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Improved investigations and greater transparency are possible outside the contract

We have asked the city to consider substantial improvements to our civilian oversight process, changes we want to see debated and launched in the next two months. We will shortly follow up with a funding request to ensure the new process is adequately staffed.

Independent, non-profit complaint intake with preliminary investigation – The intake of complaints and comments about encounters with police officers should be moved to a completely independent, nonprofit organization formed by members of the community, with a mission to actively educate the public about its right to comment or complain about how officers behave in the field.

- The new nonprofit would accept complaints in all formats (online, phone, email, in person, anonymously etc.), conduct a preliminary investigation, forward some complaints to the city, report regularly to the public, and make policy recommendations to the City.
- Its inaugural board and staff should lead a city-wide public process to establish the best long-term structure of the organization, including the size of the board, how board members will be selected and its operational processes.
- All the information would be created in the public sphere, and its board will decide as part of the city-wide process what, how and when information would be routinely released.

New negotiation can focus on benefits

Without a contract in place, Chapter 143 establishes an improved framework for transparency and accountability. When the city returns to negotiation under a new City Manager, it can focus on a rational conversation about officer base pay and benefits, but should not use this process to pay for accountability. Accountability, transparency and oversight should be a baseline expectation, one that can be established outside the contract.

Move Internal Affairs investigation to Audit Department – Internal Affairs and internal department supervisor review has been a problem: investigations were too often incomplete or took too long (triggering the 180 day rule, past which officers cannot be disciplined.) The secrecy around supervisor review of use of force incidents resulted in few being forwarded for investigation and even fewer resulting in discipline. These problems have been highlighted by the DOJ and by the Civilian Review Panel. It is time to pull investigations out of the police department and create a true, independent civilian-staffed investigation system that people can trust.

- The Audit Department is the most trusted body in city government and starts with the best framework for conducting independent investigation of misconduct.
- This reorganization would allow APD to shift its staff of 6 IA officers back to other sworn duties.

Fund the new system, using some of the \$10 million to staff complaint investigation: We will soon put forward a budget request to staff the new investigations unit at the Audit Department and provide a grant or contract to the new nonprofit complaint intake organization for organizing, public education and investigative functions.

- The money freed up by the termination of the contract in the current fiscal year is “one time” money, pending decisions that come out of the next round of contract negotiation with the Austin Police Association. We believe that a one year grant or contract of one-time funding would launch the new system, allow the nonprofit to begin to accept complaints, and allow it to conduct its community process on structure and operations.



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- That process, and results from its first year of operations, would determine what a reasonable budget “ask” would look like starting in FY 2019.