



## MEMORANDUM

**TO:** Mayor and Council Members

**FROM:** Gail McCant, Interim Director, Office of Police Oversight *dm*

**THROUGH:** Jesús Garza, Interim City Manager *J.G.*

**DATE:** September 18, 2023

**SUBJECT:** **Update on the Activities of the Office of Police Oversight as related to Ordinance No. 20230223-061 and Proposition A**

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The purpose of this memorandum is to provide an update on the progress of the Office of Police Oversight (OPO) since the passing of Proposition A. To provide a thorough update, this memorandum is separated by each division of the OPO: Complaints, Policy & Research, and Communications & Community Engagement.

### **Complaints**

From April 1, 2023 – August 31, 2023, OPO attended 94 Internal Affairs Division (IAD) interviews, received 72 compliments about the Austin Police Department (APD), and received 275 complaints. Below is a breakdown of the complaints received by type.

- Formal: 56
  - An affidavit is completed and a full investigation is recommended by OPO.
- Community Concern: 46
  - OPO notifies APD of a complaint that does not rise to the level of a policy violation.
- Supervisory Referral: 86
  - OPO notifies APD of a complaint in which an APD supervisor contacting a complainant is the best resolution.
- All others: 87
  - These could be pending, not applicable to OPO, or awaiting contact from the complainant.

OPO created an “anonymous contact” link on our website for anyone who does not want to come into the office to file an anonymous complaint. OPO instituted a new in-person anonymous complaint standard operating procedure (SOP), which involves collaboration with IAD. OPO created new SOPs to align with the expiration of the Meet and Confer agreement and the passage of Proposition A. Outdated information was removed from the OPO website and it was updated with accurate information.

OPO currently has nine full-time employees, six of whom are notaries. This change is to accommodate for complaints that need to be notarized under TLGC 143. A seventh notary application is pending approval.

To better align with Prop A, OPO created two new positions for Complaint Investigators and reclassified an existing vacant position to a Complaint Supervisor position. These vacant positions are expected to be filled by December. OPO hired a new Administrative Specialist to assist specifically with needs related to the Complaints Division, who started in September 2023.

The OPO Interim Director, Gail McCant, is currently working with the City Law Department to create a repository that will be in compliance with Prop A and state law.

## **Policy & Research**

OPO created two new positions titled Police Oversight Policy Analyst. These vacancies are expected to be filled in September 2023. OPO currently has two vacancies for Business Intelligence Consultants. OPO plans to post both positions in September 2023, conduct interviews in October, and hire by November. OPO redeveloped the onboarding process for new hires and created aligned SOPs and orientation.

OPO researched, reviewed, and analyzed approximately 35 APD-initiated policy changes in 2023 to date. There are two OPO-initiated policy recommendations in progress. OPO is currently reviewing APD’s implementation of the Active Bystandership for Law Enforcement program (ABLE) and continues work on the Automated License Plate Reader (ALPR) initiative.

OPO reviewed the Academy Curriculum Review Committee (ACRC) deliverables regarding the Racial Profiling course and prepared an OPO summary. There is continuing work on our review of the final deliverables. OPO plans to pivot recommendations to talk about process and procedures versus content as well as identify OPO’s role going forward.

OPO monitored the Texas Legislative session and multiple bills, including 44 House Bills (HB) and 26 Senate Bills (SB). Each HB or SB had independent research conducted and analysis of the impact to OPO or City of Austin (COA) operations. OPO reviewed and summarized the Kroll report, *Community Impact of Police Misconduct: Analysis of Austin Police Department Excessive Use of Force and Other Misconduct Litigation*. Additionally, the Policy & Research Manager joined the COA Data Learning Cohort.

## **Communications & Community Engagement**

### **Website**

After the Meet and Confer expired on March 31, 2023, OPO Communications staff removed any content on the OPO and Community Police Review Commission (CPRC) websites that conflicted with Chapter 143. The team worked with City Legal and the City Manager's Office to develop and publish content aligned with local ordinances and state law.

Following the passage of Prop A in May 2023, OPO worked with the City Auditor's Office and City Legal to update the CPRC website to align with the new ordinance. Changes include information about commissioner eligibility, commission scope, and a new commissioner application form. Applications will be received through the end of September 2023. To date, OPO has received 60 applications. The applications will be vetted by the Auditor's Office and moved on to the City Manager's Office for possible appointment.

In January 2023, CTM and CPIO migrated OPO's content to the main City website (Drupal). In May, OPO hired a temporary content strategist to address errors and missing documents related to the migration. This project is currently in progress and will be completed by September 30, 2023.

OPO Communications staff made further content changes on the department website to align with the City Manager's June 26, 2023 memo. Changes were made to clarify the process for submitting an anonymous complaint. The team worked with City Legal and the City Manager's Office to develop and publish content aligned with local ordinances and state law.

### **Community Outreach**

From April 1, 2023, to August 31, 2023, OPO participated in 12 community events or engaged stakeholders in conversation. Below are the highlights of our work during this period.

#### **April 26, 2023: 2023 Fair Housing Conference**

OPO attended the Office of Civil Rights' annual Fair Housing Conference, recognizing the 55th anniversary of the Fair Housing Act. OPO staff moderated one of the guest speaker panel discussions at the conference, which nearly 150 community members representing various organizations attended.

#### **May 4, 2023: Automated License Plate Reader Community Engagement Session**

OPO supported the planning and promotion of the third Automated License Plate Reader community input session hosted by the Austin Police Department. OPO advised APD on programming and accessibility best practices for the event. An estimated 15 community members participated in the event.

#### **July 20 and August 17, 2023: Follow-up meetings with the Public Safety Commission**

OPO staff met with the Commissioners Nelly Ramirez and Rebecca Bernhardt to provide requested status updates on a forthcoming project, the Town Hall on Public Safety: People with Disabilities and Policing report.

**August 19, 2023: Austin Pride**

On August 19, 2023, the Office of Police Oversight (OPO) participated in the annual Austin Pride Festival at Fiesta Gardens. Staff connected more than 500 festival attendees at the event, amplifying awareness of OPO and sharing vital information about how the office is a resource for community members.



**August 26, 2023: Austin Energy Community Connections Resource Fair**

OPO participated in Austin Energy's Community Connections Fair on August 26, 2023, at Del Valle High School. OPO engaged approximately 300 community members, provided information about our services, and shared our materials with them.

**Upcoming Projects**

In support of OPO's annual report, communications staff provided support including designing data visualizations, graphic design, and copyediting. The communications team will manage the report's release, including a memo to the Mayor and Council, a press release, and publication online.

OPO is finalizing a report from our Town Hall on Public Safety: People with Disabilities and Policing project, documenting community members' feedback related to the experiences of people with disabilities and law enforcement. The report is forthcoming and will be released to the public, promoted online, and shared with the Mayor and City Council.

OPO is in the process of designing new outreach materials to align with the City Manager's June 26, 2023 Memo and Chapter 143. OPO will translate these materials into the City's seven threshold languages as well.

cc: Bruce Mills, Interim Assistant City Manager