

Audit and Finance Committee Meeting Transcript –10/26/2016

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>> Tovo: Good morning. We now have a quorum of committee members. I'm mayor pro tem Kathie tovo, I chair this committee and I would like to call it to order at 9:10. Our first order of business is to approve the minutes of September 28. Will councilmember pool moves, councilmember Renteria seconds. All in favor? That's unanimous on the dais. I don't believe we have any citizens signed up for citizens communications. All right, so we will go to item 3, please, and let me just say I don't show any citizens signed up to speak about anything today so if you intended to speak and you are here to do so, just get someone's attention and let me know. Okay. City auditor. >> This is our city auditor's integrity unit fiscal year 2016 report. This is actually our first in recent times, maybe our second or third total annual unit for the unit and it summarizes the work we've done related to investigations. So Nathan is the chief of investigations and will be making the presentation. >> Thanks, Corey. Thank you, mayor pro tem and councilmembers. Good many and thank you for having us. So as Corey stated today I'll be presenting on the city auditor's integrity unit activities for fiscal year 2016. So in this year we received 306 allegations and one -- do I have a -- thank you. My apologies. One key thing I would like to point out, we received 306 allegations, but we're on a trend that's been increasing over time so in comparison to two fiscal years ago, we're up 47% in terms of allegations received. So our allegations came from a variety of sources. 51% came through the hotline

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program so that's the primary mechanism by which anonymous allegations come into our office. So we have a web forum on line, a hotline telephone and anonymous email so people can reach out to us in that manner. We've had direct contact make up 42%, which is folks reaching out directly to someone in our office. And we also get 7% from referrals from departments or auditors. So the percentage of allegations we received within our jurisdiction was 39%, and this is pretty consistent with prior years. 61% were outside of our jurisdiction. So approximately 50% of those were personnel, H.R. Issues. That could include discrimination, harassment or hiring type concerns. 40% were operational in nature and

better left to the department. And 11% were criminal issues. And all of those that are outside of our jurisdiction are generally immediately referred or referred shortly after conducting some limited work on it. So during the year we opened 29 cases after conducting due diligence on the allegations and we completed 26 cases. Of the 26 investigations or cases that we completed, we had 16 that were substantiated, meaning we found adequate evidence that a material violation of some of our criteria, that material violation of fraud, waste and abuse occurred. And in nine of those allegations they were material enough where they were going to be or they were reported to council or presented or going to be presented to the ethics review commission. So material enough that they couldn't be handled internally by a department but were more appropriate for public conversation. Of those nine reports we issued we saw a positive trend

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so one of the key actions or key fumes items -- items we look for is whether or not departments are taking action based upon substantiated investigations. Accountability action has already occurred and in a few others it's pending, but our understanding is that in those cases accountability action will occur. And that's all I have. I'm happy to take any questions you have. >> Tovo: Questions, colleagues? I have a couple. Of the percentage that were outside your jurisdiction because they were personnel issues, do you have a sense of what percentage of that 49% were discrimination, retaliation, harassment? >> I do have those numbers. I don't have them on me but I can provide that to the committee. >> Tovo: That would be terrific because that, of course, relates to the resolution last spring to set up a process dealing with discrimination, retaliation and harassment. It would be interesting to know those numbers. >> Certainly. >> Tovo: I think I had one other question for you. Can you speculate or provide some information about why you think the number of allegations has gone up by such a percentage? What was the time period where it increased 47% -- oh, from fiscal year 14. >> Correct. >> Tovo: What are some of the reasons you might attribute that increase to. >> As you said, it's purely speculation on my part. We have a fair number of marketing and outreach efforts that we undertake as an office so we go to supervisor and manager trainings and get the word out about the integrity unit. The services we offer and the fact we're a resource. During the last year we developed a video that's shown at new employee orientation talking about our office. Our activities are fairly well publicized. Beyond that, again, it would be purely speculation. >> Tovo: And then do you

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have a sense of whether the percentage of substantiated claims is about -- has remained constant, has increased? Are you getting more complaints that aren't substantiated? I guess that would be one of my overall questions if the number of complaints is increasing, if the percentage of substantiated ones remains about constant or if that goes down. >> Certainly. I don't have the number at my fingertips. From the best of my memory looking at the data, it seems to be fairly consistent or going up slightly. >> Tovo: Going up for terms of substantiation? >> Yes, ma'am. >> Tovo: And I apologies for not getting those questions to you in advance. Anything else? And is this an item we need to accept or just hear -- okay. Very good. Thank you so much for your work. Our next and really our last item of substance today

is a relook at the Austin police department audit. And so would you like to hear first from the auditor who worked on this again? With any updates? I think primarily we asked for this to come back because we had questions for our police representatives. So -- why don't we invite you all to the table, if you would, the auditor who worked on it as well as our police monitor and our police chief. Thank you all for being with us today. >> Yes, I think having made the presentation last time and I believe you all had some questions directly for the police department and perhaps the police monitor. So we don't have an additional presentation, but are certainly available to answer questions. >> Tovo: Thank you. I appreciate that. Councilmember pool. >> Pool: A quick question. Chief Acevedo, thank you for

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the response you sent to us I think it was yesterday. Do you have any extra copies available? Well, we can make -- I got one here to share, but I think also the press may want to see it. Is that an extra one there? Okay, great, thank you. Thank you so much. >> Tovo: Just to recap, the memo we received yesterday does respond to some of the questions that committee members raised last time, in particular there were questions about the data base and why it didn't include all incidents that have been brought to the attention of supervisors. I think that's one area that I would like to focus some time on, but I would just, again, open it up to questions from you all first. So let's start there, if we can. And probably this is a question for chief Acevedo. I think one of the findings that was of concern is the fact that some of the complaints, according to the audit, didn't appear to be following departmental policy. And I wondered if you could speak to whether or not you believe that to be the case and if so how you plan to address it. I know your memo touches on that but probably some in our audience haven't had an audience to read that. >> Good morning, mayor pro tem and committee councilmembers. Art Acevedo, morgo and chief mcilvane. Looked at our processes to insure things are being done the way they are supposed to be done. We have several hundred supervisors and managers in our department and, you know, policy is very clear that when you have an inquiry, even if

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you resolve it to the complainant's satisfaction, you must document that and it must be included in the internal affairs file for purposes of the gap, the guidance advisory program. There will never be 100% guarantee people will policy. That's why a couple things have happened in response to the audit. Number 1, we put out a training bulletin to ensure everyone has received, again, the bulletin to reinforce policy. Number 2, we have instituted a change to our disciplinary matrix that has placed employees and supervisors on notice that failure to handle a complaint the way it's required to be handled by policy, a first offense will result in a 15-day suspension up to and including indefinite suspension and it will depend obviously on the employee's history but also the serious Ness of the complaint and the circumstances. And the second failure to not handle a complaint investigation appropriately will result in automatic indefinite suspension. I'm convinced that people are smart. They know when they see they are going to get at least a 15-day suspension including up to indefinite the majority of folks are going to do the right thing. But we can't just rely on policy and the fear that they may get caught because some people are going to do what's called risk management. So we're going to

include more robust audits. The only thing I do not know at this time is whether or not our risk management division has the band width to do the ongoing audits that we want or if we need to establish an inspections unit to actually conduct inspections of our procedures. The other thing is we're going to put the complain process, how to file a complaint and how to actually commend an officer because we don't want to get -- when we fall short, we want to reinforce good

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service, good policing and we want to acknowledge that behavior. That will be on our tickets, hopefully by the beginning of the year. We have to reinforce out the -- run out the current lot that we have and we're almost done with the pamphlet we're going to be providing to all folks we come into contact with on how to give back feedback, and lastly we're going to end up doing a lot more surveying with the people we come in contact with. There's going to be a lot of nets cast to make sure we're doing what we're supposed to be doing. >> Tovo: Would you like to -- >> If I can. The chief put out a training bulletin recently for commanders -- I mean for supervising officers to remind them of the responsibility to fill out what's called the complainant contact form, and I will tell you from our experience it worked. People got the message because we have seen a large increase in the amount of can complaint contact forms coming into our office. And so I think that people, the chief spoke, I think the supervisors listened. So we have seen a drastic improvement in a very short period of time. >> Tovo: Thank you. That's very good to hear. Can you tell me, chief, when you put out the bulletin? >> I don't have -- do you have the actual date? >> It was about three weeks ago, shortly after we got the results of the audit. I spoke with Ms. Stokes and kind of got a little additional information as to that finding and then I worked with our training commander to put together that bulletin along with commander Krause and we got that pushed out within a week or two of the audit findings. >> Tovo: If possible it would be great to share that with members of the audit committee but I'm glad it's had the resulting impact our police monitor described. When you talk about the information that's going object on tickets and the information that's in the

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brochure, can you be specific about what kind of information is included? Does it have a contact to the office of the police monitor, for example? >> Yes, it does. It will have information on what the actual complaint process is in the city of Austin. It will have information how to contact the monitor. And it will also have information how to commend a police officer. I always sell cops we're selling two things people don't want to buy, jail and tickets. When you can write somebody a ticket and actually thank you, some of the folks because I get the email from people that say an officer stopped me, he or she was so professional and I deserved the ticket but the way the officer acted. So it's going to have the opportunity for people to have information on how to do both. And we're going to do more surveying. I don't think that we are doing enough surveying of the public and so we're going to continue to send out surveys not just from a random survey of enforcement contacts and calls, but also utilizing next door and some of our other platforms to reach out to our community to get feedback. I'm happy to report that we still exceed national standards in terms of citizen satisfaction. >> Tovo: You touched on -- on something that I don't believe is in the memo about doing more internal audit -- it wasn't clear whether

you are talking about doing more of an internal audit or more requests to our city auditor to monitor this process. So if you could explain. >> We need to do a little bit more auditing internally. I believe that - because the auditors, you know, she and her team have a huge job not just worrying about the police department but the entire city of Austin and all of our sister agencies. We're going to look the bandwidth of our risk management unit that works on risk management issues to see if they have the bandwidth to do more auditing of these issues or may have to put together a inspections unit to work on nothing but inspections of the standards, processes and systems and complaints and

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I'll probably work with morgo to see if we can strategize together how that should look. And on a -- probably on a semiannual or every three years we'll probably ask the city auditor to audit these processes. Also our evidence process and one other critical process because we meet every year talking about upcoming and I can see us asking her to do an external audit of these systems probably every two to three years. >> Tovo: Councilmember Renteria. >> Renteria: Yes, thank you, chair. I would like to know the procedure like if someone violates the policy and you discipline the person maybe for -- by laying them off, one, two, three day, what's the procedure? Do they actually have to leave the site? Do anyone pick up their salary and continue paying them or are they just cut off? >> No, I mean that's a misnomer. People always call it paid vacation, some of the critics of the police department. They don't understand when you get suspended, they have to turn in their badge, equipment, their id and they don't -- they don't come to work for whatever number of days they are suspended. And they aren't police officers for those number of days. They lose their seniority, a lot of people don't realize if you get a 45-day suspension, you just dropped to the bottom seniority of that class because you've been suspended from police work and you do not get paid. I know the union has done fundraisers in the past, the Austin police officers association to help employees, but that has nothing to do with the police department and that's nothing I would support. >> Renteria: I really want to thank you for letting us know that because that -- concerns and rumors have been in the community and I wanted

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to make sure that people understand exactly -- and I really want to thank you for -- I know I'm fortunate that the information, you had the meeting with your staff was leaked out, but I tell you, it really shared the community that something is -- that you are really taking this really serious about all that has been going on in the past. >> Well, I appreciate that, but what upset me about that being recorded and placed out in the media is that, you know, I know how the media is, they have to kind of spin things so they can have a sexy story, and I felt that they try to make it look like the command staff is not in line with the values of our organization. And the truth of the matter is that we had 18 commanders and I was addressing two or three of them. And the vast majority of our command staff, our executive team and the men and women that I lead are absolutely committed to the I care values that we share, our organizational values, community values and are committed to 21st century police to go the extent we actually looked at that report from the -- that the white house task force put together and we were doing everything in that commit and are committed to doing everything in that report before the report

was ever published, so thank you. >> Tovo: I want to talk a little about the finding that the barriers to the complaint process may discourage people from filing complaints. You've talked about new ways of educating the public through tickets and through the brochure you've put together. Is it communicated - one of the audit findings it may not be widely communicated people can file complaints. And one if mostly. -- Anonymously. How do you intend to address those? >> We also have a role to educate people about the complaint process. And there were a couple recommendations for us and

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we've already begun to very serious work on them. We've run into a few barriers because we have to walk this line between educating the public and people thinking we're out soliciting complaints, which we're not allowed to do and in terms of the meet and confer. But one of the things that we have done in all of our literature is to make it clear to people that there is a process where they can make an anonymous complaint. However, you have to understand there are some state statutes that come into play and the fact that if you are going to file a formal complaint against an officer, someone has to swear to that complaint. So that obviously goes absolutely against the idea of somebody being anonymous. That does not mean, and I will tell you there have been circumstances where someone has come particularly -- they usually come to us and say I want to remain anonymous, but will give us enough information that we can provide it to the police department so they can start with they refer to as administrative inquiry which is something they can do. If it looks like there is something that's there. A lot of times people say they want the complaint to be anonymous because they are concerned of some sort of retaliation, but after a discussion with them of the fact that the information that they have is important and that they -- encouraging them to come forward, most of the people who call my office and say they want to be anonymous decide that they will give their name. After they understand what protections are in place to protect them against any kind of retaliation. But we do have sometimes people who call and say I don't want to give you my name. Most of the time those sort of situations are more minor sort of things and we refer those to those as a citizen contact and take the information and pass it on to the police department. >> Tovo: Thank you for that

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additional information. So in terms of the police department's communications on the tickets and otherwise, will those reference an opportunity to file a complaint anonymously? Has that language been added to the -- >> We haven't finalized that language, but we're not opposed to doing that. >> And I would hope we can work together because quite frankly we have a lot of this language already developed and whether it's a -- our literature or developing it I think it's a great idea [lapse in audio] Kind of like political campaigns. So we have some literature we can share. >> Tovo: That would seem appropriate especially if you are designing a new brochure. One of the other barriers that of the identified as a [inaudible] For filing complaints is location of the police monitor. Police monitor's office. So I wondered if you could address that. >> You know, my understanding is that at one point I know the office located off 290. Now we're at the Rutherford campus. The Rutherford campus presents a challenge for a lot of people who have to come dealing with anybody that are in that office whether it

be the health department, you know, APD, internal affairs, APD recruiting, you know, waste management services. So it does present some issues. It is on a bus line, not on a very straight bus line. People tell us they have to take a couple buses. But it is not the ideal location. Kind of best practice is that the -- not be located the same place as the police department as far as like at a precinct or a head quarters just because it kind of takes away from the whole idea you get to

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go to an independent body. But the location does present some issues. We have attempted to overcome that by the fact we have a very -- we let people know you never have to set foot in our office, so we will do it by email, by phone. They can arrange to, you know, have things notarized somewhere else. We always have notaries in our office if they do come in, but we try to do some things to overcome that. >> Tovo: Great. And I know you do a great job of getting to community events and making sure people are aware of the work [inaudible]. Councilmember Renteria. >> Renteria: Thank you. I believe that those forms are also on our city website, correct? >> Yes, sir. >> Renteria: Okay. >> We're actually working -- we have some of the things in response to the audit we said we wanted -- one of the things suggested was that we have a better explaining in writing -- explanation in writing of some of our processes. We have put those together. We have those available in our office and are giving them out at different forums. We're in the process of trying to get that on our website. Sometimes a little difficult here in the city to get things on your website because we don't -- we're not big enough to have like our own web master, but we're working to be able to have those and we have information on how to file a complaint actually right now six different languages. And the plan is we give those things out to different communities and the libraries and different places, but also have our own website so somebody could actually click on, see if they wanted it in arabic, they could click on the arabic language and be able to read the information. >> Renteria: I would -- I have a newsletter that I print

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out. >> Absolutely. >> Renteria: If you can forward that to my office, I would appreciate that. >> Absolutely. >> Tovo: I'd like to address the section of the audit that talks about APD policies and practices making it difficult to handle complaints. That's not an area you addressed directly in the audit itself and our conversation, as you know, last month was kind of abbreviated. The audit points out that there are differences in how different supervisors classified events in terms of relative importance of them. And I'd like to have a sense of what your intent is from our police department, how you intend to address that issue. >> Yes, ma'am. So the -- the classification process, depending on how the complaint comes into internal affairs, if it comes through the office of police monitor, obviously their office will make a recommendation. Ultimately what it will -- once the facts of the case are reviewed by the internal affairs investigators, they will make a recommendation on the classification. At that point it's strictly a recommendation that is then pushed out to the chain of command and once the chain of command also has a chance to look at the facts, then a classification is agreed upon. If there is a disagreement, usually those will be handled between the police monitor and internal affairs and the chain of command prior to the investigation being completed. But if -- if there are disagreements, we try

and get those handled prior to the final disposition of the case. But it's a process that, again, internal affairs is not going to make the absolute final decision on that. That's going to be something that occurs with the chain of command's input based on the facts of the case. >> Tovo: I think I would like to ask our auditor to remind us of the findings because what it sounded like to me from the report is that

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there was a difference, a discrepancy among how different supervisors recognized the same kind of complaint in terms of severity of it. So I think the example our audit offered is that several supervisors indicated that a complaint about rudeness was serious, others considered this a minor issue. Then in terms of how the violations were identified, there were some discrepancies. So I think I would just ask you to remind us what that finding was so we can get a response. >> Sure. So there's a couple of issues. On the front end if a complaint comes in to the department and it's handled within the chains, within the supervisory chains, then there was some kind of disagreements about what would constitute a serious violation and what would be a more minor one. And the policy kind of distinguishes the two categories but doesn't define exactly what's serious versus what's minor. That could be a contributing factor to kind of this gap and what's retained within the department and what actually eventually makes its way into the complaint classification system and through internal affairs. That was one kind of factor that we thought was a little problematic. And then there's a couple other issues there. The violation identification, when a complaint comes in or allegation comes in, then eventually internal affairs staff is responsible for identifying the potential policy violation that may have occurred. The different policies that could have been violated in that. And sometimes we saw a couple cases where the policies that were identified didn't really match the nature of the complaint. So if the right policy is not identified on the front end, then that's going to maybe make it so the investigation doesn't get the proper vetting that it otherwise would. So that's kind of one voter of that. And then the third area I think you're talking about is the complaint classification itself. So there's -- there's quite a few different categories. But essentially the last two,

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the first two categories essentially say that if this policy was violated, then you are going to get this degree of discipline. The last two are essentially no policy violation occurred. And so the nature of assigning that classification to that is going to make it so it doesn't get the full investigation, and then when it lands in command staff's authority, then essentially the policy -- it's already been determined the policy violation didn't occur. So that is obviously going to impact the discipline. Probably mean no discipline occurs in those cases. >> So I'll speak to the three points. The discipline matrix in our policy does outline guidelines regarding the serious nature of complaints versus the less serious nature of complaints, minor complaints. That's just a guideline. Every complaint and case is going to be fact specific and there are going to be more than just the words on the complaint that are going to be taken into account. The officer's history, the call, if they were on a certain type of call. There's a lot of other factors that go into the decision on what a -- what classification the complaint ultimately gets. And that is a collaborative process, again, that is handled between internal affairs, the office of police monitor

and the chain of command. So if officer A gets a complaint of rudeness and based on our matrix it's considered a minor nature complaint, officer B may get a rudeness complaint but because his officer has had previous rudeness complaints or other issues, the chain of command may decide it is a more serious complaint. And so those are other factors that have to be considered on a case-by-case basis when a complaint is initiated. As far as -- I'm sorry, did you speak to the second point again? >> Sure, the second one was

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the identifying which potential policy was violated. >> Gotcha. Thank you. So when a complaint comes in, whether it be through the office of police monitor or internal affairs, many times that complaint will - we'll have to vet that complaint to see what actual policy violation has been violated. And it may not be an apples to apples issue. So a complaint may read a certain way, but we don't have a actually policy that speaks to that complaint so we have to determine what actually has been violated. And that again is a collaborative process. Internal affairs is the first step. They will vet the complaint, determine what they believe the policy violations are, but then that is pushed out to the chain of command. It is not a final decision, and the chain of command then will view the facts of the case and as well weigh in on whether or not those policy violations they concur or if they believe additional policy violations need to be investigated or not. >> And I think it's really important for the community to remember that the police monitor is my eyes and ears and ultimately the community's eyes and ears when there's a disagreement between the chain or internal affairs and with one another or the chain and the police monitor and internal affairs the police monitor, ultimately if she does not agree, she will come to the police chief and we'll decide. Because the investigations aren't for the chain of command. If investigations, ultimately the people responsible for the findings is the police chief. That's been our agreement and people ask me about oversight. I support oversight because I have someone that is a disinterested party that is completely removed from the police that is truly the eyes and ears of the police department and the police chief and ultimately the community. >> I concur. I mean one of the

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conversations commander cross from IA, he can tell you, and I think I've had the conversation with every IA commander, I tell them I agree I will have a conversation with you. If there's a disagreement about a policy violation or how a case should be classified, but I absolutely reserve the right to just jump right over your head and have a conversation with the chief if it's something that I feel strongly about. Now, something minor I'm not going to -- you know, I may not do that, but as far as a few of the cases you've seen recently in the news, the chief and I had some pretty good conversations about the fact if I thought there were some things that need to do have attention where perhaps members of the chain of command did not. And they were investigating and given appropriate attention and quite frankly the people who were perhaps neglecting their duty had some consequences for that too. And I think that sends a very strong message to members of the police department and also to the members of the public that we're taking this seriously. >> Tovo: Thank you for that. One of the examples cited in the audit talks about the classification -- that internal affairs changed the classifications for several

complaints. And as I understand this section, in most of the cases the classification was changed to a D meaning there was no support for the complaint, but yet there were -- there could also be a complaint that stayed as a that was determined to be unfounded. So I think the line that summarized that section talked about both situations are effectively the same issue with the same outcome, but the classification and disposition are recorded differently. Who wants to address that as to why it's happening or what your intentions are for moving forward? >> So if a complaint comes in to internal affairs or the Austin police monitor and face value it is determined without

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any further investigation that it did not occur, that the facts of the case, whether or not through a video or whatnot determined it does not require further, it could be quickly reclassified as a D and sent to the chain of command saying we've done a very pre cursory look at this and this did not occur and therefore for classification purposes it's listed as a D, no policy violation has occurred. A different situation would be, let's say, a class a, a serious violation ---I'm sorry, a complaint come in and an entire investigation takes place. People are interviewed, evidence is gathered, statements are taken, and at the end of that case it is determined that no policy violation was -- did occur. The classification would stay the same, it would just be listed as unfounded. The entire investigation occurred, it was a class a investigation, but ultimate will the disposition turned out to be unfounded that the case -- the violations did not occur or exonerated if we found out actions did occur but they actually physical within policy, that could occur as well. >> And I will say this is probably the area where we start having the great divide between the police monitor and the police department, in the fact that the public's reaction, and I think having the public having confidence in this process is really what it's all about. Is that the public's reaction when they file a complaint and the next thing they get, they get a notification from us your complaint has been -- you know, here's your investigator, we'll keep you advised. Then the next thing they get is that the case has been administratively closed and what they know is no one has spoken to them, no one has spoken to the witnesses, and as far as they know, in their mind no one has done anything. That is where the level of disconnect and quite frankly mistrust by the public comes

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into play. So we have encouraged the police department to make infrequent use of this D classification where basically someone is deciding -- and sometimes we just disagree. I mean someone saying, well, the video clearly shows, and it's like well, the video actually shows the officer using inappropriate language to the person. So we do have disagreement in that area. We have recently commander Krause and I have agreed and actually it started with the previous ia commander, the idea being that before it's recommended as a D, that there will be a consultation with our office and we will let them know whether or not we agree with the change of the classification. I think it's something that should be used sparingly. And a lot of cases the -- it happened, it just may not be a policy violation. So I think more often the exonerated or unfounded is the appropriate designation. But you know, I think that's an area where the public doesn't understand, and I will tell you, not because of these guys, but because of some concerns raised through grievance against me, I have a very limited ability to explain to the public what

happened in their case. And I think that that has, again, a detrimental effect on the public. It's like this mystery. I came to the police monitor's office, I filed my complaint, it went into the abyss and then I get told that the decision was made that there wasn't -- you know, my case has been closed and the public feels like what happens in between. I think there's -- the need of

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transparency, we need to educate people. >> Tovo: Just one second, if I could. I'll be glad to give you a chance to respond. I want to go back to our auditor and you heard two different scenarios. Does that fit with the camps that sometimes were -- examples that sometimes the distinguishing factor was whether or not they went through a full investigation? Is that an accurate assessment of the examples you looked at? >> I'm not sure what the question was. >> Tovo: Sure. So one of the -- I think the explanation we heard is that sometimes those claims are looked at and are immediately determined to not be founded. And so those are classified, reclassified as a D. On the other hand, if there's a full investigation and those are looked at and determined to be unfounded or within policy, I think our police monitor used the term exonerated, that those would continue to be listed as an a, but then be determined to be exonerated or to be within policy or unfounded claims. Does that -- does that match the examples that you looked at that some had a full review and that's why they remained as an a and some did not? >> More or less yes. The ones that came in and there are some that come in that are very obviously going to be closed out right away and are very minor. So that is a portion of the population. Then the ones that were categorized as an a, I think we saw evidence they did get a full investigation and vetting, those are the most serious complaints and they definitely get a full investigation. There's kind of this gray zone in between where it's not obviously very minor and it's not obviously very serious. There's this chunk in the middle that there is opportunity for it to be assigned to the D classification, and then there's the elements the police monitor is talking about where the public receives something that basically indicates or at least as far as they are

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concerned it really didn't get the full vetting. And those are the ones that just the nature of assigning it as a D is going to make it so you are not going to have the interview witnesses and interviews of the officers and going those extra steps. That was the population we were concerned with. >> If I may real quickly. This is something that in many of our audits towards the end of the audit we start discussing the appropriate recommendation and this is one that we spent some time talking through with APD. In order to figure out -- so going back to I think 2007, the department of justice had a similar concern that we had which was this is overly complex. That the fact that the classification can mean both the kind of how it's categorized in terms of what punishment could occur and how it is resolved was a problem for us in trying to analyze across complaints that come in. For that reason and he we talked about this a lot and kind of went through the evidence, many are falling in the -- they kind of stayed -- they were assigned a classification and then after some review whether this was in a week or 30 days got reclassified. Our recommendation really was to leave those pending. So not assign a classification right away, but rather wait until that preliminary evidence review occurred before trying to categorize it

based on what discipline could occur. And I believe the police department concurred with that piece and basically leaving them pending longer will reduce the number of changes that happen after they get their initial assignment. >> To speak to that, there are some factors that play into

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that that. The fact that is a recommendation from internal affairs, the final decision is going to come from the chain of command all the way up to the assistant chief, in some cases the chief of police. That time you may see a classification begin one way and take longer, 30 days or month, there are factors that may play into that where the chain of command, certain folks in that chain of command are on vacation or unavailable, the chain of command hasn't had time to getting that decision back to internal affairs. So that is something we could absolutely work to clean up so that it's clearer that -- why that time has taken place and keep it as pending as something we can review and take into account. >> Tovo: I'd like to talk, and this may speak to the point that just was raised. Our police monitor has said that there is -- is there an agreement to meet when there's a differing classification? I wasn't clear on what you said, whether that's an ongoing discussion about they need to meet or -- >> No, no, what occurs is when someone comes into our office, what I have instructed my staff is that you look at it from the point of if the person-if what the person is complaining of, what they say is true, what would it be? Would it be an A or B or in some cases what they say, even if true, it's not a policy violation. So there are cases in which from the start that we -- and we tell the complainant, you know, this does not appear to be a policy violation and our recommendation from the start that it be a D. Because even if it's true, it's not a violation of the rules.

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So usually in those cases we try to encourage people to go a different route rather than have a coverings with the supervisor. -- Conversation with the supervisor. The vast majority of cases are B because it's not something that's going to get the officer fired, which is basically how I distinguish A's. So most of them are B's. If when we send it to IA, if the chain comes back and says we think it's a D, there is a consultation between the police monitor, usually the complaint specialist and the sergeant and investigator in IA. If they can't reach -- my staff is required to staff that either with Louis Gonzalez, my assistant or me, and if we don't reach an agreement, then it kicks up levels on up the chain, all the way up to perhaps the chief and I having conversation. >> Tovo: Thank you. The memo addresses this, the regular meetings between the office of the police monitor. >> Well, the -- >> Tovo: I think the audit had found that -- >> There is -- in the meet and confer it talks about there's supposed to be a quarter meeting between the police monitor, the chief and police and I will tell you we all see each other and meet often, but we haven't like sat down and said, okay, this is our quarterly meeting, but the chief and I were talking about the fact we need to correct that and say, you know, even if it's -- we're all on the fifth floor for disciplinary hearing and have a separate conversation. >> I think from my perspective we exceed that requirement because we're interacting with one another on at least a weekly basis if not a daily basis and that means the police monitor, myself. I think she's been living in my office recently with all the discipline we've had.

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But we interact quite frequently. So what we are going to do is actually just formalize and just document one day a quarter when meeting a quarter just to check out box. >> And I think it's certainly legitimate and there have been times, not necessarily I will say when the chief and I weren't communicating, but there have been times in the history of where the communication, the little triangle wasn't necessarily working well. But I will tell you, the Apa president has me I think on speed dial. So he comes to my office and we have conversations if he has a concern. It's not as if the communication is not occurring. But I absolutely recognize that we do need to formalize that. >> Tovo: I don't want to monopolize. Councilmember Renteria, did you have a question? >> Renteria: No. Go ahead. >> Tovo: No, you jump in. >> Renteria: My only question is that the transparency part of the people that file complaints, the next thing they find out is that you're saying you're investigating and then you come out and say, well, it's been closed. And is that part of the contract that you had with the union or is that a state law that you can't say what? >> It's a combination of the two. The state law, if the officer doesn't receive at least a day's suspension, it greatly limits what can be disclosed. And the contract does nothing to change that. So as to allow the discussion to be held with the complainant as to what was found during the investigation. Or even the results of the investigation as far as the officer didn't receive a

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reprimand -- didn't receive a suspension, but received a reprimand and is required to go to training. We can't share that with the complainant, which I think is detrimental to what we're trying to accomplish. >> Renteria: Thank you for that information. >> Tovo: That's an interesting point. I don't know if our assistant chief or chief want to address why that's the case. I believe that our police monitor is making a good point that that information could be very useful to the public, especially those who are -- who have made the complaint. >> That is part of civil service law. That is written into the state law that -- it's. G file material. It could result in formal discipline in the form of one day of suspension or greater. Anything, an oral reprimand, written reprimand, anything less than that, would not be able to be disclosed. >> Tovo: Thanks for that reminder P councilmember pool. >> Pool: Knowing that and also knowing that the public may not know that or understand that about civil service law and the protections of personnel records and so forth, do you think it would be useful to have some kind of boilerplate language that would just express that? That what a finding of no substantiation may or may not actually mean so that it would -- >> We do tell the complainant if a complaint -- if the allegation was sustained. That is something that we share with the complaint so that we know whether it was sustained or not. I've got a draft asking them to clarify a few more things because of the grievances that have been filed. I don't want to violate obviously civil service, I don't want to violate state law, but I think in the same way we create some issues for ourselves where it --

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the complainant is wondering what on Earth happened with my case? You tell me it's finished and closed, but what happened? And what did you do to investigate it? That's more important. You often

hear that the idea of, you know, procedural justice is sometimes more important than -- >> Pool: That's exactly right and I think that would help build the trust in the community if they understood that this wasn't swept under the rug or it wasn't ignored, but in fact there was procedural justice that was pursued and you don't have to give necessarily any specifics, but just walk them through the time that was taken and just a general process, if that were something that could be public, then that may be really helpful. >> Well, I think it has shown in the past to be helpful because one of the things we find is that very often people would come for what's called a police monitor's conference and they would be angry, but once they understood what the process that had taken place and the -- often some very pain saving investigation, thorough investigation, they say I may not agree with the result, but least I know somebody looked at it. And that is, quite frankly, been taken away and I think that that's going to prove to be detrimental. >> Pool: And if you think of it kind of like a trial, trials are really public and you can see what the questions are and you can see if there's deliberation and see things. Here you can't do any of that, but we may be able to give some information about the steps taken so there was some process followed and that may help people understand a little bit better that we did take their concern or their complaint seriously and did the best we could to figure out what may have gone wrong. We determined that nothing did. Or maybe something did.

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>> Tovo: I want to talk about the finding that talks about the police monitor's ability to access investigation records. The audit cites the agreement with the Austin police association that, quote, the police -- or the police monitor showed, quote, I have -- this is what happens when you spend too much time as an academic. I put the quotes in the wrong spot. The police monitor has, quote, unfettered access to the internal affairs investigation process, end quote. But yet the audit showed that that's not the case, that the police monitor actually has to request hard copies of the files -- the records that are maintained by internal affairs. I wondered if you all could address that point? Maybe we'll start with our auditor? Would you mind explaining a little bit about that, about your finding? >> Sure. So you characterize the requirements of the agreement with the Austin police association properly there. And just our concern was that there's kind of two different ways of maintaining case documentation. There's the electronic system and there's hard copy records. And that from time to time there might be a need for access to both of those. And that usually to get access to both of those that has to be on a case by case that access has to be requested. There's not a documented procedure that defines when that access would be granted on the front end. It's a matter of request. >> Tovo: So to be clear, your audit doesn't suggest that there have been limitations in that regard, just that there is not a documented process and there's not -- and that may be the process that's been set up doesn't really meet the standard of quite, quote unquote, unfettered access. >> Correct. >> If I may, the process used to be that internal affairs would create a link

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for the electronic version of the file and then give permission to individuals within our office. The process I think has improved greatly. And I can go in and access all the files for which there has been

electronic version created. I will tell you, there's some difficulty and sometimes there's not an electronic version created. So that creates some issue. And I think that needs to be addressed. But for most cases I can go in and I can access everything that is in the internal affairs investigation strongly. If there is something that's not on that link, it's not that I could not get it, but I would have to say -- for one, I would have to know that it exists, and then my staff would have to say hey, can you either load it electronically or can we come down and see it. The problem occurs more often as far as the fact that that electronic I'll I'm going to say doesn't always get created as quickly as at least we want on our end. But we have access. There are times when my staff will say something like I want to see the D map or have the radio traffic and not so much currently, although it does still occur. And where somebody will say why, to which my -- I have a little bit of response of "Because I want to." I don't really my my staff or I should have to explain to anyone why we want access. We should have access to anything. That's what the public expects and that's what we need to do our job.

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That having been said, somebody may say that and I will tell you, I called commander cross and said -- or Louis, called even the lieutenant, we've never had a problem with the fact that it gets loaded. >> Tovo: Good. But I guess I would turn to chief MCHE will vein to ask if you're the appropriate person. What is the answer to the hard copies? Getting the hard copies made part of the digital file. I don't know how frequently that happens, but since it's come up in the audit, if you could address what a.p.d.'s plans are with regard to them being in part of the digital file so the monitor doesn't have to ask for them if they exist. >> I'm not aware of an instance where there's a hard copy and not an electronic file. If there's an instance we would absolutely correct that. The only thing I could think of is if there's just a lag time in getting that electronic file created. Not that it doesn't exist or hasn't been created, but if there are instances where that's happened we would absolutely get that corrected. >> Now, I -- there are some rare circumstances and they're extremely rare where there has been -- where there may be a case that is of such sensitive nature that the decision has been made that we will not have an electronic file that is basically on the system so as to make sure no one, whether within the -- quite frankly, the police department, the monitor's office or elsewhere in the city, can access. Now, that's extremely rare and usually, quite frankly, that's a case that I'm handling myself. There is every once in awhile a case where if I want to look for a record I'm going to go down to ia and read everything. There's not going to be anything available for other

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folks to see. >> Or that the electronic file just might be so restricted, there is an electronic file, but it's not easily accessible, whether it's for the reasons that the police monitor has stated. >> I think I'd like to chime in that we've had instances in the nine and a half years that I've been here where items ended up in the media and it's created a lot of problems because rights are violated, the law is violated, and so when it's something really sensitive to protect the police monitor, to protect the police department, we're putting extremely tight restrictions. There are some things that only myself and the ia commander have access to and the assigned investigator, nobody else. So it is a case by case, but it's very rare. And

the police monitor knows if there's anything that she needs access to and for some reason she's not getting it, she just needs to pick up the phone and we'll get it to her. But part is protecting the office of police monitor because the union is either going to blame the police monitor or the police department, either way it's not good for the city and it's not good for our processes, that's why we have to keep things kind of tight sometimes. >> Tovo: Councilmember pool? >> Pool: And then in that instance, the police monitor is not required to explain why she wants the file, even if those instances where it's severely restricted. She just simply makes the request? >> Well, if we're investigating matter a and all of a sudden Margot comes to me and wants to look at something that has absolutely nothing to do with it, I think she would have to explain. I don't think it's good for people to just go around snooping everywhere. I don't think we've had that instance? Can you think of an instance where you haven't had access to something that you wanted? >> Not in the end. >> It all -- >> It all works out. >> Pool: I guess the main thing is the police monitor is getting the information that she needs in a timely fashion without having to jump through a whole lot of hoops. I think that's the clarity that I'm looking for. >> I think one of the -- there was a discussion for awhile and it was right about the time the audit was

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starting, there was a discussion for awhile as far as trying to limit our access to investigations like past investigations. And, you know, quite frankly, having full access is -- we have two jobs, I feel, at the police monitor's office. One is as far as overseeing the investigation of cases, our other job, quite frankly, is to look for patterns and trends in the police department that we feel there are issues that need to be addressed through training and in policy. And the most effective way to do that, quite frankly, is to look at situations where the system has perhaps not worked, where it's like all of a sudden you have a tragic incident and you're looking back to see whether or not a particular officer or a particular issue perhaps has been not addressed fully. And so it's very important for us to have -- continue to have access to even closed files. And there was an issue where that, but I think that -- but that was one of those, quite frankly, where there was communication between directly from me to the chief and the chief to other people, and that -- that ceased. >> Tovo: I'm happy to hear that, that that is resolved. >> I was too. >> Tovo: Councilmember pool? >> Pool: I'm looking on page 6 of the audit report on the violation identification, and that was a situation where there were two issues that looked like there were potential violations, but they were closed administratively. Do you have any comments on that or -- >> I can recap it. So there was a case where essentially someone came forward with a complaint and said she felt she was stopped intentionally prior to a court case in an attempt to intimidate her, and the police monitor noted

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that perhaps that would be considered a violation of the department's policy on intimidation and also that the officer didn't properly document the stop, but neither of those aspects were investigated and instead it was administratively closed. >> So in an instance like that, a lot of times our D map camera footage can quickly help us make a determination in something like that. So in an instance where perhaps it was a traffic stop -- I'm sorry, I don't know the particulars of the case you're speaking to, but,

you know, our camera system, our D map system has been an excellent tool to help us quickly determine whether or not a complaint has any basis. If someone says a happened and clearly you look at the video and B happened, that's a case where we would look at it and say well, the facts of the case are pretty clear upfront and no investigation is required. Now, in an instance where, say, a traffic stop occurred and it was not properly documented, that would be an instance where perhaps a chain of command could handle it at the shift level where a sergeant pulls his or her troop aside and says hey, you know, you've got to remember I'm going to put it in your annual evaluation that I had to remind you that when you make a stop if you don't issue a citation you have to at least issue a warning along those lines. There are instances where something like that could be quickly determined based on our tool, based on the basis of that complaint wasn't the case and then if there's a -- an additional possible violation of a very minor nature like failing to document the stop, could be handled at the shift level. >> Pool: Do you know if in this case -- was it disposed of formally? >> It was not. I mean, I can tell you about this case and it was not cleared on dmap and the person was running, jogging in their neighborhood. They had previously been given a ticket by this

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officer. And one of the problems again is that when -- to me it's a difference between what might be appropriate discipline and what would -- and the discipline may be simply an oral or written counseling and the fact that there is substance to the complaint. To me when the case is closed as a D because I think in this case it's very clear that the officer didn't make any documentation as required by policy, that there should be -- that it's sustained, but perhaps what happens is a very minor correction in the person's behavior. But I think what happens sometimes is people go well, we really want to handle this at the shift level. It's like, that would be okay except now there's a member of the people who has an expectation -- member of the public who has an expectation and when you tell them that their case was closed administratively, then that doesn't set well. Again, it's the difference between the -- no, you did violate policy. I'm not saying you need days off. I'm not even saying you need a formal reprimand. And it may be a training memo that what someone gets. But it should not ignore the fact that policy was violated. >> Pool: Was that relationship actual, the officer that stopped the jogger was involved or knew somehow that she was going to be in sort? Court. >> The officer had given her a ticket before, but whether or not there was a connection between the two we don't -- she feels there was, but there was never -- since it was closed there was never an investigation to explore whether or not the officer had a close relationship personalwise. That's where that level of transparency and trust where somebody goes, oh, how would they know?

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Well, I don't know. I don't know that he did know, but we don't have that answer and it leaves someone feeling like their complaint hasn't been taken seriously. >> Pool: So in this instance do you have a plan to kind of -- to fix this? >> I would like to see that complaint, to be honest with you. I think I'm at a disadvantage here that I would like to see the actual complaint and I will get back to you in a written response as to exactly what the totality of the circumstances are. Because what I'm hearing here I'm not

liking. So I want to see that complaint. >> The fact that it was administratively closed means there was a complaint and the chain of command had to have weighed in on that, so I agree with chief Acevedo that we need to look at that particular case. >> Pool: And then I would ask when things are closed administratively is there a random sample review, sort of an audit after the fact, like six months later, to see if there are any anomalies like this? Does anybody else review cases that are -- >> The police monitor and my expectation would be if something is being closed or not handled properly she's going to come to me. Ultimately this is the biggest audit is having the office of police monitor there. So I would hope that -- and I think we do communicate, if there's something we're not doing right, I can't fix what's not brought to my attention. So I want to look at this case because if it's something we should have done differently, I want to acknowledge that and then I'm going to go back and figure out how we change it so it comes to my attention. >> Pool: That sounds good to me. Thank you. >> Tovo: Two more quick things. One is the audit noted a discrepancy between the time period that individuals have to file a complaint and the video retention schedule. And I understand from the memo that that's been addressed, so that's good. That's very good. But I did -- because it was a subject of discussion I did want to offer our chief the opportunity to address the point that was raised about the high profile cases

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that the public might have been aware of that weren't necessarily identified as complaints, your mexican-american row back talks about fact -- memo back talks about the fact that some didn't have complaints made. So I wanted you to have an opportunity to address that. >> One I believe was the jogger down by UT a couple of years ago. What that actually ended up being a response to resistance review where I personally reviewed everything in that. I actually went to that scene. I actually took a personal interest in that because as you recall there was a big brouhaha and I was kind of upset. It was right after the Jaime Padron sentencing when I think the suspect got sentenced to the death penalty. And so we actually followed a different process. There was no citizens complaint. We did an R 2 R, which is a response resistant review, because we did go hand's on with her after she hit a lamp and we had to help her to her feet. The R 2 R did not have any response resis sense review, does not have a policy violation, there was never a complaint. Had the R 2 R established there was a policy violation then there would be an internal affairs complaint, then we would follow a complaint process. Just because something isn't handled as a complaint we have other I think I would say accountability measures that we take and processes and systems that we use. In that case it was the R 2 R response. And it was reviewed. >> If I may, I think that -- the chief and I had a discussion later on about that particular case. I think the kind of disconnect that happens sometimes is it that what the public hears is the chief or someone else in his office very much getting out

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in front of it and saying we're going to investigate this, and what I hear sometimes from people is well, I didn't think I had to file a complaint because they were going to investigate it. So I think we have to be aware of that. And when there are situations where it has been looked at through the R 2 R process I think there is value in going back to the public and saying this is what was done. Because what we hear

as -- well, wait a minute, you were investigating that, there's an investigation, but there actually is no complaint in our office. And we don't have a role to play, a formal role to play. That being said, there are circumstances in that particular case. I won't say whether or not I agreed with the chief's decision, but he and I had a conversation about where is it you're coming from. Help me understand why there's not. But I think there's value in letting the public know that because they're left with the impression that there's an investigation and that the police monitor's involved to represent the public's interest and that's not accurate. >> Well, I can tell you there was no policy violation and the officers handled it appropriately, that case. The other case you referenced to is the one with Kenneth Cassidy where a video came to our attention. We -- a video came to our attention. We investigated through the R 2 R process and the police monitor actually weighed in on it -- >> There was a complaint filed. >> We ended up finding that there was no policy violation in that case as well. >> Tovo: Yeah. And mostly, to be clear, what I was trying to get at was the procedural issues that our audit identified in terms of how that gap between the event that's reported in the public that

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may not have been logged in the complaint database, but as you've said, that's not -- if there's not a formal complaint that won't happen, but then there are other impacts of that not being a formal complaint. >> Yeah. There are ways as far as -- and perhaps the discussion could be had as far as whether it makes sense in some of those situations, that do have such kind of attention to at least make it an administration inquiry so that there's a record of it. So that at least it's there so if someone were to ask after art and I are both long gone, hey, what happened in the jogger case? Somebody would say it's this number case and there was an RTR review and it was administratively closed. >> We still have the record. It's not like there isn't a departmental document that actually details the review and what we did and what our findings was. But we can do an administrative -- we can do just about anything if we really want to, but we've got a lot of things going on. At the end of the day we did review that, we did follow a process and we did determine there was no policy violation. And there is a document, there is documentation. >> Tovo: Councilmember pool. >> Pool: Is there a way officially and administratively for the police monitor to involve herself in issues -- in situations where a complaint has not been filed? Because that's clearly the main avenue for that. But if you feel like you need to get involved do you have the ability, the prerogative to insert yourself? Or do we need to give you that or is that something that's outside -- or do you want that? >> Well, I think there's a public expectation in certain cases that there's an involvement of someone who is kind of independently looking at it. I think at least that what needs to occur is that we need to -- we as a

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collective group need to be careful about what words we're using so there's not an expectation of the public that there's an actual investigation with the monitor involved. And there are certainly some of these cases when they occur, we are -- there is an informal involvement as far as the fact that -- and the jogger case is the perfect example where I said, you know, we're getting these questions and is there going to be an investigation and the chief informed me that there had been an R to R process that he

looked at and decided there wouldn't be. We had a discussion about that. But in the end that's -- as I tell people, he's the chief of police and he has the ultimate decision on that. >> It's always my fault. [Laughter]. >> No, it's not always -- I'm not saying fault. You've got the ultimate responsibility that comes with the ultimate authority. >> Believe me, we looked at that very closely. Like I said, I took it personally and looked at the scene, because it was a very high profile incident. I pay a lot more attention to details than people think sometimes. >> Tovo: And we appreciate that. Councilmember pool. >> Pool: Absolutely. And I think that's the message that we should be sending to the public so that if the police monitor is not involved, here's exactly why. It doesn't mean that there was not rigorous scrutiny. In fact, there was maybe extra scrutiny because she wasn't in -- or something so that we can scope expectations because so much of how the public views what happens with the police department has to do with the signals that we're sending and the words that we're using. >> I think it may be incumbent upon us when we have the high profile incidents, once we're done with the review simply -- obviously if we find it's a policy violation that raises to formal discipline, deal

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with the complaint, but in the cases where we don't find a policy violation I think our commitment in the future is to release a simple statement if it's a big prize file thing that everybody saw in the media so they know what we did and what our findings were. I can do that myself and commit to that and we'll as an organization do that in the future. >> Pool: And then I just have -- go ahead. >> I think Mr. Linder has something to say. >> Tovo: Mr. Linder, we would invite you to come up and have three minutes. As I mentioned before, I don't have anybody else signed up to speak on this issue or any others, but if you are a member of the public and want to speak to address the committee, you're certainly welcome to. Welcome, Mr. Linder. >> Thank you. It's just an observation from a civilian point of view. The public does not understand civil service law so when you're responding to these situations often times you can say something without being legal and often times what I get is clarification. So if we take the time to talk to folks in their language, in their language, that's a response they understand. And too often you go through the process of complaint, which is a process, they feel alienated. So I always have to encourage people if you answer people's questions the best you can in their language by just clarifying the situation, it solves a lot of problems. We get a lot of complaints about different issues involving police and the police monitor. And many times it's just a basic conversation, not about the law, but about how they feel, about did you respond properly? I would suggest as a way to help, why not just consider having a second conversation that's not legal that doesn't deal with code 43 and other code, but just a human process because often times folks feel alienated, pushed aside. And if we did that we would solve a lot of negative feelings out there when folks feel they're not being listened to. So if I could say that for the process -- often times

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they do to me, I'm not doing an investigation, but I can talk a little bit about civil service law and they feel like they're okay with that. I feel like we could all agree to make the extra effort to talk to people, not through civil service law, but just a humane conversation, that would save a lot of problems and a

lot of our phone calls would not come to the office anymore. That's something I see everyday, just conversation, communication. I know how you feel. And just a basic explanation beyond the law. Thank you. >> And can I respond to that? What I love about what Mr. Linder just said is that the majority of our complaints as police officers, it's not racial profiling, it's not excessive force, it's really the way we talk to people or the fact that a police officer didn't take the time -- was rude or didn't take the time to explain his or her actions. And one of the things that we hope to do in the future is really look at bringing the complainant and using that mediation process to bring people together. It's kind of like the meeting we had after Breion King and that meeting where everybody started and almost three and a half hours later where we ended in our perspectives were so different. I thought we brought people together. So one of the things that I hope that we use more of and we're going to try to encourage the officers, is just a mediation process. Bring people in and let people express in a safe environment their views of the way they felt and why I did what I did because I always tell my cops a little explanation goes a long way and I think that's what Nelson is hitting here today. >> One of the problems we've run into with the mediation process is that if the case gets classified as a D, it's not available to be mediated. And those are often the very cases that would make good sense for the people to be able to sit down. The mediations that we have had is always very interesting the complainant has come away feeling

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listened to and it has never failed that the officers that were involved have said, I had no idea how I had come across to that person, and that it was not only affected their way that they spoke to that person, but understanding how they can speak to people in the future. I think it's really valuable. >> Tovo: Councilmember pool. >> Pool: I have one last question and I had asked this of our auditor when she and Mr. Levy came to tell me about the auditor's integrity unit annual fiscal report for 2016 and I wondered because this does not include the complaints that may go through the police monitor or through IA. How often do you all issue kind of these sort of summary reports and send -- that are available to the public so we can kind of have a sense of what kind of findings and types of allegations, for example? >> Okay. We issue a report every -- kind of a midyear report and then an annual report. And in fact, the 2016 midyear report was just finished and we're in the final editing stages of our 2015 report. But in there it will include data as far as some analysis of, you know, what type of complaints. Who's complaining by things like gender and race and age and who is being complained on as far as looking at the officers, as far as their age, race, gender, tender. Where the complaints occur as far as the police -- the various sectors, whether or not the types of complaint varies depending upon the sector. We're seeing one thing in the northwest and a different thing down in the

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southeast part of the city. So we put those out. Like I said, there's basically an annual report that's extremely thick and then there's a six-month report which is just capturing the first six months of data, which is more like a seven, eight page, very short. >> Pool: And did you say, I wasn't sure if I heard, the full report for 2015 is in its final editing stages? >> In the final editing stages and I have a meeting about it this afternoon and it's available on our website. >> Pool: And you will send that around to

councilmembers? >> Absolutely, to all councilmembers. >> Pool: And the midyear one for the first six months of 2016 or I guess maybe -- is it a fiscal year that you look at? >> No, we look at a calendar year. >> Pool: So that one is the smaller report and that's also in its final stages? >> Yeah. The six-month report is kind of like this is how many complaints we've seen. The complaints -- you know, obviously somebody could -- they're not even bound by the 180 days. Somebody may come in and file a complaint more than 180 days afterwards, but the investigation complaint can take up to six months. So it's a situation of complaints that were filed during 2015, a lot of them weren't finished until just recently. In fact, some are still open. >> And I'm very proud of the fact that the Austin police department is considered by the white house and the department of justice to lead the nation in putting all of our data, making it public, whether it's use of force, racial profiling complaints, when the monitor puts her stuff together, because I think that transparency is key to building trust. And if you want to know, I'm going to go vote. I'm voting. >> I was hoping that was your wallet. >> I was wondering what is going on behind my back. I was hoping Louis had my back because I didn't know what was going on. >> I am not waiting. I am going to do what I was asked to do by our -- Dana

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debeauvoir to vote early and this is my proof. I'm going to do it today, go right now. >> We'll go together. >> Do you have your id? I can't vouch for you. >> I don't have my id. >> Tovo: Do we have any other questions? Councilmember Renteria? >> Renteria: I think it's very important for the public, especially for the police department to reach out to the public so that they can actually know what -- you know, what the procedures and what y'all go through also daily. And that's why I've always been a big supporter of community policing. We used to face the same problem there in east Austin where I live at, and because of, you know, the -- lucky for us at that time we had police chief Watson that started the community policing here in Austin. And at the beginning it was rough because some of the officers weren't committed to community policing, but as we went on and we got some really good officers and we worked with the young kids there and they got to know exactly what -- what's required by police officers when they get stopped and they won't never be exposed to -- they knew how to handle these situations, not to be aprayed frayed -- to be afraid, not to run. Those things are very important for our community, especially for our young people to know that y'all guys are not really the bad guys, you know. That y'all are there to help the community and keep them safe. So I just want to let you know that I really really support the community policing concept and I hope that here in Austin we adopt it a little bit just like Dallas did where we actually go out there and start working with our -- especially our people of color so that we will let them reach out, let them know, hey, we're on your

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side. >> Tovo: So thank you all for participating in this really in-depth review of the audit. Thank you very much to our auditor for conducting the audit and thank you to the office of the police monitor and Austin police chief and staff for being here. We appreciate the work that you all do. >> Pool: Thank you all so very much. >> Tovo: Okay. Any discussion of future agenda items? I believe our auditor does have information related to the questions we raised earlier about the integrity office so we'll look forward to

receiving that in whatever way makes sense if you want to just give us an update at the next meeting or send it in an email or whatever is easiest for you. Anything else? All right. We stand adjourned at 10:40.