City of Austin

Office of the

POLICE MONITOR

Six Month Update 2010
January 1—June 30

The Office of the Police Monitor is pleased to present the Six Month Update for 2010. This update covers the first six months of the 2010 calendar year and includes data and statistics relating to the number and types of complaints, geographic area of the incidents, as well as a breakdown by the race/ethnicity of complainants.

For most of the OPM's history, the number of complaints received has increased every year. In 2010, this may not be the case. In the first half of 2010, 806 people contacted the OPM with the intent of filing a complaint. However, for the past two years, the number of complaints received in the second half of the year were less than was received in the first. Therefore, if this trend continues, it may be that calendar year 2010 will be only the second time in the OPM's history where the number of complaints received fell from the previous year.

In the 2009 Six Month Update, the OPM discussed the use of Early Intervention Systems. In this Update, the OPM discusses the variables that could be used to make these systems better.

Police departments around the world have been using crime statistics for years. In the OPM's article, the discussion centers around using statistics to predict and prevent unwanted behavior in police officers.

The OPM hopes the reader will find this discussion interesting.

Functions of the Police Monitor's Office

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

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

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

http://www.ci.austin.tx.us/opm/
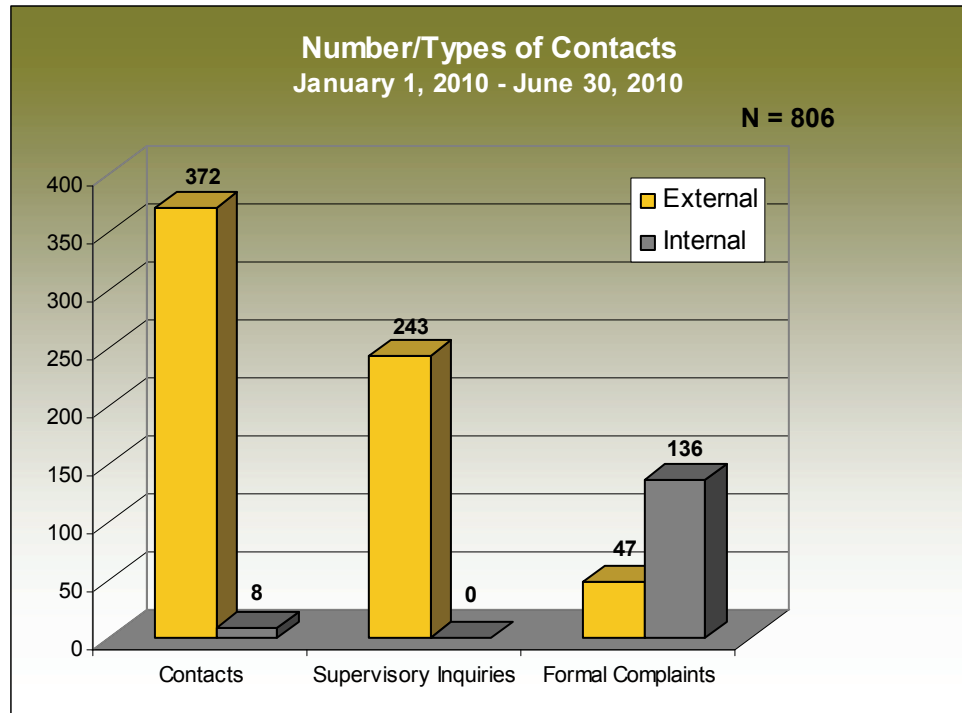
Special points of interest:

- *Supervisory Inquiry complaints again far outnumber External Formal complaints*
- *Code of Conduct allegations continue to be the subject of the vast majority of complaints*
- *Complainants are somewhat disproportionate to their representation within the City… and the type of complaint they file*

Number/Types of Contacts—External & Internal

During the first half of 2010, the OPM was contacted by 806 people wishing to make some sort of complaint against a member of the APD. If, as in 2008 and 2009, the OPM receives fewer complaints in the second half of the year as compared to the first, the overall number of complaints will be fewer in 2010 than in calendar year 2009. Fewer complaints from one year to the next has only occurred one other time since the OPM opened its doors.

In this graph, there are three categories of complaint types. The first is "contacts." This category includes persons that reached out to the OPM with the intention of filing a complaint, but for whatever reason, did not do so or it was discovered that the complaint involved an agency other than the APD.

Supervisory inquiries are a complaint type reserved for less severe policy violations or to clarify APD's rules and regulations. Formal complaints are typically reserved for cases alleging a more severe policy violation.

Number/Types of Contacts
January 1, 2010 - June 30, 2010

N = 806

Legend: External, Internal

- Contacts: External 372, Internal 8
- Supervisory Inquiries: External 243, Internal 0
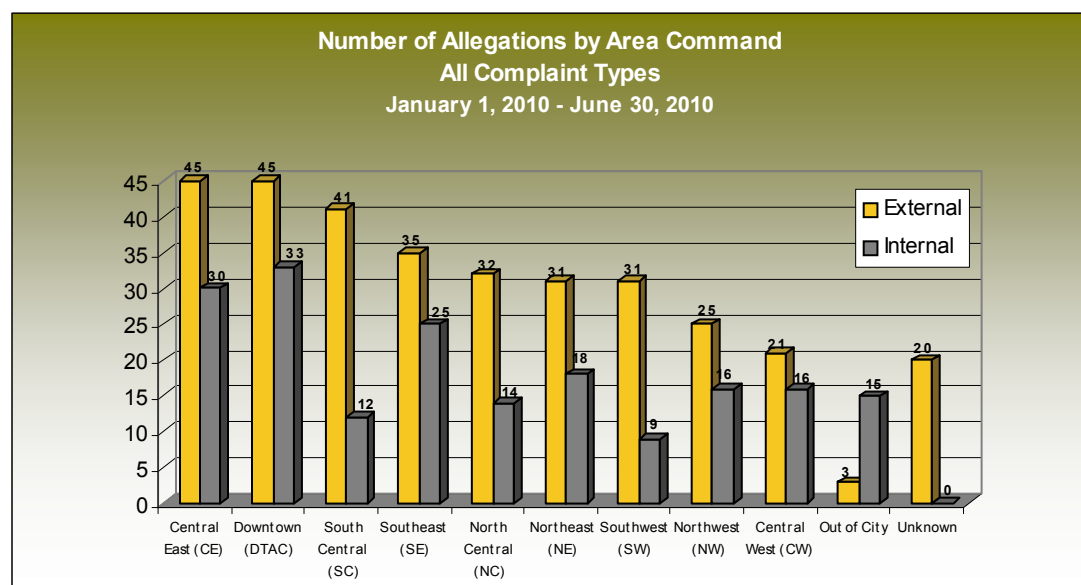- Formal Complaints: External 47, Internal 136

Number of Allegations by Area Command—External & Internal

In the first six months of 2010, there were 517 allegations made against members of the APD. This number includes all Formal complaints as well as all allegations associated with Supervisory Inquiries.

The Central East and Downtown area commands again had the greatest number of allegations filed. This is consistent with what has been recorded in the past.
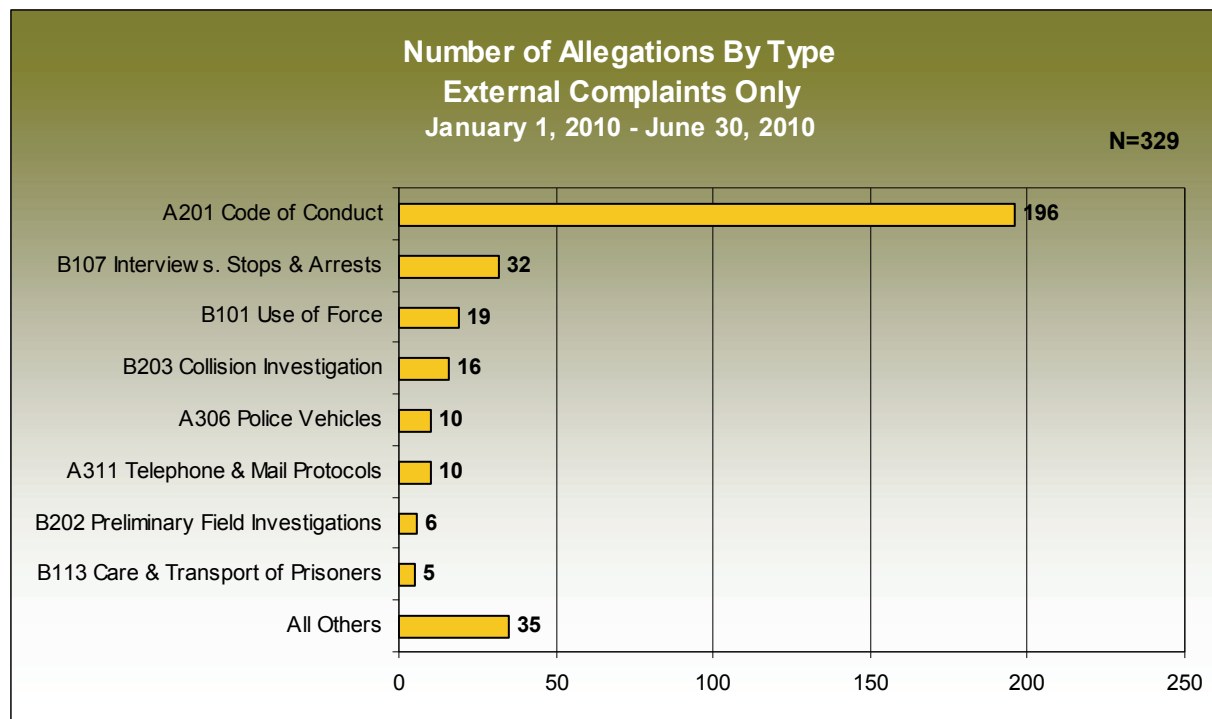
Out of City complaints are those involving alleged conduct by APD officers occurring outside the city limits of Austin.

Number of Allegations by Area Command
All Complaint Types
January 1, 2010 - June 30, 2010

Legend: External, Internal

- Central East (CE): External 45, Internal 30
- Downtown (DTAC): External 45, Internal 33
- South Central (SC): External 41, Internal 12
- Southeast (SE): External 35, Internal 25
- North Central (NC): External 32, Internal 14
- Northeast (NE): External 31, Internal 18
- Southwest (SW): External 31, Internal 9
- Northwest (NW): External 25, Internal 6
- Central West (CW): External 21, Internal 16
- Out of City: External 3, Internal 15
- Unknown: External 20, Internal 0

Number/Types of Allegations—External Complaints

Code of Conduct allegations are again the most frequently reported in external complaints. While this is very consistent with what the OPM has seen in the past, for the first half of 2010, there were significantly fewer filed than in the first half of 2009 (196 in the first half of 2010 vs. 384 in the first half of 2009).
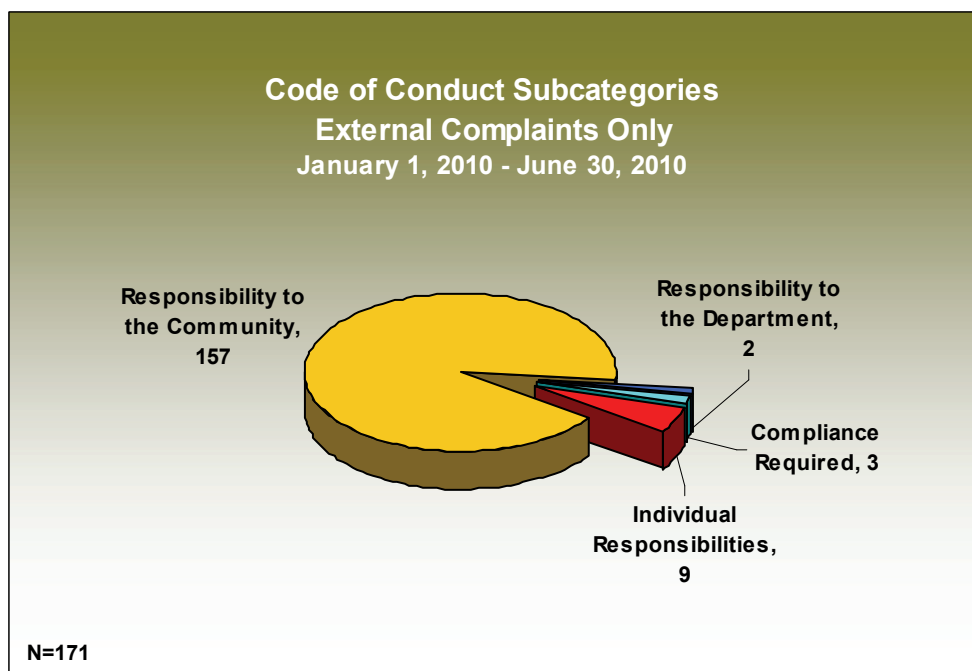
There were more Interviews, Stops & Arrests allegations in 2010 than last year at this time (32 in the first half of 2010 vs. 11 in the first half of 2009). The number of Use of Force allegations was also up slightly (13 in the first half of 2010 vs. 10 in the first half of 2009).

Number of Allegations By Type
External Complaints Only
January 1, 2010 - June 30, 2010

N=329

Type	Count
A201 Code of Conduct	196
B107 Interviews. Stops & Arrests	32
B101 Use of Force	19
B203 Collision Investigation	16
A306 Police Vehicles	10
A311 Telephone & Mail Protocols	10
B202 Preliminary Field Investigations	6
B113 Care & Transport of Prisoners	5
All Others	35

In the first half of 2010, the vast majority of Code of Conduct complaints revolved around "Responsibility to the Community." This allegation includes, but is not limited to, impartial attitude, courtesy, duty to identify as a police officer, and neutrality in civil actions.
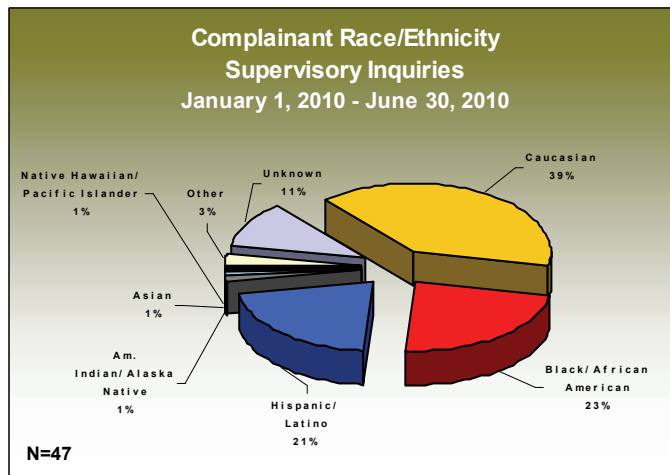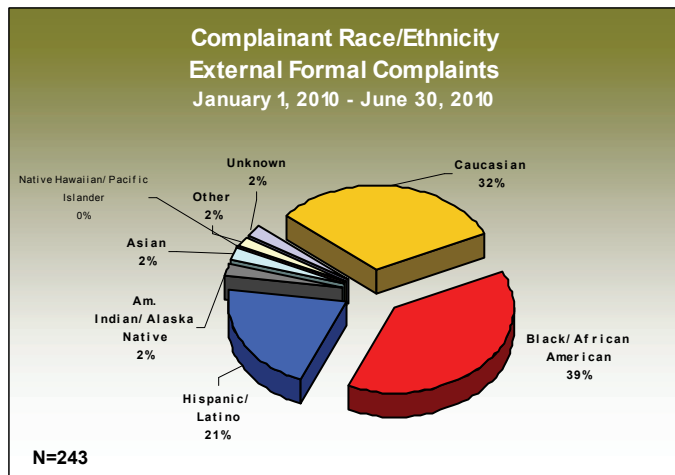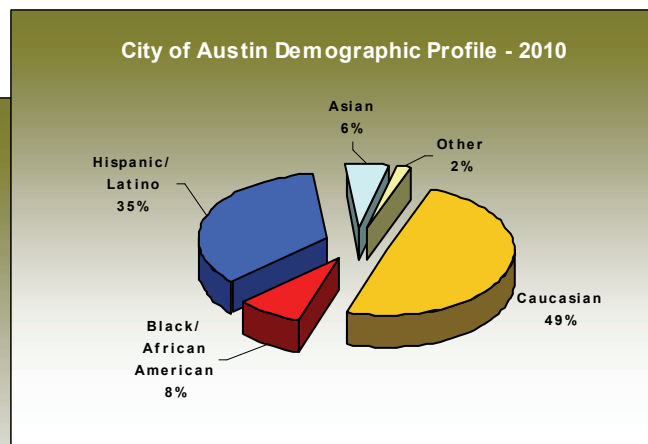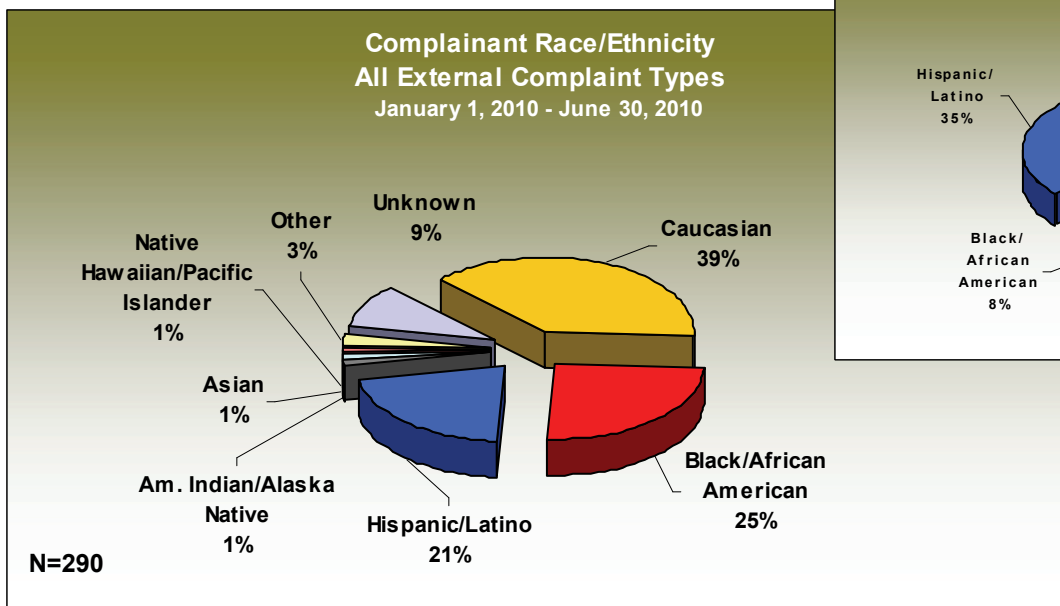
Note:

1. Both graphs on this page include external complaint allegations only, i.e. External Formal complaints and Supervisory Inquiries.

2. The Code of Conduct subcategory graph will not sum to the total number of Code of Conduct allegations because not all Code of Conduct allegations have a subcategory assigned.

Code of Conduct Subcategories
External Complaints Only
January 1, 2010 - June 30, 2010

- Responsibility to the Community, 157
- Responsibility to the Department, 2
- Compliance Required, 3
- Individual Responsibilities, 9

N=171

Complainant Demographic Information

The members of the public that classify themselves as Caucasian file more complaints overall than any other group. For the first half of 2010, however, the filing rate of Caucasians was lower then their representation within the City. Hispanics/Latinos filed complaints at a rate less than their representation within the City. Blacks/African Americans filed at a rate that is about two-thirds greater than their representation within the City.

Overall, these levels are consistent with what the OPM has seen in the past. What has changed, however, is the number of complainants whose race and ethnicity are unknown. In the first half of 2009, only 4% of all complaints from the public came from people whose ethnic background was unknown. In the first of 2010, that number has more than doubled to 9%. Interestingly, the number of Caucasian complainants has decreased to 39% from the 53% reported in 2009. At the same time, the number of Hispanic/Latino complainants as well as the number of Black/African American complainants has climbed by 3%, respectively. When looking at these numbers by type of complaint, another point of interest emerges. When compared to the other ethnic groups, Blacks/African Americans filed disproportionately more Formal complaints than any other group. Formal complaints tend to be of a more serious nature than a complaint filed as a Supervisory Inquiry. However, given that only 47 total External Formal complaints were filed, the OPM will have to address this issue after more data is available, i.e., in the 2010 Annual Report.

City of Austin Demographic Profile - 2010

Asian 6%
Other 2%
Hispanic/Latino 35%
Caucasian 49%
Black/African American 8%

Complainant Race/Ethnicity All External Complaint Types
January 1, 2010 - June 30, 2010

Other 3%
Unknown 9%
Caucasian 39%
Native Hawaiian/Pacific Islander 1%
Asian 1%
Am. Indian/Alaska Native 1%
Hispanic/Latino 21%
Black/African American 25%
N=290

Complainant Race/Ethnicity External Formal Complaints
January 1, 2010 - June 30, 2010

Native Hawaiian/Pacific Islander 0%
Unknown 2%
Other 2%
Caucasian 32%
Asian 2%
Am. Indian/Alaska Native 2%
Hispanic/Latino 21%
Black/African American 39%
N=243

Complainant Race/Ethnicity Supervisory Inquiries
January 1, 2010 - June 30, 2010

Native Hawaiian/Pacific Islander 1%
Unknown 11%
Other 3%
Caucasian 39%
Asian 1%
Am. Indian/Alaska Native 1%
Hispanic/Latino 21%
Black/African American 23%
N=47

Predicting Police Behavior

In the 2009 Six Month Update, the OPM wrote about Early Intervention Systems (EIS). The idea behind an EIS is to identify and address problems before an officer gets into trouble. These systems are not about discipline, but rather about prevention. In that last article, the OPM discussed the guiding principles to a successful EIS. In this article, the OPM will discuss the use of data as predictors of behavior and how this type of analysis could be used to enhance early intervention systems.

For years, law enforcement agencies have used data analysis to determine where and when crimes may be committed. Indeed, the Austin Police Department (APD) publishes crime statistics on its web page. It produces a report that shows both the day and the time of day incidents occurred. None of this is new. The words used to describe this type of analysis may have changed over time, but the basic principle has remained the same. So, can similar methods be used to predict police behavior? To a certain extent, the answer is "yes." Almost all law enforcement agencies, the APD included, utilize some sort of early intervention system to identify those officers that may be in need of assistance. The next question then is, do these systems actually work? The answer to that question is "sometimes."

Anyone who has ever done work with data or programming has heard the expression, "Garbage in, garbage out." The phrase means that any system is only as good as the data being used to build it. Right now it is fairly standard practice for early intervention systems to include data such as years of service, insubordination, absenteeism, number of complaints made against the officer, etc. All good variables to include but, unfortunately, very often it also means that the officer is already displaying bad behavior. This is the crux of the problem with most systems in use today.

Given the breadth and depth of data available to law enforcement agencies these days, the OPM believes there are many other variables that could be and should be included in these types of systems. Keep in mind that in order to test the relevance of any of these variables, the agency would have to look at historical data first and then test each variable to determine its importance (or lack thereof) in a predictive model. For example, what role, if any, does the shift play? Which part of the shift, i.e., how long into it, did the incident occur? Was it a first or second shift that day?

How about duty assignment? Do more incidents happen when an officer is operating in an area that is unfamiliar to that officer? Does the overall length of time (months, years) an officer has worked in a specific area matter? We already know that certain parts of a city have more crime than others—that's what crime statistics tell us—but does this have an impact on the number and severity of complaints against police?

Was the officer alone or with a partner? Was the officer the primary on scene or assisting? Was the officer called out or was the stop self-initiated? Was it necessary for a supervisor to be called out? How often has that happened with this same officer or in this same area? Was force used? What type? How often has the officer used force?

What about secondary employment? Does the officer have another job? If so, does that job occur before or after the officer's police shift?

When looking at all these different variables, it is easy to see that this is not an insignificant exercise. Moreover, the variables listed here are but just a few that would require examination. However, the OPM believes this is an exercise worth the undertaking. Looking at past actions and the importance of the underlying factors that influenced those actions may allow law enforcement to identify patterns of predictive behavior and intervene before the officer's behavior endangers the public's rights and/or the officer's career.

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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 Police Monitor will make policy recommendations to APD. Upon conclusion of the investigation, the complainant will be notified in writing of the outcome.