



2011 Six Month Update January 1—June 30

The Office of the Police Monitor is pleased to present the Six Month Update for 2011. This update covers the first six months of the 2011 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. This was not true in 2010 when the OPM, for the

first time, saw a decline in the total number of complaints. In 2011, this may again be the case. In the first half of 2011, 770 people contacted the OPM with the intent of filing a complaint. However, for the past three years, the number of complaints received in the second half of the year were less than was received in the first half. If this trend continues, it may be that calendar year 2011 will be the second year where the overall number of complaints received fell below that of the previ-

ous year. The mix of complaints, however, may result in the number of External Formal complaints being higher in 2011 than in 2010 with the number of Supervisory Inquiry complaints being lower.

In the continuing discussion regarding police behavior, this Update includes a piece on the psychology of police misconduct. The OPM hopes the reader will find this discussion informative.

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.

Inside this issue:

Number & Types of Complaints	2
Number of Allegations by Area Command	2
Number of Allegations by Type & Subcategory	3
Complainant Demographic Information	4
Understanding the Psychology of Police Misconduct	5

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

Special points of interest:

- *External Formal complaints are up over this time last year*
- *Interviews, Stops and Arrest allegations rival Code of Conduct allegations for the first time in the history of the OPM*
- *Complainants are somewhat disproportionate to their representation within the City... and the type of complaint they file*

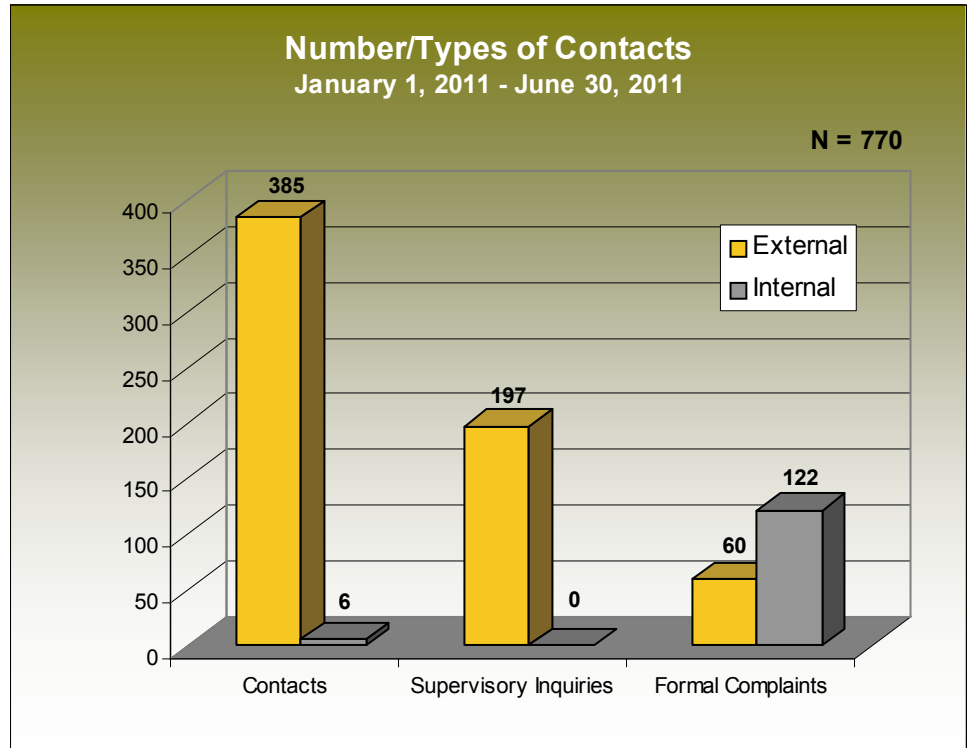
Number/Types of Contacts—External & Internal

During the first half of 2011, the OPM was contacted by 770 people wishing to make some sort of complaint against a member of the APD. 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.

If, as in 2008, 2009 and 2010, the OPM receives fewer complaints in the second half of the year as compared to the first half, the overall number of complaints will be fewer in calendar year 2011 than in 2010. If this occurs, it will be the second time in the OPM’s history that the number of complaints has gone down from the previous year. For now, though, it looks like the number of Supervisory Inquiries will decrease from last year but the number of External Formal complaints will increase.

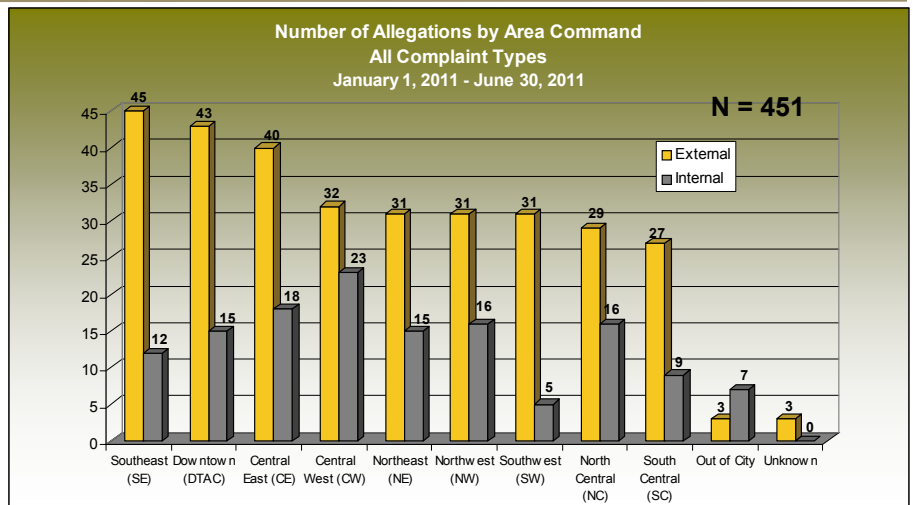


Number of Allegations by Area Command—External & Internal

In the first six months of 2011, there were 451 allegations listed against the APD. This number includes all Formal complaints as well as all allegations associated with Supervisory Inquiries. It does *not* include the 25 times in External complaints and the 3 times in Internal complaints where “No Apparent Violation” was listed in the allegation field.

The Southeast and Downtown area commands had the greatest number of allegations asserted during the first six months of 2011. While it is typical for the Downtown area command to have a high number of allegations asserted (the Downtown area

command had 85 total allegations asserted during 2010), the number of allegations asserted regarding the Southeast command is unusual. During 2010, 60 total allegations were made as to the Southeast command with eight (8) of them being based on Interviews, Stops and Arrests. Thus far in the first six months of 2011, 45 allegations have been asserted in the Southeast area command with twenty (20) of these being based on Interviews, Stops and Arrests. Out of City complaints are those involving alleged conduct by APD officers occurring outside the city limits of Austin, usually while off duty.



Number/Types of Allegations—External Complaints

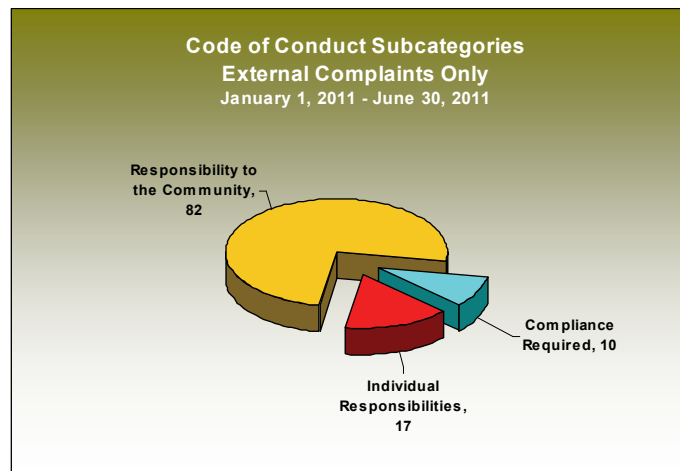
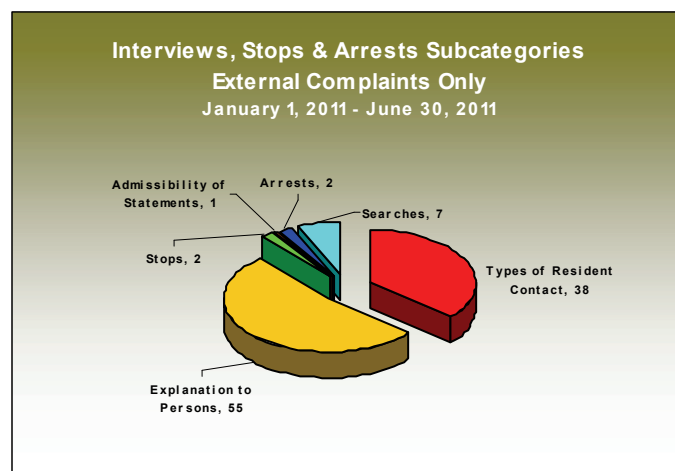
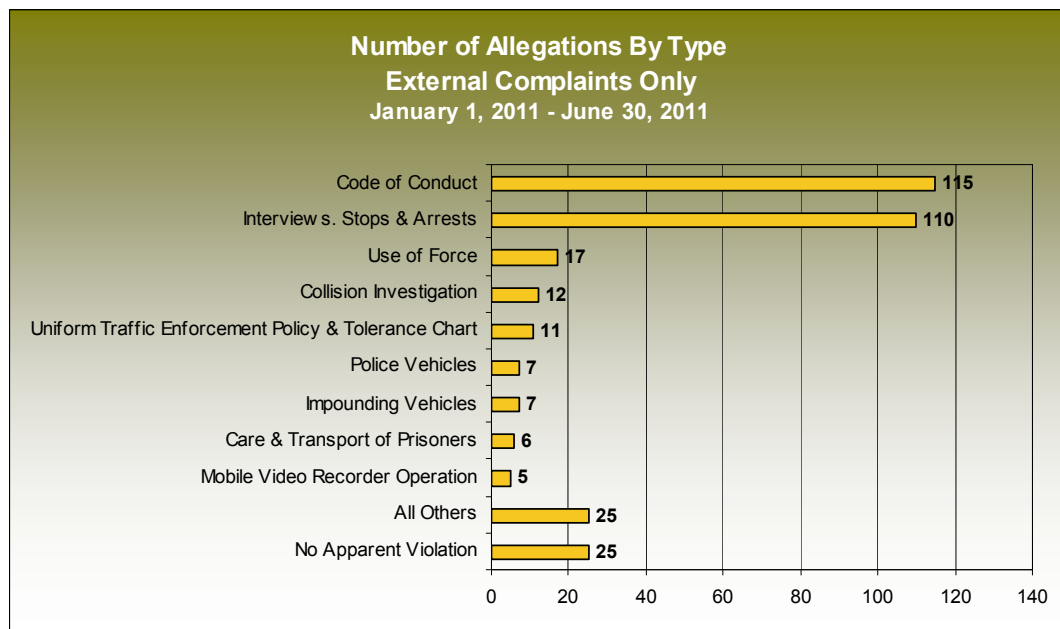
For the first time in the OPM's history, Code of Conduct allegations have a rival—Interviews, Stop and Arrests. The number of complaints involving “Interviews, Stops and Arrests” allegations saw a significant uptick in 2010 that is again reflected in the first half of 2011. The OPM will discuss this issue in more detail in the 2011 Annual Report.

It can be seen below that most of the Interviews, Stops and Arrests allegations involved “Explanation to Persons” and “Types of Resident Contact.” According to the APD's General Orders, Types of Resident Contact is an outline of the types of duty-related contact APD may have with the public. It also prioritizes these contacts in terms of legal significance.

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.

IAD again seems to be using the Bias-Based Profiling allegation to record some accusations of prejudicial treatment. As noted in the OPM's 2010

Annual Report, the Bias-Based Profiling allegation is actually a General Order involving documentation. Therefore, in order to accurately count the number of allegations where bias is alleged, the OPM must pull from several categories. Between the “Bias-based Profiling” General Order, the sub-category of Code of Conduct “Impartial Attitude” and generic Code of Conduct allegations, the OPM has documented a total of 30 prejudicial behavior allegations in the first half of 2011. Using this same method, the OPM documented 44 allegations in all of 2010.



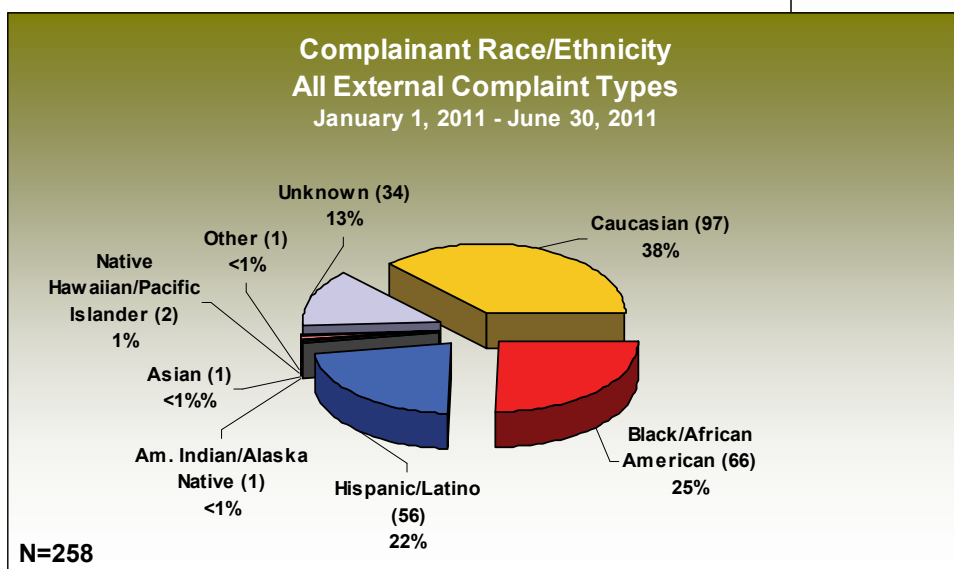
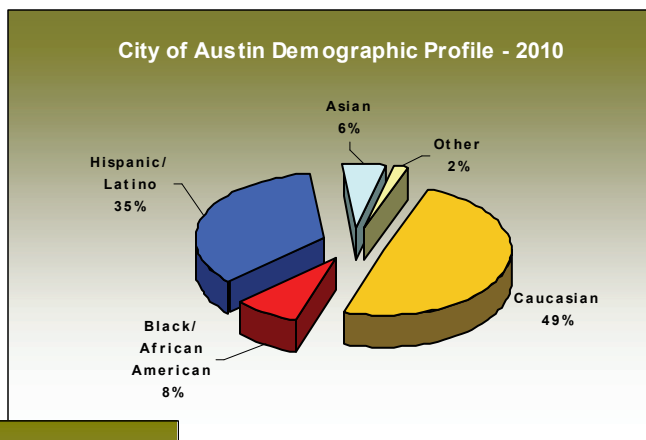
Note:

1. All graphs on this page include external complaint allegations only; specifically, External Formal complaints and Supervisory Inquiries.
2. The Code of Conduct and Interviews, Stops and Arrests subcategory graphs will not sum to the total number of their respective allegations because not all allegations have a subcategory assigned.

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 2011, however, the filing rate of Caucasians and Hispanics/Latinos was lower than their representation within the City. Overall, Blacks/African Americans filed at a rate that is about two-thirds greater than their representation within the City.

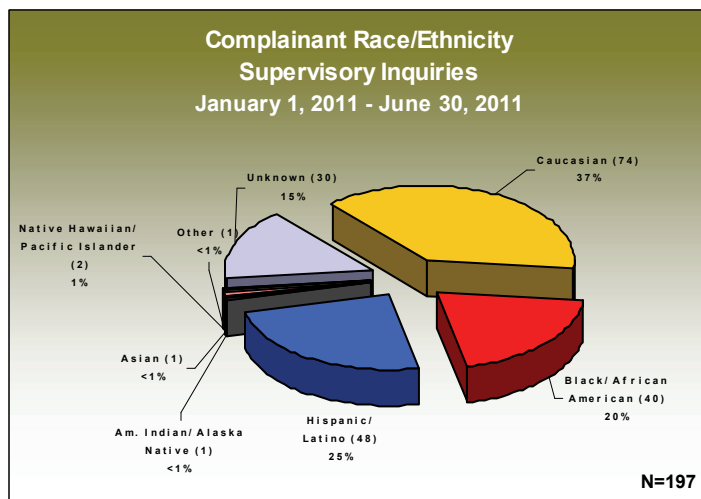
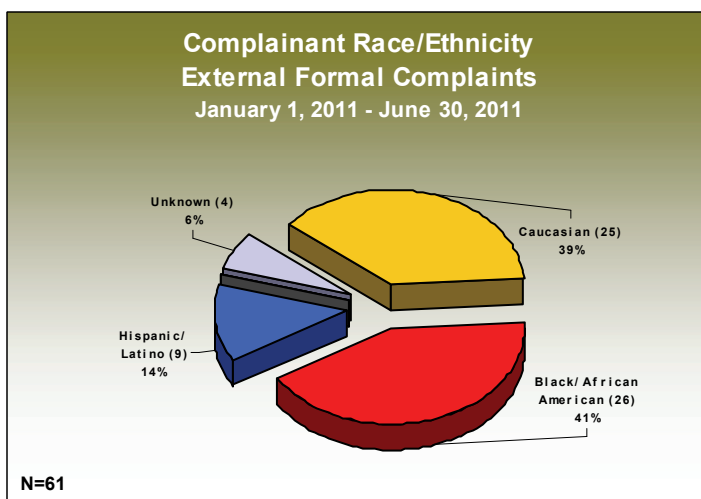
Again, when looking at Supervisory Inquiries and External Formal complaints combined, the percentage of complaints from Caucasians in the first half of 2011 is consistent with the percentage reported in 2010. That said, both the percentage



and the quantity of complaints reported by Caucasians has dropped since 2009. During this same time frame, the percentage of Hispanic/Latino and Black/African American complainants has remained constant.

When looking at these numbers by type of complaint and focusing on External Formal complaints only, in the first half of 2011, the number of Formal complaints filed by Caucasians versus those filed by Blacks/African Americans differed by one (1) complaint. In short, these two groups were

at parity on Formal complaints for the first time in the history of the OPM. This despite the fact that Caucasians account for 49% of the population while Blacks/African Americans account for 8%. Hispanics/Latinos as a group continue to file Formal complaints at a rate less than half of these two other groups.



Understanding the Psychology of Police Misconduct

For the past two Six Month Update reports, the OPM has been discussing predictors of police behavior and the use of some sort of early intervention system in order to curtail unwanted behavior. Along the same lines, the OPM would like to present excerpts from an article written by Brian D. Fitch, Ph.D., Lieutenant, Los Angeles Sheriff's Department. For those wishing to read the article in its entirety, it can be found in *The Police Chief* 78 (January 2011): 24–27, <http://www.nxtbook.com/nxtbooks/naylor/CPIM0111/#/24>.

Law enforcement is a unique profession, with officers experiencing a host of freedoms not available to the general public, including the application of deadly force, high-speed driving, and seizing personal property. While these liberties may be necessary, they also can create opportunities for wrongdoing, especially if such behavior is likely to go undetected because of poor supervision. The embarrassment caused by misconduct can damage the public trust, undermine officer morale, and expose agencies to unnecessary litigation. Consequently, a clear understanding of the psychology underlying unethical behavior is critical to every law enforcement supervisor and manager at every level of an organization, regardless of one's agency or mission.

Law enforcement agencies go to great lengths to recruit, hire, and train only the most qualified applicants—candidates who have already demonstrated a track record of good moral values and ethical conduct. Similarly, most officers support the agency, its values, and its mission, performing their duties ethically while avoiding any misconduct or abuse of authority. Yet despite the best efforts of organizations everywhere, one does not have to look very far these days to find examples of police misconduct. Even more disturbing, however, is that many of the officers engaged in immoral or unethical behavior previously demonstrated good service records, absent any of the “evil” typically associated with corruption or abuse.

While it is probably true that at least some of the officers who engage in illicit activities managed somehow to slip through the cracks in the hiring process and simply continued their unethical ways, this account fails to explain how otherwise good officers become involved in misconduct.

Moral Responsibility and Disengagement. Most law enforcement professionals are, at their core, good, ethical, and caring people. Officers frequently espouse strong, positive moral values while working diligently—in many cases, at great personal risk—to bring dangerous criminals to justice. Most officers do not—and in many cases cannot—engage in unethical conduct unless they can somehow justify to themselves the morality of their actions.

Decades of research have supported the idea that whenever a person's behaviors are inconsistent with their attitudes or beliefs, the individual will experience a state of psychological tension. Because this tension is uncomfortable, people will modify any contradictory beliefs or behaviors in ways intended to reduce or eliminate discomfort. Generally speaking, an officer will modify the cognition that is least resistant to change, which, in most cases, tends to be the officer's attitudes, not behaviors.

One of the simplest ways that officers can reduce the psychological discomfort that accompanies misconduct is to cognitively restructure unethical behaviors in ways that make them seem personally and socially acceptable, thereby allowing officers to behave immorally while preserving their self-image as ethically good people. The following is a partial list of common rationalizations that officers can use to neutralize or excuse unethical conduct:

Strategy	Description
Denial of Victim	Alleging that because there is no legitimate victim, there is no misconduct.
Victim of Circumstance	Behaving improperly because the officer had no other choice, either because of peer pressure or unethical supervision.
Denial of Injury	Because nobody was hurt by the officer's action, no misconduct actually occurred.
Advantageous Comparisons	Minimizing or excusing one's own wrongdoing by comparing it to the more egregious behavior of others.
Higher Cause	Breaking the rules because of some higher calling—that is, removing a known felon from the streets.
Blame the Victim	The victim invited any suffering or misconduct by breaking the law in the first place.
Dehumanization	Using euphemistic language to dehumanize people, thereby making them easier to victimize.
Diffusion of Responsibility	Relying on the diffusion of responsibility among the involved parties to excuse misconduct.

Misconduct's Slippery Slope. It is important to note that most officers do not jump headfirst into large-scale misconduct—instead, they weigh in gradually. The strength and ease with which officers can rationalize unethical behavior also depends, at least in part, on how they view their conduct, the people harmed by their actions, and the consequences that flow from their actions. An officer's initial slide down the slippery slope of misconduct can begin with nothing more than simple policy violations that, if left unchecked, generate a mild feeling of psychological tension or discomfort. However, by learning to rationalize wrongdoing in ways that make it psychologically and morally acceptable, officers are able to relieve any feelings of distress or discomfort, effectively disengaging their moral compasses.

The more frequently an officer rationalizes deviant behavior, the easier each subsequent instance of misconduct becomes. This is because it becomes easier to activate similar thought patterns in the future. With time and repeated experience, rationalizations can eventually become part of the habitual, automatic, effortless ways that officers think about themselves, their duties, and the consequences of their actions, eventually allowing officers to engage in increasingly egregious acts of misconduct with little, if any, of the guilt or shame commonly associated with wrongdoing.

As officers learn to pay less attention to the morality of their actions, the ways they think about misconduct—that is, their attitudes, beliefs, and values—may begin to change as well. Officers can begin defining behaviors that were once seen as unethical or immoral as necessary parts of completing their assigned duties. Even more troubling, however, is that once rationalizations become part of an agency's dominant culture, they can alter the ways officers define misconduct, particularly if wrongdoings are rewarded either informally by an officer's peer group or formally by the organization.

Ethics Education. Law enforcement agencies throughout the United States, as well as abroad, have begun to recognize the importance of ethics training. While such attention represents a significant step in the right direction, ethical instruction is often limited to little more than the discussion and development of proper moral values. Proponents of this method suggest that officers who possess the right values—and, by extension, the right character—will always do the right thing, regardless of the circumstances. Although few people would argue with the importance of good moral values and character, ethical decisions are not always simple.

Before officers can act ethically, they must recognize the moral nature of a situation; decide on a specific and, hopefully, ethical course of action; possess the requisite moral motivation to take action; and demonstrate the character necessary to follow through with his decision. To further complicate matters, even the best of intentions can be thwarted by peer pressure or fear of retaliation. For example, the 2003 National Business Ethics Survey found that approximately 40 percent of those surveyed would not report misconduct if they observed it because of fear of reprisal from management.

This cloud does, however, contain a silver lining. Research has demonstrated that ethics education can assist officers in better navigating moral challenges by increasing ethical awareness and moral reasoning. However, conducting meaningful ethics education requires more than lengthy philosophical lectures on the importance of character. Rather, instructors should focus on facilitating a dialogue that challenges officers on key moral issues and assumptions; tests their reasoning and decision-making skills; and allows them to share their experiences in a safe, supportive environment.

For ethics education to be truly effective, organizations must make moral discussions a regular part of the agency's training program. In the same way that officers routinely train in defensive tactics, firearms, and law to better prime them for field duties, officers should prepare equally well for any ethical issues they might encounter. The more frequently officers discuss ethics, the better able they will be to recognize a moral dilemma, make the appropriate ethical decision, and demonstrate the moral courage necessary to behave honorably.

Next, law enforcement agencies must establish a clear code of ethical conduct, including a set of core values and mission statement. Merely establishing a code of ethical conduct is not enough, however; the department's top management must lead by example. It is important to remember that a code of conduct applies equally to employees at all levels of an organization. As most leaders can confirm from experience, officers can be surprisingly quick to point out any inconsistencies between the organization's stated values and the conduct of senior management. If leaders expect officers to behave ethically, leaders must model the way.

Departments must also work to create systems that reward ethical conduct and punish unethical behavior. Core values and codes of conduct are of little value if they are not supported by wider agency objectives that reward ethical actions. Not only should law enforcement organizations reward officers for behaving ethically, they must also seriously address officers' ethical concerns by thoroughly investigating any allegations, while protecting the confidentiality of those reporting such incidents. And, finally, agencies should strive to create an open environment where ethical issues can be discussed without fear of punishment or reprisal.

In the end, mitigating and, hopefully, eliminating misconduct requires regular ethics training, high ethical standards, appropriate reward systems, and a culture in which ethical issues are discussed freely. While the responsibility for creating a culture of ethics rests with leadership, individual officers must do their part to behave ethically, support the moral conduct of others, and challenge misconduct in all its forms. Only by remaining vigilant to the psychology of misconduct can law enforcement professionals focus attention back on the positive aspects of their profession, while enjoying the high levels of public trust necessary to do their jobs.



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

