



# City of Austin Office of the Police Monitor Annual Report February 2002 - February 2003



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## DEFINITION OF TERMS

The following are definitions of terms and concepts of the complaint process or in this report.

**Administrative v. Criminal** – Investigations into complaints are administrative only meaning the officer is not subject to incarceration or fines.

**Administratively Closed – Internal Affairs Division** – A complaint is administratively closed when an administrative inquiry has been conducted and no misconduct discovered or the Chief of Police has reviewed the complaint and confirmed that the case should be administratively closed.

**Administratively Closed – Office of the Police Monitor** – A complaint is administratively closed when the complaint is found not to be against an APD officer, there is no allegation of a violation of policy or procedure, the matter is in the court system, or the complainant failed to follow through with the complaint process.

**Allegation** – The specific violation of policy or procedure in a complaint. A complaint may contain more than one allegation.

**Bias Based Profiling or Racial Profiling** – Any pattern or practice, including but not limited to stopping, detaining, frisking and searching by police officers that is based on the generalized belief that a person of a particular race or ethnicity or national organization is more likely to commit a crime.

**Citizen Review Panel** – Seven volunteer members who are residents of Austin and are appointed by the City Manager to each serve a two-year term.

**Code of Conduct** – The ethical standards governing an officer's conduct.

**Complainant** – An individual who makes a complaint.

**Complaint** – Any allegation of poor service or misconduct made by a citizen against an officer.

**Critical Incident** – An incident resulting in death or serious bodily injury involving an officer or employee.

**Exonerated** – “Exonerated” means that the incident complained of occurred but the officer's actions were within policy and procedure.

**Inconclusive** – “Inconclusive” means that there is insufficient evidence either to prove or disprove the allegation.

**Investigation** – The systemic inquiry into the facts of an allegation

**Misconduct** – Allegation of violation of policy or procedure, local, state or federal law.

**Police Monitor's Conference** – A meeting requested by the complainant between the Police Monitor or her designee and the complainant to discuss the investigation.

**Office of the Police Monitor** – The main location for accepting complaints filed by members of the public.

**Perjury** – Making a false statement under oath with the intent to deceive while knowing the statement is false.

**Policy and Procedures** – The General Orders, Special Orders and Standard Operating Procedures regulating an officer's conduct.

**Searches** –

**Body Cavity Searches** – With the exception of checking the mouth area, these searches will neither be conducted by APD officers, nor will they be performed in public.

**Consent** – An officer may “ask” for permission to search a person, vehicle, residence or business. The person to whom the request is made does not have to give consent, i.e. say yes.

**Protective Frisk** – When a police officer has lawfully detained a person for investigation, the officer may frisk the person by patting down the outer clothing or reaching inside coats and jackets to pat down inner clothing such as shirts and pants. A search of the area whether the home, vehicle or ground may also be conducted for officer safety, although the area that may be searched is limited. No consent is necessary for this type of search.

**Probable Cause** – An officer may conduct a search of a person or vehicle if they have “reasonable suspicion” to believe contraband is hidden. No consent is necessary for this type of search.

**Search Incident to Lawful Arrest** – When a person is arrested, the officer has a right to conduct a full search of the arrested person and the area within that person's immediate control. No consent is necessary for this type of search.

**Sustained** – An allegation is classified as sustained if it is supported by sufficient evidence.

**Sworn Statement** – A description under oath of the complaint.

**Unfounded** – An allegation is classified as “unfounded” if it has been determined that it is false or not factual.

**Use of Force** – The use of any physical action that causes apparent injury or causes a person to complain of pain or injury.



## INAUGURAL YEAR IN REVIEW

### Police Monitor Iris J. Jones' Message to the Austin Community



It is with great pleasure that I present the Office of Police Monitor's first Annual Report.

Being appointed as the first ever Police Monitor for the City of Austin, was indeed an honor. I was entrusted with the tremendous responsibility for creating an office, hiring a staff and establishing the appropriate mechanisms for operating a brand new civilian oversight office charged with the task of monitoring the Austin Police Department. This report details our accomplishments, data and statistics as well as the numerous community outreach and educational activities of the Police Monitor's Office and the Citizen Review Panel from February 11, 2002-February 11, 2003.

Before presenting the many accomplishments of the office, I would like to first recognize the committed staff of the Office of Police Monitor. Their enthusiasm and dedication in serving our community are quite extraordinary. The very mission of the civilian oversight process is to bring about effective communication and meaningful interaction with the members of the public and with those who seek to file complaints of police misconduct or wrongdoing by APD officers. The continuous exposure to the type of cases we have received and reviewed daily for the past year would dampen the spirits of most, however, the staff always carries on with the highest degree of integrity and professionalism.

I want to acknowledge the strong support of the oversight process and the commitment to this office by the City Manager, Toby Futrell. She has taken the time to listen to our ideas, problems and recommended solutions and has always made time to work with us to make our office what it is. Most importantly, she has allowed us wide latitude in truly serving this community in the spirit of independence.

Police oversight of the Austin Police Department was created after several years of long debate involving several members of city government, city management, the APA and the good citizens of Austin. Everyone had some input in the process and at some level participated in the negotiations making the Police Monitor and civilian oversight a part of the Meet and Confer Contract. When I was appointed Police Monitor, I dedicated myself to building bridges and breaking down barriers in our community, a community that includes the APD as well as everyone else who lives in, works in or visits the City of Austin. Through continued community outreach, the Office of Police Monitor has succeeded in increasing its visibility within the City. We have included a list of recommendations made to the Chief of Police and the status of each recommendation. We have also dedicated a significant portion of our report to data and statistics that we have compiled on a daily basis since day one. The details of the data and statistics regarding contacts with the community and details relating to the written complaints filed by members of the public provide insightful information about the complainants by sector, gender, race and ethnicity and the details relating to the types of allegations being made by sector.

Unfortunately, from the first day the Office of Police Monitor opened its doors, there has been controversy. Some segments of the community believed that I was pro-police because I previously served as City Attorney for Austin over a decade before being appointed and as part of my duties, I represented the APD. Some segments of the community believed I was anti-police alleging that my office accepted written complaints from everyone who came into the Police Monitor's office. After serving one year as Police Monitor it should be clear that I do not represent or advocate for or against any segment of our community. My staff and I are strongly committed to a "process" that was agreed to in March 2001 by the City of Austin and the Austin Police Association. We believe that the process of police oversight should encourage the treatment of everyone in a fair and equitable manner. There has been a perception in the community that IAD lacked a certain degree of objectivity and some do not believe that the police can objectively police itself. Whether or not this is factual or only the perception of some in the community, perception is reality. This office serves a significant role in supporting the opportunity for the community to file a complaint in a more neutral environment than Internal Affairs. Under the current process, the investigation of complaints is still handled by IAD. However, my staff and I have an opportunity to sit in on interviews, review the investigative file and to report to the Citizen Review Panel each month. The Panel is also charged with the responsibility of making recommendations to the Chief of Police, hearing appeals filed by the complainants and for reviewing critical incident cases and others presented to them for review by the Police Monitor.

We can all agree that change can be difficult and the civilian oversight process in Austin, and in other cities around the country, represented a major change and a period of adjustment for police departments and police unions. This first year was a challenging one. However, we stood firm in the face of adversity. Each time a recommendation was adopted, we added value to our city through sharing our ideas. The daily work we do to support the success of the process, helps the community. This has been a rewarding opportunity to serve Austin, its citizens and the organization this year.

As we embark on our second year of civilian oversight in Austin, Texas, let us focus on the commonalities rather than differences. We have an opportunity to work together to enhance the relationship and trust between Austin's diverse community and the Police Department. We want to serve in partnership with the community and APD to make that dream a reality.

In the spirit of creating positive dialogue and achieving better understanding in our community, please take the time to attend our outreach programs or stop by our offices to ask those burning questions about the process. Find out who we are and what we do for you. We promise to continue doing our part to make Austin a brighter place to live, for all of us.

In closing, **"Even if I knew that tomorrow the world would go to pieces, I would still plant my apple tree."** Dr. Martin Luther King, Jr.

Respectfully submitted,

Iris J. Jones

## **HISTORY OF THE OFFICE OF THE POLICE MONITOR**

For over two decades, there has been an outcry from grassroots and community activists for independent civilian oversight of the Austin Police Department. On February 11, 2002, the City of Austin joined the ranks of over 100 similar civilian oversight agencies around the country with the opening of the Office of the Police Monitor.

After the Cedar Avenue incident on February 14, 1995, the City Council appointed a Police Oversight Focus Group (POFG) to examine the issue of civilian oversight of the Austin Police Department. The POFG issued its final report on April 14, 2000, recommending that police oversight be established in Austin, Texas. Specifically, it was recommended that a Police Monitor be hired by the City Manager and that a Police [Citizen] Review Panel be appointed by the Austin City Council. The City negotiated with the Austin Police Association over a new contract, which would include a civilian oversight process. The decision to include the union was based on a desire to give police officers a stake in the outcome and make them more willing to support the success of civilian oversight. The result of the negotiation between the City of Austin and the Austin Police Association was Exhibit "B" to the Agreement Between the City of Austin and the Austin Police Association, March 25, 2001 to September 26, 2003. It stated, in pertinent part that: "The City of Austin and the Austin Police Association have agreed that a role and process for civilian oversight of the Austin Police Department is desirable and will enhance effective law enforcement in the community."

After negotiations were completed, the City set out to hire Austin's first Police Monitor. After nearly a year-long process City Manager Jesus Garza announced the appointment of Iris Jones on January 16, 2002. Ms. Jones worked diligently from the day she was appointed until the office officially opened developing complaint forms, logs, a record keeping process and numerous other procedures for the effective operation of the office which were consistent with and in compliance with Exhibit "B" of the contract.

The Police Monitor, Iris J. Jones, opened the doors to the Monitor's Office on February 11, 2002, with a newly developed complaint form, clipboard and pen, at the temporary offices in Two Commodore Plaza. The first complaint was received the next day. Ms. Jones was interviewed by several television stations in order to let the public know that the Police Monitor's office was now open. Ms. Jones immediately began her Internal Affairs training, police academy training and her ride-alongs with police officers in each of the Austin's seven sectors. Her first hire was Elizabeth Pugliese as a Compliance Specialist. Ms. Pugliese began work on March 25, 2002.

Internal Affairs and Police Academy Training for some of the Citizen Review Panel members and Ms. Pugliese commenced in May which included certain issues likely to give rise to citizen complaints. The Police Academy training and all subsequent required trainings were videotaped to make it easier to train future staff and panel members.

Flynn Lee, a member of the Citizen Review Panel resigned in order to take a full time position as a compliance specialist. He officially began work on June 3, 2002.

On June 11, 2002, Ms. Jones was called by APD Communications to the scene of a critical incident. The contract provides the Police Monitor is on the “automatic ring down” list for notification of all critical incidents so that she may be at the scene. This was not the first time Ms. Jones was called to a scene; however, it was the first time in which someone was seriously injured. Sadly, the incident resulted in the death of Ms. Sophia King. It was also the four-month anniversary of the opening of the Office of the Police Monitor.

As a result of this incident almost all the media in Austin made requests for interviews about the office and its role in such an incident. Despite the need to attend to this very critical issue, the day-to-day operation of the office continued. It is important to emphasize that the staff was attentive to the needs of all complainants and went out of their way to assure everyone who filed a complaint that their complaints would be taken seriously and not diminished due to recent critical event.

On June 17, 2002, the office was fully staffed as the last four full time staff members began work. They were Alfred D. Jenkins III, Assistant Police Monitor; Hermelinda Zamarripa, Community Liaison; Louis Gonzales, III, Compliance Specialist; and Alison White, Administrative Specialist.

On June 25, 2002, two weeks after the shooting death of Sophia King, a Travis County Grand Jury no-billed (declined to indict) the officer involved in the shooting on June 11, 2002.

The Monitor’s Office, as a full staff, held its first community outreach meeting to educate the public on the duties and responsibilities of the OPM and the Panel that night at the St. John Community Center (NE). The second community outreach was held on July 9, at Covenant United Methodist Church (NW). The third was held on July 16, at the Conley-Guerrero Senior Center (CE). The fourth took place at Beautiful Savior Church (SE) on July 23.

The Internal Affairs Division of APD completed its review of the homicide unit’s investigation into the Sophia King shooting on July 25<sup>th</sup> and issued a “report summary” of the Homicide Unit’s investigation. The seventh and final panel member was appointed on July 26, 2002. The Contract prohibits a Panel member from reviewing a case until he or she is fully trained, therefore, the King shooting could not be presented to the Panel until all Panel members were trained on September 26, 2002.

The fifth community outreach meeting took place at the Northwest Recreation Center (NW) on August 1, 2002. On August 6 the entire office participated in several National Night Out events around the city. The Police Monitor’s Office held an Open House for the public to see the new offices and to meet the staff on August 13, 2002. The Mayor, City Council Members Will Wynn and Raul Alvarez, the City Manager and Citizen Review Panel members participated in a ribbon-cutting ceremony to officially open the office.

Despite the festivities of the Open House in August, the work of the Monitor’s Office continued. On August 16, 2002, Ms. Jones sent a request to Chief Knee requesting re-interviews and further documentary evidence in the Sophia King Shooting. On August 11, 2002, the Police Monitor completed her first six months on the job. Her first 6-Month Report



featured a column by the Police Monitor, data and statistics relating to the gender and ethnicity of complainants, the types of allegations filed by males and females and the allegations by sectors was included along with the Mission Statement and an Overview of the Complaint Process. Mr. Jenkins contributed an article on Racial Profiling and there was a description of our extensive outreach activities during the first six months. Short biographies and photos of the Citizen Review Panel members were provided in the report as well.

After completion of the 6-Month report, the outreach meetings continued at the Tarrytown Methodist Church (CW) on August 20.

The Police Monitor began scripting and directing the first training video for the bias based/ racial profiling educational forum in mid-August 2002. Ms. Jones was assisted on this project by her staff. Ms. Alison White, served as camera operator and she also edited the entire video in-house. This innovative racial profiling video serves as a useful training tool to share with the community at Racial Profiling Forums held in all sectors of Austin.

September 25 and 26 the Panel and staff completed all training requirements. Those who had not gone through the previous IA training attended two evening sessions, taping them for future use. After follow-up interviews, IAD submitted its supplemental report on the King Shooting on September 27, 2002.

The first official Citizen Review Panel meeting to receive a Police Monitor's briefing, review a case file and accept public input was held on October 7, 2002. The sole agenda item for the meeting was the Sophia King critical incident. The Police Monitor's briefing was held in the afternoon with representatives from IA and APA present. Seven people signed up to address the Panel as part of the public input segment of the meeting. The Panel recessed into closed session to discuss the case and to decide what action, if any, to take. After deliberating, the Panel voted 7-0 to recommend that the case be Independently Investigated.

Ms. Jones announced the decision at a news conference attended by members of the Citizen Review Panel on October 10. The Contract requires that the recommendation be submitted to the Chief of Police to accept or reject it. At a press conference later the same day, Chief Knee accepted the recommendation that the Sophia King shooting case be referred to an Independent Investigator.

Drafting of the Standard Operating Procedures (SOP's) for the conduct of an Independent Investigation began immediately. By the end of the week, an RFP (request for proposal) was issued requesting interested law firms to submit proposals. On November 8, the firm of Bellinger & DeWolf was hired.

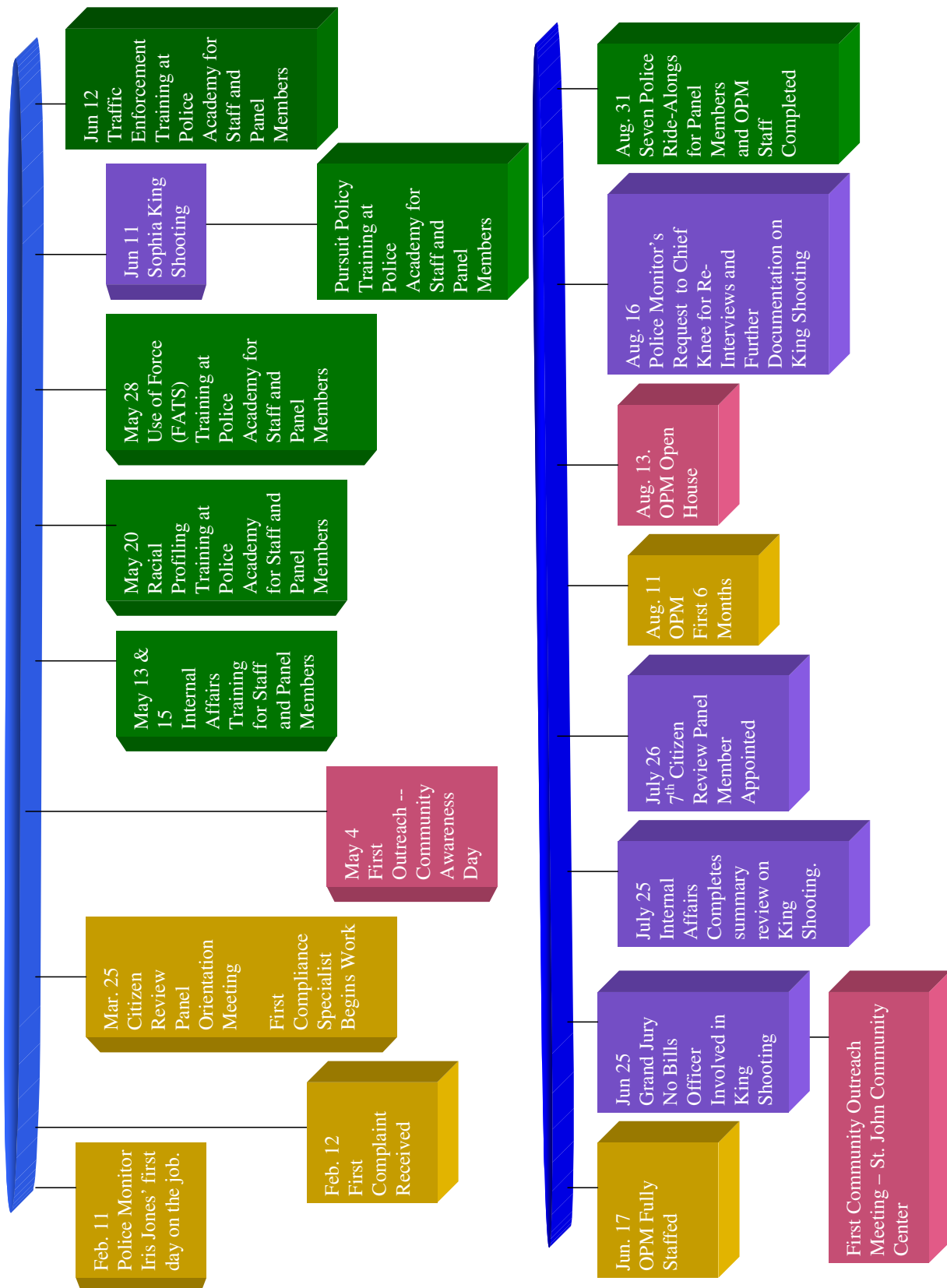
The law firm announced its intention to re-interview the officers at the scene on November 14, 2002, the APA filed a request for a temporary restraining order on that same day. It was granted, halting the Independent Investigation. A hearing on the APA's request for a temporary injunction was held on November 25, 2002, in Judge Paul Davis' courtroom. The next day, the judge granted the temporary injunction and set a trial on the matter for February 18, 2003 (the trial was subsequently continued).

During January the Police Monitor's video production of Bias Based Profiling in Austin was introduced. In this video community leaders and citizens discuss their definitions of racial profiling, whether or not it exists in Austin and offer solutions. It premiered at the Racial Profiling Forum held on January 14 at the Millennium Center Youth Complex in East Austin with a panel of Iris Jones, Assistant City Manager, Laura Huffman, Chief of Police Stan Knee and Dr. Sterling Lands, Citizen Review Panel.

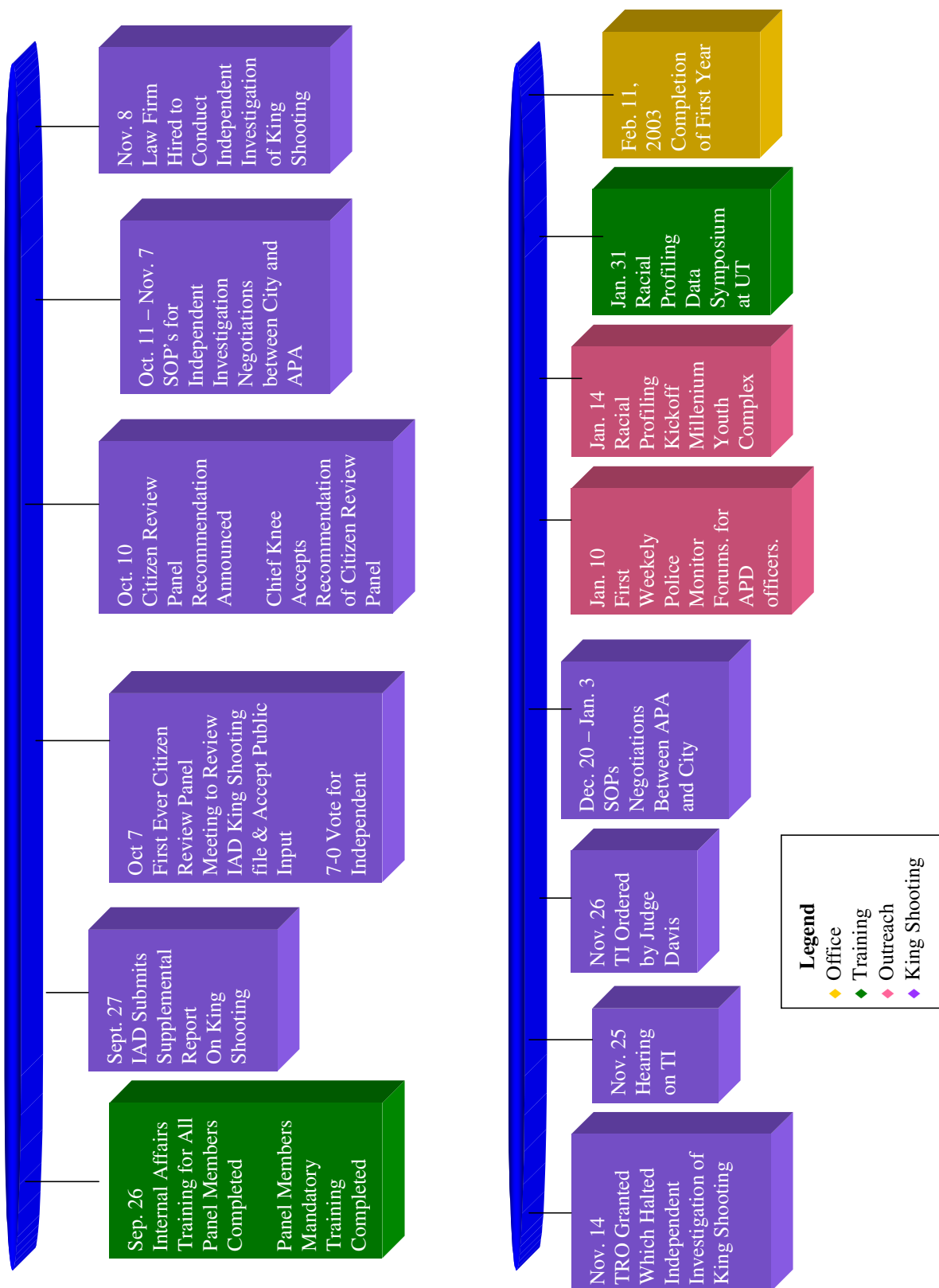
February 11, 2003 marked the first year anniversary of the opening of the Police Monitor's office. During the first full year 273 written complaints were filed, 2,269 phone calls were received, and 431 visitors came to the office.



## OFFICE OF THE POLICE MONITOR TIMELINE OF EVENTS



# OFFICE OF THE POLICE MONITOR TIMELINE OF EVENTS FEB. 2002-2003



## THE COMPLAINT PROCESS

On a daily basis the OPM can handle a significant range of inquiries, complaints, and interviews from the citizens of Austin. When a complaint is received, the person meets with a Compliance Specialist who must ascertain if the allegation indicates that an officer has violated Austin Police Department policies and procedures. Some citizens call to vent or just want an issue to be recognized. Minor General Order infractions can be documented and forwarded to a supervisor for resolution, unless the complainant prefers to make a formal complaint.

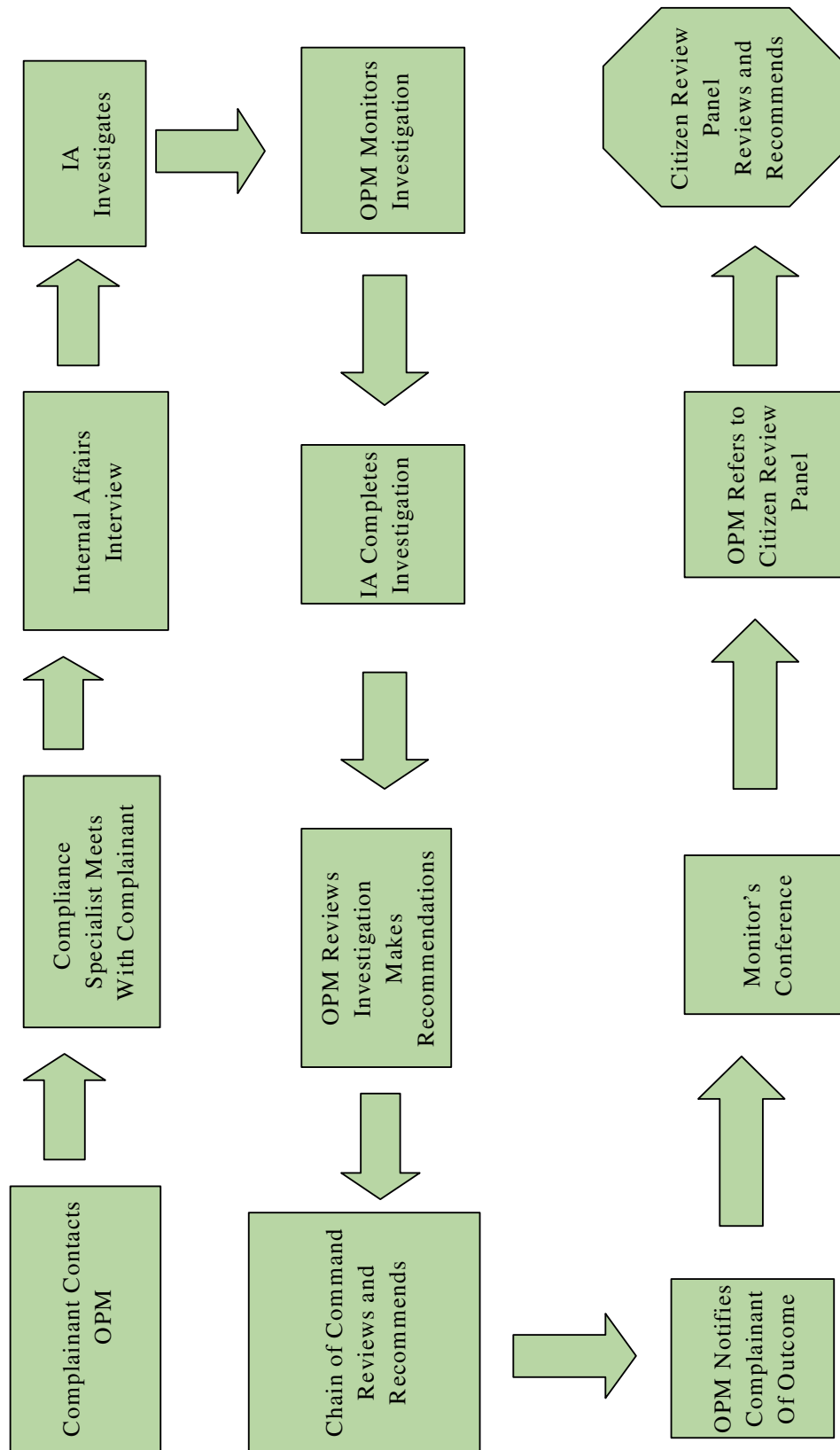
The next step is an interview with an Internal Affairs intake detective. A Compliance Specialist monitors this initial interview to ensure the complaint is handled objectively. The citizen's sworn statement is taken and is forwarded to the Lieutenant of IAD who decides if the matter is investigated or not. IAD conducts the investigation, but a representative of the Monitor's Office may be present at all witnesses interviews and may view all evidence collected in the matter.

After the investigation is completed, a copy of the investigation file is sent to the OPM for review. This review is to ensure that IAD conducted a fair, unbiased, thorough, and detailed investigation. If the OPM feels that the investigation is lacking or disagrees with the recommended decision then the Police Monitor can request additional interviews, request additional evidence be reviewed, request witnesses be re-interviewed or make recommendations.

After review of the case by the officer's chain of command, the complainant is notified by mail of the results. If an allegation's final classification is not sustained the complainant is offered a Police Monitor's Conference to discuss the issues of the complaint and investigation procedures IAD used or to provide additional information on the matter. At this point the citizen can request that the Police Monitor refer the complaint to the Citizen Review Panel for review.

The Citizen Review Panel is a seven-member panel that reviews cases referred to it at either the complainant's request or by the Police Monitor. The Panel may vote to recommend 1) further investigation by APD, 2) a policy or procedure change, 3) request an independent investigation, or 4) the Panel may affirm APD's decision.

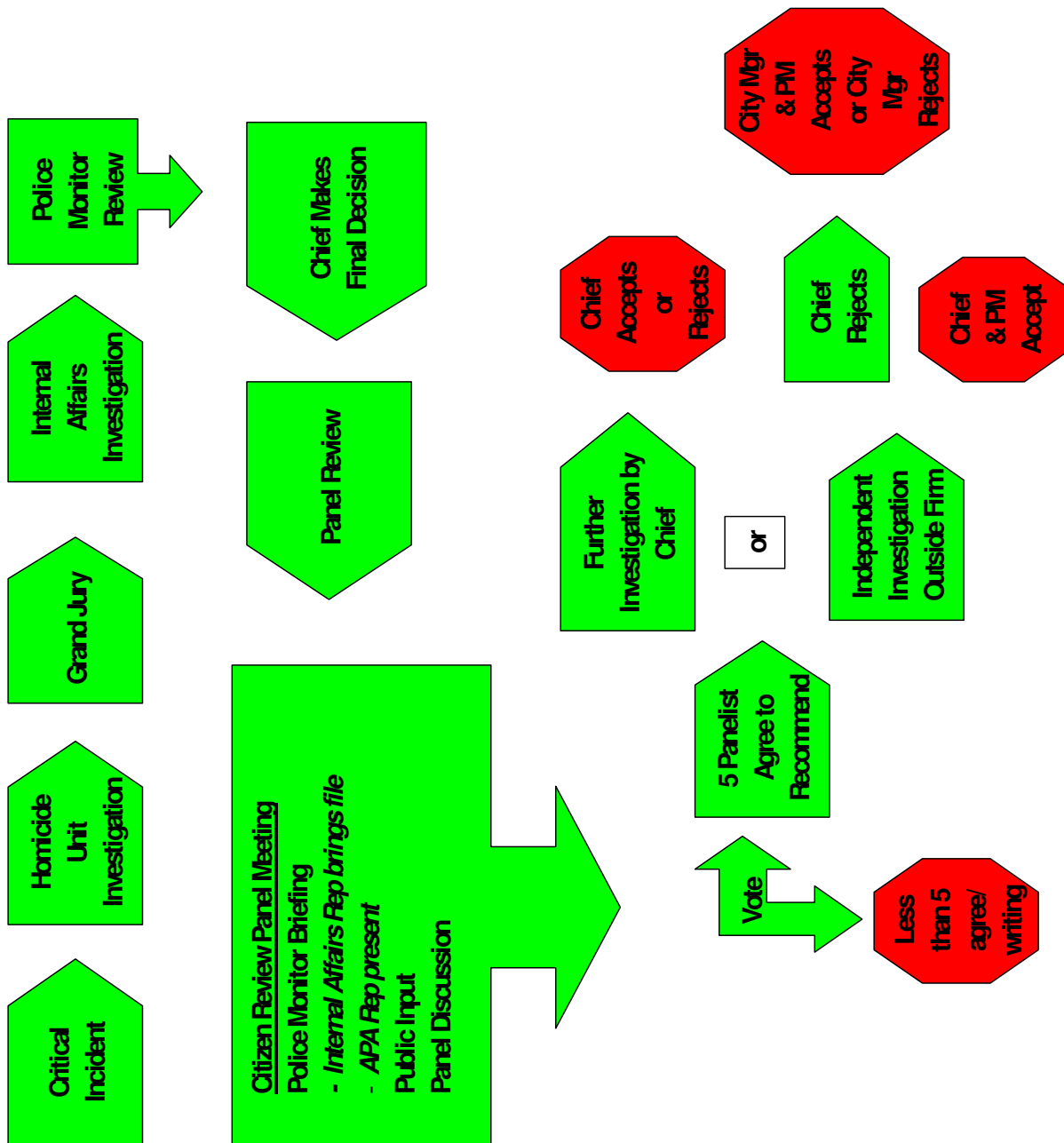






## CRITICAL INCIDENT PROCESS

The Office of the Police Monitor is notified in all critical incidents. No is required to file a complaint related to police conduct during such an incident, review is automatic. After the Internal Affairs Division and any other appropriate division finish their investigations, the Police Monitor reviews the entire file. The file is then presented to the Citizen Review Panel where the Monitor briefs the panel members, they review the IAD file, and accept public input. The Panel then deliberates and decides to proceed in one of four ways: 1) do nothing further and close the matter; 2) make recommendations on police policies and procedures; 3) request further investigation or 4) recommend that an independent investigation be conducted.



## **OPM STAFF TRAINING**

The Police Monitor's commitment to Staff training is evident in that the entire staff completed the same training required of the Citizen Review Panel.

### **Austin Police Policy and Procedure Training**

OPM Staff attended a training course tailored from parts of the Austin Police Academy, which addressed APD policies and procedures including but not limited to interviews, stops and arrests; racial profiling; use of force; arrest procedure; care, transport, and booking procedures; uniform traffic policy; impounding vehicles and family violence. The Staff also participated in a three-hour ride/walk along in each of Austin's seven sectors. Additionally, Staff took an eight (8) hour course taught by the Internal Affairs Division. Staff also experienced the Firearm Training Simulator (FATS), which placed them in realistic situations where they were forced to decide if and when to fire their weapon. In order to be thoroughly aware of APD policies and procedures and relevant topics such as racial profiling and use of force issues Staff utilizes in-house training.

The Police Monitor will continue her commitment to balance and fairness in the Austin community by requiring that her Staff participate in ongoing training beyond the requirements of Exhibit B of the Meet and Confer Contract.

## **STAFF BIOGRAPHIES**

**Iris Jones**, Police Monitor, has been licensed to practice law for over 25 years. Prior to entering private practice more than 11 years ago, she served the City of Austin as City Attorney, Human Relations Director, Cable Communications Officer and as Senior Litigator, Law Department. While in the private sector, Ms. Jones was a shareholder in a major law firm in Austin and also worked as a solo practitioner. She primarily practiced employment law, civil litigation, and public law. She is a certified mediator, a member in good standing of the State Bar of Texas; National Association of Civilian Oversight of Law Enforcement (NACOLE); World Jurist Association (WJA) and the American Bar Association (ABA). She is a Past President of the International Municipal Lawyers Association (IMLA), and currently serves as Chair of the Government Operations & Liability Committee, American Bar Association. She is a frequent speaker, presenter and instructor in both domestic and international markets. Ms. Jones is a graduate of the Thurgood Marshall School of Law.

**Alfred D. Jenkins III**, Assistant Police Monitor, has worked in both the private and public sector in the areas of civil rights, employment law and premise liability. He served as a staff attorney for a state agency where he was responsible for developing and presenting employment law training, conducting and supervising investigations into allegations of discrimination, issuing opinions on matters of ethics, and working with the Texas Attorney General's office in cases before state and federal courts. He is a Thurgood Marshall School of Law graduate and a member of the Texas Bar, Labor and Employment Law Section.

**Hermelinda Zamarripa**, Community Liaison, has worked as a political consultant for two Texas Supreme Court Justices. Her extensive volunteer work involved serving on the Blue Ribbon Task Force for Light Rail and the Austin 150 Commission celebrating Austin's 150<sup>th</sup> Birthday. She was instrumental in bringing the Parque Zaragoza to East Austin. She earned a Bachelor's degree in journalism degree from the University of Texas at Austin and is trained as a mediator. She serves on the Board of Directors of Leadership Austin. She is a native Austinite.



Seated left to right: Iris J. Jones, Alfred D. Jenkins III, Louis Gonzales III, Hermelinda Zamarripa, Flynn Lee, Alison White, Elizabeth Pugliese.

**Louis Gonzales III**, Compliance Specialist, previously served the state as a parole officer for the Texas Department of Criminal Justice and investigator of claims filed by crime victims at the Office of the Attorney General. He earned a Bachelor's degree in Criminal Justice from Southwest Texas State University, where he now pursues a Master's in criminal justice. As a member of Omega Delta Phi, Mr. Gonzales assisted in building homes and holding food and clothing drives as well as general community services to the people of San Marcos. He also helped St. John's Catholic Church, in providing services for the community.

**Elizabeth Pugliese**, Compliance Specialist, has 13 years experience as a paralegal, mainly in the areas of personal injury and employment discrimination. She holds a Bachelor's degree in Political Science and a Master's in International Relations, she continues to do research in political-military history. Ms. Pugliese volunteers with the Girl Scouts-Lone Star council and serves on the Board of the National Coalition of Independent Scholars.

**Flynn A. Lee**, Compliance Specialist, offers 17 years of combined law enforcement experience, having served as a chief deputy constable, a park police officer and a deputy city marshal. After being certified as an investigator by the Council on Licensure, Enforcement and Regulation, a nationally recognized training program, Mr. Lee investigated employment law, abuse, neglect and exploitation for two state commissions. He serves on the Capital Area Planning Council, and was an advisory committee member of the Travis County Community Justice Center. He was born and raised in Austin.

**Alison White**, Administrative Specialist, is a former business owner specializing in film/video production. She studied design at the University of Texas at Austin and is an accomplished editor of feature documentaries and corporate identity design. Ms. White was the director of photography and the sole editor for the Racial Profiling video produced by the Office of the Police Monitor.

## OFFICE OF POLICE MONITOR OFFERS ACCESS TO ALL

**By Dolores Gonzalez**  
City of Austin ADA Coordinator

The Office of the Police Monitor is committed to offering its services to everyone in the community including citizens with disabilities. Some efforts taken to ensure access are as follows:

- Staff of Office of Police Monitor has undergone disability awareness training to include a simulation on assisting persons who are Blind.
- Office has secured a TDD/TTY to receive calls from persons who are Deaf, Hard of Hearing and Speech Impaired. Additionally, all staff members have been provided Communications accessibility requirements including a simulation on using the TDD/TTY.
- Communications training also included requirements for providing information in alternative formats to persons who are Blind or Visually Impaired. A direct result is having some general information and complaint forms available in Braille and Large Print.
- A “Notice of Compliance” poster reflecting a commitment to comply with the Americans with Disabilities Act, is permanently displayed in the lobby. The notice is included in publications, agendas and other public notices.
- The Office of the Police Monitor is wheelchair accessible and has adequate parking for persons who need it.

The Office of the Police Monitor has met with the City of Austin ADA Coordinator and the Mayor's Committee for People with Disabilities.

The Monitor's Office embosses all staff business cards in Braille with “Police Monitor 974-9090.”

The Police Monitor provides information and a complaint form in alternative formats for the visually impaired.



The Office of the Police Monitor accepts complaints from all members of the Public. In conjunction with the ADA Office the OPM can provide Sign Language Interpreters.

## REQUESTS TO APD AND OTHERS

The following recommendations/requests were made during the first year. We will report the status of any outstanding requests, as well as new recommendations/requests made in the 6-Month Report in August, 2003.

DATE OF RECOMMENDATION	RECOMMENDATION	DATE OF RESPONSE	RESPONSE
6/7/02	<b>Visually-Impaired (APD)</b> – Recommend that officers carry some sort of identification to present to the visually-impaired to reassure the person that the officer really is an officer, always offer a report to a crime victim and a specific course at the Academy regarding better serving those with disability.	7/02	Officers issued Braille business cards.
6/12/02	<b>Police Academy Training (APD)</b> – Recommend that training officers at the Academy teach the policy properly and be aware of all changes in General Orders.		None Received To Date
6/24/02	<b>General Orders (APD)</b> – Recommend periodic reviews of General Orders to ensure compliance with current state law.		Accepted
6/24/02	<b>Telephone Number for Misconduct (City Manager and APD)</b> – Change telephone number for reporting officer misconduct in the telephone book to OPM	7/3/02	Number will be changed in future editions.
1/6/03	New edition of telephone book still lists Internal Affairs	1/03	Message on Internal Affairs line gives OPM number for contact.





DATE OF REQUEST	REQUEST	DATE OF RESPONSE	RESPONSE
4/22/02	<b>Ethnicity of APD Officers</b> – Request for a breakdown of APD officers by ethnicity. Follow-up request for ethnicity of officers. Request for ethnicity of officers.	7/30/02	Numbers received.
6/21/02			
7/30/02			

### **REQUESTS FOR INFORMATION**

DATE OF REQUEST	REQUEST	DATE OF RESPONSE	RESPONSE
1/29/03	<b>Search (APD)</b> – Recommend that officers always obtain written consent before searching a person, vehicle or location. Follow-up on recommendation		None Received To Date
3/14/03			
1/31/03	<b>Gifts/Gratuities (APD)</b> – Recommend that the current policy on Gifts/Gratuities be changed to prohibit the acceptance of any gifts/gratuities of any kind.		None Received To Date
2/7/03	<b>Training Records (APD)</b> – Recommend that training records from the Academy and Field Training period be gathered in all IA investigations in which an officer has been with APD less than 2 years. Follow-up on recommendation.		None Received To Date
3/14/03			

DATE OF REQUEST	REQUEST	DATE OF RESPONSE	RESPONSE
5/20/02  6/11/02 7/25/02 9/24/02 9/27/02	<b>Racial Profiling Test</b> – Request for racial profiling test given to officers during Academy training. Follow-up request for test. 2 <sup>nd</sup> Follow-up request for test. 3 <sup>rd</sup> Follow-up request for test. Request for information on how test is administered, how are the results used and how often will officers be trained.	9/24/02	Test received.
7/31/02	<b>Sexual Assault Victims</b> – Raised concerns about sensitivity when dealing with victims of sexual assault and requesting training materials regarding dealing with sexual assault calls.		Suggested OPM wait to decide insensitivity occurred until after investigation of complaint.
10/29/02	<b>Strength of APD</b> -- Request for current number of officers.	10/30/02	Current figures given.
10/30/02	<b>Racial Profiling Training</b> – Request for information on how many officers have been trained, when will all the officers be trained and are there any plans for continuing training.		None Received To Date

DATE OF REQUEST	REQUEST	DATE OF RESPONSE	RESPONSE
10/30/02  4/4/03	<b>Standard Operating Procedures</b> – Request for all standard operating procedures of APD. Follow-up request for all SOPs.		None Received To Date
12/5/02  12/27/02  1/30/03 3/14/03 4/4/03	<b>Search Cases</b> – Request for all cases related to searches for three years from the date of the request. Request any further cases and a recheck of records to ensure OPM has all the cases. Follow-up on request for all cases. 2 <sup>nd</sup> follow-up request for all cases. Request cases again, clarify exactly what cases are requested.	12/02  1/20/03	4 cases received  Commander Owens is complying with request for cases.  Verbal response, no more cases.
12/20/02	<b>Witness Interviews</b> – On-going problem regarding timely notification of witness interviews, offer to review transcript is not accepted. Reviewing a transcript is not the same as attending the interview.		None Received To Date
12/31/02	<b>180-Day Rule</b> – Clarification of section of the Local Government concerning the imposition of discipline within 180 days from the date of incident.		None Received To Date

DATE OF REQUEST	REQUEST	DATE OF RESPONSE	RESPONSE
1/13/03          3/14/03	<b>Officer-Involved Shootings</b> – Request for work schedules of the four officers involved in shooting incidents during 2002 for the 30 day period before each incident. Follow-up request for work schedules.		None Received To Date
1/13/03          1/23/03          3/25/03	<b>Racial Profiling Stop Data</b> – Request for all raw data and analysis of data on all traffic stops from 2001 and 2002.  Questions related to information provided: 1) different number of categories listed for disposition of traffic stops and pedestrian stops; 2) how is the information on ethnicity taken from the driver's license if the driver's license does not list ethnicity; 3) how is the information on the FO cards verified.  Comments and questions on racial profiling report – 1) report requirements; 2) missing numbers; 3) analysis of information; 4) disposition of each stop; 5) verification.	1/21/03	Will provide the data on stops and searches by Friday or Monday at latest.  Information provided.

DATE OF REQUEST	REQUEST	DATE OF RESPONSE	RESPONSE
1/22/03  3/24/03  3/28/03	<b>Officer-involved Vehicle Accidents</b> – Request for all cases related to officer-involved vehicle accidents. Follow-up request for officer accident cases. IAD has asked us if we would like to review such cases in the past, and IAD assigned case numbers to all such matters as found in the IAD database, therefore such cases must exist.	3/26/03	No such cases exist, since IA does not investigate.
1/23/03    3/3/03	<b>Re-Enactments</b> – Clarification of whether or not the OPM may be present at re-enactments of critical incidents, whether IAD is there or not. Follow-up request		None Received To Date
1/31/03   2/23/03	<b>Arbitration Information</b> – Request for how many arbitrations were held in 2000, 2001 and 2002 Follow-up request for number of arbitrations held each year.		Numbers received.
2/7/03   3/24/03	<b>Sworn Statements</b> – Request for all copies of sworn statements taken from complainants since Feb. 11, 2002. Follow-up request	3/31/03	Working on the request, compliance requires hand-checking every file.

### REQUESTS FOR RECLASSIFICATION

DATE OF REQUEST	REQUEST	DATE OF RESPONSE	RESPONSE
9/24/02	<b>02-195</b> - Reclassify from a C		Request granted, classified to a B. ( <i>See</i> Requests on Cases for further requests on this matter).
9/26/02 11/22/02 12/10/02  3/21/03  4/4/03	<b>02-229</b> - Reclassify from a C and secure tape. Follow-up request 2 <sup>nd</sup> Request for reclassification and secure tape Follow-up request for reclassification and secure tape. Request for videotape.		None Received To Date regarding the videotape.
9/26/02  12/6/02  1/23/03  3/24/03	<b>02-175</b> - Reclassify from a D 2 <sup>nd</sup> Request to reclassify, clarification of facts in file 3 <sup>rd</sup> Request for reclassification and demonstrating that remarks made were in the file, not opinion of OPM. Request to examine file since copy provided to OPM only contains 1 sworn statement of complainant.	11/25/02  1/20/03	Refused based on contents of file. Refused because of alleged “highly judgmental” comments on facts.  Comments not in either of two sworn statements in file. Offer to allow examination of file.



DATE OF REQUEST	REQUEST	DATE OF RESPONSE	RESPONSE
12/10/02 1/16/03 1/21/03	<b>02-288</b> - Reclassify from a D Follow-up request Again request reclassification, contending that claims cannot be considered unsubstantiated before an investigation.	1/20/03	Claims cannot be substantiated, therefore no reclassification.
12/20/02 2/10/03	<b>02-276</b> - Reclassify from a D Follow-up request and forwarding further information.	4/4/03	Refused – no new information, merely a disagreement over how a matter was handled.
1/9/03	<b>02-272</b> - Reclassify from a C		None Received To Date
1/9/03 1/21/03	<b>02-265</b> - Reclassify from a D 2 <sup>nd</sup> Request for reclassification and question as to how the “evidence” could show anything since there was no investigation.	1/20/03 4/4/03	Refused, no evidence.  Refused no evidence supporting main complaint.
1/19/03	<b>02-311</b> - Reclassify from a C		None Received To Date
1/29/03 3/3/03	<b>02-303</b> - Reclassify from a D Follow-up request		None Received To Date

### REQUESTS ON CASES

DATE OF REQUEST	REQUEST	DATE OF RESPONSE	RESPONSE
7/9/02	<b>Closed Case</b> – Request for closed case to review.	7/30/02	Requested file does not fit criteria for OPM to review closed cases.
9/25/02	If not permitted to review file, request answers to questions regarding when the complaint was received, how was it classified and what was the outcome.	9/26/02	Will get back to OPM on this.
9/24/02	<b>02-144</b> – Further questions in a complaint regarding the handling of a domestic violence call.		None Received To Date
9/26/02	<b>Early Warning System – Officer History</b> – Questions involving the use of the early warning system and a certain officer's disciplinary history. (related to <b>02-045, 02-069, 02-102 and 02-106</b> )		None Received To Date
12/4/02	<b>02-169</b> – Request to interview officer rather than rely solely on officer's memorandum.		None Received To Date

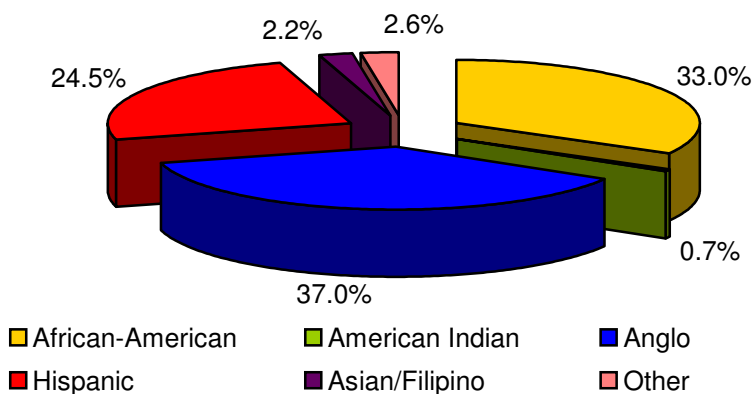
DATE OF REQUEST	REQUEST	DATE OF RESPONSE	RESPONSE
12/20/02	<b>02-235</b> – Clarification of why this matter was originally classified an “A” and later changed to a “B,” why the officer was retained after staff at the Academy recommended termination and the type of sexual assault/sex crimes training received at the Academy in the modified class.		None Received To Date
12/20/02  1/9/03	<b>02-202</b> – Request for meeting to discuss whether or not consent to search vehicle was consensual or coerced after complainant was handcuffed. Timing of handcuffing – handcuffed after first refusal to search vehicle.	12/23/02	Handcuffing was for officer safety, and the search of the vehicle was only a “frisk” type search not needing consent.
1/7/03	<b>02-267</b> – Request for clarification of the General Orders regarding seizing evidence from the mouth area and to reconsider the case given the ambiguity of the General Orders.		Recommendation will be sent to the Policy Review Committee and no reconsideration of the case, since “it is agreed by both the OPM and the IAD that the officer’s action were necessary.”
1/15/03  3/14/03	<b>02-181</b> – Request for reports, photographs and videotape before 180-day deadline. Follow-up request		None Received To Date
1/28/03	<b>02-298</b> – Request for transcript of interview with officer.		None Received To Date

## ETHNICITY AND GENDER OF COMPLAINANTS

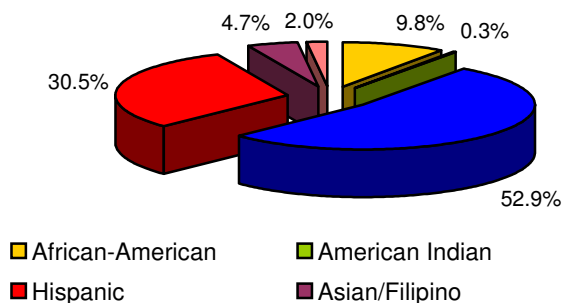
The set of three pie charts below compare the ethnicity of complainants to the Austin population at large, and APD officers. The ethnicity of complainants is based on the person checking one of the following ethnic categories on the OPM's complaint form: African-American, Anglo, American Indian, Hispanic, Asian/Filipino or Other. The ethnicity of the Austin population is from the 2000 census data and the ethnicity of APD officers is from the APD Human Resources Department as of January 10, 2003.

Ethnicity	Complainants	Austin Population	APD Officers
African -American	33 %	9.8 %	10.3 %
American Indian	0.7 %	0.3 %	0.2 %
Anglo	37 %	52.9 %	71.1 %
Hispanic	24.5 %	30.5 %	17.4 %
Asian/Filipino	2.2 %	4.7 %	1.1 %
Other	2.6 %	2.0 %	N/A

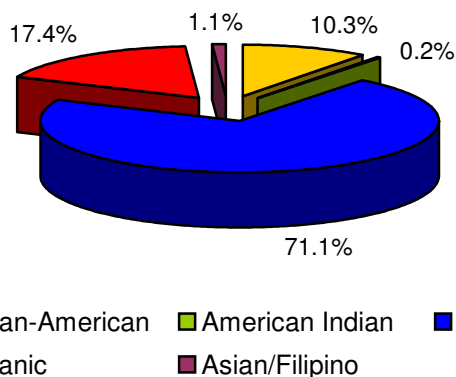
### ETHNICITY OF COMPLAINANTS



### ETHNICITY OF AUSTIN POPULATION CENSUS 2000

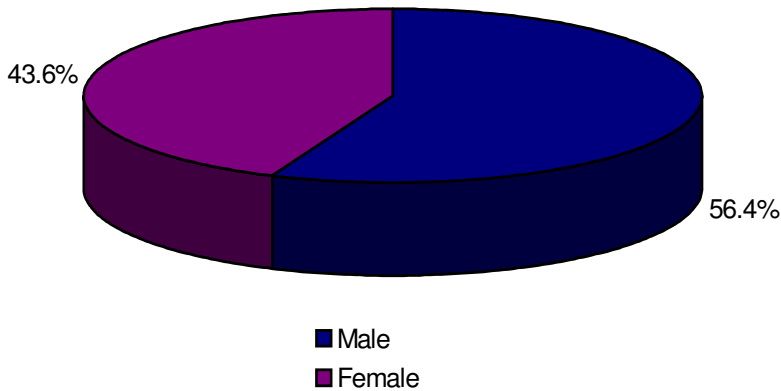


### APD OFFICERS APD HUMAN RESOURCES DEPT.

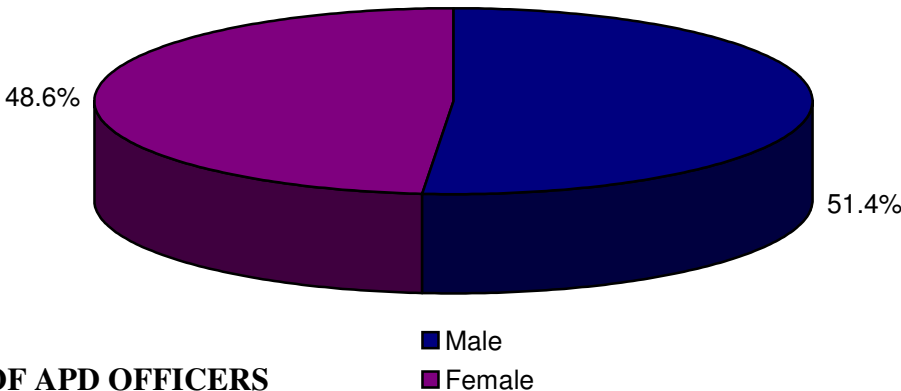


The set of three charts below is a comparison of the gender of complainants to the Austin population and APD officers.

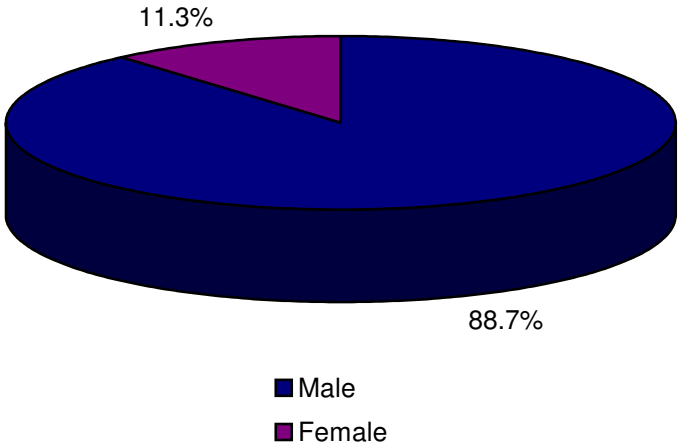
**GENDER OF COMPLAINANTS**  
**FEB. 11, 2002 - FEB. 11, 2003**



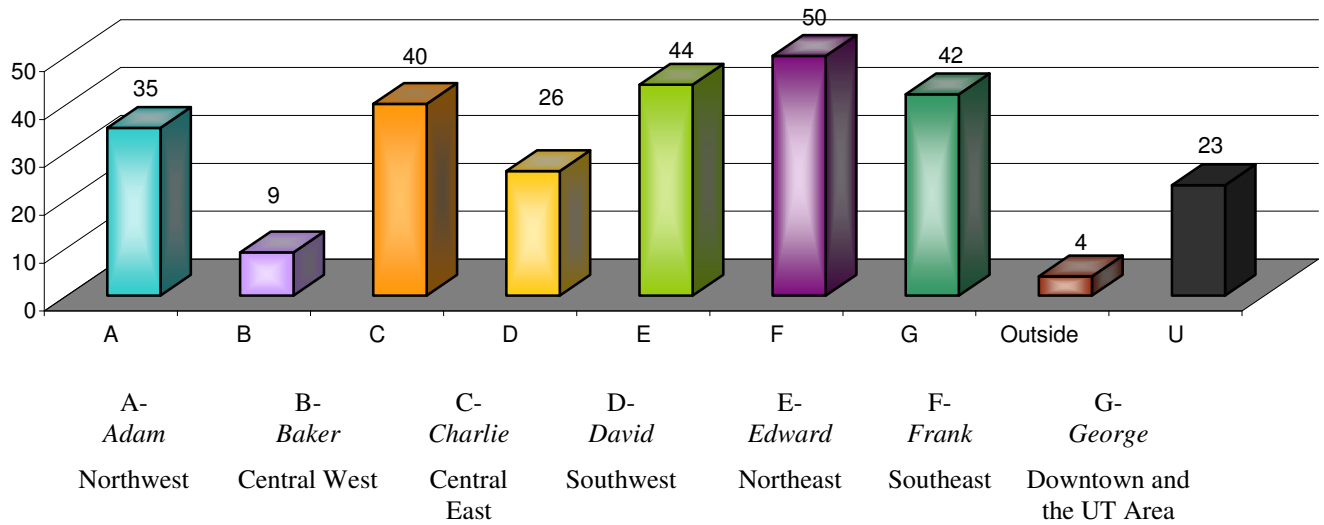
**GENDER OF AUSTIN POPULATION**  
**CENSUS 2000**



**GENDER OF APD OFFICERS**  
**APD HUMAN RESOURCES**



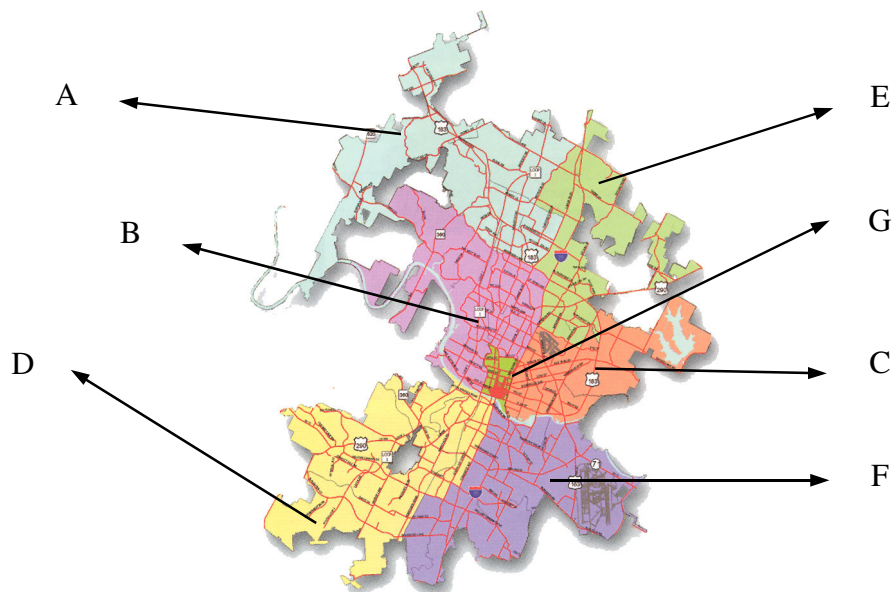
### COMPLAINTS BY SECTOR



The Austin Police Department had divided the City of Austin into seven sectors. Each sector represents a particular geographical area of the City.

Some complaints are listed as “Outside” because officers may have encounters with citizens outside of APD Jurisdiction. Officers are still bound by APD’s General Orders, policies and practices, even outside the jurisdiction.

The “U” stands for “Unknown.” For whatever reason, the person at the time of filing the complaint was unable to give an area or address where the alleged incident occurred. Since these complaints are often closed due to the complainant failing to continue the process with the Office of the Police Monitor and/or Internal Affairs, it is often times impossible to determine the appropriate sector.





**ANALYSIS OF COMPLAINTS BY SECTOR**  
**GENDER OF COMPLAINTS IN EACH SECTOR**

	A	B	C	D	E	F	G	Out	Unknown
Male	16	3	27	16	24	20	31	4	13
Female	19	6	13	10	20	30	11	0	10

**ETHNICITY OF COMPLAINANTS IN EACH SECTOR**

	A	B	C	D	E	F	G	Out	Unknown
African-American	10	2	27	3	15	7	16	1	9
American Indian	0	0	0	0	1	0	1	0	0
Anglo	19	4	6	11	13	22	17	1	8
Asian/Filipino	1	1	0	1	0	2	1	0	0
Hispanic	3	2	7	9	13	19	6	2	6
Other	2	0	0	2	2	0	1	0	0

In order to make a proper comparison, one must have a baseline. Although we are aware that this is not statically accurate for every sector, given the lack of exact numbers for each sector, we have assumed, for the sake of analysis, that the numbers of each ethnicity given for the Austin population as a whole is proportional to their representation in each sector. Given this uncertainty, we have exercised a certain amount of leeway in interpreting the data. In addition, the information is based on the complaints received in this office by persons who have voluntarily come to our office to file a complaint. Finally, the number of complaints outside the jurisdiction and the unknowns were not analyzed.

Of the complaints as divided by sector, citizens in Baker sector (Central West Austin) were less likely to complain about misconduct than any other sector of the city, as they were only 3% of the total complaints. In the remaining sectors, no one sector showed a tendency for people to file a complaint than any other sector.

Men were more likely to complain in Charlie (Central East Austin), David (Southwest Austin) and George sectors (Downtown and UT area) than women. Women were more likely to file complaints from Adam (North West) Baker (Central West) and Frank sectors (Southwest Austin).

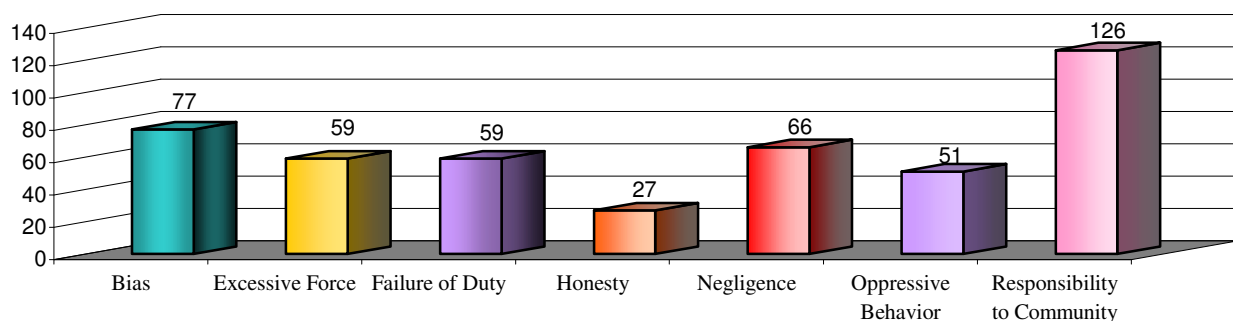
In most sectors, African-Americans were more likely to file a complaint than any other ethnicity with the exceptions of David and Frank sectors. Both of those sectors appear to have a fairly proportional distribute of complaints across the ethnicities, meaning no one ethnicity is more likely to file a complaint than any other. Those identifying themselves as Asian/Filipino were more likely to file a complaint in Baker sector. Those identifying themselves as Other were more likely to do so in Adam sector (Northwest Austin). In general across the sectors, Anglos were less likely to file a complaint, with the exception of Adam sector where the likelihood of filing was equal to their representation in the population. Hispanics were less likely to file in Adam, Baker, Charlie and George sectors.

## ALLEGATIONS

In the first year the Office of the Police Monitor received 273 complaints containing 465 allegations. A complaint covers one incident but that one incident may consist of more than one allegation of misconduct, therefore there are often more allegations than complaints. Each allegation is then incorporated into one of seven main categories for analysis purposes. The complete list of allegations appears on the page opposite, with each allegation listed under its main category. An allegation does not mean that the misconduct occurred, only that the complainant is stating that it occurred in his/her version of the event. If Internal Affairs deems it necessary, an investigation conducted by IAD will determine whether the allegations are sustained or not. This list also includes all allegations against APD, whether or not the complainant continued the complaint process.

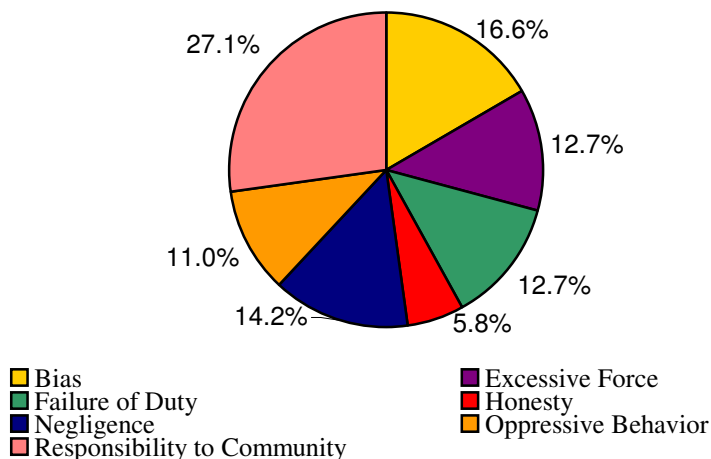
The chart below shows each of the seven categories and their total complaints in each.

### CATEGORIES OF ALLEGATIONS



### ALLEGATION CATEGORIES PERCENTAGES

At right, the chart demonstrates the percentage of each allegation to the total number of allegations received as a whole.



<b>BIAS</b>	Harassment	38
Allegedly demonstrating a preference that interferes with equal treatment or judgment.	Non Impartial Attitude	19
	Racial Epithets	5
	Racial Profiling	15
<b>EXCESSIVE FORCE</b>		
Any alleged force causing lingering pain ranging from handcuffs too tight to broken bones.	Excessive Force	59
<b>FAILURE OF DUTY</b>	Failure to Arrest	4
Allegedly not performing duties as trained or as called for in policy or procedure.	Failure to Investigate	31
	Failure to Maintain Custodial Property	2
	Failure to Protect	4
	Failure to Respond	6
	Failure to Supervise	1
	Improper Procedure	15
<b>HONESTY</b>	Changed Witness Statement	1
Any act not that is allegedly not done in a truthful manner.	False Arrest	24
	False Report	1
	False Statement	1
<b>NEGLIGENCE</b>	Denied Medical Attention	1
An alleged act of omission or neglect of reasonable care, precaution or action.	Failure to Properly Charge	1
	Improper Search	8
	Inaccurate/Incomplete Report	12
	Misconduct	9
	Mishandling Case	6
	Negligence	1
	Reckless Driving	3
	Wrongfully Impounding Vehicle	4
<b>OPPRESSIVE BEHAVIOR</b>	Abuse of Power	7
An alleged act of persecution or unjust use of force or authority.	Assault	2
	Coercion	5
	Destruction of Personal Property	2
	Family Violence	1
	Intimidation	32
	Retaliation	1
	Theft of Property	1
	Wrongful Detention	7
	Wrongful Search	10
<b>RESPONSIBILITY TO COMMUNITY</b>	Antagonism	8
Any act that allegedly fails to serve the community in a courteous manner as trained or according to policy and procedures.	Failure to Identify	7
	Hostility	2
	Insensitivity	2
	OPM Information Not Given by APD	1
	Profanity	11
	Responsibility to Community	1
	Road Rage	2
	Rudeness	38
	Striking Vehicle	1
	Unprofessional Conduct	53

## ALLEGATIONS CATEGORIES

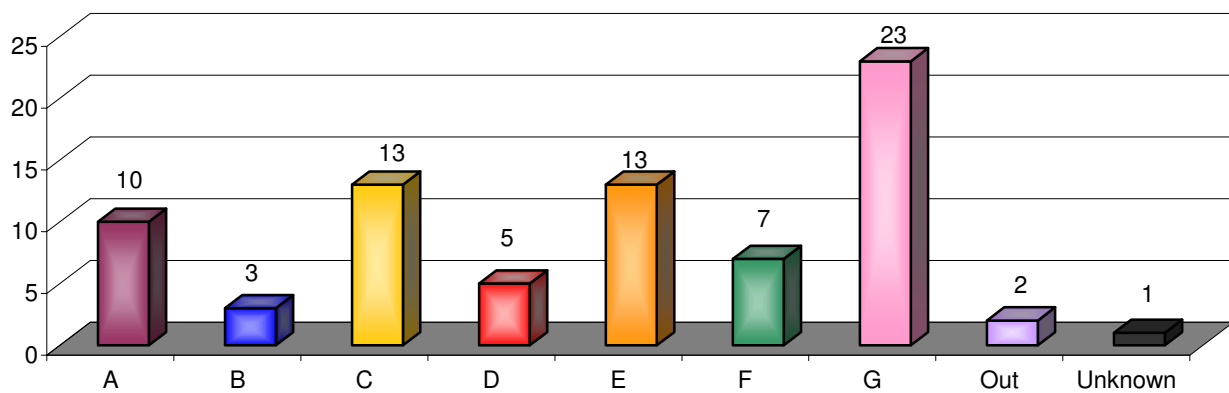
### GENDER

	Bias	Excessive Force	Failure of Duty	Honesty	Negligence	Oppressive Behavior	Responsibility to Community
<b>Male</b>	54	34	31	17	18	34	60
<b>Female</b>	23	25	32	10	27	34	66

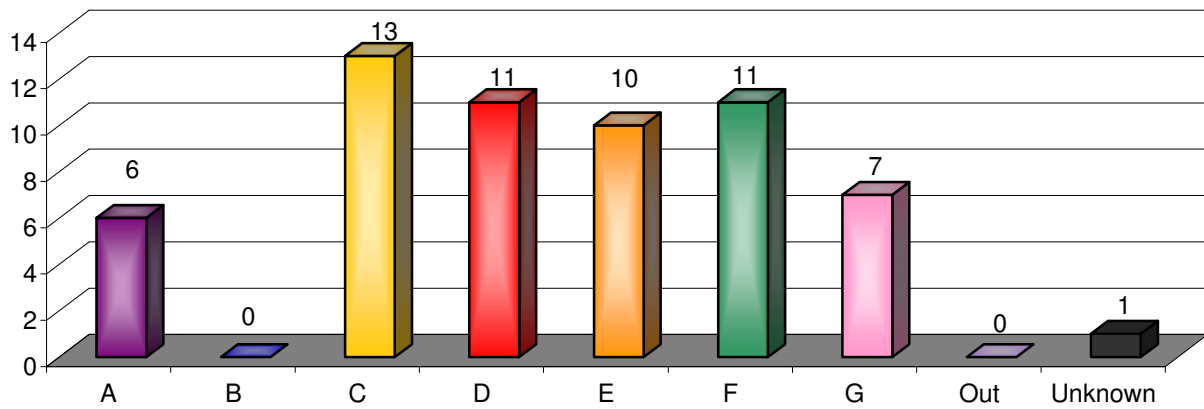
### ETHNICITY

	Bias	Excessive Force	Failure of Duty	Honesty	Negligence	Oppressive Behavior	Responsibility to Community
<b>African-American</b>	31	22	22	10	20	14	26
<b>American Indian</b>	0	0	0	0	2	0	0
<b>Anglo</b>	23	17	20	9	16	35	60
<b>Asian/Filipino</b>	3	4	2	0	0	2	0
<b>Hispanic</b>	18	15	18	5	7	15	38
<b>Other</b>	2	1	1	3	0	2	2

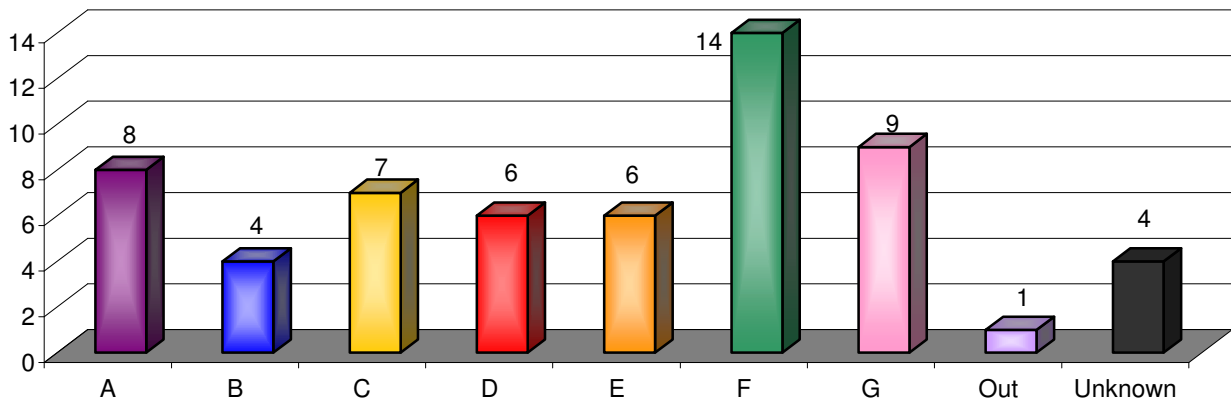
### BIAS ALLEGATIONS BY SECTOR



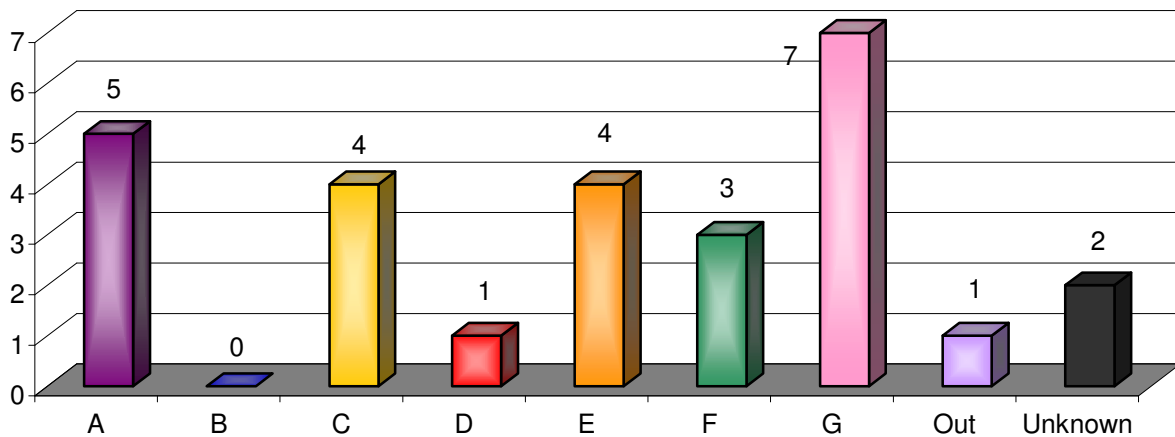
### EXCESSIVE FORCE ALLEGATIONS BY SECTORS



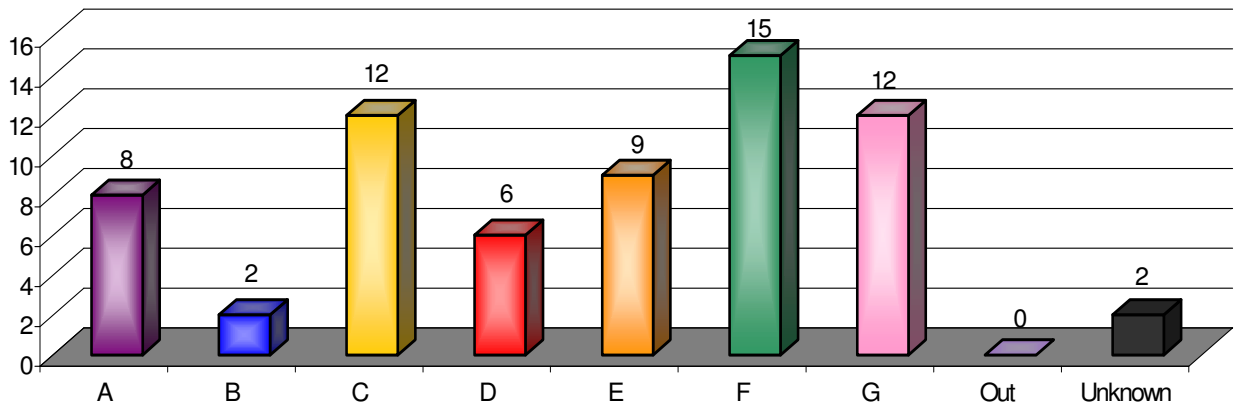
### FAILURE OF DUTY ALLEGATIONS BY SECTOR



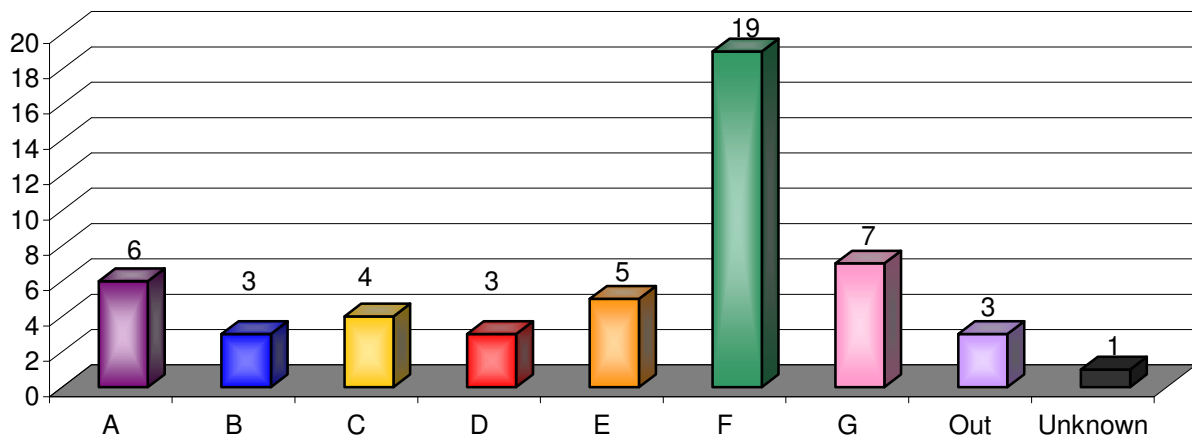
### HONESTY ALLEGATIONS BY SECTOR



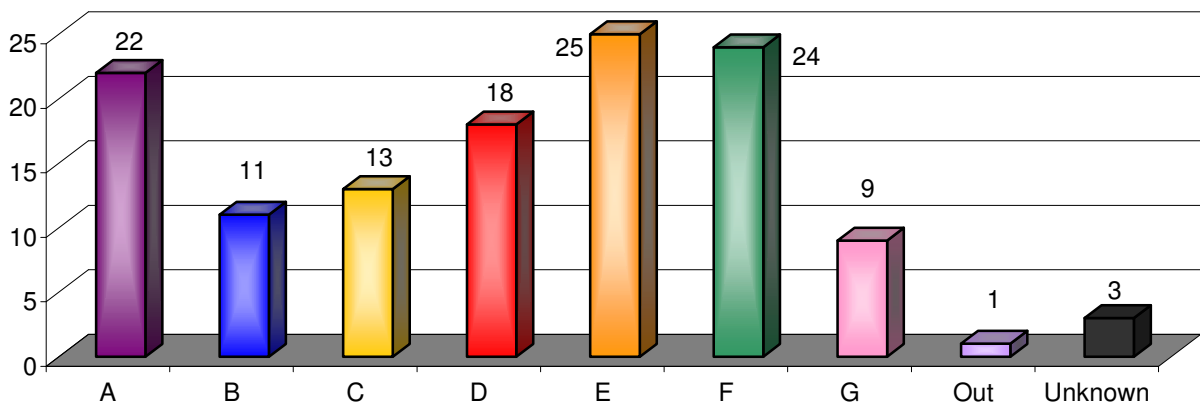
### NEGLIGENCE ALLEGATIONS BY SECTOR



### OPPRESSIVE BEHAVIOR ALLEGATIONS



### RESPONSIBILITY TO COMMUNITY ALLEGATIONS BY SECTOR



## **ANALYSIS OF ALLEGATIONS BY GENDER AND ETHNICITY**

The allegations contained in each complaint were separated into seven categories. The gender and ethnic breakdown for each category are contained in the previous tables. In order to analyze data in the tables, two baselines (outside numbers) of comparison will be used: the overall Austin population according to the Census 2000 data and the percentage of complaints filed by each ethnicity or gender. The Austin population data is not subject to the restrictions used when analyzing by sector because we are looking at the complaints filed for all of Austin.

Using the total Austin population figures, among the seven allegation categories, men were more likely to complain of Bias, Excessive Force and Honesty issues than women and were less likely to file Negligence allegations. Women were neither more nor less likely to file any type of allegation over any other type. When comparing issues based on those filing complaints for each gender, men were more likely to file allegations concerning Bias and Honesty issues, while women were more likely to complain of Negligence and Responsibility to the Community issues.

When comparing the African-American population in Austin to the allegations filed, they are more likely to file allegations in all seven categories. Since they also filed a larger percentage of the complaints than their representation in the Austin population (33% of complaints filed as compared to 9.8% of the population), this is to be expected. However, when comparing the total of each category of allegations to the percentage of those in the category filed by African-Americans, it shows that they are more likely to file Bias and Negligence allegations, while less likely to file complaints containing allegations concerning Oppressive Behavior and Responsibility to the Community issues.

Based on their representation in the overall Austin population, Anglos are less likely to file Bias, Excessive Force, Failure of Duty, Honesty and Negligence allegations. As a percentage of each allegation filed, they are more likely to file allegations related to Oppressive Behavior and Responsibility to the Community Issues, while less likely to file concerning Bias, Excessive Force, and Honesty issues.

As a proportion of the Austin population, Hispanics were less likely to file complaints containing Bias, Honesty and Negligence allegations. Based on the number of allegations filed, they are more likely to file regarding Responsibility to Community issues and less likely when the issues concern Negligence.

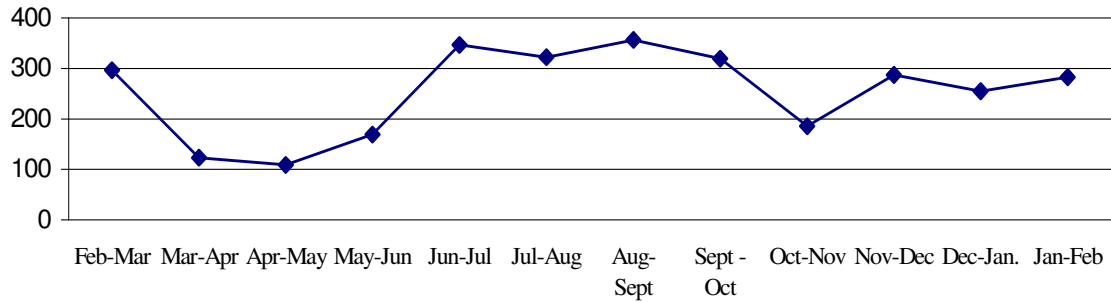
Those identifying themselves on the complaint forms as Other were more likely to file on Honesty issues whether the comparison is made to the population data or as a percentage of the allegations. American Indians and Asian/Filipinos were neither more nor less likely to file in any category.

Many factors can affect why someone chooses to file a complaint and which allegations that person chooses to include in the complaint. The allegations listed are not based on the truth of the allegation or the outcome of the complaint, but only on what a complaint swore to in the filed complaint. The above analysis is only based on those complaints filed with the OPM and should not be considered an indicator of any specific problem at this time.

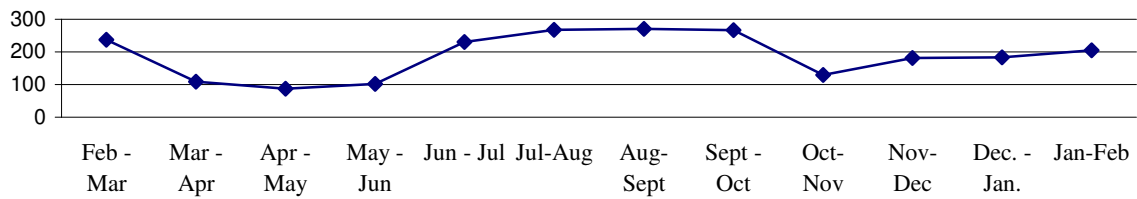


## CITIZEN CONTACTS

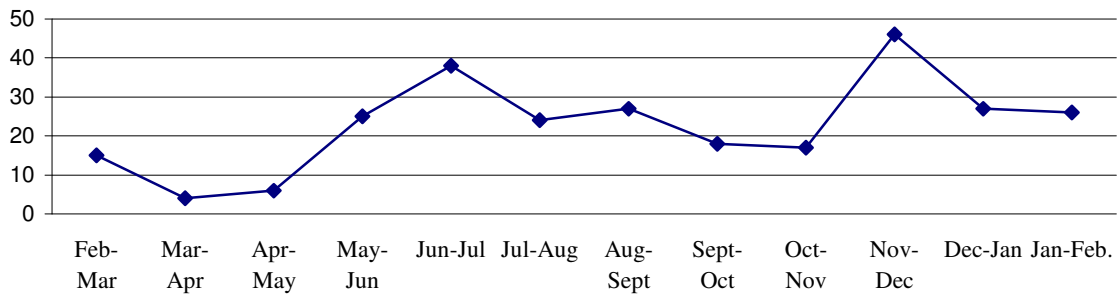
TOTAL CONTACTS  
FEB. 11, 2002 - FEB. 11, 2003



CALLS RECEIVED IN OFFICE  
FEB. 11, 2002 - FEB. 11, 2003



TOTAL COMPLAINTS RECEIVED  
FEB. 11, 2002 - FEB. 11, 2003



VISITORS TO OFFICE  
FEB. 11, 2002 - FEB. 11, 2003

