



Contact: Kathy Mitchell, 512-695-4670
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The City has NOT reached 82% compliance with Austin City Code 2-15, the Austin Police Oversight Act, passed seven months ago

To attain claimed 82% compliance, the city quietly rewrote the requirements then “green-checked” the box for their preferred language. Some of the failures below relate to its most glaring area of noncompliance, the City’s **stated decision to retain the notorious “g file” despite the voter mandate to close it** (making Austin’s department more like DPS and the hundreds of other departments that operate without a “g file”), but other failures evince a deep discomfort with the fundamental principles enacted by voters: that police should not police themselves and that independent fact finding is good.

City implementation language and cite to APOA	Actual APOA language for cited provision	Differences
OPO can participate in investigations of complaints, may interview complainants, and obtain more information from complainants (§2-15-3 (B-5)).	The office shall participate in investigations of officer conduct, including those stemming from anonymous complaints, with the right to gather evidence and directly interview witnesses as determined by the Director.	DOES NOT MEET REQUIREMENT. Claim is permissive, but mandate is a requirement. OPO SHALL participate. Further, city appears to be limiting OPO investigative authority to communications with complainants. OPO has the right to gather evidence and directly interview witnesses (who may or may not be the actual complainant.)
OPO will provide the Chief of Police with recommendations based on complaint investigations and policy violations (§2-15-3 (B-6)).	The office shall make recommendations to the police chief concerning discipline based on the findings of an investigation of officer conduct and	DOES NOT MEET REQUIREMENT. This provision requires OPO to make disciplinary recommendations in individual cases. City is only

	department policies.	claiming that OPO will make recommendations generally.
OPO will work with the City and APD to release critical incident briefings (§2-15-3 (B-9)).	The office shall work with the City to ensure compliance with a policy that encourages release of police video recordings, as soon as permitted by law, including videos gathered by vehicle dash cameras and body worn cameras, and with a strong preference for transparency when incidents of significant public interest occur.	DOES NOT MEET THE REQUIREMENT. Nothing in APOA requires the OPO to participate in critical incident briefings. This section is about body camera video transparency. It is intended to ensure that complainants can review the video related to their complaint “as soon as permitted” by law. Currently, it does not appear that the city is moving forward with transparency policies at all.
OPO will conduct preliminary reviews of complaints and provide policy recommendations (§2-15-3 (B-10)).	The office shall conduct, at a minimum, a preliminary investigation of every complaint, determine whether a full investigation is warranted , and make recommendations to the City Manager and the Police Chief regarding potential department policy violations prior to the Chief’s decision on discipline.	DOES NOT MEET ANY OF THE REQUIREMENTS. This is not about generally providing policy recommendations. This is the critical section that ensures all complaints will be investigated and authorizes the OPO to determine if a full investigation by Internal Affairs is warranted. Finally OPO is required to make recommendations regarding potential department policy violations in individual cases prior to the Chief’s decision on discipline.
The OPO Director and complaint team should have direct access to APD files related to personnel records, use of force incidents, information on investigations, and body worn camera and dashboard camera footage (§2-15-3 (D-1-4))	The Director and their designees shall have direct access, without hindrance, to relevant department personnel and department records, for purposes of pursuing the city’s police oversight policy including: 1) Records and personnel with relevant information concerning any use of force incident 2) Records and personnel with relevant information	DOES NOT MEET THE REQUIREMENTS. Similar to previous items limiting OPO communication with witnesses, this promises OPO access to only some of the documents OPO is authorized to review and limits access to personnel. OPO should be able to participate in the questioning of officers and witnesses, and directly ask questions, although officers are not

	<p>concerning any misconduct investigations</p> <p>3) Databases of force incident reports and</p> <p>4) Retained video including but not limited to police body-worn cameras, police vehicle dash cameras and HALO cameras as necessary to carry out the responsibilities in 2-15-3(B) and in accordance with Texas Occupations Code Ch. 1701.</p>	<p>required to answer unless directed to do so by the Chief.</p>
<p>OPO should publicly release general information about the police department, including complaint outcomes, discipline recommendations, detailed information about incidents, data analysis and recommendations for policy, training or legislative changes. [2-15-3(E)]</p>	<p>The Director shall publicly release general information about the police department, a summary of all complaint outcomes, recommendations that discipline be issued, and detailed information about incidents where the Office recommends discipline including the name of the officer, audit findings, data analysis and recommendations for policy, training or legislative changes.</p>	<p>DOES NOT MEET THE REQUIREMENTS. As in previous items above, this takes a list of items that shall be publicly released and restates them as subsets of "general information." Further, this omits the publishing of audit findings, a critical component of a random audit of body worn camera footage required by APOA.</p>