

# *Public Safety Police Operations*

Austin Police Department ★ Public Safety & Emergency Management Department ★ Office of the Police Monitor



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# PUBLIC SAFETY POLICE OPERATIONS

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## ***EXECUTIVE SUMMARY***



# **PUBLIC SAFETY POLICE OPERATIONS EXECUTIVE SUMMARY**

In February 2007, the Austin Office of the City Auditor contracted with MGT of America, Inc. to conduct an independent assessment of public safety in the city of Austin. This project fulfills the requirements of city resolution 20060831-034, passed on August 31, 2006.

MGT began work on the project in March 2007. MGT's review focused on the Austin Police Department (APD), the Office of the Police Monitor (OPM) and the Department of Public Safety and Emergency Management (PSEM), which includes the Airport Public Safety Division, the Parks Public Safety Division and the City Marshals Division. Under the resolution's terms, MGT examined:

- best practices criteria;
- performance measures, including the relevance and reliability of associated data;
- staffing patterns and overtime practices;
- alternative service delivery approaches and their estimated costs;
- best practice criteria and performance measures for police oversight;
- budgetary practices, cost drivers and cost-reduction opportunities;
- cost trends; and
- administrative support systems.

## **Overview**

Metropolitan Austin has grown at a breathtaking pace in the last two decades, both in terms of population and geographic territory. But Austin is still one of the safest large cities in the country. Both violent crime and property crime rates actually fell between 1995 and 2005, although the total number of property crimes, including burglary, theft and auto theft, rose.

The APD's budget rose by 136 percent between 1995 and 2005, to \$172.1 million. Its share of Austin General Fund revenue rose as well, from 27 percent in 1995 to 35.2 percent in 2005. Most of this increase went to salaries and fringe benefits for APD employees, whose share of the budget rose from 88.8 percent to 95.5 percent over this period. In recent years, APD hiring has

emphasized sworn personnel over civilian employees; its number of sworn officers rose by 53 percent between 1995 and 2005, while its civilian workforce increased by just 22 percent.

## **Peer Analysis**

MGT made a series of statistical comparisons between APD and a series of police agencies across the country, chosen for their similarity to APD in characteristics such as crime rates, demographic profiles, budget and staffing levels. Among other findings, these comparisons indicated that Austin ranks:

- near the average for sworn officers per 1,000 residents, patrol officers per 1,000 residents, patrol officers per square mile of jurisdiction and budgeted dollars per resident.
- above average for response time to calls.
- well above average for service calls per 1,000 residents, indicating that Austin is one of the busier agencies in terms of call volumes.
- dramatically above average for the *change* in service calls per 1,000 residents over fiscal 2004 through 2006, indicating a significant recent increase in demand for APD's services; the number of cadets trained per year, apparently in response to the sharp increase in demands for service; and the number of civilian employees per 1,000 residents, the use of which frees sworn officers for actual policing duties.

## **Professional Standards and Training**

APD's *Internal Affairs Division* (IAD) investigates complaints of misconduct by APD's employees in cooperation with OPM, the Citizen Review Panel and the city's Law Department.

APD's *academy for police cadets* faces severe capacity challenges. Classes are 200 to 300 percent larger than the peer average, a situation that strains both physical and personnel resources.

APD's *Recruiting Section* recruits candidates through advertising and visits to community events, job fairs, colleges and universities. APD recently has hired a large number of new officers, but has no long-term goals for recruitment.



APD's *Guidance Advisory Program (GAP)* provides supervisors with information on officer performance. The program's automated system, however, is too limited; it cannot link accidents back to an individual officer, for instance.

The *Accreditation and Inspections Division* conducts continuous evaluations to ensure that APD meets national accreditation standards. The division has accumulated a number of "orphaned" functions that do not fit its charge. .

Among other findings, MGT concluded that:

- the maintenance of separate complaint databases by IAD and OPM is delaying case reviews and contributing to frequent conflicts of opinion about classification.
- IAD stores its case files in an unsecured setting, in contravention of APD general orders.
- IAD's annual report lacks meaningful analysis or recommendations. For instance, the report provides no information on the types of complaints filed, or trend data showing the nature or number of complaints received over time.
- IAD has no formal process for notifying command staff of training deficiencies identified in its investigations. IAD's commander stated that he often brings such problems to the attention of command during staff meetings, but the process is informal.
- APD's website does not allow the public to file either complaints or commendations regarding police actions. OPM's website describes the complaint process and provides complaint forms, but APD does not provide easily recognizable links to OPM.

*Key commendations* in this area are:

- APD has developed a nationally recognized cadet training program.
- APD has successfully recruited a large number of cadets, particularly from the military ranks.
- APD has recognized the importance of early intervention by creating GAP.

*Key recommendations* in this area include:

- coordinate IAD and OPM reporting and tracking so that a new database can ensure consistent case treatment.
- immediately secure IAD's completed case files.

- develop a formal process for analyzing and correcting training deficiencies identified by IAD investigations.
- provide a more accessible link to IAD through the APD website.
- limit cadet class size to no more than 35 to 40 recruits.
- augment academy staff with instructors borrowed from operational units and with recently retired officers.
- create a strategic recruiting plan to establish departmental hiring goals, based on population and demographic projections, for the next three to five years.
- design or upgrade the GAP system to expand its capabilities and ensure that it provides the proper alerts needed to monitor, track and report use of force incidents by specific officers.
- reassign all functions not directly associated with the Accreditation Unit's core objectives to more appropriate units.

## **Patrol**

APD's Patrol Division is organized into nine area commands housed in four facilities across the city. Among other findings, MGT concluded that:

- area commands use corporals inconsistently. Some assign corporals to handle calls for service when a sergeant is on duty; others charge them with continuing administrative assignments, effectively leaving the command with one fewer officer to assist with calls.
- the Street Response Units' focus on vice and narcotics has provoked considerable criticism within APD, since it is seen as diverting resources from other serious crimes.
- APD has assigned each area command a civilian crime analyst to provide them with crime data in a variety of formats, but they appear to make little use of this information.
- the Central East Area Command houses a Patrol Narcotics Unit that weighs, tests and processes drugs brought in as evidence. Officers often perform some of these functions *before* they turn in drugs, however, and some consider the unit's function redundant.
- APD responses to Priority 1 calls average about eight minutes citywide, a minute higher than the goal set in the 2006 budget.
- APD requires officers to book seized drugs, guns and money at a single APD substation, even though all substations have secured evidence lockers and booking procedures. This action has increased drive times and reduced officers' availability to handle calls.
- new police patrol vehicles have a "cage" only behind the passenger seat, with no protection behind the driver. Older patrol vehicles had cages extending across the entire seat. The newer vehicles can safely transport only one arrested individual at a time.

- while city policy is to dispatch at least two patrol units to each Priority 1 call, the CAD system does not do this automatically. MGT estimates that 22 percent of priority 1 calls answered by a single patrol officer had one and only one officer assigned to the call.
- APD pays its officers overtime based on a 40-hour workweek, although federal law does not require it to do so. Austin must employ nearly 7 percent more officers to provide the same coverage it could obtain by requiring them to work the allowable maximum before overtime is due.
- APD's platoon system does not use city resources efficiently, often leaving the city with either too many or too few patrol officers on hand.
- community policing appears to account for no more than 26 percent of patrol officers' work hours. This is hard to determine, however, because APD does not track time spent on these activities.

*Key recommendations* in this area include:

- establish clear and consistent directions regarding corporals' duties. Corporals should be actively patrolling and responding to calls when sergeants are on duty.
- evaluate the area commands' use of Street Response Units, to assess how their efforts overlap with those of other APD units charged with narcotics enforcement. Consider centralizing the Street Response function into a single force.
- review the crime analysis function to determine how best to use it to meet APD's needs. Develop a standard format for reports that is useful for patrol officers and supervisors.
- eliminate the Patrol Narcotics Unit in the Central East substation, and redeploy the detectives assigned to this function to other areas.
- achieve the response time goal established in APD's fiscal 2006 budget by filling vacant positions in all area commands.
- allow officers to book drugs, guns and money at their assigned substations.
- retrofit new patrol vehicles with cages that extend across the entire seat.
- modify the computer-aided dispatch (CAD) system's programming to ensure that more than one unit is automatically dispatched for all Priority 1 events.
- during upcoming contract negotiations, take advantage of federal wage law to increase police presence on the street without additional overtime. By adding 30 minutes to the regular daily work schedule, the city could produce additional staffing equivalent to 32 additional officers.
- modify APD's operating procedures to require officers to call in community policing activities to dispatchers for inclusion in the CAD system.
- modify the employee performance appraisal form to include criteria evaluating patrol supervisors and officers on community policing efforts.

## **Investigations**

APD's Investigations Bureau includes the Violent Crimes, Property Crimes/Offender Apprehension, Organized Crime, Special Operations/Homeland, Highway Enforcement, Technical Services and Communications divisions; these, in turn, include a wide variety of smaller units, many with similar, overlapping and duplicative functions.

Among other findings, MGT concluded that:

- most Investigations Bureau units do not collect workload data, making it difficult to gauge appropriate staffing levels or shift schedules.
- several units in the Investigations Bureau have similar community education and outreach programs.
- the Integrity Crimes Unit's mission is unique among the units within the Violent Crimes I section, which otherwise focuses on violent crime such as murder and robbery.
- the Domestic Violence Emergency Response Team (DVERT) and Domestic Violence Units perform very similar functions and work the same hours.
- the Homicide Cold Case Unit within Violent Crimes I and Sex Crimes Cold Case Unit within Violent Crimes II use similar techniques and could be combined.
- the Violent Crimes II Computer Forensics and High Tech Crimes Units are not directly responsible for investigating crimes, but instead provide support to other investigations.
- the Fugitive Apprehension Unit researches and monitors individuals with criminal histories and arrests fugitives, functions similar to those performed by DVERT, SOAR and the Career Criminals Unit.
- the Pawn Shop Unit, also part of Offender Apprehension, has no responsibilities related to the apprehension of fugitives.
- the Crisis Intervention Unit shares some duplicated responsibilities with Patrol.
- the Alcohol Control Team (ACT) and Abatement and Community Education (ACE) are part of Fugitive Apprehension but have no duties related to apprehending fugitives.
- the Financial Crimes and White Collar Crimes units investigate forgery, credit card fraud, counterfeiting, identity theft and other financial crimes. Some of these cases, however, are assigned to the area commands.
- the Sex Offender Apprehension and Response Unit (SOAR) oversees sex offender registration and monitors sex offenders in the community. Two other APD units, Fugitive Apprehension and Sex Crimes, have quite similar responsibilities.

- the Career Criminals Unit's mission of tracking down and arresting parolees and probationers with warrants is very similar to the Fugitive Apprehension Unit's mission.
- the Firearms Review Unit works with federal agents to investigate cases involving firearms within the city. There is little justification for a stand-alone unit for this purpose.
- many of the Major Crimes Task Force's responsibilities overlap with those of other investigative units, including Fugitive Apprehension, Gang Suppression, Homicide and Narcotics Conspiracy.
- it is highly unusual for a city of Austin's size to have two full-time SWAT teams and a third volunteer team. SWAT members train for 64 hours each month, well above average.
- Austin is not recovering its full costs for police protection and coordination provided to special events. Many cities have centralized their special events functions.
- The Forensic Science Section provides APD with scientific services to support its investigations. Its operations, however, are being hampered by a shortage of resources.

*Key commendations in this area are:*

- APD and the city have established an Arrest Review and Court Liaison Unit to facilitate coordination and interaction between the department and other criminal justice agencies.
- the Vehicle Abatement and Wrecker Enforcement Unit has established a shift schedule that matches the city's peak traffic periods, which helps to reduce overtime costs.
- the DWI Enforcement Section has adjusted its work schedule based on a study of key workload data.
- the Forensic Science Section tracks workload data to illustrate the demand for its services.

*Key recommendations in this area include:*

- conduct a bureau-wide staffing study to determine appropriate staffing levels for the Investigations Bureau as well as the area commands' detective units.
- create a Crime Prevention Education Unit to handle all of APD's crime prevention education and outreach programs.
- make the Integrity Crimes Unit a separate group within the same bureau as the Internal Affairs Division.
- consolidate the DVERT and Domestic Violence units.
- combine the Homicide and Sex Crimes cold case units.

- merge the Computer Forensics and High Tech Crimes units with the Financial Crimes and White Collar Crimes unit.
- reorganize the Violent Crimes sections to include only those that investigate violent crimes.
- create an After Hours Investigators unit to function as a “first responder” unit that could be called to homicide, robbery or sex-crime scenes after normal working hours.
- assign the Fugitive Apprehension unit to research and monitor individuals currently tracked by DVERT, SOAR and Career Criminals.
- move the Pawn Shop unit to the Property Crimes Section.
- eliminate the Crisis Intervention unit and assign its staff and responsibilities to Patrol.
- move the alcohol control and abatement responsibilities of ACT and ACE to the Special Investigations Section of the Organized Crime Division.
- move Arrest Review and Court Liaison to the Offender Apprehension Section.
- assign responsibility for all financial crimes to the Financial Crimes and White Collar Crimes unit.
- eliminate the SOAR unit; transfer its registration responsibilities to the Sex Crimes unit and its sex offender monitoring function to Fugitive Apprehension.
- divide the Property Crimes and Offender Apprehension Division into two separate divisions, including only units that support their missions.
- place the Career Criminal and Fugitive Apprehension units in the new Offender Apprehension Division to facilitate coordination and information sharing.
- eliminate the Firearms Review unit and assign its staff to other investigative units.
- eliminate the Human Trafficking unit and assign its responsibilities to Special Investigations.
- merge the Major Crimes Task Force with the Gang Suppression unit.
- conduct a workload study to determine whether APD can eliminate one full-time SWAT team. Consider reducing SWAT training to 40 hours a month.
- set rates for special event coverage that reflect the city’s costs; increase the minimum hours paid to officers working these events.
- Increase the Forensic Science Division’s budget for consumable supplies; add one more full-time chemist to the Chemistry unit; add one more firearms examiner to the Firearms unit; and purchase another computer for fingerprint enhancement.

## **Administration and Management**

This chapter includes an analysis of the department's overall management and organization as well as a review of APD's Administrative Services Division.

The current chief has proposed a number of changes to APD's organization. While these proposals have many admirable features, some may result in inadequate coordination and produce unwieldy managerial spans of control. MGT's report makes many suggestions that could further improve efficiency and responsiveness; this chapter summarizes recommendations made in other areas of the report.

Among other findings, MGT concluded that:

- dividing the city into nine area commands has created unnecessary obstacles to APD's response to calls for service, and ties up valuable resources in overhead for each command.
- APD does not make adequate use of performance measures to monitor and evaluate its effectiveness or to guide management decisions.
- APD is not developing and monitoring its budget effectively, in large part because managers and supervisors have too little input into the budget process.
- APD has repeatedly exceeded its overtime budget and is not fully reimbursed for chargeable overtime. Fiscal 2006 overtime spending exceeded budgeted amounts by almost 82 percent.
- APD does not protect its property and equipment inventory adequately. Its Property Control Offices are not fully staffed and other personnel do not always follow department procedures, often resulting in lost, broken or missing equipment.
- the Records Management Section is severely understaffed, resulting in significant backlogs in the processing of reports and records.
- the Community Liaison Section provides a range of services to the community and APD officers but has no formal means of evaluating its effectiveness.
- APD's management of the Eastside Story program, an after-school tutoring and enrichment program, does not further its primary mission and takes time and resources away from that mission.
- The Office of the Police Monitor makes outreach efforts to promote mutual respect between the community and law enforcement. In this, its role is similar to that of APD's Office of Community Liaison, but little communication, coordination or resource sharing takes place between the two.



*The key commendation in this area is:*

- APD is making organizational changes that will help it address community needs more efficiently and effectively.

*Key recommendations in this area include:*

- align APD's operational and support functions to facilitate better coordination and communication.
- redraw Austin's area command boundaries to reduce their number from nine to five. This should increase the number of patrol units available for calls while cutting overhead.
- train department staff in the development and use of performance measures for internal and external use.
- ensure that the budgeting process obtains input from department managers and provides them with the training they need to conduct proper budget oversight.
- control overtime costs by improving budgeting and expenditure monitoring and implement accounting procedures to ensure that all billable overtime is reimbursed.
- purchase property control scanning equipment to improve controls over APD's equipment inventory.
- staff the Records Management Section so that it can complete its work accurately and in a timely fashion, and eliminate backlogs. In addition to eight FTEs requested in the fiscal 2008 budget, the city council should approve five additional FTEs for the section.
- relocate the Eastside Story program to another city organization.
- develop formal coordination mechanisms to guarantee that the Office of the Police Monitor and Office of Community Liaison routinely share information and meet at least quarterly to coordinate their efforts.

## **Public Safety and Emergency Management**

Austin's Public Safety and Emergency Management (PSEM) Department includes all city police functions not part of APD, including the Park Public Safety Division (the park police), Airport Public Safety Division (airport police) and the city marshals, as well as a Professional Standards Division.



Among other findings, MGT concluded that:

- consolidating PSEM and APD, as has been discussed, would lead to higher costs while creating organizational and human resource challenges.
- PSEM and APD have generally good relations, but little formal coordination of effort.
- APD has its own firing range but due to excess demand, PSEM has determined to use alternative ranges.
- park police resources are tied up by purposes unrelated to its mission.
- the City Marshal Division, which serves Class "C" warrants for the municipal court, had two vacant positions at the time of MGT's review, significantly reducing its ability to serve warrants.
- the interface between the new Municipal Court information system and APD's information system is not functioning properly. Class C warrant information on the court's system does not produce "hits" in APD's information system.

The *key commendation* in this chapter is:

- there are established performance measures for the city marshals' performance as well as for Municipal Court security.
- the Airport Public Safety Division is currently providing a professional level of service in carrying out security and law enforcement at Austin Bergstrom International Airport.

*Key recommendations* in this chapter include:

- based on interviews, surveys and analyses of pertinent information, MGT recommends that PSEM maintain its independence from APD.
- develop a memorandum of understanding or other formal agreement between APD and PSEM that defines their respective areas of responsibility.
- ensure that APD accommodates PSEM officers in its new firing range facility.
- ensure that the Park Police are used *only* for activities related to their core responsibility of providing patrol and related services at parks, lakes and recreational facilities.
- consider establishing a separate unit within PSEM to provide security services to the Austin Resource Center for the Homeless.
- ensure that vacant city marshal positions are filled as soon as possible, so that a sufficient number are available for warrant and courtroom security operations.

## **Office of the Police Monitor**

The Office of the Police Monitor accepts and files public complaints against APD officers, enters them in a complaint database and makes various outreach efforts to promote mutual respect between the community and law enforcement. It is APD's focal point for receiving all external complaints against sworn officers; if a citizen contacts the Internal Affairs Division with a complaint, they are referred to OPM.

Among other findings, MGT concluded that:

- the current "Meet and Confer" agreement between APD and the Austin Police Association places significant limits on OPM's access to police information.
- APD has refused OPM access to the database for its Guidance Advisory Program, a program designed to identify potential behavioral problems among sworn officers. Such access is required by the joint APD/OPM operating procedures.
- OPM has not complied with the reporting requirements outlined in its operating procedures, which call for a public report on its operations every six months. The most recent report, for 2005, was delivered more than a year late.
- OPM and the Internal Affairs Division maintain separate databases of cases and complaints, a situation that delays case review and contributes to disagreements in APD's classification of cases.
- all citizens can opt for mediation to resolve conflicts with APD, but not one case to date has been handled in this way; OPM could do more to tell the public about the process.
- The Citizen Review Panel (CRP), created during the 2004 Meet and Confer negotiations, provides a sounding board for citizens who wish to speak publicly about a complaint. Panel members, however, are not receiving adequate introductory training.
- CRP panel members are not provided adequate time to review case files before the cases are heard.

*Key recommendations* in this area include:

- strengthen OPM's oversight powers by granting it limited subpoena authority and drafting a mandatory cooperation agreement with APD.
- give OPM access to the GAP database. If current GAP data are not available, OPM and APD should work together to determine whether equivalent data are available.
- complete OPM reports as required by the operating procedures.

- ensure that OPM's new database allows for access to APD complaint classifications and real-time access by both its own personnel and APD.
- increase public awareness of the mediation option for settling complaints against officers.
- provide newly appointed Citizen Review Panel members with adequate orientation training.
- amend the joint operating procedures to require that Citizen Review Panel members receive materials needed for their meetings five days prior to the hearing.

### **Fiscal Impact Summary**

MGT's report contains over 120 recommendations for APD, PSEM and OPM. If implemented, these recommendations could provide a savings (or cost avoidance) of \$23 million over five years.

