Communities In School representatives, dropout prevention specialist, parent support specialists, and social workers
- Feb. 19 OPM video program presented to students at Garcia Middle School

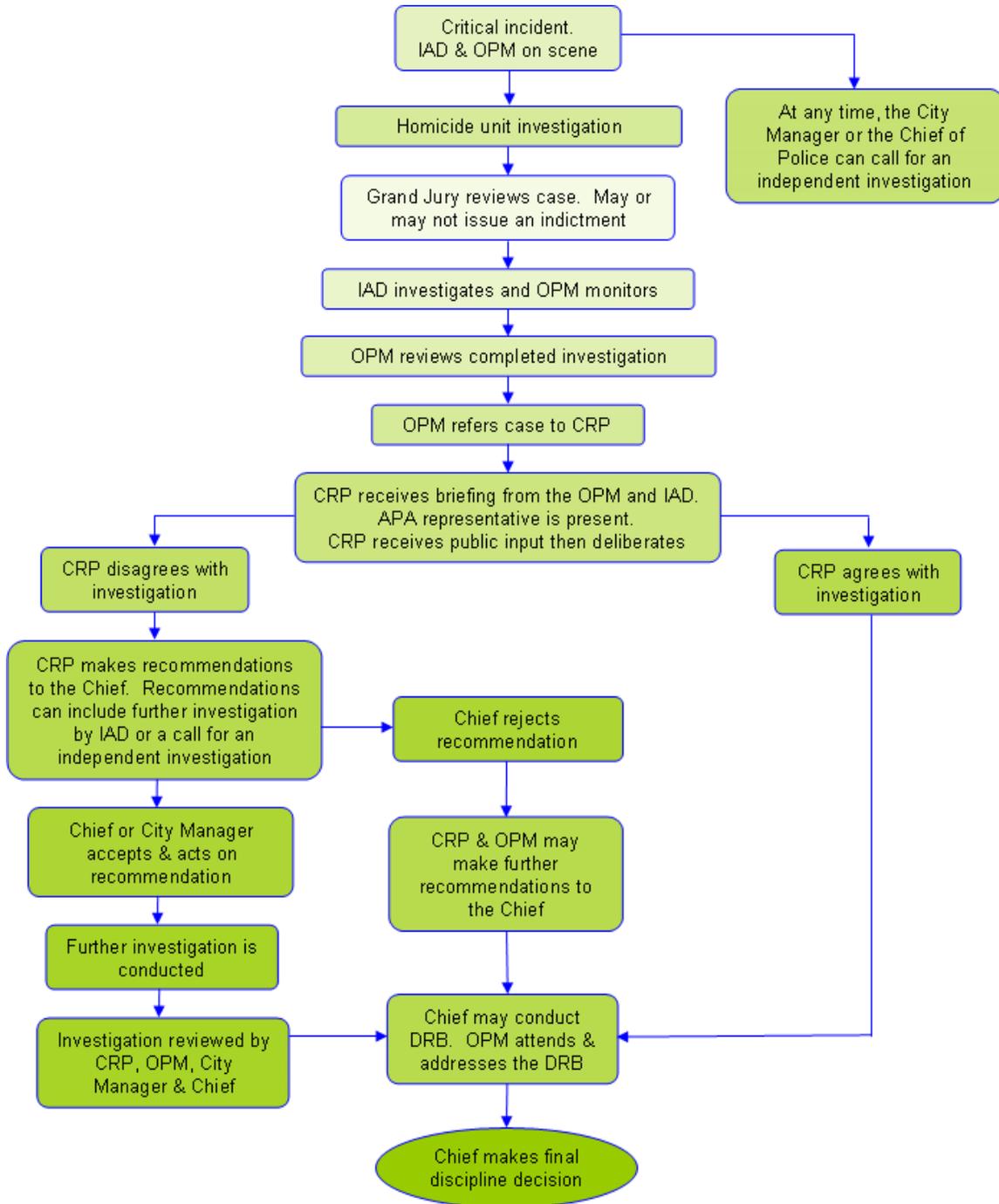
Feb. 22	OPM video program presentation to Boys and Girls Club after school program at Webb Middle School
Feb. 26	OPM video program presented to Boys and Girls Club staff assigned to Lanier High School
March 5	OPM video program presented to Dobie Middle School staff
March 6	Greater Austin Hispanic Chamber of Commerce annual banquet
March 10	Dobie Middle School presented to students in dropout prevention after school class
March 12	OPM video program presented to Martin Middle School parent support specialist
March 24	Presentation to McCallum High School students
March 24	AISD's The Power Of Us community stakeholders meeting
March 25	Presentation to Manor High School students
March 25	Casa Marianella's Ed Wendler annual event at Mercury Hall
March 30	OPM video program meeting with Travis High School advisory committee
April 1	San Juan Diego High School strategic committee meeting
April 1	City of Austin Texas Relays Welcome Reception for visitors at City Hall
April 3	Texas Relays observation activities with APD chiefs at Highland Mall and East Sixth Street Entertainment District
April 8	OPM video program presented to McCallum High School school improvement facilitator
April 22	Austin Police Department Northeast Command Community Banquet at Cornerstone Church
April 24	Children's activities booth at Dia de los Ninos, Pickle Elementary School
April 28	Montopolis Business Leaders meeting at Ruiz Library
April 30	Presentation to parents at Pickle Elementary

May 3	Central East Commander's Forum
May 11	Meeting with APD Southeast Command staff to recruit volunteer officers for OPM video program presentations scheduled for all classes at Travis High School
May 14	OPM video presented to 1,600 Travis High School student body. OPM staff and APD officers representing the Southeast Command, Internal Affairs and Training Academy served as classroom facilitators
June 1	Central West Commander's Forum at McCallum High School
June 2	Presentation to the Immigrant Services Network of Austin at Catholic Diocese Pastoral Center
June 10	Outreach to Dolores Catholic Church, Montopolis Neighborhood Center, Montopolis Recreation Center, and businesses in preparation for upcoming OPM community meeting
June 19	Parade participants and informational booth at Juneteenth Celebration, Rosewood Park
June 28	Office of the Police Monitor community meeting at Austin Community College Riverside Campus
July 6	Presentation to APD 72 nd Citizen Police
July 9	Meeting with president of Del Valle Coalition to discuss OPM services
July 13	OPM video program presentation to Councilmember and staff
July 17	Information booth at Civil Rights Freedom Festival fair at Givens Park
July 24	Participant in St. John community cleanup efforts sponsored by the National Forum for Black Public Administrators
July 27	OPM video program presented to Austin Achievement Zone, an organization dedicated to improving quality education
July 27	OPM video program presented to AISD Parent Support Coordinator charged with bringing programs to students and parents
July 30	OPM video program presented to AISD Green Tech High School school improvement facilitator charged with bringing programs to academy
August 5	Combined OPM and Internal Affairs presented to refugees at Caritas of Austin

August 19	National Night Out meeting to assist in planning annual event
August 20	OPM video program presentation to school improvement facilitator at Austin High School charged with bringing programs to school
August 20	OPM video program presented to municipal judge involved in juvenile delinquency
August 26	OPM video program presented to Anderson High School dropout prevention staff charged with bringing programs to school
August 27	OPM video program presented to Bowie High School assistant principal and school improvement facilitator charged with bringing programs to school
Sept. 1	Immigrant Services Network of Austin meeting
Sept. 7	OPM video program presented to Burnet Middle School dropout prevention staff charged with bringing programs to school
Sept. 12	Information booth at Hispanic Festival de Salud at Travis County Expo Center
Sept. 14	Greater Austin Hispanic Chamber of Commerce Small Business Awards luncheon at Hilton Hotel
Sept. 15	OPM video program presented to Dobie Middle School dropout prevention staff charged with bringing programs to school
Sept. 21	Meeting with Austin Police Department Missing Persons Unit to review and solicit suggestions on program development
Sept. 22	Montopolis Business Leaders group meeting
Oct. 5	Information booth at annual National Night Out kick-off, the Meadows
Oct. 19	Greater Austin Forum for Diversity and Inclusion meeting at Manor Independent School District Pioneer Crossing Elementary School
Oct. 20	Travis High School meeting with school principal to discuss OPM services following officer-involved shooting of student
Oct. 22	Meeting with East Austin community representatives at Austin Community College Eastview Campus

- Oct. 25 Akins High School meeting with school improvement facilitator charged with bringing programs to school
- Oct. 26 Eastside Memorial meeting with support staff charged with bringing programs to parents
- Oct. 30 Information booth at Boo the Flu outreach at Alison Elementary School
- Nov. 2 Family Resource Center meeting at Mendez Middle School to introduce OPM services
- Nov. 13 Information booth at Homeless Resource Fair, Pan American Recreation Center
- Nov. 16 OPM video program presentation @ Eastside Memorial High School PTA
- Nov. 18 OPM video program meeting with staff at Mendez Middle School
- Nov. 22 OPM video program presented to SafePlace counselors assigned to various public schools
- Dec. 6 OPM video program presented to Teen Leadership classes at Mendez Middle School
- Dec. 7 OPM video program presented to Teen Leadership classes at Mendez Middle School
- Dec. 8 OPM burglary of vehicle video scenarios presented by faculty to 27 separate classes in grades 10 to 12 at Eastside Memorial High School Green Tech Academy

Appendix D: Critical Incident Monitoring Process



OPM: Office of the Police Monitor **APD:** Austin Police Department **IAD:** Internal Affairs Division
APA: Austin Police Association **SI:** Supervisory Inquiry **CRP:** Citizen Review Panel
DRB: Disciplinary Review Board

Appendix E: Meet and Confer Contract, Article 16

Ratified October 1, 2008

ARTICLE 16

CITIZEN OVERSIGHT OF THE AUSTIN POLICE DEPARTMENT

Section 1. Citizen Oversight

a) Citizen Oversight means the process which incorporates citizen input into the administrative review of conduct of APD officers and the review of the Austin Police Department's policies and procedures. The City of Austin may provide for Citizen Oversight of the Austin Police Department. Citizen Oversight may include an Office of the Police Monitor and a Citizen Review Panel. The City agrees that there will be no parallel process created in addition to the one contemplated by these provisions.

b) The purpose of Citizen Oversight is:

1. To assure timely, fair, impartial, and objective administrative review of complaints against police officers, while protecting the individual rights of officers and citizens;
2. To provide an independent and objective review of the policies and procedures of the Austin Police Department; and
3. To provide a primary, but not exclusive, location for accepting administrative complaints of officer misconduct.

c) Except as otherwise provided by this Agreement, the Chief of Police retains all management rights and authority over the process of administrative investigation of alleged misconduct by APD officers that could result in disciplinary action.

d) Except as specifically permitted in this Article the Citizen Oversight process, regardless of its name or structure, shall not be used or permitted to gather evidence, contact or interview witnesses, or otherwise independently investigate a complaint of misconduct by an officer. There shall be no legal or administrative requirement, including but not limited to subpoena power or an order from the City Manager or the Department, that an officer appear before or present

evidence to any individual, panel, committee, group, or forum of any type involved in Citizen Oversight. This provision has no application to any Independent Investigation authorized by the Chief of Police or the City Manager, regardless of whether the Independent Investigation was recommended by a Panel or Police Monitor, or to any hearing of an appeal of disciplinary action pursuant to this Agreement and/or Chapter 143 of the Texas Local Government Code. Police officers remain subject to orders or subpoenas to appear and provide testimony or evidence in such investigations or hearings.

Section 2. The Office of the Police Monitor (“OPM”)

a) The Police Monitor will have unfettered access to the Internal Affairs investigation process, except as provided herein. The Police Monitor may inquire of the Commander of the Internal Affairs Division or the Chief of Police, or the Chief’s designee, as to the status of any pending IAD investigation.

b) The OPM shall not gather evidence, contact or interview witnesses (except the complainant as provided herein), or otherwise independently investigate a complaint. The OPM shall not have the authority to subpoena witnesses. There shall be no administrative requirement, including but not limited to an order from the City Manager or the Department, that a police officer appear or present evidence to the Police Monitor. The OPM may obtain the following information in connection with the filing of a complaint of officer misconduct:

1. The complainant’s personal information;
2. The nature of the complaint;
3. Witness information;
4. The incident location, date, and time; and
5. The APD officer(s) involved.

c) The OPM shall digitally audio record the taking of the information provided in subsection (b). The OPM will promptly forward the completed complaint and audio recording to IAD. A complaint by a complainant who is not a police officer shall not be accepted unless the complainant verifies the complaint in writing before a public officer who is authorized by law to take statements under oath. A complainant may be subsequently interviewed by the IAD investigator for purposes of clarification or to obtain additional information relevant to the investigation.

d) Personnel from the OPM shall assist an individual in understanding the complaint process and the requirements for filing a complaint but shall not solicit or insist upon the filing of a complaint by any individual.

e) A representative from the OPM may attend an interview of the officer who is the subject of the investigation or administrative inquiry, as well as all witness interviews. The OPM representative may not directly question the subject of the interview. At the conclusion of any interview, the OPM representative may take the IAD investigator aside and request that the investigator ask additional questions. Whether such information is sought in any witness interview is within the discretion of the IAD investigator.

f) Neither the Police Monitor nor the Internal Affairs Representative(s) may remain in the Dismissal Review Hearing (or any other administrative hearing conducted for the purpose of determining whether the Department shall take disciplinary action against an officer for alleged misconduct) while the chain of command discusses the final classification and/or appropriate discipline, if any, to be imposed. The final classification of an allegation of misconduct is within the sole discretion of the Chief of Police, subject to the officer's right of appeal of any discipline imposed as provided by Chapter 143 of the Texas Local Government Code and this agreement.

g) On a quarterly basis, the Police Monitor, the Chief of Police, the Commander of the Internal Affairs Division, and the Association President shall meet to discuss issues related to the citizen oversight process, and shall endeavor to answer questions, and provide relevant information.

Section 3. Citizen Review Panel (“Panel”)

a) Function

(1) The Panel shall serve to make recommendations to the Chief of Police as provided in this Article, and in addition to review individual cases of officer conduct as authorized in this Article. Panel members shall perform their duties in a fair and objective manner.

(2) The Panel shall provide a public report setting forth the basis and concerns of the Panel supporting any recommendation for an Independent Investigation. In addition, the Panel shall provide a public report setting forth the Panel's conclusions and recommendations after its review of any Independent Investigation.

b) Qualifications

To be eligible for appointment to the Panel, applicants must not have a felony criminal conviction, received deferred adjudication for a felony, or be under felony indictment. Prior to appointment, Panel members must submit to a criminal background investigation to determine their eligibility to serve on the Panel. A felony conviction, felony indictment, or felony deferred

adjudication, after appointment, shall result in the immediate removal of the member from the Panel by the City Manager.

c) Training

To serve on the Panel, each member must complete the training prescribed herein prior to commencing their service on the Panel. The required training shall include:

- (1) Attend a three to four (3-4) day training by APD tailored specifically for Panel members including, at a minimum, the following:
 - a. Special Investigations Unit;
 - b. Officer Involved Shootings;
 - c. Response to resistance;
 - d. The Police Training Academy;
 - e. Crisis Intervention Team;
 - f. Firearms, including FATS training;
 - g. Bomb and SWAT;
 - h. Ride-outs on at least two shifts in different parts of the City; and
 - i. A presentation by the Association.

- (2) Attend six (6) hours of training provided by the Internal Affairs Division.

The training requirements of Section c) shall apply only to Panel members who are appointed to the Panel after the effective date of this Agreement.

d) Resign to Run

Any person involved in the citizen oversight process as a Panel member, who files for public elective office shall immediately resign from their position in the citizen oversight process, and failing such resignation shall be immediately removed by the City Manager.

e) Panel Review Process

- (1) Not later than thirty (30) calendar days after the mailing of the notice of the outcome of the investigation to the complainant, the complainant may request that the Police Monitor refer the complaint to the Panel.

- (2) Without a complainant's request, only the following cases may be referred to the Panel:
- a. A "Critical Incident" as defined this Article;
 - b. The appearance of a pattern of serious misconduct by the officer involved;
 - c. The appearance of a pattern of department-wide misconduct;
 - d. The appearance of serious official misconduct by one or more members of the Department;
 - e. The appearance of bias based misconduct; or
 - f. The appearance of issue(s) to be addressed by policy, procedure, or training recommendations.

f) Nature of Proceedings

(1) The review of any case by the Panel shall not be conducted as a hearing or trial. Except for the receipt of public input/communications as provided by this Section or an Independent Investigation authorized by this Article, the Panel shall not gather evidence, contact or interview witnesses, or otherwise independently investigate a complaint. The Panel shall not have the authority to subpoena witnesses. There shall be no administrative requirement, including but not limited to an order from the City Manager or the Department, that a police officer appear or present evidence to the Panel. The Panel shall immediately forward any information or evidence of which it becomes aware to the Chief of Police through the Police Monitor.

(2) A quorum shall be established prior to beginning the review of any case by the Panel.

(3) Not less than five (5) business days prior to a Panel meeting, the OPM shall provide the Internal Affairs Division and the individual designated by the president of the Association as the Panel liaison, with a copy of the Panel meeting agenda. The Panel shall not take action upon or receive public input/communications concerning any case or issue not listed as an agenda item. The Internal Affairs Division shall promptly notify any officer who is the subject of a complaint listed as an agenda item as to the scheduled Panel meeting. Notice of special meetings shall be handled in a similar manner, unless circumstances require a shorter notice, in which case the notice shall be issued as soon as the special meeting is scheduled.

(3) By virtue of its purely advisory role, the Panel is not a governmental body and is not subject to the Open Meetings Act. Those portions of the meeting during which public input/communication is accepted shall be open to the public and recorded by video and audio cassette tape.

g) Private Session

(1) Prior to receiving any communication from the complainant or any other public input/communications, the Panel may meet in private session to be briefed concerning the facts of the particular case to be reviewed. Either the Police Monitor or the IAD representative shall present to the Panel the information obtained from the IAD investigation. Members of the Panel may be provided with READ ONLY electronic access to all or part of the IAD files during these presentations.

(2) An APD officer designated by the president of the Association and one individual from the Internal Affairs Division shall be present during the Panel private session case briefing, including the portion of the private session described in subsection “e” below, subject to the following provisions:

- a. The Association’s representative will not participate in the briefing and is present only as an observer, with the following exceptions:
 - (i) The Association representative may request that the Police Monitor allow the representative to present information relevant to a case before the Panel.
 - (ii) A Panel member may request that the Association representative present information relevant to a case before the Panel.
 - (iii) Any information provided by the Association representative shall be presented in a neutral manner.
- b. The Association representative may not be involved in the case as a witness, investigator, relative, or officer in the chain of command.
- c. Information in the possession of the Association representative as a result of participation in such briefing shall not be disclosed or revealed other than as necessary as a part of official Association business in monitoring and enforcing this agreement, or in the normal course of dispute resolution processes under this agreement.

(3) Panel members shall have full access to all administrative investigative and disciplinary files necessary to perform their functions under this agreement. Panel members may

ask questions and obtain specific facts, details and information from the Police Monitor, IAD, or the Chief's office. As part of such access, the Police Monitor may permit individual Panel members to review an IAD case file for up to five (5) hours, at the Police Monitor's office and in the presence of a member of the Monitor's staff. This review opportunity may occur before the Panel's private session and/or after the Panel's public session regarding such case. The prohibitions and restrictions in Section 8 of this Article apply to any confidential information viewed by Panel members during this review opportunity. Panel members shall not copy or remove any portion of the file. The Police Monitor shall be responsible for security of the file.

(4) During any private Panel briefing, the presenter should exercise discretion and omit information from the briefing that the Police Monitor deems to be irrelevant to the citizen's complaint, as well as information of a highly personal nature that would constitute an unwarranted invasion of an individual's personal privacy interests.

(5) Upon completion of the Panel case briefing, the complainant shall be allowed to address the Panel. The police officer who is the subject of the complaint may, but is not required to attend and listen to the address by the complainant. If the complainant is anxious or intimidated by the presence of the officer, the Panel shall videotape the complainant's address to the Panel, and allow the officer to view and respond to the taped statement outside the complainant's presence. Other than the complainant and the responding police officer, only those persons authorized to attend the Panel case briefing may be present during this portion of the Panel meeting.

h) Public Session and Comments

(1) After any address by the complainant and/or responding police officer, the Panel shall meet in public session to receive any additional public input/communications concerning the case under review. During the public session, the Police Monitor shall take precautions to prevent discussion of the facts of the particular case and to prevent the public session from being used as a forum to gather evidence, interview witnesses, or otherwise independently investigate a complaint. Any individual who indicates that he has new or additional evidence concerning the particular case shall be referred to the Chief of Police or his designee. The rules that apply to citizen communications with the City Council shall apply to the public session of the Panel meetings.

(2) The Police Monitor, in consultation with the Panel, shall set the time limits for such proceedings.

i) Deliberations

After receiving public input, if any, the Panel shall discuss the particular case under review in private session. The Police Monitor and/or the Assistant Police Monitor may be present during such discussion. No other individual may be present unless, the panel requests further information.

j) Action and Recommendations

(1) At the conclusion of the review process set forth above, the Panel, upon a majority vote of its total members, may make the following recommendations to Chief of Police:

- a. Further investigation by the Department is warranted;
- b. Department policies warrant review and/or change;
- c. An “Independent Investigation” is warranted; or
- d. A written, non-binding recommendation on discipline.

A recommendation on discipline is limited to cases involving a “critical incident” as defined in this Article. The Panel shall not take action or make recommendations not authorized by this Article.

(2) After the Citizen Oversight process has been completed for a "critical incident," as that phrase is defined herein, the individuals involved in the Citizen Oversight process may make non-binding disciplinary recommendations to the Chief of Police. The final decision as to appropriate discipline is within the sole discretion of the Chief of Police, subject to the officer’s right of appeal of any discipline imposed as provided by Chapter 143 of the Texas Local Government Code and this agreement. The objectives of the process being served by a written recommendation as to discipline, neither the OPM employees nor individual members of the Panel shall publicly express agreement or disagreement with the final disciplinary decision of the Chief, other than as set forth in the written recommendation. Any such recommendation shall not be publicly disclosed prior to the Chief’s final decision. After the Chief of Police has made his final decision, any such citizen or internal monitor recommendations shall be subject to public disclosure to the extent permitted by law. Violation of this provision shall be subject to the dispute resolution process set forth in Section 7 of this Article, but a Panel member shall not be subject to permanent removal from the Panel except upon a second violation of this standard.

(3) For purposes of this Section, the term “Critical Incident” shall mean:

- a. An alleged use of force or other action by an Austin Police Officer that directly results in serious bodily injury or death (The definition of “serious bodily injury” found in the Texas Penal Code, Section 1.07(a)(46) will apply.);
- b. A death in custody; or

c. An officer involved shooting.

(4) Members must attend the meeting and hear the merits of the case in order to vote. The Panel's recommendations shall be reduced to writing. The Panel's written recommendations shall explain the Panel's issues(s) or concern(s).

(5) The Police Monitor shall consult with the Panel in formulating any recommendations to the Chief of Police. All recommendations to the Chief of Police by the Panel shall be made available to the public to the extent permitted by law and this Agreement.

Section 4. Independent Investigation

a) In this Article, "Independent Investigation" means an administrative investigation or inquiry of alleged or potential misconduct by an officer, authorized by the Chief of Police or City Manager and conducted by a person(s) who is not:

(1) An employee of the City of Austin;

(2) An employee of the Office of the Police Monitor; or

(3) A volunteer member of the Panel.

b) An "Independent Investigation" does not include attorney-client work product or privileged material related to the defense of claims or suits against the City of Austin.

c) The Chief of Police and the City Manager retain all management rights to authorize an Independent Investigation concerning police conduct.

Section 5. Public Report of Independent Investigation

a) The provisions of Section 143.089(g) of the Texas Local Government Code are expressly modified to the extent necessary to permit public release of a final report prepared by an investigator who conducts an Independent Investigation authorized by the Chief of Police or City Manager concerning police conduct.

b) The public release of information authorized by this Section shall not contain or reveal evidentiary facts, or other substantive investigative information from the file, except to the extent that such information is at the time of such release no longer protected from public disclosure by law, or is already public as a matter of fact by lawful or authorized means or by the officer's own release. For example, the names of officers in an investigation may not be released, but could be released if those officers have elected to enter the public debate and discuss their involvement, or

if the public has been informed of identities by lawful or authorized means in the course of grand jury or other legal proceedings. The public statements authorized in this agreement are subject to review by the City of Austin Law Department to insure compliance with this Agreement and to determine whether the release of such information may be prohibited by any other law.

c) This Section shall apply to any Independent Investigation whether completed prior to or after the effective date of this Agreement and applies to every position and rank within the Austin Police Department.

d) Section 143.089(g) of the Texas Local Government Code is modified and superseded to the extent necessary to permit the public release of the following information only:

1. A report setting forth the basis and concerns of the Panel supporting any recommendation for an Independent Investigation.
2. A report setting forth the Panel's conclusions and recommendations after its review of any Independent Investigation.
3. A report setting forth any policy recommendations made by the Panel.
4. A final report from an Independent Investigator, whether or not recommended by the Panel. This Section shall also apply to any Independent Investigation completed prior to ratification of this agreement.

Section 6. Public Communication

a) Except as permitted by this Agreement, employees of the OPM and members of the Panel shall not publicly comment on the specifics of pending complaints and investigations prior to a panel decision. All public comments and communications by the OPM shall be factual and demonstrate impartiality to individual police officers, the Austin Police Department, the Austin Police Association, employees of the City of Austin, residents of the City of Austin, and community groups.

b) Should a person participating on a Panel make public statements which, to a reasonable observer, would be perceived to express or demonstrate a position, bias, or prejudgment on the merits of a particular case that is under investigation or subject to review, prior to the completion of the citizen panel process for that case, such person will not be allowed to participate in the review, deliberation, or drafting of recommendations concerning that case. This provision does not prohibit the Panel or an individual Panel member from making generic, non-case related public statements about the Austin Police Department, or from providing information about the process, which does not appear to prejudice the merits, or demonstrate a bias on the case. In the

event of a violation of this standard, the Panel member shall be subject to permanent removal from the panel as set forth below.

c) No public comment or communication (including but not limited to oral or written statements, reports, newsletters, or other materials made, released, published or distributed) by the OPM or Panel members will make reference to or identify an officer by name, unless such release is then permitted by law, or the officer's name has become public as a matter of fact by lawful or authorized means, or by the officer's own release. Public comments or communications by the OPM and the Panel shall conform to state and federal law and this Agreement regarding confidentiality, and shall not contain information that is confidential or privileged under this Agreement or state, federal or common law.

d) All OPM written publications shall be provided to the APD and the APA simultaneously with distribution to the public.

Section 7. Dispute Resolution

a) Complaints concerning the conduct of OPM employees shall be filed with the Police Monitor, or if the complaint concerns the personal conduct of the Police Monitor, shall be filed with the City Manager. If not resolved at the first level, a fact finder shall be appointed to review relevant materials and take evidence to reach written findings of fact, which shall be expedited for final resolution within two weeks after appointment. The fact finder shall be appointed by striking an AAA list, if the parties do not otherwise agree on a fact finder. Upon conclusion of the fact finding, and after review and evaluation of the fact finder's report, the Police Monitor (or City Manager if the complaint concerns the personal conduct of the Police Monitor) shall make a decision. The final decision shall be made by the City Manager.

b) Complaints concerning the conduct of Panel members shall be filed with the City Manager. If a signed complaint is filed alleging specific comments by a Panel member that violate the standards in subparagraph 6 (b) above, the Panel's consideration shall be postponed or the particular Panel member shall not participate, until the matter is finally resolved. A complaint may not be based on statements or conduct previously raised and found insufficient for disqualification. Only one of such Panel members may be temporarily disqualified under this provision on a particular case. The City Manager shall promptly determine the complaint. The Association may appeal from the decision of the City Manager through the expedited arbitration process in this agreement. If two (2) consecutive complaints are found insufficient on a particular Panel member, subsequent complaints on that Panel member shall not result in temporary removal, but upon final determination that there has been a violation, such member shall be subject to permanent removal. Nothing shall prevent the Chief from taking disciplinary action within the statutory time frame, under the provisions of Chapter 143, as modified by this agreement.

Section 8. Access to Section 143.089(g) Files

a) Information concerning the administrative review of complaints against officers, including but not limited to Internal Affairs Division files and all contents thereof, are intended solely for the Department's use pursuant to Section 143.089(g) of the Texas Local Government Code (the 143.089(g) file.). All records of the Police Monitor's Office that relate to individual case investigations and the APD 143.089(g) file, although same are not APD files or records, shall have the same statutory character in the hands of the Police Monitor, and shall not be disclosed by any person, unless otherwise authorized by law. Public access to such information is strictly governed by this agreement and Texas law. To the extent necessary to perform their duties, individuals involved in the Citizen Oversight process are granted a right of access to the information contained within the 143.089(g) files of police officers.

b) Individuals involved in the Citizen Oversight process shall not be provided with information contained within a personnel file, including the 143.089(g) file of a police officer, that is made confidential by a law other than Chapter 143 of the Texas Local Government Code, such as records concerning juveniles, sexual assault victims, and individuals who have tested positive for HIV. All persons who have access to IAD files or investigative information by virtue of this agreement shall not be provided with access to any records of criminal investigations by the APD unless those materials are a part of the IAD administrative investigation file.

c) All individuals who have access by virtue of this agreement to IAD files or investigative information, including the information contained within the 143.089(g) files of police officers, shall be bound to the same extent as the Austin Police Department and the City of Austin to comply with the confidentiality provisions of this Agreement, Chapter 143 of the Texas Local Government Code, and the Texas Public Information Act. All such individuals shall further be bound to the same extent as the Austin Police Department and the City of Austin to respect the rights of individual police officers under the Texas Constitution and the Fourth, Fifth, and Fourteenth Amendments to the U.S. Constitution, including not revealing information contained in a compelled statement protected by the doctrine set forth in *Garrity v. New Jersey*, 385 U.S. 493 (1967), and *Spevack v. Klein*, 385 U.S. 511 (1967).

d) A breach of the confidentiality provisions of this Agreement and/or Chapter 143 of the Texas Local Government Code by any individual involved in Citizen Oversight:

1. Shall be a basis for removal from office;
2. May subject the individual to criminal prosecution for offenses including, but not limited to Abuse of Official Capacity, Official Oppression, Misuse of Official Information, or the Texas Public Information Act; and/or
3. May subject the individual to civil liability under applicable State and Federal law.

e) The confidentiality provisions of this agreement, Chapter 143 of the Texas Local Government Code, and the Texas Public Information Act, are continuous in nature. All

individuals involved in Citizen Oversight are subject to these confidentiality provisions even after their association with the Oversight process has terminated.

f) Following any review of an alleged violation of the confidentiality provisions of this Agreement, the City Manager's office will provide information about the outcome of that review to any officer(s) directly affected by the alleged violation.

Section 9. Use of Evidence from the Citizen Oversight Process in Disciplinary Appeals

Opinions or recommendations from individuals involved in Citizen Oversight in a particular case may not be used by a party in connection with an appeal of any disciplinary action under the provisions of Chapter 143 of the Texas Local Government Code and this Agreement. No party to an arbitration or Civil Service proceeding may use or subpoena any member of the Citizen Review Panel or the Police Monitor (unless the Police Monitor took the complaint in the relevant case) as a witness at an arbitration or Civil Service proceeding including, but not limited to live or deposition testimony which concerns their duties or responsibilities in the oversight process or their opinions or recommendations in a particular case. This provision shall not prevent any testimony for evidentiary predicate.

Section 10. Partial Invalidation and Severance

In the event that a Court Order, Judgment, Texas Attorney General Opinion, or arbitration decision, which is final and non-appealable, or which is otherwise allowed to take effect, which order, judgment, opinion, or decision holds that the right of access to the information contained within the 143.089(g) files of police officers granted by this Article or the public dissemination of information pursuant to this Article, results in "public information" status under the Texas Public Information Act of the information contained within the 143.089(g) files of a police officer, the provision or provisions resulting in such a change in the status of the 143.089(g) file shall be invalidated and severed from the balance of this Agreement.

Section 11. Remedies

a) Benefit of the Bargain

The CITY expressly retains its right and ability to proceed with the determination of whether or not police misconduct occurred and the authority of the Chief to impose disciplinary action. The ASSOCIATION recognizes the fact that such reservations are essential to this Agreement. No dispute concerning the operation and function of the Police Monitor's Office or the Panel shall impair or delay the process of the Chief's investigation and determination of whether or not police misconduct occurred and the degree of discipline, if any, to impose. This includes internal dispute resolution procedures in this Agreement, any grievance process or arbitration, and any litigation over such issues. In other words, any such dispute resolution processes may proceed, as set forth in this contract or by law, but the disciplinary process may likewise and simultaneously proceed to its conclusion without delay. The statutory time period for the Chief of Police to take disciplinary action against an officer shall be tolled to the extent of any period

in which a court order, injunction, or TRO, obtained by the officer involved or the Association on behalf of the officer, halts the Department's investigative or disciplinary process. In no event will the actual time exceed 180 calendar days. The parties agree that the processes in this Agreement, together with the remedies set forth and the procedural protections and rights extended to officers in this Agreement are adequate remedies at law for all disputes arising under this Article.

b) Expedited Arbitration

The parties have agreed to expedited arbitration for all unresolved grievances related to the application or interpretation of this Article in order to achieve immediate resolution and to avoid the need for court intervention in equity. Such arbitrations shall be conducted pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association ("AAA"), as amended and effective December 1, 2002. To be appointed, the arbitrator must be available to hear the arbitration within thirty (30) calendar days of selection and a decision shall be made within one (1) week of the hearing. The parties agree to create a list of pre-approved arbitrators. Failing same, or in the absence of an available arbitrator from such pre-approved list, the arbitrator designated by the AAA shall be required to be licensed as an attorney in the State of Texas. The parties both agree that the arbitrator has the discretion to receive and hear issues and testimony by written submission or phone conference, but may also require live testimony where appropriate.

Section 12. Preemption

It is expressly understood and agreed that all provisions of this Article shall preempt any statute, Executive Order, local ordinance, City policy or rule, which is in conflict with this Agreement and the procedures developed hereunder, including for example and not by way of limitation, any contrary provisions of Chapters 141, 142, and 143 of the Texas Local Government Code, including but not limited to Section 143.089(g).



OFFICE OF THE POLICE MONITOR

1520 Rutherford Lane
Bldg. 1, Suite 2.200 A
Austin, TX 78754

Phone: 512-974-9090
Fax: 512-974-6306
E-mail: police.monitor@ci.austin.tx.us

www.ci.austin.tx.us/opm/

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, facsimile, mail, email, or in person. The Police Monitor or 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 Office of the Police Monitor will participate in the APD investigation. The Office of the Police Monitor will make policy recommendations to APD. Upon conclusion of the investigation, the complainant will be notified in writing of the outcome.