

COLUMNS

## Grumet: Imposter ballot measure lacks transparency in debate over Austin police oversight



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The effort to sow confusion and baffle voters fit into five boxes delivered in late December to the Office of the City Clerk.

Inside the boxes: Thousands of petition signatures for something called the “Austin Police Oversight Act,” a measure vowing to “strengthen the City’s system of independent and transparent civilian police oversight.”



But this isn’t *the* Austin Police Oversight Act.

Or at least the original one.

The clerk’s office is still sifting through the petition signatures submitted by the Voters for Oversight and Police Accountability, a group with ties to the Austin police union. If enough signatures are validated, Austin voters will face a perplexing choice in the May 6 city election:

Two different ballot propositions, both of them claiming to be the Austin Police Oversight Act — even as one is a gutted version of the other.

The original Austin Police Oversight Act already has a spot on the ballot. The criminal justice reform group Equity Action proposed the measure last summer. The group aims to enshrine more police oversight protections into city code, particularly the ability for the civilian-led Office of Police Oversight to investigate complaints of misconduct.

Reasonable people can disagree on these issues — on how much power the Office of Police Oversight should have, or whether anonymous complaints should be allowed, or how much time the police chief should have to make disciplinary decisions.

Our community should have this debate. An election should be a good way to do that.

Instead, critics of Equity Action's measure decided their best course of action was to trick voters. They created their own proposition with the same title and similar ballot description as the original one, but with hollowed-out provisions. They gathered thousands of petition signatures over the past two months, in some cases even falsely telling residents that they worked for the Equity Action effort, according to reporting by the Austin Chronicle and KXAN.

In reality, the folks gathering signatures worked for the Voters for Oversight and Police Accountability, a group that has not publicly identified its leaders or donors, at least not yet.

"This is not people trying to have an honest debate about the right way to do police oversight," Equity Action President Chris Harris told me last week. "This is people trying to fool this community into voting for something that would set up a system of police oversight that's substantially weaker than the one that's already on the ballot."

This approach by the imposter ballot proposition group is not the strategy of someone confident in the merits of their position. It is a deeply cynical move by a group that must doubt it would prevail if voters really knew what it was about.

The person who submitted the imposter petition last month to the city clerk was John Egan, who oversees voter outreach efforts for Murphy Nasica, a campaign consulting firm whose client list reads like a Who's Who of the Texas GOP. Egan did not respond to my requests for comment.

Nor did Thomas Villarreal, who took over as president of the Austin Police Association when Ken Casaday retired last fall. However, Villarreal told KXAN last month that when the Voters for Oversight and Police Accountability was created, the police union "was asked for support and has given it."

That's an understatement. Just check out saferaustin.com, the website being used by the Voters for Oversight and Police Accountability. If you plug the site into the Internet Archive's Wayback Machine, you'll see it functioned as an Austin Police Association website less than a year ago.

We should get a clearer picture of who's funding the Voters for Oversight and Police Accountability when campaign finance reports are due Jan. 17. But it's pretty obvious the effort is backed by people who aren't interested in a fair-minded debate.

The more important questions revolve around where this leaves voters, if indeed the imposter measure also makes it onto the May ballot.

The Austin City Council sets all of the ballot language, so it could try to craft wording that signals to voters which measure is which. Then again, the Texas Supreme Court has been known to overrule the council and force it to use much of the ballot wording offered by the proponents of a proposition.

Harris told me Equity Action has been exploring its legal options. He said the group helped more than 700 people retract their signatures from the imposter petition last month.

Now that the petitions are in the hands of the clerk, it's too late for anyone else to retract their signature. But Harris still urges people to contact Equity Action (visit [equityactiontx.org](http://equityactiontx.org)) if they believe they were tricked into signing the imposter petition. Their accounts could be helpful if there's a legal challenge.

Ultimately, the battle will come down to voter education on a massive scale, with advocacy groups, public officials and journalists explaining what each proposition does so voters can make an informed decision.

The website for the Voters for Oversight and Police Accountability says Austinites deserve a “police force (that) is run ethically and transparently.”

True enough. But voters also deserve transparent, ethical conduct from anyone seeking to put a measure on the ballot.

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## How they compare

The original ballot proposition by Equity Action and the rival proposal by the Voters for Oversight and Police Accountability, or VOPA, differ in many ways. Some key distinctions:

**Anonymous complaints:** Equity Action's proposal, as well as existing city code, allows anyone to file an anonymous complaint with the Office of Police Oversight, a civilian-led agency. The VOPA proposal cuts the anonymous option.

**Investigative role:** The Equity Action proposal would empower the Office of Police Oversight to participate in investigations into officer misconduct, with the ability to gather evidence and directly interview witnesses — something an independent arbitrator in 2021 said the agency could not do under the current police contract. City code allows the Office of Police Oversight to *observe* investigations; the VOPA proposal removes even that role.

**Time frame for discipline:** Under Equity Action's proposal, the police chief could discipline an officer within 365 days of learning about the alleged misconduct. The VOPA proposal does not provide a time frame, presumably because that would be negotiated in each police union contract (which currently says disciplinary action must be taken within 180 days).

**Community Police Review Commission:** Both proposals call for the creation of this 11-member body to provide recommendations about specific disciplinary cases and broader policy issues. Notably, the Equity Action proposal says no one with police ties may serve on the board. The VOPA proposal cuts that prohibition, and instead disqualifies anyone who has ever been charged with a felony or Class A or Class B misdemeanor.

**Full transparency:** The Equity Action proposal would prohibit the city from having "a secret police department personnel file" related to officer conduct. The VOPA proposal cuts out that language.