

Special Report

Police Oversight Follow-Up

March 2021



This is a special report to follow up on recommendations from several audits we previously issued related to police oversight, including audits of the Austin Police Department's (APD's) handling of complaints, the effectiveness of citizen police oversight, APD's response to mental health-related incidents, and APD's use of body-worn cameras.

Over the last five years, the City has taken many actions to address recommendations from these audits, including actions to improve transparency, accountability, and oversight. The City improved processes for handling complaints and established a new citizen oversight body. The City engaged a consultant and community stakeholders to determine how to improve responses to mental health-related incidents and is working to implement those improvements. The City also implemented supervisory review of body-worn camera videos and is working to implement additional oversight of that program.

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Objective

The objective of this special report was to follow up on actions taken by the City related to recommendations from several police oversight audits our office issued from 2016 to 2019. The following audits were included in this project:

- Austin Police Department’s Handling of Complaints, September 2016
- Effectiveness of Citizen Police Oversight, June 2018
- Austin Police Department’s Response to Mental Health-Related Incidents, September 2018
- Austin Police Department Body-Worn Cameras, June 2019

Background

We conducted four audits related to police oversight from 2016 to 2019. The specific topics we focused on were related to APD’s handling of complaints, the effectiveness of citizen police oversight, APD’s response to mental health-related incidents, and APD’s use of body-worn cameras. We focused on these topics because they were important to community discussions at the time and could have significant impact if not working well.

We identified several areas of needed improvement in these audits. Some common areas of concern included a need for increased transparency and police accountability, more focus on improving outcomes, and increased effectiveness of police oversight. A list of all findings from these audits is included in Appendix A.

If you are interested in following the City’s progress to implement recommendations from these audits as well as audits on other topics, you can visit the [City’s open data portal page about audit recommendations](#).

What We Learned

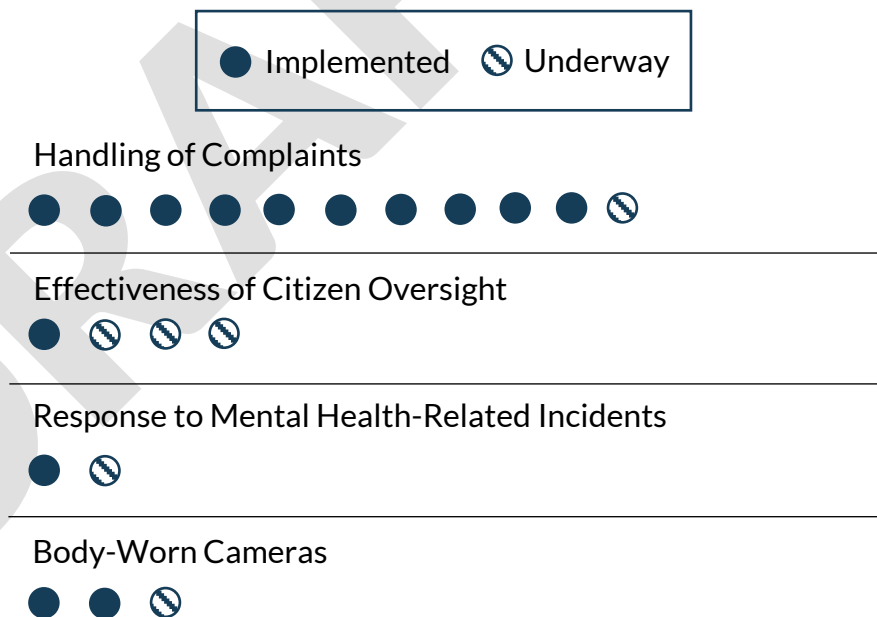
Summary

The City has taken many actions to address recommendations from these audits, including actions to improve transparency, accountability, and oversight. The City improved processes for handling complaints and established a new citizen oversight body. The City engaged a consultant and community stakeholders to determine how to improve responses to mental health-related incidents and is working to implement those improvements. The City also implemented supervisory review of body-worn camera videos and is working to implement additional oversight of that program.

What has the City done to address the issues we identified?

We issued 20 recommendations from our police oversight audits conducted from 2016 to 2019. We verified the City implemented 14 of these recommendations and 6 are underway. A list of all recommendations from these audits is included in Appendix B.

Exhibit 1: The City has implemented 14 recommendations related to police oversight



Source: Auditor analysis of City actions to address police oversight audit recommendations, February 2020

Austin Police Department's Handling of Complaints, September 2016

This audit reviewed the process to handle complaints against Austin police officers. We looked at whether the process was accessible, complaints were processed consistently, and appropriate and consistent corrective actions were taken in response to complaints. This audit was requested by the police chief at the time, who was interested in determining if complaints were handled appropriately.

In this audit, we found the City's complaint process was not accessible and may have discouraged people from filing complaints about officers. For example, the complaint process was not well advertised and the ability to file complaints anonymously was not widely communicated.

We also found several issues in the processing of complaints:

The City implemented ten of the recommendations from this audit and one is underway.



- There was not a complete record of complaint investigations, which limited the ability to effectively monitor and report on investigations.
- There was a potential for inconsistent treatment of complaints due to unclear policies and procedures.
- There were certain conditions that limited effective citizen oversight of the police in the City's labor agreement with the Austin Police Association.
- There was incorrect and inconsistent data in the complaint database, making analysis of complaints difficult.

To address these findings, we made recommendations to the Police Monitor, the Chief of Police, and the City Manager.

We recommended the Office of the Police Monitor:

- Increase awareness about their office
- Implement methods to reduce or eliminate barriers to the complaint process

Both recommendations were implemented. For example, the Office of the Police Monitor, now known as the Office of Police Oversight, developed a website where the public can learn about the complaint process. Additionally, the current labor agreement between the City and the Austin Police Association includes improvements to the complaint process, such as specifically allowing anonymous complaints.

We recommended the Chief of Police:

- Ensure that staff included all complaints in the complaint database
- Ensure high-profile incidents were investigated by Internal Affairs
- Revise the record retention schedule to ensure that evidence for complaint investigations was available for at least 180 days
- Revise APD's current classification process for complaints to allow for better analysis and reporting
- Implement a process to document justifications for discipline
- Provide the Police Monitor with automatic access to all electronic records maintained by Internal Affairs
- Ensure that regular meetings between stakeholders in the complaint process occurred
- Ensure that data in the complaint database was accurate, complete, and consistent

APD implemented all these recommendations except for the last one, which is underway. APD made some changes to their complaint database to address the recommendation, but some issues with inconsistent data still exist. However, APD is working on a new system for tracking complaints that is expected to be implemented in early 2022. The current system will no longer be used, and staff report the new system will help address the data inconsistencies.

We recommended the City Manager pursue opportunities to expand oversight functions through changes to City Code or the City's agreement with the Austin Police Association. The City's current agreement with the Austin Police Association expanded civilian oversight functions. For example, the current agreement enhanced the Office of Police Oversight's access to internal affairs investigations in addition to specifically allowing anonymous complaints.

Effectiveness of Citizen Police Oversight, June 2018

The objective of this audit was to determine whether APD implemented recommendations made by the City's citizen police oversight body, the Citizen Review Panel (CRP). The CRP was established in 2001 as part of the labor agreement between the City and the Austin Police Association. The CRP acted as a means for Austin residents to provide oversight for certain police activities, including cases involving serious issues such as officer-involved shootings, patterns of misconduct, or the appearance of bias-based misconduct. City Council members requested this audit in preparation for labor negotiations.

The City implemented one of the recommendations from this audit and three are underway.



In this audit, we found that citizen oversight did not create substantive change within APD, largely because of City procedures and APD practices. We also found that information created by the CRP was not fully protected or retained because the City did not provide adequate resources and training to its members.

To improve the effectiveness of citizen oversight, we recommended the City Manager:

- Pursue opportunities in future labor agreements with the Austin Police Association to improve the effectiveness of citizen oversight of APD
- Ensure administrative procedures governing the citizen oversight process were aligned with the new labor agreement
- Proactively release memos issued by a citizen oversight body to the public, as well as any responses produced by APD

These recommendations are underway. The current labor agreement between the City and the Austin Police Association was approved in November 2018, several months after this audit was released, and included revisions to the process for citizen oversight. For example, the agreement requires recommendations issued by a citizen oversight body, as well as responses by APD, be made public.

After the new labor agreement was approved, the City Manager renamed the citizen oversight body from the Citizen Review Panel to the Community

Police Review Commission (CPRC) and established the process for selecting CPRC members. Members were appointed in September 2020, and the CPRC held their first meeting in October 2020. The City is currently working to develop standard operating procedures for the CPRC.

To protect and retain information created by a citizen oversight body, we recommended the City Manager:

- Ensure representatives of any citizen oversight body were provided with appropriate resources, such as City e-mail accounts and training related to their duties

This recommendation was implemented. City e-mail accounts were provided to CPRC members to ensure the City has control over records generated via e-mail. Additionally, training was provided to CPRC members, including training on internal affairs processes and confidentiality requirements.

Austin Police Department's Response to Mental Health-Related Incidents, September 2018

The objective of this audit was to determine if the APD was effectively receiving and responding to incidents involving people with mental health or other specialized needs. We did this audit primarily due to a series of high-profile instances in Austin and other locations involving police and individuals with mental health-related needs. City Council was also interested in APD's training related to mental health needs.

The audit found that APD met state requirements for crisis intervention training for officers, but not all best practices were included in their training approach. For example, APD did not provide officers certified in crisis intervention with regular refresher trainings. Also, APD's approach to responding to calls for service did not consistently align with best practices or practices in other cities. Specifically, APD did not dispatch officers certified in crisis intervention to lead the response to mental health-related calls, and these officers were not always available when needed. In addition, officers may not have had all relevant information when they were responding to calls for service. The audit also found that APD did not follow best practice guidance to track and review crisis intervention incidents to improve outcomes.

The City implemented one of the recommendations from this audit and one is underway.



The audit noted that more information was needed to identify the right solutions for Austin and issued two recommendations that focused on:

- Engaging people most informed and affected by the issues
- Implementing workable solutions identified from that feedback

The first recommendation was implemented, and the second is underway. In December 2018, APD formed a stakeholder committee to review the audit findings. This committee included representatives from the law enforcement and criminal justice community, advocacy community, and mental health community. This group identified a consultant, the Meadows Mental Health Policy Institute for Texas, to lead the process of developing solutions for Austin in this area. In January 2019, City Council approved the

contract with Meadows.

In their report, Meadows recommended APD:

- Establish an advisory role to the Chief of Police within the Travis County Behavioral Health Criminal Justice Advisory Committee
- Develop mental health crisis call identification and management training for 911 call takers and dispatchers within APD's call center
- Integrate mental health crisis clinicians into APD's call center
- Fund and sustain the Extended Mobile Crisis Outreach Team including a telehealth expansion
- Develop a formal collaboration between APD's Crisis Intervention Team and the Community Health Paramedic Program
- Create Spanish language community education addressing how to effectively communicate crisis needs to first responders for Latino communities identified as having high rates of response to resistance during a crisis call for service

APD has made progress on implementing the Meadows recommendations. For example, APD began integrating mental health clinicians into their call center. APD also added a fourth option when callers call 911. Dispatchers now greet callers by asking them, "do you need police, fire, EMS, or mental health." APD has also improved tracking of mental health-related calls.

In October 2020, Council approved a contract with Meadows to oversee full implementation of these recommendations. Staff reported this work is currently in progress and indicated that regular status updates will be provided to Mayor and Council.

Austin Police Department Body-Worn Cameras, June 2019

The objective of this audit was to determine if APD officers were using body-worn cameras in accordance with APD policies, state law, and best practice guidance. APD started its body-worn camera program in 2015 to create greater transparency and accountability in its interactions with the public. As of April 2019, all sworn APD officers except for chiefs and commanders were assigned a body-worn camera. The implementation of body-worn cameras was fairly new for APD at the time, and we did this audit to proactively identify any potential issues with the program.

The City implemented two of the recommendations from this audit and one is underway.



We found that APD had set up the policies, training, and technology necessary to support the use of body-worn cameras but lacked oversight processes to ensure that all evidence was properly recorded and uploaded by officers. APD supervisors had not been conducting inspections of officers' body-worn camera videos to ensure body-worn cameras were being used properly. Additionally, the department did not have oversight processes to continuously monitor the program from a department-wide perspective. We also found that APD staff did not track the number of information requests the department received for body-worn camera video or the number of body-worn camera videos released or withheld.

To address these findings, we recommended the Chief of Police:

- Ensure quarterly supervisory inspections
- Designate an individual to oversee the body-worn camera program
- Maintain complete records of and regularly report on information requests related to body-worn camera video

APD implemented the first and third recommendations. APD implemented quarterly supervisory inspections of body-worn camera video and instituted system changes to allow for tracking of body-worn camera public information requests. The second recommendation, related to establishing oversight of the body-worn camera program, is underway. Currently, the Police Technology Unit is testing a new tool from their body-worn camera vendor, which will allow APD to track metrics such as whether calls for service have body-worn camera footage and whether body-worn camera videos are categorized appropriately for record-keeping purposes. APD is piloting the software and indicated they are setting up policies and procedures to guide its use.

Looking Ahead

The City has taken many actions to improve police transparency, accountability, and oversight in response to past audit recommendations. As the City continues to reimagine public safety, the implementation of the remaining recommendations is important. The administrative procedures governing the Community Police Review Commission (CPRC) must ensure the citizen oversight process is useful and transparent. The City must ensure actions taken to address Meadows' recommendations improve outcomes for individuals who may be experiencing a mental health-related crisis. Additionally, the City must ensure its new oversight tool for body-worn cameras is regularly used to monitor the program to ensure it is working effectively and making improvements, as needed. This will help ensure the body-worn camera program achieves its purpose of creating greater transparency and accountability.

We will continue to follow-up on these important recommendations until they are fully implemented.

Appendix A - Findings Issued

Austin Police Department's Handling of Complaints, September 2016	
Finding 1	The City's complaint process is not accessible and may discourage people from filing complaints about officers.
Finding 2	There is not a complete record of investigations into potential policy violations, limiting the ability to effectively monitor and report on complaint investigations.
Finding 3	Internal Affairs investigations are timely, and evidence is generally available. However, several issues with APD policies and practices make it difficult to ensure consistent handling of complaints.
Finding 4	The Police Monitor's ability to provide effective oversight is limited.
Finding 5	Data reliability issues with the complaint database make analysis of complaints difficult.

Effectiveness of Citizen Police Oversight, June 2018	
Finding 1	Citizen oversight did not create substantive change within the Austin Police Department, largely due to the effects of City procedures and police department practices.
Finding 2	Information created by the Citizen Review Panel was not fully protected or retained because the City did not provide adequate resources and training to panelists.

Austin Police Department's Response to Mental Health-Related Incidents, September 2018	
Finding 1	APD meets state requirements for crisis intervention training for all officers. APD's certified training does not cover specialized de-escalation and mental health crisis topic areas, include direct interactions with the community served, or offer regular refreshers to update officer knowledge and skills. Peer city police departments appear to include more of these best practice elements in their certified trainings.
Finding 2	APD does not include all best practice elements related to responding to mental health crisis situations and specialized resources are not always available when needed. In addition, officers may not have all relevant information when responding to these calls for service.
Finding 3	APD does not follow best practice guidance to track and review crisis intervention incidents to improve outcomes. APD and other cities reported difficulties tracking and reviewing these incidents.

Austin Police Department Body-Worn Cameras, June 2019	
Finding 1	APD has set up the policies, training, and technology necessary to support the use of body-worn cameras. However, the department lacks oversight processes to ensure that all evidence is properly recorded and uploaded by officers.
Finding 2	APD staff do not track the number of information requests the department received for body-worn camera video or the number of body-worn camera videos released or withheld.

Appendix B – Implementation Status of Recommendations

We issued 20 recommendations from our police oversight audits. We verified that the City implemented 14 of these recommendations and 6 are underway.

Austin Police Department's Handling of Complaints, September 2016		
Recommendation 1	The Police Monitor should expand efforts to increase awareness about the Police Monitor and the complaint process.	Implemented
Recommendation 2	The Police Monitor should review the complaint process, identify barriers people may face when attempting to make a complaint, and implement methods to reduce or eliminate those barriers. This includes more clearly communicating that complaints can be made anonymously and publishing clear guidance on what to expect after making a complaint, including estimated timelines and deliverables.	Implemented
Recommendation 3	The Police Chief should ensure that all staff are aware of, and comply with, the requirement that all complaints should be sent to Internal Affairs for inclusion in the complaint database.	Implemented
Recommendation 4	The Police Chief should create administrative inquiries for high-profile incidents and ensure they are investigated by Internal Affairs.	Implemented
Recommendation 5	The Police Chief should revise the record retention schedule to ensure that evidence that could be used in complaint investigations is available to Internal Affairs investigators for at least 180 days.	Implemented
Recommendation 6	To better allow for analysis and reporting on complaints and their disposition, the Police Chief should revise APD's current classification process to: <ul style="list-style-type: none"> • Reflect complaints as pending until initial evidence is reviewed • Assign classification based on potential discipline or corrective action • Limit changes to classifications once assigned • Include a conclusion (e.g. sustained, exonerated, unfounded) for all complaints 	Implemented
Recommendation 7	The Police Chief should implement a process to document justifications for discipline, including how disagreements with the Police Monitor are addressed.	Implemented
Recommendation 8	The Police Chief should provide the Police Monitor with automatic access to all electronic records maintained by Internal Affairs.	Implemented
Recommendation 9	The Police Chief should ensure that regular meetings between stakeholders in the complaint process occur, as prescribed in the agreement with the Austin Police Association.	Implemented
Recommendation 10	The Police Chief should ensure that data is accurate, complete, and consistent. This may include working with the City's Communication and Technology Management Department to identify and implement updates to the complaint database, including: <ul style="list-style-type: none"> • Required fields that cannot be blank when cases are closed • Field level controls to ensure dates are reasonable 	Underway
Recommendation 11	The City Manager should pursue opportunities to expand oversight functions through changes to City Code and/or the City's agreement with the Austin Police Association.	Implemented

Effectiveness of Citizen Police Oversight, June 2018		
Recommendation 1	<p>To improve the effectiveness of citizen oversight of the Austin Police Department, the City Manager should pursue opportunities in future agreements with the Austin Police Association to ensure that:</p> <ul style="list-style-type: none"> • Clear responsibilities are established for the retention of any records produced by a City-designated citizen oversight body, and relevant policies are followed and enforced. Such responsibilities could include who maintains the records, where records should be stored, and how long records should be maintained • The Police Department present investigations to a City-designated citizen oversight body in a timely and comprehensive manner, such that the oversight body has adequate time to provide recommendations on discipline and complete access to the investigation case file both prior to, and during, deliberations of the body • The Chief of Police issues a timely, written response to any recommendation formally issued by a City-designated citizen oversight body. The response should be sent directly to the oversight body, include a statement on whether or not the Chief of Police agrees or disagrees with the recommendation, and include a clear explanation for the decision 	Underway
Recommendation 2	When a new labor agreement is approved, the City Manager should ensure administrative procedures governing the citizen oversight process align with the labor agreement and ensure that there is direct communication between the City-designated citizen oversight body and the Chief of Police. Additionally, any final documents issued by a City-designated citizen oversight body should be issued by that body directly to the intended recipient.	Underway
Recommendation 3	To ensure the integrity of the citizen oversight process, the City Manager should proactively release memos issued by a City-designated citizen oversight body to the public, as well as any responses produced by the Austin Police Department.	Underway
Recommendation 4	To ensure that City information is protected and retained, the City Manager should ensure that representatives of a City-designated citizen oversight body are provided with appropriate resources. This may include providing the representatives with City e-mail accounts and training related to their duties, consistent with the City Clerk's established processes for Council-appointed boards and commissions.	Implemented

Austin Police Department's Response to Mental Health-Related Incidents, September 2018		
Recommendation 1	<p>The Chief of Police should engage with mental health stakeholders to identify solutions that have worked in other communities, evaluate the needs and available resources in our community, and review what solutions could work to benefit people with mental illness in the Austin area. This process should be documented, and stakeholders should include, but not be limited to, members of the:</p> <ul style="list-style-type: none"> • Law enforcement and criminal justice community • Advocacy community including people and family members affected by mental illness • Mental health community including providers, practitioners, educators, and trainers 	Implemented
Recommendation 2	<p>The Chief of Police should use the results of the stakeholder process noted in recommendation 1 to implement changes to the City's crisis intervention program. At a minimum, these changes should address the finding areas of this report, including:</p> <ul style="list-style-type: none"> • The format, frequency, and content of specialized training topics • Dispatch practices for mental health-related calls for service • Response practices for crisis intervention situations • Access to relevant information • Reporting and tracking to identify continuous improvements • Opportunities to re-engage this process on a periodic basis 	Underway

Austin Police Department Body-Worn Cameras, June 2019		
Recommendation 1	The Chief of Police should ensure quarterly supervisory inspections are taking place through regular reporting to executive leadership.	Implemented
Recommendation 2	The Chief of Police should designate an individual within APD whose primary responsibility is oversight of the body-worn camera program. This individual's responsibilities should include: designing, tracking, and reporting on performance measures and program goals to assist with monitoring of the body-worn camera program; revising body-worn camera policy as necessary; providing updated and on-going body-worn camera training to officers; and assisting supervisors with reviews of body-worn camera usage.	Underway
Recommendation 3	The Chief of Police should maintain complete records of and regularly report on information requests related to body-worn camera video.	Implemented

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Scope

The project scope included actions taken by City management to respond to the recommendations in audits related to police oversight from 2016 to 2019, including:

- Austin Police Department's Handling of Complaints, September 2016
- Effectiveness of Citizen Police Oversight, June 2018
- Austin Police Department's Response to Mental Health-Related Incidents, September 2018
- Austin Police Department Body-Worn Cameras, June 2019

Methodology

To complete this special report, we performed the following steps:

- Communicated with City staff in the Austin Police Department, Office of Police Oversight, Communications and Technology Management, and City Manager's Office
- Reviewed Council resolutions and discussions, City memos, budget information, news articles, consultant reports, plans, and other relevant documents
- Evaluated management actions to respond to relevant recommendations

Audit Standards

This project is considered a non-audit project under Government Auditing Standards and was conducted in accordance with the ethics and general standards (Chapters 1-5).

The Office of the City Auditor was created by the Austin City Charter as an independent office reporting to City Council to help establish accountability and improve City services. We conduct performance audits to review aspects of a City service or program and provide recommendations for improvement.

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