



OFFICE OF POLICE OVERSIGHT

P.O. BOX 1088, AUSTIN, TEXAS 78767
WWW.ATXPOLICEOVERSIGHT.ORG
POLICEOVERSIGHT@AUSTINTEXAS.GOV
PHONE: 512.974.9090 | TTY: 711 | FAX: 512.974.6306
COMPLAINT HOTLINE: 512-972-20PO

May 29, 2024

Robin Henderson, Interim Chief of Police
Austin Police Department
715 E. 8th Street
Austin, TX 78701

RE: OPO's Policy Recommendation to Austin Police Department's General Order
342.3.5: Failure to Maintain Financial Responsibility

Dear Chief Henderson:

This memorandum provides feedback and recommendations for improving the Austin Police Department's (APD) General Order (GO) 342: Traffic Enforcement.

The specific policies reviewed in this memorandum are as follows:

- 342.3.5 Failure to Maintain Financial Responsibility

This policy analysis and recommendations address the need for more clarity in APD's current policy outlining the operational guidelines for officers to enforce traffic regulations in a standardized manner.

We look forward to addressing the items identified and improving these policies to benefit the community and APD's sworn personnel.

Sincerely,

Gail McCant, Director
Office of Police Oversight



342.3.5: Failure to Maintain Financial Responsibility

Recommendation #1:

OPO recommends that APD correct grammatical errors in 342.3.5 on Failure to Maintain Financial Responsibility.

OPO recommends revising section 342.3.5 on Failure to Maintain Financial Responsibility to ensure grammatically correct language. The current phrasing, “*When drivers who do not have current proof of insurance, officers shall make an inquiry through the Texas Sure Database to confirm if the driver has insurance on file,*” contains a sentence fragment because the noun “drivers” is missing a verb. Grammatical correctness is crucial to ensuring that policy is clear and easy to understand.

Recommendation #2:

OPO recommends that APD revise 342.3.5 to add specificity.

To ensure consistency and fairness, OPO recommends that APD revise this section to specify that officers must confirm proof of insurance and issue a citation if said proof is not acquired.

342.3.5 FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY

Officers must confirm drivers’ current proof of insurance per state law. When drivers ~~who~~ do not have current proof of insurance **on hand**, officers shall make an inquiry through the Texas Sure Database to confirm if the driver has insurance on file.

(a) The inquiry shall be performed on the MDC or through Communications by running a license plate check.

(b) If the Texas Sure Database is not accessible during the stop, officers shall **issue a citation with a** note on the back of the citation “SURE was down”.