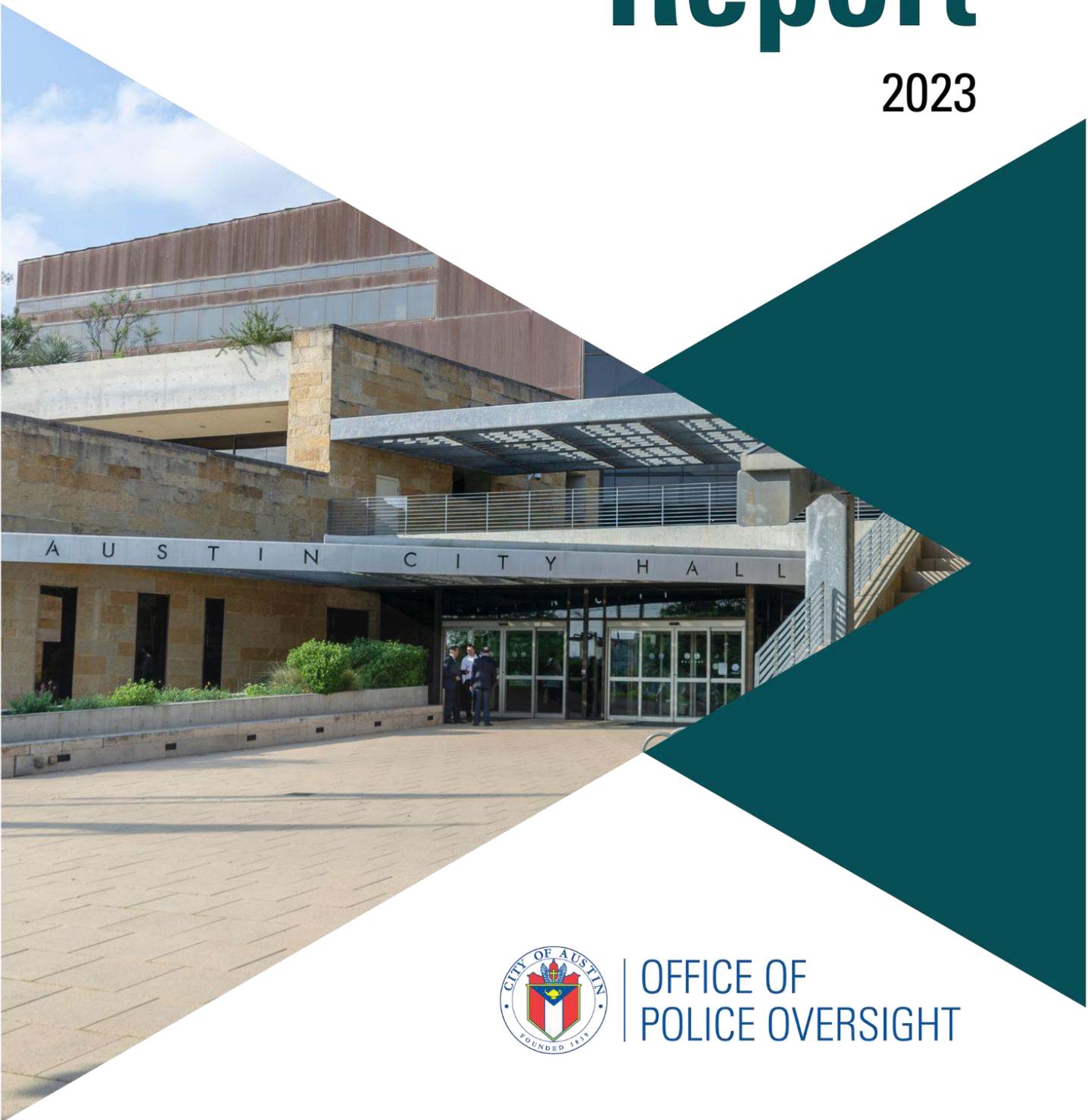


Annual Report

2023



OFFICE OF
POLICE OVERSIGHT

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MESSAGE FROM THE DIRECTOR

2023 was a year of transition for the Office of Police Oversight (OPO). Nevertheless, the OPO staff demonstrated flexibility and resiliency in managing all the changes and staying focused on the mission.

The meet and confer agreement with the Austin Police Association expired on March 31, 2023. I was appointed interim Director in June 2023, just weeks after voters approved a measure amending City Code Chapter 2-15 and placing the authority for the Community Police Review Commission in the City Code. This measure showed a strong community commitment to transparency and accountability. I was officially appointed permanent director in September 2023. Since my appointment, the Office of Police Oversight has diligently worked to align its policies and practices with the new measures.

The Office of Police Oversight wholeheartedly believes that achieving meaningful change involves a comprehensive strategy that extends beyond just addressing complaints of police misconduct. We are committed to driving enduring enhancements for both the community and the police force through our emphasis on thorough data research, policy innovation, and active community engagement. With three dynamic divisions working in unison, OPO is unwavering in its commitment to positive transformation that cultivates trust and accountability.

We are enthusiastic about our progress and remain dedicated to further enhancing our impact. To that point, we have made staff changes to align with our commitment to provide timely, fair, and thorough investigations for those we serve. This included hiring three Complaint Specialists, two Complaint Investigators, and a Complaints Supervisor. The Complaints team has worked to align the complaints processes with the Oversight Act.

One of the significant changes you will identify in the 2023 annual report is aligning the definition of “investigation” with the Austin Police Oversight Act. The Austin Police Oversight Act defines an investigation as collecting and reviewing evidence related to a complaint, incident or an administrative review of an officer’s conduct. As a result, OPO aligning its definition of “investigation” with the definition outlined in the Oversight Act, as well as conducting preliminary investigations, we anticipate an increase in the number of complaints investigated by the APD Internal Affairs Division (IAD) compared to previous years.

OPO’s dedicated staff will continue collaborating with stakeholders to drive change and improve trust among those we serve.



GAIL MCCANT
Director, Office of Police Oversight

ABOUT OPO

The Office of Police Oversight (OPO) provides independent, impartial oversight over the Austin Police Department (APD).

OPO conducts administrative investigations of alleged misconduct involving Austin Police Department (APD) sworn employees, makes disciplinary and policy recommendations to the City Manager and APD, and engages the community through presentations and outreach. OPO is comprised of three divisions and twenty civilian staff.

MISSION

To provide impartial oversight of the Austin Police Department's conduct, practices, policies to enhance accountability, inform the public to increase transparency, and create sustainable partnerships throughout the community.

VISION

To enhance a culture of accountability and transparency within policing in Austin.

WHO WE ARE

The Office of Police Oversight is an independent body distinct from the Austin Police Department, yet it maintains a shared relationship with the department's Chief of Police and Internal Affairs Division. This association ensures robust accountability, transparency, and community engagement in the oversight of policing activities.

WHAT WE DO

- Research ongoing issues related to policing.
- Gather and synthesize national best practices in policing.
- Analyze APD's General Orders, training, and procedures and offer recommendations for improvement.
- Review, classify, and investigate allegations of officer misconduct and offer actionable recommendations to deter and prevent future misconduct.
- Inform the public to increase transparency.
- Create sustainable partnerships throughout the community.

2023 SUMMARY

On March 31, 2023, the Meet and Confer agreement between the City of Austin and the Austin Police Association expired. Without a Meet and Confer agreement, the OPO had to revert to following Texas Local Government Code 143.

On March 30, 2023, interim City Manager Jesús Garza issued a [memorandum](#) regarding OPO's processes following the contract expiration. The purpose of this memorandum was to provide direction on the operations of the Office of Police Oversight after the Meet and Confer agreement with the Austin Police Association expired on March 31, 2023.

On April 18, 2023, interim City Manager Jesús Garza issued an [updated memorandum](#) regarding the OPO. The memorandum was not intended to be an exclusive list of the OPO's responsibilities but instead addressed several areas where OPO operations directly interface with APD operations. Similarly, this memorandum did not list all OPO's duties but focused on some of the topics that were of interest to the City Council and likely to be of interest to the public.

On April 28, 2023, interim City Manager Jesús Garza issued an [updated memorandum](#) regarding the temporary suspension of the Community Police Review Commission.

On May 6, 2023, voters approved the passage of Proposition A, which amended [City Code Chapter 2-15](#) and placed the authority for the commission in City Code. These amendments became immediately effective on May 16, 2023 with the canvassing or confirmation of the election results.

On May 17, 2023, interim City Manager Jesús Garza issued a [memorandum](#) announcing updates regarding the passage of Proposition A, also known as the Austin Police Oversight Act, and the re-establishment of the Community Police Review Commission under the new provisions of Chapter 2-15, as amended by Proposition A.

On June 26, 2023, interim City Manager Jesús Garza issued the [final memorandum](#) related to OPO activities. This memorandum provided an update on the implementation of [Ordinance No. 20230223-061](#) and the Proposition A ordinance approved by Austin voters in May as they relate to the Office of Police Oversight.

On September 18, 2023, the Office of Police Oversight director, Gail McCant, issued a [memorandum](#) to provide updates on operations following the passage of Proposition A. Namely, several internal staffing changes were made to execute the mandates of the new ordinance. Two new positions for complaint investigators were created, and an existing vacant position was reclassified to become a complaint supervisor. The memorandum also described the ongoing work of the Complaints, Policy and Research, and Communications and Community Engagement divisions.

COMPLAINTS DIVISION

OPO's Complaint Division accepts complaints and compliments regarding the conduct of the Austin Police Department (APD) officers.

There are several ways community members can submit complaints or compliments to the Office of Police Oversight.

1. Verbally through the Complaint & Compliments line @ (512) 972-2676
2. In-person complaint intake hours 9 a.m.-4 p.m.
3. Electronically [via e-mail](#)
4. In writing via U.S. mail (P.O. Box 1088, Austin, TX 78767)

Who can file a complaint?

Any community member can file a complaint against an APD sworn police officer as a result of their interaction with an officer or on behalf of another community member. The community member can file their complaint in-person at OPO, telephonically, on OPO's website, or through the U.S. Mail. The community member can also choose to remain anonymous.

What is a contact?

A contact refers to any incoming communication from a community member. A contact may be further categorized by the type of feedback provided by the community member. When referring to negative feedback, OPO uses the term complaint, and when referring to positive feedback, OPO uses the term compliment.

What is a compliment?

A compliment is positive feedback received from community members who want to recognize an APD sworn police officer(s) for the manner they interacted with the community member and / or for the manner they addressed their concern or situation. OPO will take a detailed statement from the community member and forward it to the officer's Chain of Command through APD's Internal Affairs Division (IAD).

What is a complaint?

A verbal or written communication alleging that an officer acted improperly and may have violated any law, policy, rule or agreement governing the actions of any police officer while employed at the Austin Police Department. Allegations can vary from impartial attitude to excessive use of force. The Austin Police Department has several policies that the Office of Police Oversight references to determine whether a violation occurred. A complaint may be further categorized as a community concern, a supervisory referral, or a formal complaint.

What is an external complaint?

The OPO is authorized to make classification recommendations only for external complaints, which are complaints that originate from contacts made to the OPO. In contrast, internal complaints are those initiated by APD.

What is a community concern?

Community concerns are external complaints that do not rise to the level of a policy violation or where the complainant only wants to have their interaction with an Austin Police Department (APD) sworn police officer documented or there is insufficient information to identify the event or officer(s) involved. The complainant does not want to speak with the officer's supervisor or pursue a formal complaint. Once sent to APD's Internal Affairs Division (APD), OPO closes the complaint.

What is a supervisory referral?

Supervisory referrals are external complaints that do not rise to the level of a policy violation or may involve a minor policy violation. The complainant may be helped by speaking to the supervisor of the officer they are complaining about. OPO conducts a preliminary review of the complainant's complaint and contacts the complainant to verify that they would like to speak with the officer's supervisor. The complaint is then forwarded to APD's IAD for review and then forwarded to the officer's Chain of Command. The officer's supervisor has one calendar week to contact and speak with the complainant.

What is a formal complaint?

Formal complaints originate from complaints made by community members. The OPO conducts a preliminary review for all complaints, including community concerns, supervisory referrals, and formal complaints. However, OPO conducts a preliminary investigation for formal complaints. OPO prepares an affidavit for the complainant to sign based on their preliminary investigation. The complainant will sign the affidavit and OPO delivers it to APD IAD. A Notice of Formal Complaint (NFC) is then sent to IAD notifying them of the formal investigation. If the complainant fails to sign the affidavit, a Notice of Complaint (NOC) is prepared and sent to IAD notifying them of a formal investigation where the complainant failed to sign the required affidavit.

How did OPO process complaints in 2023?

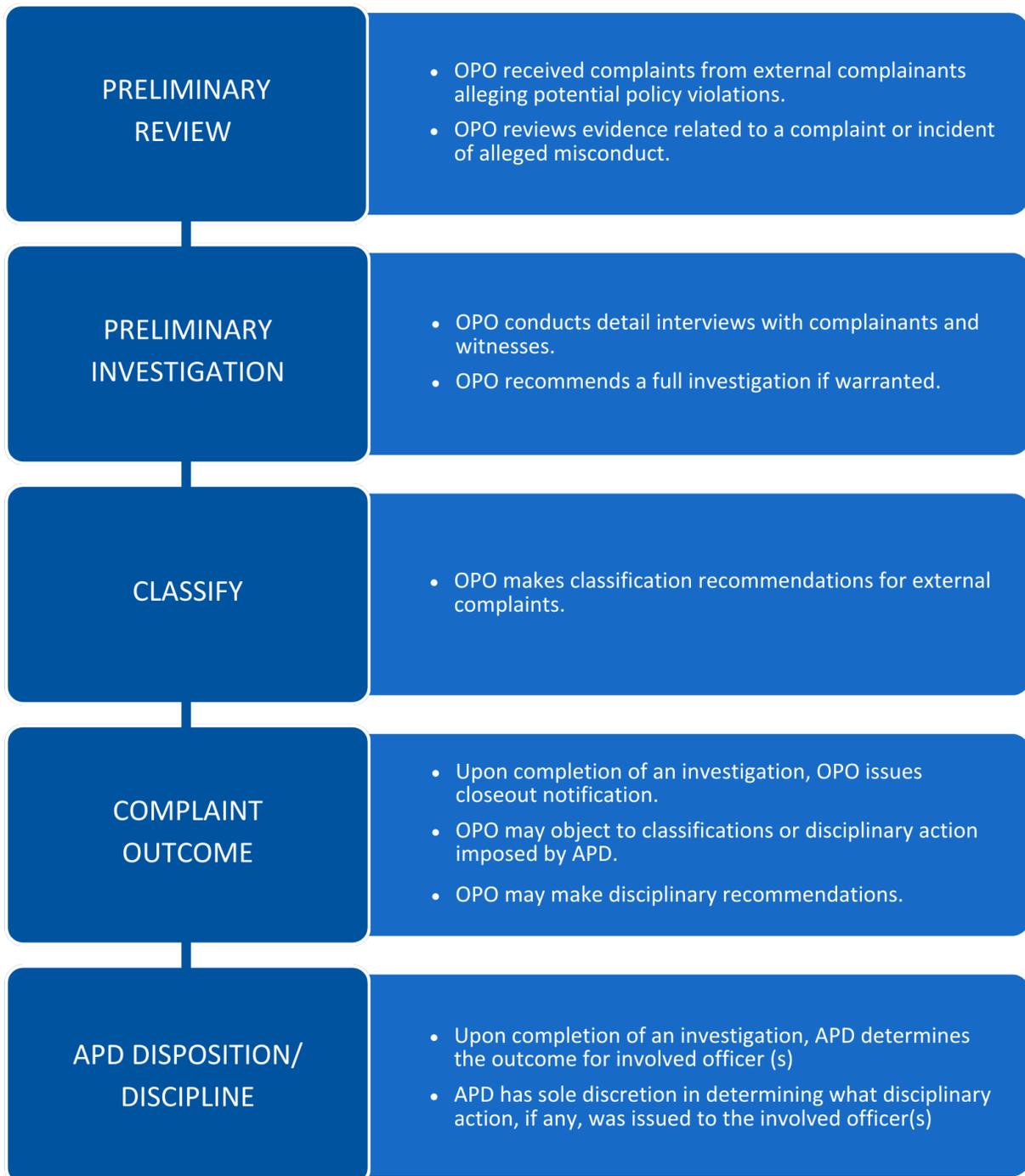


Image 1: 2023 Complaint Process.

Allegations by type (2023)

There are two different types of complaints: internal and external. Internal complaints are initiated by APD, while external complaints originate from contacts made to the OPO.

Similar to 2022, OPO assessed external complaints to understand better what the community was reporting. All the categories shown below relate only to allegations made by community members and were evaluated by OPO based on the words that community members used to describe their complaints. This assessment by OPO is conducted before the complaint is investigated.

In 2023, OPO found that the top two complaint categories described by the community were related to:

- No assistance from APD
- Lack of courtesy/impartial attitude

These are the same top two categories from 2022. Please see the table below for 2022 (left) and 2023 (right) allegation data.

2022	Allegation	2023
32.7 %	No assistance from APD	27.7 %
25.9 %	Courtesy/Impartial Attitude	23.3 %
10.3 %	False Arrest or Detention	7.9 %
8.8 %	Use of Force	5.8 %
6.4 %	Officer Driving Dangerously	9.3 %
5.9 %	False/Incorrect Report Writing or Citation	9.7 %
3.5 %	Loss/Destruction of Property	7.5 %
3.4 %	Racial Profiling	4.5 %
3.1 %	Search/Seizure	0.64 %

Table 1: Complaint Allegations 2022 & 2023 (visualized in Image 2).

**2023 OPO Annual Report
EXTERNAL COMPLAINT ALLEGATIONS**

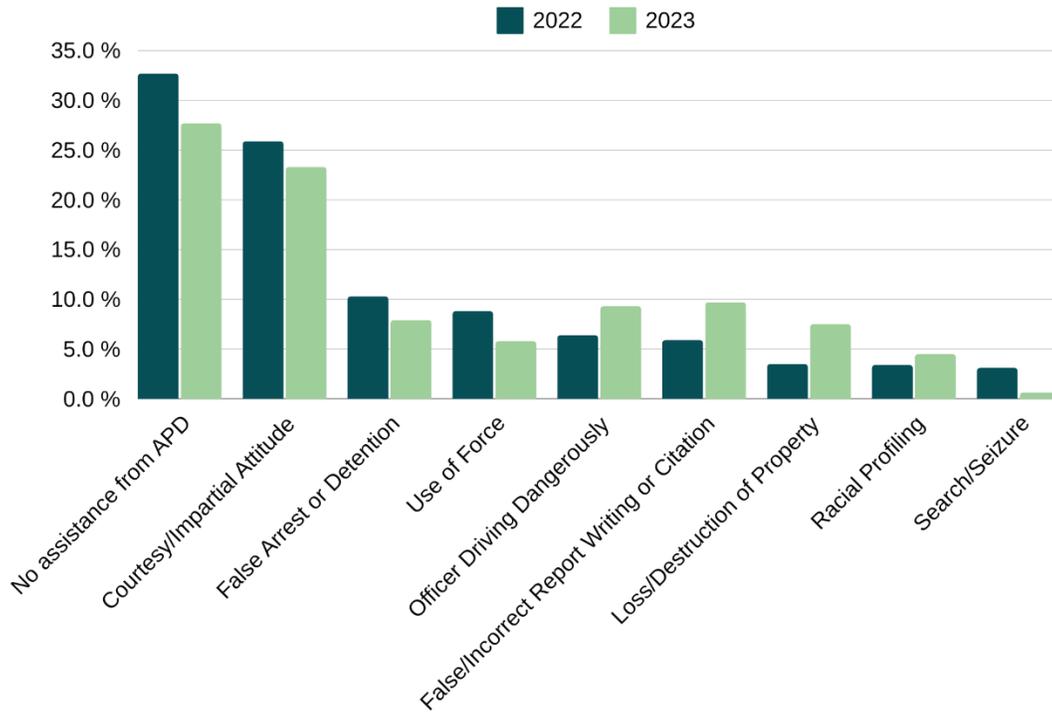


Image 2: Complaint Allegations 2022 & 2023 (visualization of Table 1).

The OPO received complaints from external complainants alleging potential policy violations and forwarded all complaint information to APD.

An essential part of building trust between the community and APD is providing opportunities for the community to submit positive and negative feedback about their interactions with the APD. OPO works to provide these opportunities in a way that is accessible to all.

Contacts & compliments received by year (2021-2023)

In 2023, OPO received 1,552 contacts and 99 compliments for APD.

In 2022, OPO received 1,876 contacts and 117 compliments for APD.

In 2021, OPO received 2,239 contacts and 187 compliments for APD.

The graph below illustrates the number of contacts and compliments OPO received between 2021 and 2023.

2023 OPO Annual Report BREAKDOWN OF POTENTIAL COMPLAINTS AND COMPLIMENTS (2021-2023)

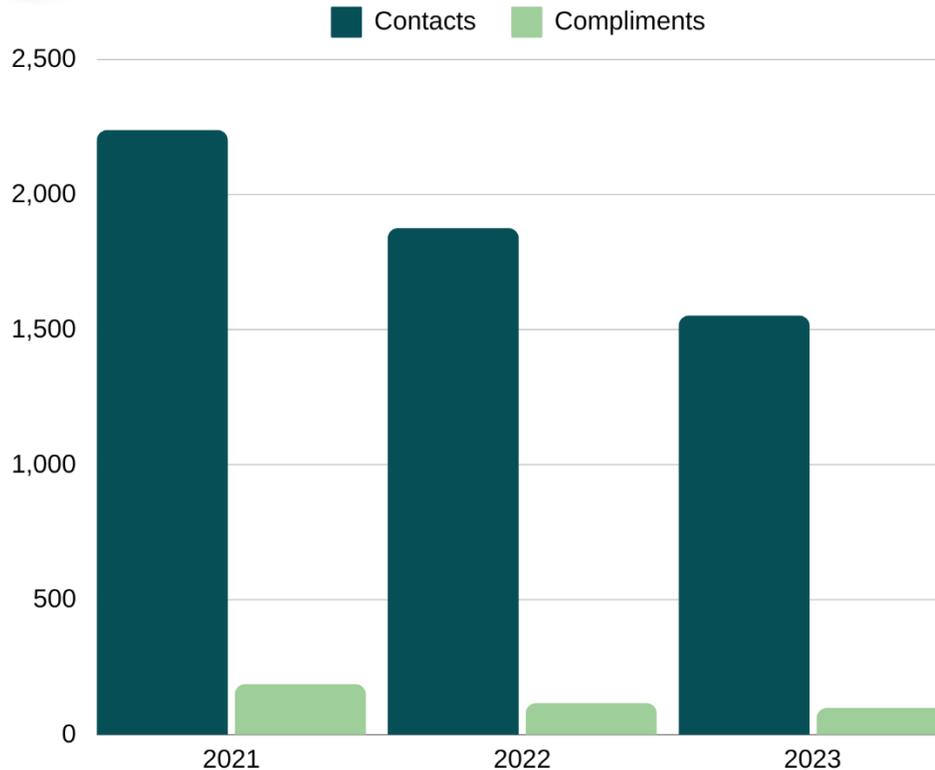


Image 3: Breakdown of Potential Complaints and Compliments (2021-2023)

Anonymous complaints

Community members may also file complaints anonymously. Accepting anonymous feedback increases accessibility for community members who may otherwise be unwilling or unable to share their experiences. In 2023, OPO received 53 anonymous complaints.

In 2022, OPO received 91 anonymous complaints. This is a 42% decrease in the number of anonymous complaints filed in 2022. With the expiration of the contract, members of the public wishing to remain anonymous were required to certify their anonymity in front of an OPO representative and a member of the Internal Affairs Department in accordance with 143.312 of the Texas Local Government Code. It is believed that this practice contributed to the decrease in

the number of anonymous complaint filings. The graph below illustrates the number of anonymous complaints OPO received between 2021 – 2023.



Image 4: Anonymous Complaints by Year 2021 – 2023

The OPO is authorized to recommend the classification for external complaints only. Internal complaints are initiated by APD, while external complaints originate from contacts made to the OPO. However, APD makes the final classification determination for all complaints. Multiple classifications are outlined in APD’s policy manual, the APD General Orders. The table below outlines the classifications that APD can assign to a complaint. A complaint’s classification determines whether it will be investigated.

Classification	Assessment	Investigative Responsibility
Administrative Inquiry	An inquiry into a critical incident, or other incident, ordered by the Chief of Police or designee. Inquiries are generally for issues that could destroy public confidence in, and respect for, the Department or which is prejudicial to the good order of the Department.	Administrative Inquiries will be assigned to the appropriate Unit or Division based on the circumstances surrounding the inquiry.
Class A Complaint	Cases in which the potential discipline is more than a 15-day suspension, indefinite suspension and/ or demotion according to the Discipline Matrix. Generally, Class A Complaints are allegations of a serious nature, which include, but are not limited to: <ul style="list-style-type: none"> • Criminal conduct. • Serious violations of a general order, rule, or regulation. • Conduct that challenges the integrity, good order, or discipline of the Department. 	Class A complaints are investigated by IA. Complaints that involve allegations of criminal conduct are also concurrently investigated by SIU as outlined in General Order 901.
Class B Complaint	Cases in which the potential discipline is a 15-day suspension or less. Generally, Class B Complaints are allegations of a less serious nature, which include, but are not limited to: Less serious violations of a Department general order, rule or regulation (e.g., profanity, belittling language, inadequate police service, minor traffic violations).	Class B Complaints that are OFCA eligible will be investigated by the employee's chain-of command. Class B complaints not eligible for OFCA will be investigated by IA. The OPO has full access rights to Class B investigations that are conducted by an employee's chain-of command. Class B complaints are resolved through three different procedures:

	<ul style="list-style-type: none"> • Negligent damage or loss of property. 	<ul style="list-style-type: none"> • Investigation by IA • OFCA, if eligible (chain-of command investigations) • Mediation, if eligible
Class C Complaint	<p>Generally, allegations that: Do not fit into the Class A or Class B category,</p> <ul style="list-style-type: none"> • The complaint does not rise to the level of a general order violation, and • The complaint would best be handled through other departmental processes (e.g., grievance, Conduct Counseling Memorandum, Employee Success Plan, or training). 	<p>Class C complaints will be reviewed by the IA commander and the employee's chain-of command. If all of the parties agree with the initial Class C classification, the complaint will be "Administratively Closed". If it is determined that additional investigative follow-up is needed, the complaint may be reclassified and investigated according to its new classification.</p>
Class D Complaint	<p>Allegations that do not rise to the level of a general order violation and meet one or more of the following criteria:</p> <ul style="list-style-type: none"> • A preliminary review of the allegation shows it is not true (e.g., video or audio recording shows allegation is false), and/ or • The complaint is about the probable cause for an arrest or citation that appears to be unsubstantiated. 	<p>Class D complaints will be reviewed by the IA commander and the employee's chain-of command. If all of the parties agree with the initial Class D classification, the complaint will be "Administratively Closed". If it is determined that additional investigative follow-up is needed, the complaint may be reclassified and investigated according to its new classification.</p>
Supervisor Referral	<p>An incident where no formal Complaint affidavit has been received by IA, however the complainant requests that the issue be brought to the attention of a supervisor. These informal complaints are made directly to IA and/or the OPO.</p>	<p>If IA/OPO receives this informal complaint from a citizen, it will be forwarded to the appropriate supervisor and chain-of command for its follow-up and response. Supervisor Referrals are entered into the IA tracking system for documentation</p>

		purposes only and not for disciplinary purposes.
Corrective Action	A minor policy violation that normally results in Informal Discipline, per GO 902.1.2	The appropriate supervisor will complete the Corrective Action process, per GO 902.2.4.
Information Incident	An incident where no apparent general order violation has been committed and a signed affidavit has not been received. Information incidents may also be from complaints that are brought to the direct attention of a supervisor, handled satisfactorily and documented on an IA External Complainant Contact Form.	Complaints documented using the IA External Complainant Contact Form will be forwarded to IA with a notation that the complaint either was/was not handled satisfactorily. Satisfactorily handled complaints will be marked as "Information". Information incidents are entered into the IA tracking system for documentation purposes only and not for disciplinary purposes.

Table 2: APD General Order 902.3.1 Complaint Classification and Investigative Assignment Table

The Office of Police Oversight conducts a preliminary review for all external non-anonymous complaints and most anonymous complaints. However, OPO does not conduct a *preliminary investigation* for all complaints. Below are classifications where the complaint is not investigated.

Community concern

A community concern is a type of external complaint in which a community member wishes to submit feedback to APD for review. While community concerns undergo preliminary review, this classification does not rise to the level requiring a preliminary investigation.

Supervisor referral

A supervisory referral is a type of external complaint in which a community member requests follow up from an Austin police officers' supervisory or chain of command. These complaints generally do not undergo a preliminary investigation. However, in instances where OPO believes the complaint involves a serious policy violation or egregious officer misconduct a preliminary investigation may be conducted.

OPO classification recommendations

The OPO received 1,552 contacts in 2023, which resulted in 578 external complaints. The OPO recommended the following classifications: 111 Community Concerns, 253 Supervisory Referrals, and 215 formal complaints. When the OPO recommended a formal complaint, we identified that it needed a full and thorough investigation, or a complainant had insisted that the OPO process their complaint as a formal complaint.

Please see the chart below for a visual representation of OPO classification recommendations.

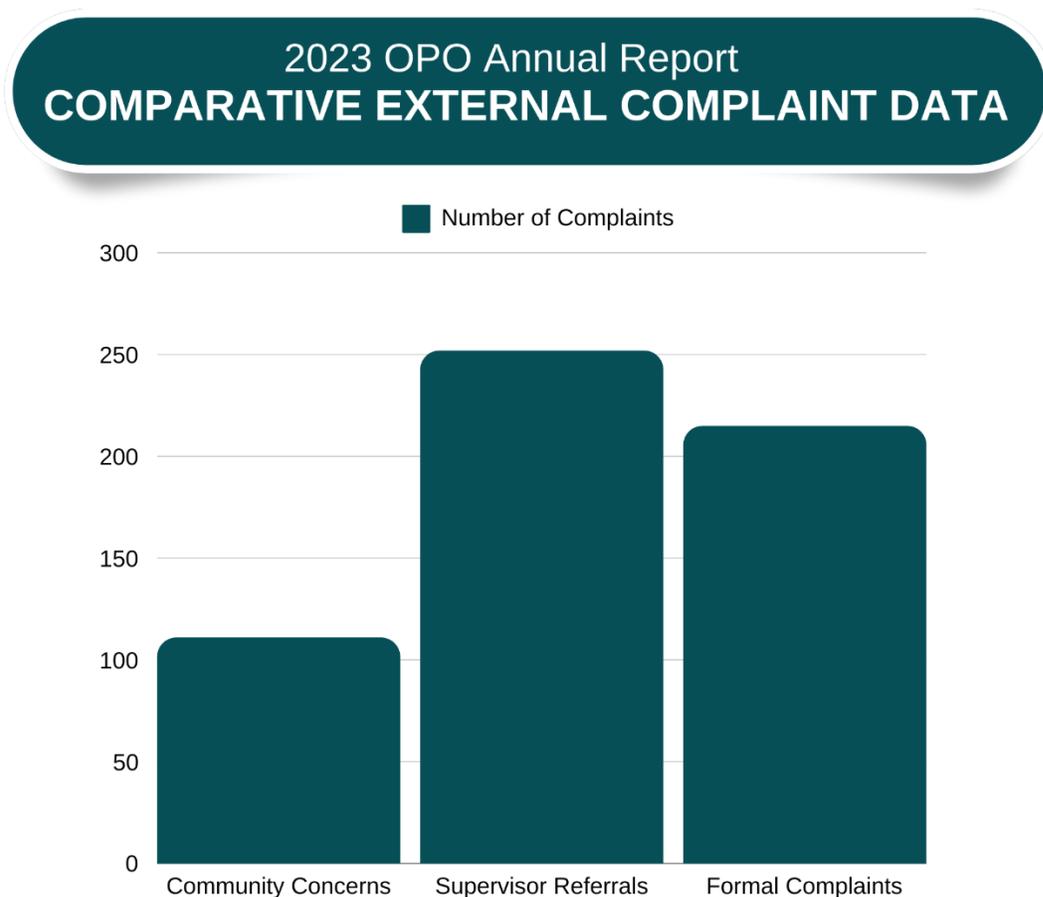


Image 5: Comparative External Complaint Data

How did APD classify complaints in 2023?

There are two different types of complaints: internal and external. Internal complaints are initiated by APD, while external complaints originate from contacts made to the OPO.

The chart below outlines the classifications that APD assigned to each of the 578 external complaints (right) and the 179 internal complaints (left).

<i>Internal (APD)</i>	<i>Classification</i>	<i>External (OPO)</i>
10	Administrative Inquiry	0
43	A	7
75	B	14
0	C	11
0	D	114
3	Information	55
0	Pending	2
1	Supervisor Referral	245
47	Supervisory Referral-Minor Policy Violation	4
0	Community Concern	126
179	TOTAL	578

Table 3: Internal & External Complaint Classification

2023 OPO Annual Report INTERNAL & EXTERNAL COMPLAINT CLASSIFICATION

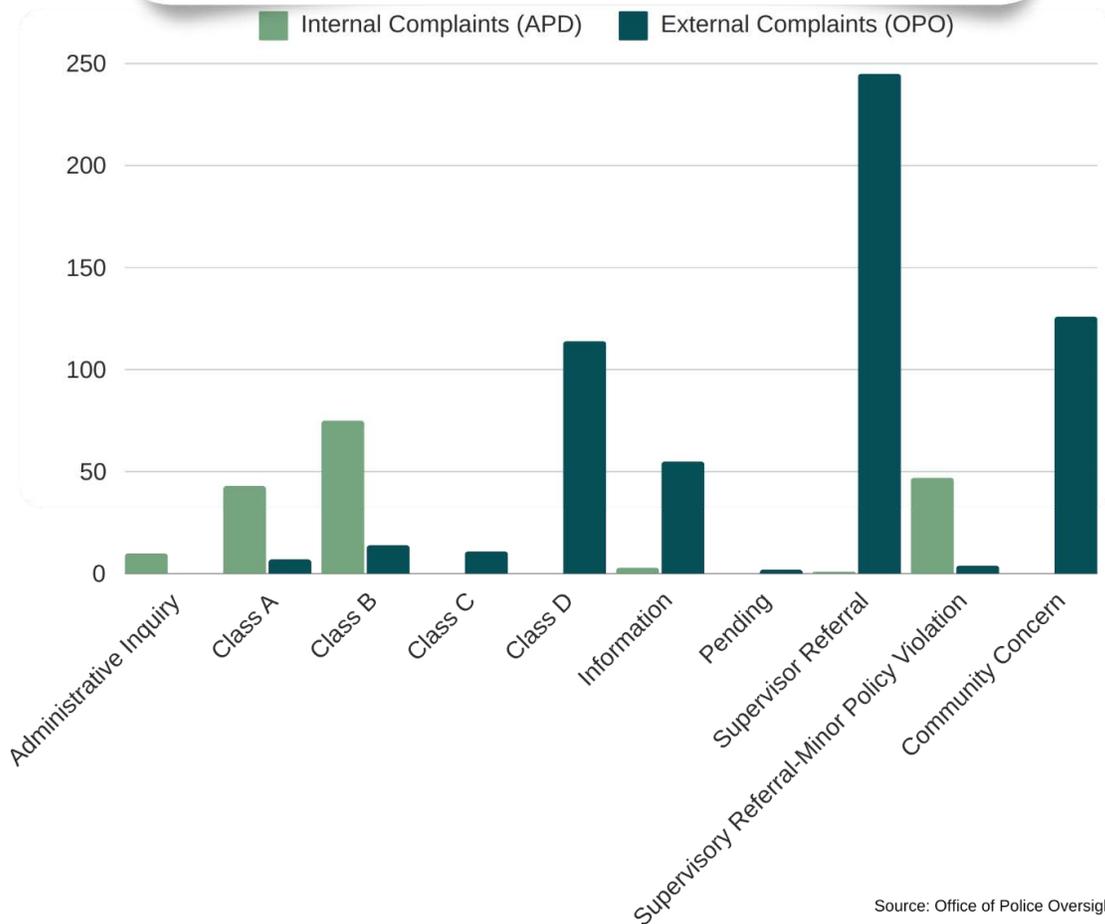


Image 6: Internal & External Complaint Classification

How did OPO monitor complaint investigations conducted by APD?

In 2023, OPO monitored all complaint investigations, more specifically OPO:

- Reviewed information gathered by APD
- Attended interviews conducted by APD
- Recommended case classifications to APD
- Recommended discipline after investigation concluded

How many complaints were investigated in 2023?

The OPO forwarded 578 complaints to the APD, recommending that 215 be investigated. Of the 215 recommended cases, APD investigated 138, resulting in 11 sustained complaints.

In 2023, APD initiated 179 internal complaints. Of these, 128 were investigated and 84 resulted in sustained complaints.

What happened at the end of an investigation?

A disposition is APD's final determination of how a complaint is closed. Below are definitions of the dispositions outlined in the APD General Orders.

Administratively Closed: Complaints will be administratively closed under one the following circumstances:

- a) An administrative inquiry has been completed and no allegations were made or misconduct discovered;
- b) The case was classified as a Class C or Class D complaint; or
- c) At the discretion of the Chief of Police or designee.

Community Concern: A community concern allows the community to submit feedback to APD for their review. This is not investigated but reviewed by APD.

Exonerated: When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper according to Departmental General Orders.

Inconclusive: When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Information: An incident maintained for documentation purposes only.

Supervisor Referral: An informal complaint referred to a supervisor for their attention. If an investigation discloses misconduct or improper job performance not alleged in the original complaint, the investigator shall take appropriate action with regard to any possible additional allegations.

Supervisor Referral: APD determined that an officer violated policy for some complaints, though the violation was minor.

Sustained: When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

Unfounded: When the investigation discloses that the alleged act(s) did not occur.

<i>Internal (APD)</i>	Dispositions	<i>External (OPO)</i>
13	Administratively Closed	129
0	Community Concern	132
8	Exonerated	3
8	Inconclusive	2
2	Information	43
6	Pending	3
9	Resigned Under Investigation	2
1	Retired Under Investigation	0
1	Supervisor Referral	245
49	Supervisory Referral-Minor Policy Violation	5
89	Sustained	14
13	Unfounded	13
199	TOTAL	591

Table 4: Internal & External Case Disposition 2023

2023 OPO Annual Report INTERNAL & EXTERNAL DISPOSITIONS

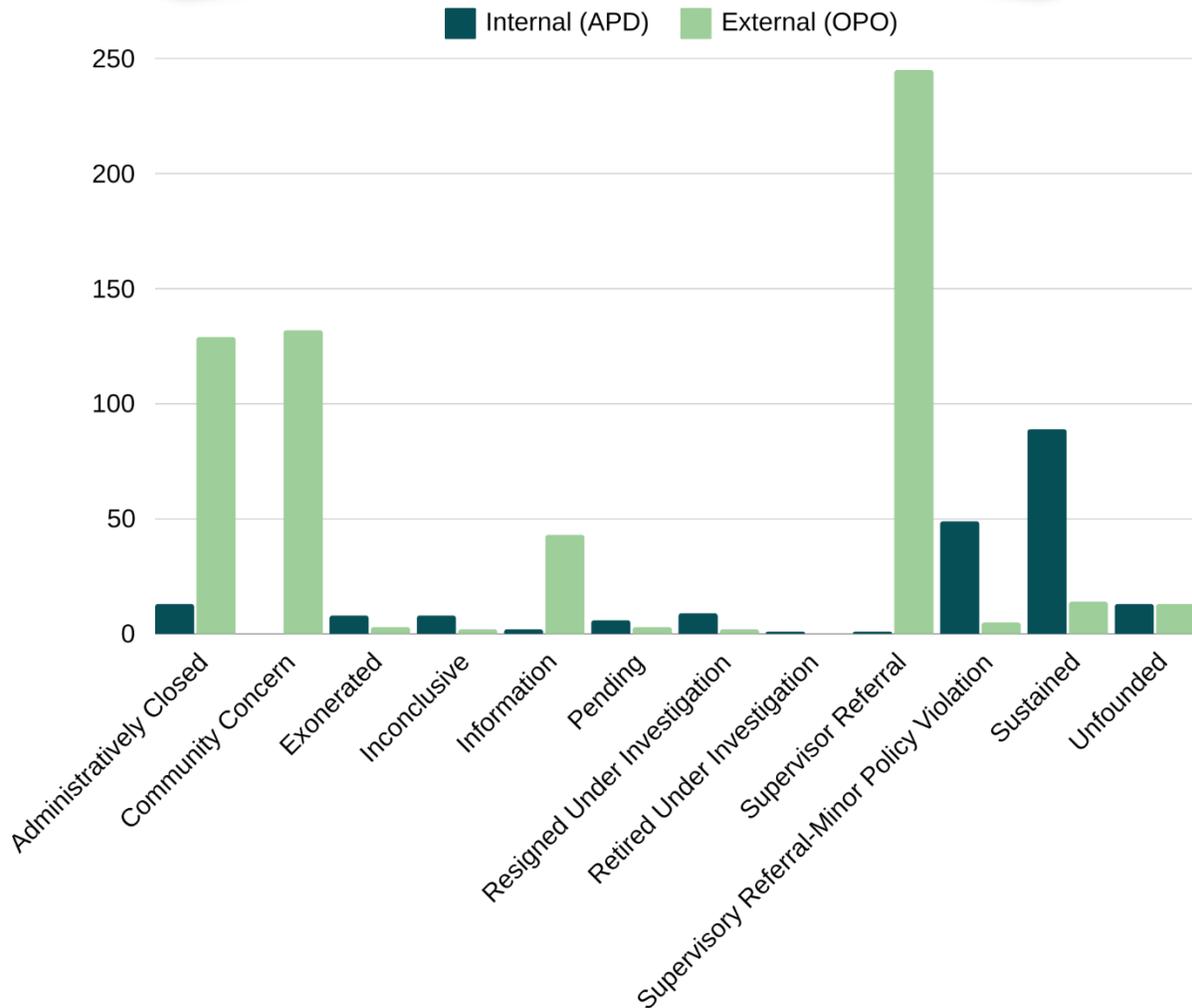


Image 7: Internal & External Case Disposition 2023

What Discipline Did APD Issue In 2023?

APD had sole discretion in determining what disciplinary action, if any, was issued to the involved officer(s). Please see below for definitions from APD’s General Orders regarding the types of discipline available.

Education-based discipline: An alternative to traditional suspensions offering optional behavior-focused education and training for suspension of 1 to 5 days at the determination of the Chain of Command.

Oral reprimand: A formal document of counseling notifying the employee that a department general order has been violated. It may be issued for any misconduct that the supervisor determines is necessary and appropriate to correct the problem.

Written reprimand: A formal letter of reprimand notifying the employee that a department general order has been violated. It is issued for any misconduct or performance in which the supervisor determines this level of discipline is necessary to correct the problem. Generally, written reprimands will be issued when there is a continuation of problems, or a supervisor determines a one-time event is serious enough to warrant a written record being placed in the employee’s file.

Temporary suspension: This may range from 1 to 3 days, 4 to 15 days, or an agreed upon 16 to 90 days suspension.

Indefinite suspension: Equivalent to dismissal or termination from the Department.

What kind of discipline did APD issue in 2023?

In 2023, 103 individual Austin Police Department officers received discipline. Of the 103 disciplined officers, 89 were the subject of internal complaints, and 14 were the subject of external complaints. The charts below show all discipline APD issued to officers in 2023.

<i>Internal (APD)</i>	<i>Discipline Issued</i>	<i>External (OPO)</i>
4	Education Based Discipline	0
50	Oral Reprimand	8
32	Written Reprimand	6
3	Temporary Suspension	0
89	Total sustained	14

Table 5: Internal/External Discipline Breakdown

2023 OPO Annual Report INTERNAL & EXTERNAL DISCIPLINE BREAKDOWN

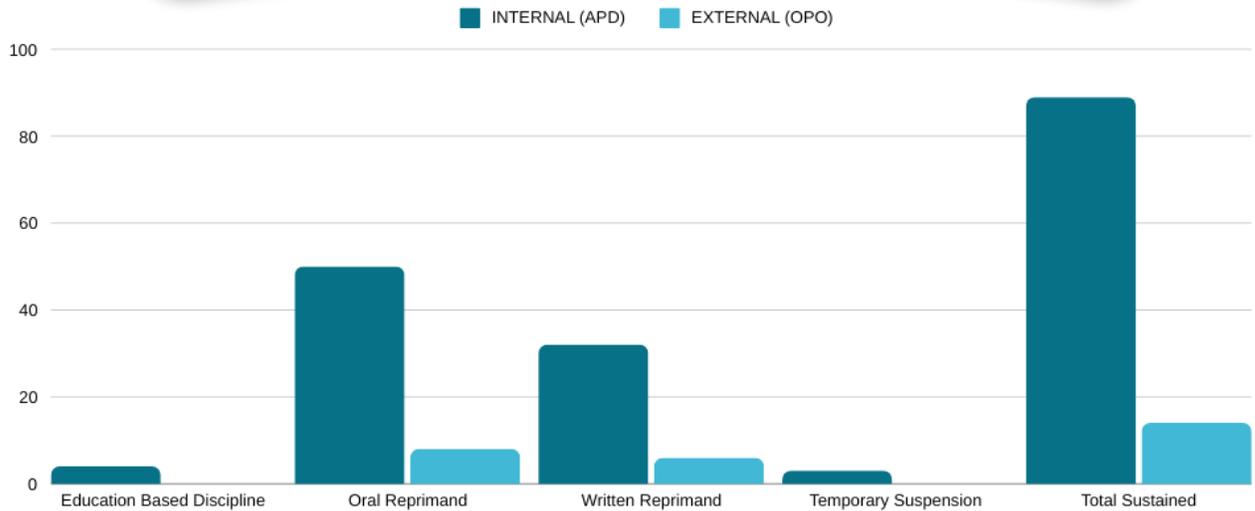


Image 8: Internal/External Discipline Breakdown

What were officers disciplined for in 2023?

In 2023, officers were disciplined most often for policy violations related to:

Department Vehicles – This was the most cited policy violation for sustained complaints. APD defines this policy as: For purposes of this order, Department vehicles are considered to be any vehicle used by Department employees for official Department business, including privately owned vehicles or vehicles owned, rented, leased, or maintained by the City.

Duty Firearms – This was the second most cited policy violation. APD defines this policy as: This order sets guidelines on the types of authorized weapons and ammunition, as well as procedures for registration, qualification, and proficiency with authorized duty weapons. For purposes of this order, on-duty is defined as any activity in which the employee receives compensation or benefit from their employment with the Department or wearing any part of the uniform. For the purposes of this General Order, TASER Conducted Energy Weapons are not considered firearms.

Responsibility To The Community – This was the third most cited policy violation. APD defines this policy as: All persons deserve protection by fair and impartial law enforcement and should be able to expect similar police response to their behavior wherever it occurs. Employees will serve the public through direction, counseling, assistance, and protection of life and property. Employees will be held accountable for the manner in which they exercise the authority of their office or position. Employees will respect the rights of individuals and perform their services with honesty, sincerity, courage, and sound judgment.

Vehicle Pursuits – APD defines this policy as: Vehicle pursuits expose innocent citizens, law enforcement officers, and fleeing violators to the risk of serious injury or death. The primary purpose of this order is to provide officers with guidance in balancing the safety of the public and themselves against law enforcement’s duty to apprehend violators of the law. Another purpose of this order is to minimize the potential for pursuit-related crashes. Vehicular pursuits require officers to exhibit a high degree of common sense and sound judgment. Officers must not forget that the immediate apprehension of a subject is generally not more important than the safety of the public and pursuing officers.

General Conduct and Responsibilities – APD defines this policy as: It is the policy of the Austin Police Department that employees conduct themselves at all times in a manner that reflects the ethical standards consistent with APD written directives. This order shall apply to all sworn and civilian members, including volunteer, part-time, auxiliary, and nonpaid civilians affiliated with the Department through a Department-sponsored program while under the direction of a Department employee.

See the comparative chart below for a visual representation of how APD issued discipline between 2021 and 2023.

2023 OPO Annual Report DISCIPLINE ADMINISTERED BY APD (2021-2023)

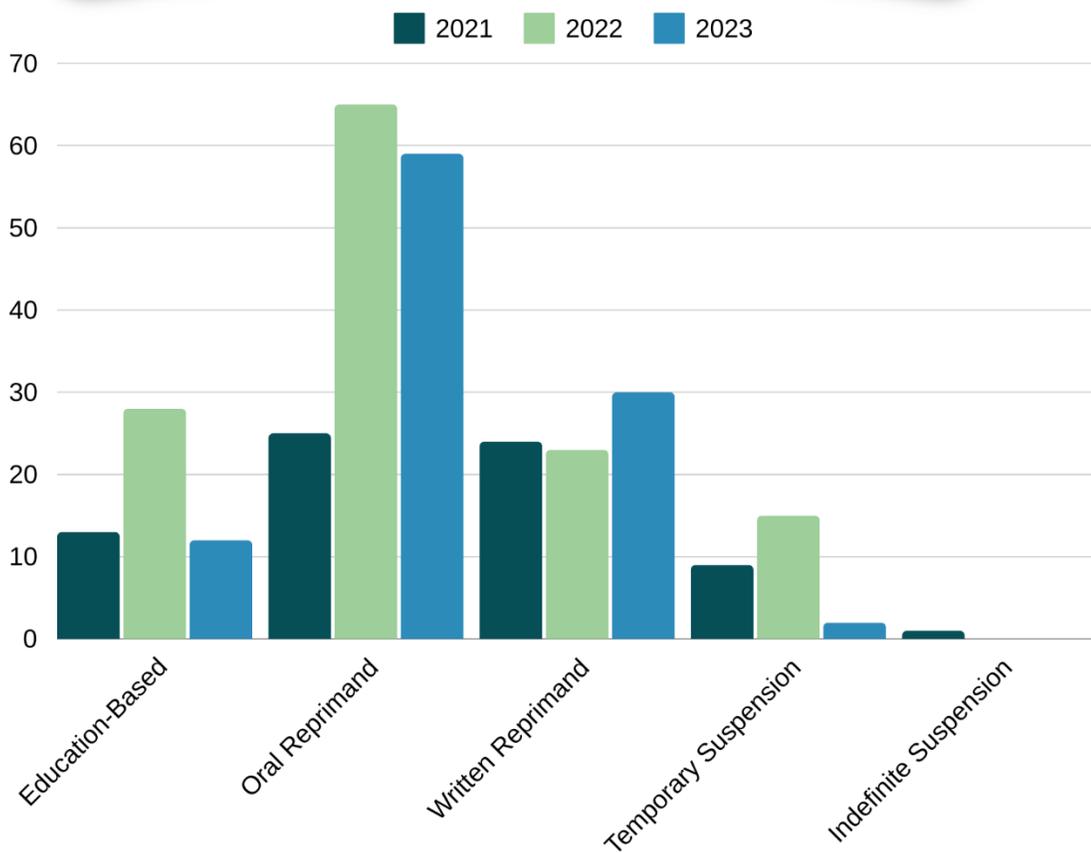


Image 9: Discipline Administered by APD (2021-2023)

POLICY & RESEARCH DIVISION



Image 10: OPO Director Gail McCant presents at the December 2023 Public Safety Commission meeting.

Austin Police Oversight Act

In May 2023, Austinites voted to enact Proposition A, the [Austin Police Oversight Act](#). This proposition, advanced to the ballot by the criminal justice nonprofit Equity Action, expanded the oversight powers of the Office of Police Oversight. Proposition A states that OPO will liaise between complainants and the Austin Police Department regarding complaint investigations and make disciplinary recommendations to APD's Chief of Police to increase accountability and transparency. The measure also grants the OPO access to police use of force records for analysis. Also of note, this new ordinance stipulates that the Austin Police Department no longer utilizes what's known as a "g-file," a personnel file that includes investigations of officer misconduct that did not result in formal discipline and is not available for public request.

Ordinance No. 20230223-061

In [Ordinance No. 20230223-061](#), the City Council designated the director of the OPO – and any other OPO staff designated by the director – as investigators under section 143.312 of the Texas Local Government Code.

Resolution 20230921-099

On September 21, 2023, the Austin City Council passed [Resolution 20230921-099](#), directing the City Manager to implement policies related to police oversight in accordance with the Austin Police Oversight Act. The priorities of this resolution center around training, investigations, and reporting by the Office of Police Oversight.

COMMUNICATIONS & COMMUNITY ENGAGEMENT DIVISION

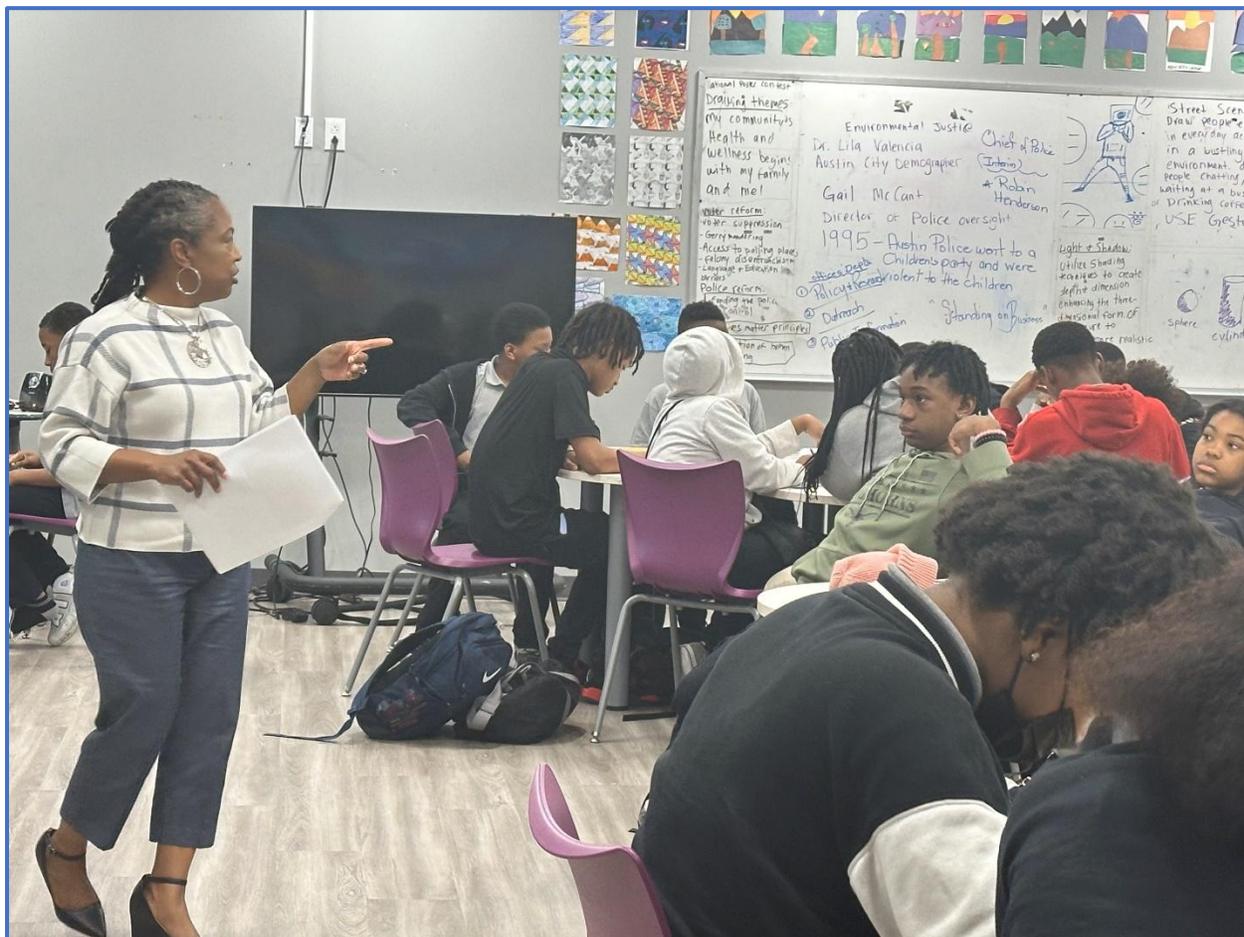


Image 11: OPO Director Gail McCant speaks to students at the Texas Empowerment Academy

The Communications and Community Engagement Division utilizes digital and traditional media to amplify and increase awareness of OPO's work in the community through publishing email newsletters, social media posts, and articles to further engage community members in transforming public safety. In 2023, OPO's Communications and Community Engagement Division enhanced transparency by making information related to policing and public safety transparent and available, including:

- Overseeing the release of ten critical incident briefing videos
- Publishing three disciplinary memorandums
- Publishing 175 notices of complaint
- Publishing 43 case documents related to lawsuits filed against the City of Austin that allege officer misconduct
- Publishing three reports and recommendations

Documents Related to Lawsuits Alleging Officer Misconduct

In 2023, OPO was directed by [Resolution 20230921-099](#) to publish documents related to lawsuits filed against the City of Austin that allege officer misconduct on the Office of Police Oversight's website. The documents include the filings and settlement information for lawsuits filed or cases currently in litigation.

These documents have been uploaded as described in the voter-approved Austin Police Oversight Act, which directs OPO to "act as a central repository for documentation relevant to the mission of the office and make such information available to the public, including but not limited to complaint outcomes; officer discipline; force incidents; and lawsuits against the City that allege officer misconduct, including the filings and the final settlement amount of any such suits."

You can view the lawsuit documents [here](#).

Community Engagement

Building sustainable connections within the community is a crucial aspect of OPO's mission. To foster these relationships, the Communications and Community Engagement Division engages community members by facilitating and participating in events, providing information on policing and the oversight process through presentations and outreach, and publishing critical documents and reports for the public. To meet the needs of all community members, the Communications and Community Engagement Division prioritizes language access, accessibility, and usability in all aspects of its work. The Community Engagement Division's staff strives to ensure that OPO's programs and services are transparent and easily accessible to community members. In 2023, OPO's Communications and Community Engagement Division engaged community members on various topics, including:

- How to file a compliment or a complaint related to their experiences with Austin police officers
- Your rights when interacting with police officers
- Understanding the experiences of people living with disabilities and law enforcement

In 2023, OPO attended and hosted 53 events, reaching more than 1,000 community members through direct outreach and engagement.

- As part of the Austin Police Academy curriculum, OPO educated cadets about police oversight
- In February 2023, OPO staff attended the Central Texas African American Family Support Conference to engage with the community and discuss police oversight initiatives
- In August 2023, OPO distributed summer safety items and information at Austin Pride

- In 2023, OPO attended six Austin/Travis County EMS Pop-up Up Resource Clinics, offering essential supplies, information, and support to community members experiencing homelessness

Town Hall on Public Safety: People with Disabilities and Policing

After completing the 2022 Town Hall on Public Safety: People with Disabilities and Policing, OPO published its final Town Hall report in October 2023. The report includes feedback and insights from Town Hall I and II participants and OPO's recommendations for APD to improve their interactions with community members with disabilities. [Read the final report here.](#)

Quarterly Police Oversight Implementation Workgroup

In November 2023, OPO hosted the first Quarterly Police Oversight Implementation Workgroup meeting to present the quarterly complaints data as directed by Austin City Council Resolution 99. OPO presented complaints data, including the quantity and nature of complaints, the complaint classifications, and the discipline recommendations made to the Chief of Police. At the meeting, community members asked questions about the complaints data presented and inquired about OPO's current complaint process. The meeting was hosted virtually on Zoom and was attended by 40 community members.

Automated License Plate Reader Community Feedback

In accordance with [Resolution 20220915-05656](#), OPO reviewed APD's proposed Automated License Plate Reader (ALPR) policy and provided recommendations to enhance its implementation. OPO supported APD in planning and promoting a series of community meetings in March 2023 to collect feedback and address any concerns about using ALPRs. The May 2023 community feedback session recording is available [here](#).

Community Police Review Commission

The Community Police Review Commission (CPRC) is a Board of the City independent of and separate from the Austin Police Department and was established as part of the 2018 Meet and Confer agreement between the City of Austin and the Austin Police Association. The commission comprises community volunteers who dedicate their time to advance civilian police oversight in Austin. One of the commission's primary responsibilities includes the review of critical incidents involving Austin police officers and providing recommendations on discipline to the Chief of Police. Commissioners are given access to confidential records authorized under the Meet and Confer agreement to review critical incidents. When the Meet and Confer agreement between the City of Austin and the Austin Police Association expired on March 31, 2023, Interim City Manager Jesús Garza suspended the Community Police Review Commission.

On May 6, 2023, Austin voters approved the passage of Proposition A, also known as the Austin Police Oversight Act. The proposition amended City Code Chapter 2-15 and established the commission's authority in the City Code. On May 17, 2023, Interim City Manager Jesús Garza

announced his intention to reinstate the commission in alignment with City Code 2-15 and include access to confidential records in a future meet and confer agreement.

CONCLUSION

The Office of Police Oversight faced many challenges in 2023. The expiration of a meet-and-confer in March 2023, which had previously governed many of the office's activities, and the passing of the Austin Police Oversight Act in May 2023, which became effective immediately, leading to a series of complex legal matters.

Be that as it may, OPO remained steadfast in its commitment to implementing the Austin Police Oversight Act. While the absence of a contract presented certain challenges, we dedicated ourselves to implementing all provisions allowable under state law. Even when our efforts were not fully recognized, we stood firmly by our mission and continued to make a significant impact.

The Austin community made its expectations clear in 2023 through its support for Proposition A. It is our role at the Office of Police Oversight to do our due diligence and ensure compliance with all the established laws, policies, and regulations. As we look forward to the coming years, we will continue to reinforce our unwavering commitment to transparency, accountability, and collaboration. By prioritizing these principles, we aim to foster trust between the community and law enforcement, paving the way for a more effective and responsive policing model in Austin. We invite you to join us in our efforts.