



Austin Police Department

*City of Austin: Founded by Congress, Republic of Texas, 1839
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November 24, 2009

Shanetta Y. Cutlar
Chief, Special Litigation Section
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, DC 20530

Re: Response of City of Austin to Technical Assistance Letter of 12/23/08

Dear Ms. Cutlar:

This is the response of the City of Austin and Austin Police Department (APD) to the technical assistance letter (TA letter) of December 23, 2008. Based on the recommendations in the TA letter, APD has made a number of changes to its policies. Some of those changes were discussed with Jonas Geissler and Corey Sanders of your office during the two telephone conferences that were held with them on May 13 and May 29, 2009. We also forwarded some of those policies to Mr. Geissler and Mr. Sanders by e-mail after the phone conferences. Those e-mails and attachments are included as Exhibits S and T.

This letter is to provide you with written responses that document the City of Austin's position on the many recommendations made by the Department of Justice, and to provide you with a set of up-to-date policies that reflect the changes that have been made.

This letter is organized as follows:

1. Recommendations and Responses. The first section contains each recommendation made in the technical assistance letter, followed by a response from APD. These are set out in the order in which they appear in the original letter, with references to the page number on which the recommendation appears. We have inserted the subject headings from the TA letter for ease of reference. Each recommendation also has a number that we have assigned to it for tracking purposes. Where applicable, we have included information on how APD ensures compliance with policy by its personnel.

2. Exhibits. The second section is a set of exhibits, in electronic format with hyperlinks, containing APD policies and previous correspondence. Those exhibits are:

- Exhibit A: [APD General Order A105 \(Written Directive System\), effective on 4/2/2000.](#)
- Exhibit B: [APD General Order B101a \(Response to Resistance\), effective on 12/20/2009.](#)
- Exhibit BB: [Lesson Plan on Dynamic Response to Resistance](#)
- Exhibit C: [APD General Order B101b \(Duty Weapons\), effective on 12/23/2008.](#)
- Exhibit CC: [APD Training Bulletin – Approved Pistol and Ammunition List, effective on January 7, 2009.](#)
- Exhibit D: [APD General Order B101c \(Inquiry Reporting Review\), effective on 12/20/2009.](#)
- Exhibit E: [APD General Order B101d \(Force Review Board\), effective on 1/1/2009.](#)
- Exhibit F: Lesson Plans on Intermediate Weapons 1. [Defensive Tactics](#), 2. [Taser](#), 3. [Oleoresin \(pepper\) Capsicum Spray](#), 4. [Baton](#)
- Exhibit G: [Canine Unit Standard Operating Procedure](#)
- Exhibit H: [Patrol Standard Operating Procedure](#)
- Exhibit I: [APD General Order B310 \(Mobile Field Force\), effective on 1/1/2003.](#)
- Exhibit J: [APD General Order A109a \(Internal Investigations\), effective on 11/05/2009.](#)
- Exhibit K: [APD General Order A109d \(Discipline Matrix\), effective on 11/04/2009.](#)
- Exhibit L: [Internal Affairs Standard Operating Procedure](#)
- Exhibit LL: [Lesson Plans on Investigative Process.](#)
- Exhibit M: [APD General Order A109b \(Investigative Process\), effective on 11/05/2009.](#)
- Exhibit N: [Meet and Confer Agreement Between the City of Austin and the Police Association, effective October 1, 2008.](#)
- Exhibit NN: [Amendment to Meet and Confer Agreement Between the City of and the Austin Police Association, effective July 23, 2009.](#)
- Exhibit O: [Lesson Plan on Sudden Custody Death](#)
- Exhibit P: [APD General Order A308 \(Training and Career Development\), effective 2/22/2009.](#)
- Exhibit Q: [APD Field Training and Evaluation Standard Operating Procedure](#)
- Exhibit R: [APD Metro Tactical Street Response Operations Manual.](#)
- Exhibit S: [E-mail to Jonas Geissler and Corey Sanders, from David Douglas, Asst. City Attorney, dated May 22, 2009, and attachments.](#)
- Exhibit T: [E-mail to Jonas Geissler and Corey Sanders, from David Douglas, Asst. City Attorney, dated June 11, 2009, and attachments.](#)
- Exhibit U: [APD Supervisor School – Mandates of Texas Commission on Law Enforcement Officer Standards and Education](#)
- Exhibit V: [APD General Order A410 \(Guidance Advisory Program\), effective on 12/20/09](#)
- Exhibit W: [APD Investigative Process 12 Month Review, September 22, 2009.](#)
- Exhibit X: [APD Special Investigations Unit Standard Operating Procedure](#)

Exhibit Y: [APD Arrest Review Standard Operating Procedure](#)
Exhibit Z: [APD Business Plan](#)

I. Policies and Procedures

1: (p. 2) “The APD should revise and update its policies and procedures to be consistent and comprehensive.”

Response: We concur with the recommendation. The department is constantly updating policies and procedures. Efforts are underway by our department to utilize a public safety risk management company, Lexipol, to provide a web based policy and procedures manual which includes a training component.

2: (p. 3) “To ensure consistency, we recommend that once the APD completes updating each policy, that the APD distribute the completed policy or procedure to all of its officers. All officers should provide a written acknowledgment of their receipt, review, and understanding of all APD policies.”

Response: We concur with the recommendation. APD General Order A105 .06 ([Exhibit A](#)) requires all employees to abide by all orders and procedures applicable to their work assignments. If hard copies are distributed, each employee must personally sign for his/her copy of the documents. The policy also states that as the system permits, distribution will be done by computer. It further provides that an electronic acknowledgement feature will be incorporated into the computerized files so that opening the document will register and serve as receipt of the policy by that employee.

Audit/Assessment: APD General Order A105 D. 2. provides that print-outs of the electronic receipt will be forwarded to the Accreditation/Inspections Unit for retention.

3: (p. 3) “We suggest that the APD designate an individual responsible for reviewing any revisions to new policies and, where necessary, to bring to the command staff’s attention needed changes to ensure consistency between APD policies. This individual would also be responsible for ensuring that all officers receive complete copies of policy manuals and policy revisions, and for maintaining copies of officers’ signed acknowledgments.”

Response: We concur with the recommendation. APD has designated a sergeant who is responsible for revisions to new policies. Also the Policy Review Committee reviews and discusses changes to policy. APD General Order A105 .06 ([Exhibit A](#)) requires all employees to abide by all orders and procedures applicable to their work assignments. If hard copies are distributed, each employee must personally sign for his/her copy of the documents. The policy also states that as the system permits, distribution will be done by computer. It further provides an electronic

acknowledgement feature will be incorporated into the computerized files so that opening the document will register and serve as receipt of the policy by that employee.

Audit/Assessment: APD General Order A105 D. 2. provides that print-outs of the electronic receipt will be forwarded to the Inspections Unit for retention.

II. Use of Force

4: (p. 3) “The APD should revise its use of force policies and adopt an appropriate use of force continuum.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101a ([Exhibit B](#)). The Department has trained all officers on the Dynamic Response to Resistance Model ([Exhibit BB](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c ([Exhibit D](#)).

A. Legal Standards Governing the Use of Force

5: (p. 5) “We recommend that the APD revises its use of force policy to incorporate these constitutional standards.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101a.02 ([Exhibit B](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c ([Exhibit D](#)).

B. APD’s Use of Force Policy

1. Preamble

6a: (p.6) “In general, a use of force policy should begin with a preamble setting forth the police department’s basic doctrine on use of force. Specifically, with respect to the APD, this preamble should include a statement that the APD values the protection and sanctity of human life. Moreover, the preamble should set forth the general expectations that the APD holds for officers’ use of force.... The APD’s newly revised policy includes similar disclaimer language [“not a higher standard of care with regard to third party claims”] but only as part of a larger preamble setting forth the APD’s values and expectations of officers’ duties.... In practice, the APD should ensure that its officers not use a disclaimer to justify uses of force inconsistent with the values set forth in the preamble.”

Response: We concur with the recommendation. APD General Order B101a ([Exhibit B](#)) contains a preamble that clearly sets out the department’s basic doctrine on the use of force. It contains the elements set forth in this recommendation, including that APD values the protection and sanctity of human life. Further, the referenced disclaimer language follows a statement that this policy is more restrictive than state and federal laws that govern the use of force.

2. Definitions

6b: (p. 6) “We recommend that the APD define “lethal force” to include any use of force that is likely to cause death or serious bodily injury in accordance with Tennessee v. Garner, supra, 471 U.S. 1.”

Response: We concur with the recommendation. APD policy uses the term “deadly force” to remain consistent with the terminology in the Texas Penal Code. Section 9.01 of the Penal Code defines “deadly force” as “force that is intended or known to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury.”

Audit/Assessment: N/A

7: (p. 6) “We recommend that the APD modify its definition of force to eliminate the “minimal resistance” threshold and, instead, include all force used beyond unresisted handcuffing.”

Response: We concur with this recommendation. APD General Order B101c.03 ([Exhibit D](#)) requires officers to document all force used against a subject resulting in injury or a complaint of pain, beyond unresisted handcuffing. The Department requires officers to document all force used regardless of a complaint of injury or pain including hand/palm/elbow strikes, kicks or leg sweeps, pressure points, or takedowns. “Minimal resistance” has been removed from the definition.

Audit/Assessment: N/A

8: (p. 7) “The policy only requires the reporting of injuries “caused” by the officer. We recommend that the APD modify this definition to include injury *alleged* to have been caused by APD personnel.”

Response: We concur with this recommendation. The APD policy, as revised, is consistent with this recommendation. APD General Order B101c, .03, C, 5 ([Exhibit D](#)) requires reporting of any force incident resulting in injury or a complaint of pain beyond the temporary discomfort of unresisted handcuffing.

Audit/Assessment: N/A

9: (p. 7) “We also recommend that the APD revise its definition of serious physical or bodily injury to exclude “long term” as a criteria; officers should not have to attempt to determine the long terms effects of an injury in order for it to qualify as a use of force.”

Response: We concur with this recommendation. APD policy defines “serious bodily injury” in a manner that is consistent with the definition contained in Texas Penal Code, Section 1.07 (46). The Penal Code definition of “serious bodily injury” is “bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.”

Audit/Assessment: N/A

10: (p. 7) “The policy should specifically include fractures as serious injuries.”

Response: We concur with this recommendation. APD policy defines “serious bodily injury” in a manner that is consistent with the definition contained in Texas Penal Code, Section 1.07 (46). The Penal Code definition of “serious bodily injury” is “bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.”

Audit/Assessment: N/A

3. Permitted Uses of Force

11: (p. 7) “We recommend that the policy set forth the APD’s rules on when force may be used and what force is prohibited.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation. APD General Order B101a, Preamble, and .02 (Use of Objectively Reasonable Force). ([Exhibit B](#))

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c. ([Exhibit D](#))

12: (p. 7) “The APD should revise its general statement on the use of force to permit force only when the force used is objectively reasonable because it is necessary to overcome resistance offered in a lawful police action to compel an unwilling subject’s compliance with an officer’s lawful exercise of police authority.”

Response: We concur with this recommendation. APD General Order B101a, Sections .02 and .03 ([Exhibit B](#)) include the requirement that the use of force must be objectively reasonable and necessary.

Audit/Assessment: N/A

#13: (p. 8) “Further, “necessary” should be qualified as the *least* amount of force necessary to overcome resistance offered.”

Response: We concur with the recommendation. APD policy states employees shall use no greater force than necessary to accomplish lawful objectives. APD General Order B101a, Preamble. ([Exhibit B](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c. ([Exhibit D](#))

#14: (p. 8) “The policy should require that officers use the lowest level of force objectively necessary from the officer’s position to safely resolve a situation, including verbal commands and other alternative negotiation techniques.”

Response: We concur with the recommendation. APD policy states that employees shall use no greater force than necessary to accomplish lawful objectives. APD General Order B101a, Preamble, and .02 (Use of Objectively Reasonable Force). ([Exhibit B](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c ([Exhibit D](#)).

#15: (p. 8) “We recommend that the use of force policy include alternatives to more significant uses of force, such as emphasizing announcement of officers’ presence, the use of “soft hand” techniques (i.e., using hands to escort rather than control subjects), and other de-escalation techniques.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101a .02 B ([Exhibit B](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within department policy B101c ([Exhibit D](#)).

#16: (p. 8) “APD’s use of force policy should also incorporate the de-escalation techniques appropriate to interactions with individuals with mental illness or who are under the influence of drugs or alcohol, including providing specialized training, e.g., crisis intervention training, or guidance to officers regarding the signs or symptoms for identifying such individuals.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101a .02 B ([Exhibit B](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c ([Exhibit D](#)).

4. Use of Force Continuum

17: (p. 9) “APD should consider adopting a use of force continuum or other similar tool to provide officers with uniform guidelines about the appropriate use of force (as noted above de-escalation and escalation techniques should be emphasized).

Response: We concur with the recommendation. Policy has been developed to meet the recommendation. APD General Order B101a .02 B ([Exhibit B](#)), and Dynamic Response to Resistance Model ([Exhibit BB](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c. ([Exhibit D](#))

#18: (p. 9) “We recommend that the APD develop a comprehensive use of force continuum that augments and enhances a revised use of force policy as a training model to effectively assess and engage situations.”

Response: We concur with the recommendation. APD's use of force training model is the Dynamic Response to Resistance Model ([Exhibit BB](#)). Policy has been developed to meet the recommendation. APD General Order B101a. ([Exhibit B](#))

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c. ([Exhibit D](#))

#19: (p. 9) “We recommend that the APD develop a use of force continuum that illustrates the various uses of force that may be employed and make them consistent with the terms and definitions outlined in other parts of the policy.”

Response: We concur with the recommendation. APD's use of force training model is the Dynamic Response to Resistance Model ([Exhibit BB](#)). Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101a .02. ([Exhibit B](#)), and B101c ([Exhibit D](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c. ([Exhibit D](#))

5. Lethal Force

20: (p. 10) “We recommend that the APD’s policy specify that “lethal force” includes force methods that employ potentially lethal weapons (e.g., firearms, cars, etc.).

Response: We concur with the recommendation. Department policy provides that deadly force may only be used when the officer has an objectively reasonable belief that lethal force is reasonably necessary to defend himself or another

who is in imminent danger of serious physical injury or death, based on the totality of the circumstances. This applies to all situations. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101a .03.A ([Exhibit B](#))

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within department policy B101c. ([Exhibit D](#))

21: (p. 10) "...We recommend that the APD specifically limit strikes to the head with impact weapons."

Response: We concur with this recommendation. APD General Order B101a, Section .07, (Impact Weapons) ([Exhibit B](#)) contains this limitation.

Audit/Assessment: N/A

22: (p. 10) "The policy should also specify that head strikes with a weapon are only permitted as tactics of last resort, to be used only when the use of lethal force would otherwise be authorized."

Response: We concur with this recommendation. APD General Order B101a, Section .07 (Impact Weapons) contains this limitation. ([Exhibit B](#))

Audit/Assessment: N/A

23: (p. 11) "Based on our ongoing review of APD use of force reports, the APD should pay particular attention (and ensure supervisory scrutiny) to the use of closed-fist strikes to the face or head."

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in department policy B101c 03 B 1. ([Exhibit D](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found in APD General Order B101c. ([Exhibit D](#))

6. Prohibited Uses of Force

24: (p. 11) "We also recommend that the APD's use of force policy identify any uses of force that are specifically prohibited or restricted to limited circumstances. For example, a carotid hold or choke hold is typically considered a use of deadly force. We recommend that the APD's use of force policy explicitly explain that officers should use the carotid hold only in circumstances in which deadly force would be authorized."

Response: We concur with this recommendation. APD General Order B101a, Section .03, ([Exhibit B](#)) limits uses of force that are likely to cause death or serious bodily injury to situations where the use of deadly force is authorized.

Audit/Assessment: N/A

25: (p. 11) “The use of force policy should also prohibit using force on a subject in a manner that is likely to cause positional asphyxia and the methods and procedures to avoid it.”

Response: We concur with this recommendation. APD General Order B101a, Section .03, ([Exhibit B](#)) limits uses of force that are likely to cause death or serious bodily injury to situations where the use of deadly force is authorized. Officers are also provided specific training in methods of avoiding positional asphyxia. [Sudden Custody Death Lesson Plan – [Exhibit O](#)]

Audit/Assessment: To ensure the department is in compliance with this response an assessment function is found within APD General Order B101c. ([Exhibit D](#))

7. Firearms

26: (p. 12) “We recommend that the APD prohibit its officers from carrying any secondary firearm without the knowledge and approval of their immediate supervisors. All such approvals should be documented.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in Patrol Standard Operating Procedures, monthly inspections. ([Exhibit H](#))

Audit/Assessment: Monthly patrol inspection forms.

27: (p. 12) “We recommend APD only permit officers to carry secondary weapon(s) that are included on a list of tools approved by APD command for APD officers for use as a secondary weapon.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101b ([Exhibit C](#)). A list of approved weapons is posted on an APD Training bulletin dated January 7, 2009. ([Exhibit CC](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within department monthly patrol inspection forms.

28: (p. 12) “We recommend that the APD ensures that it promulgates the list of approved weapons and timely distribute the list with the revised duty weapons policy to mid-level supervisors.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation. The specific policy can be found in APD General Order B101b ([Exhibit C](#)). A list of approved weapons is posted on an APD Training bulletin dated January 7, 2009. ([Exhibit CC](#))

Audit/Assessment: N/A

29: (p. 12) “The APD should authorize qualification on only those firearms for which the APD has a trainer qualified to assess an officer’s proficiency with such firearms. Supervisors should ensure that unapproved weapons are not carried or use on duty.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101b ([Exhibit C](#)). A list of approved weapons is posted on an APD Training bulletin dated January 7, 2009. ([Exhibit CC](#)).

Audit/Assessment: N/A

30: (p. 12) “We recommend that the APD revise its policies to make clear the APD’s right to remove approved weapons from officers’ lists and under what circumstances, e.g., sustained violation of policy or unavailability of suitable training and qualification programs.”

Response: We concur with the recommendations. Policy has been developed to meet the recommendation and the specific policy can be found in department policy B101b .01., and .02 and .03 and specifically, .05 Failure to Qualify with Duty Weapon. ([Exhibit C](#))

Audit/Assessment: To ensure the department officers are in compliance with this standard an assessment function is possible by inspecting the Academy's officer firearms registration list.

31: (p. 12) “We further recommend that the APD’s firearm policy clearly identify the equipment officers are expected to routinely carry and the appropriate exceptions.”

Response: APD Patrol SOP’s were revised to include the required equipment for duty belts ([Exhibit H](#)).

Audit/Assessment: N/A

32: (p. 13) “The policy should specify all firearms and *ammunition* that are allowed on- and off-duty.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101b ([Exhibit C](#)). A list of approved weapons is contained in an APD Training bulletin dated January 7, 2009. ([Exhibit CC](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within department monthly patrol inspection forms.

33: (p. 13) “The APD should establish a system of accountability for both department-issued and personal ammunition so that the APD is able to monitor the type and quantity of ammunition used and the circumstances in which it is used.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101b ([Exhibit C](#)). A list of approved weapons is posted on an APD Training bulletin dated January 7, 2009. ([Exhibit CC](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within department monthly patrol inspection forms.

34: (p. 13) “The policy should permit an officer’s use of another’s rifle or other firearm, without violation of policy, when tactical circumstances warrant doing so in emergent situations.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy is APD General Order B101b .01 A. ([Exhibit C](#)) Officers can use any weapon at their disposal to protect themselves or third parties from death or serious bodily injury in a bona fide emergency.

Audit/Assessment: N/A

8. Less Lethal Weapons

35: (p. 13) “We recommend that the APD set forth comprehensive policies that give specific guidance and restrictions on all intermediate force weapons used, including straight and expandable batons, PR24s, Orcutt Nunchakus, chemical weapons, CEDs, impact munitions, and canines.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101a ([Exhibit B](#)). Lesson Plans to address the appropriate training and

certification on the use on all intermediate weapons are found in Exhibit F, Intermediate Weapons Training 1. [Defensive Tactics](#), 2. [Taser](#), 3. [Oleoresin \(pepper\) Capsicum Spray](#), 4, [Baton](#). The Canine Unit is guided by the same policy as above. In addition, the Canine Unit is guided by Canine Unit Standard Operating Procedures. ([Exhibit G](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within department policy B101c ([Exhibit D](#)) and B101d Force Review Board ([Exhibit E](#)).

36: (p. 13) “The use of force policy should include, among other things: where these and other intermediate force weapons fall within the use of force continuum; the circumstances under which the intermediate weapons should be used and instructions on how to properly use them; prohibitions on the use of the weapons; whether all officers are required to carry them; reporting procedures; and appropriate decontamination and/or medical treatment procedures.”

Response: We concur with the recommendations. They are listed separately, below.

“The use of force policy should include...:”

“1. Where these and other intermediate force weapons fall within the use of force continuum and the circumstances under which the intermediate weapon should be used.”

Response: We concur with the recommendation. APD General Order B101a ([Exhibit B](#)) states in the opening paragraph, "Officers shall use no greater force than is objectively reasonable to accomplish lawful objectives. When a situation has been brought under control, continuing force is no longer reasonable." APD General Order B101a .02 ([Exhibit B](#)) states that officers may use only the amount of force that is objectively reasonable based on the totality of the circumstances they confront. The Ladder Model of use of force continuum shows the lowest use of force (least harmful) option at the bottom and the highest force (deadly) at the highest level. This use of force model gives the impression that an officer must attempt all other intermediate force options prior to using a higher level of force. APD uses the Dynamic Response to Resistance Model ([Exhibit BB](#)) which focuses on the key fact that the officer's force is in response to resistance from the subject to lawful police control. An officer might move to a higher level of force before a lower level because of the responses from the suspect. The Dynamic Response to Resistance Model emphasizes that the suspect's level of resistance determines the officer's response and delineates suspects into one of six categories: not resistant, passive resistant, defensive resistant, aggressive resistant, deadly resistant and preparatory resistant.

“2. And instructions on how to properly use them.”

Response: We concur with the recommendation. APD General Order B101b ([Exhibit C](#)) sets guidelines on the types of authorized weapons and ammunition,

as well as procedures for registration, qualification and proficiency with authorized weapons.

The APD Learned Skills Unit of the Police Academy is responsible for the training of police personnel and the lesson plans for all firearms, defensive tactics (including intermediate weapons) and tactical responses are available for review.

“3. Prohibitions on the use of the weapons.”

Response: We concur with the recommendation. Department policy is found in the following APD General Orders ([Exhibit B](#)):

- B101a .03 C. prohibits warning shots,
D. regulates the display of firearms
- B101a .05 Firearms
- B101a .06 Chemical weapons
- B101a .07 Impact weapons
- B101a .08 Conductive Energy Devices
- B101a .09 Impact Munitions

“4. Whether all officers are required to carry them.”

Response: We concur with the recommendation. This information is found in Patrol S.O.P. ([Exhibit H](#)) and APD General Order B101b- Duty Weapons ([Exhibit C](#)).

“5. Reporting procedures.”

Response: We concur with the recommendation. APD General Orders B101c ([Exhibit D](#)) sets forth departmental policy and procedures for inquiry, reporting and reviewing force incidents in response to resistance involving department personnel.

“6. Appropriate decontamination.”;

Response: We concur with the recommendation. This information is found in APD General Order B101a .06 Chemical Weapons. ([Exhibit B](#))

“7. Appropriate medical treatment procedures.”

Response: We concur with the recommendation. This information is found in APD General Order B101a .10 Medical Treatment. ([Exhibit B](#))

Audit/Assessment: An audit can be accomplished through review of Academy lesson plans and reviewing records generated by officers’ use of force.

37: (p. 13) “We recommend that the APD require all officers to carry a chemical weapon, in addition to an impact weapon.”

Response: We concur with the recommendation. The requirement can be found in Patrol S.O.P., .05 Personnel Duties, Authority and Responsibilities A.1. Required Equipment. ([Exhibit H](#))

Audit/Assessment: Inspection of officers.

38: (p. 14) “Appropriate training and certification on the use and deployment of all intermediate weapons should be developed and implemented.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101a. ([Exhibit B](#)) Lesson Plans to address the appropriate training and certification on the use of all intermediate weapons are found in Exhibit F, Intermediate Weapons Training 1. [Defensive Tactics](#), 2. [Taser](#), 3. [Oleoresin \(pepper\) Capsicum Spray](#).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c and B101d Force Review Board. ([Exhibit D](#) and [Exhibit E](#)).

9. Impact Weapons

39: (p. 14) “We recommend that officers be trained and appropriately re-certified in each tool that officers carry – as the APD’s revised Response to Resistance policy now requires.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation, and the specific policy can be found in APD General Order B101a. ([Exhibit B](#)) Lesson Plans (1. [Defensive Tactics](#), 2. [Taser](#), 3. [Oleoresin \(pepper\) Capsicum Spray](#), 4. [Baton](#)) address the appropriate training and certification on the use on all intermediate weapons.

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found in APD General Orders B101c and B101d Force Review Board. ([Exhibit D](#) and [Exhibit E](#))

40: (p. 14) “We recommend that the APD ensure that it promulgate the list of approved impact weapons and timely distribute the list with the revised policy to mid-level supervisors; thereby allowing supervisors to ensure that unapproved weapons are not carried or used on duty.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD

General Order B101b ([Exhibit C](#)). A list of approved weapons is posted in an APD Training bulletin dated January 7, 2009. ([Exhibit CC](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within department completed monthly patrol inspection forms.

41: (p. 14) “We also recommend that the APD require that its officers carry with them their approved impact weapons.”

Response: We concur with the recommendation. The requirement can be found in Patrol S.O.P. .05 Personnel Duties, Authority and Responsibilities A. 1 Required Equipment.v ([Exhibit H](#)).

Audit/Assessment: Inspection of officers.

10. Conductive Energy Devices

42: (p. 15) “We recommend that the APD prohibit the use of CEDs on restrained subjects unless the subject engages in active, violent resistance.”

Response: We concur with this recommendation. APD General Order B101a, Section .08, contains this prohibition. ([Exhibit B](#))

Audit/Assessment: N/A

43: (p. 15) “We also recommend that the APD revise its policies to require a high level of scrutiny in supervisory review whenever a CED is used on a restrained subject.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in department policy B101a .08. ([Exhibit B](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c. ([Exhibit D](#))

44: (p. 15) “The revised Response to Resistance policy permits the use of CED’s against a subject who is “potentially” violent. Response to Resistance Policy B101a.08(E)(2). This is too broad. We recommend deleting this reference.”

Response: We concur with the recommendation. Policy has been developed that meets the recommendation. APD General Order B101a.08(E)(1). ([Exhibit B](#)).

Audit/Assessment: N/A.

45: (p. 15) “The policy should also state that CEDs should not be used to threaten or brandished to intimidate a subject or to coerce a confession.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101a .08 F.3. ([Exhibit B](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found in APD General Order B101c. ([Exhibit D](#)).

11. Chemical Weapons

46: (p. 15) “We recommend that the APD make clear in its policy limitations on use of OC spray.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101a .06 C and D. ([Exhibit B](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found in APD General Order B101c. ([Exhibit D](#)).

47: (p. 16) “Rather than permit the use of OC spray on restrained subjects, the APD policy should require the use of further restraints, e.g., hobble restraints or restraint to a Gurney, for handcuffed subjects who continue to resist a lawful police action.”

Response: We concur with the recommendation. APD General Order B101A.06 ([Exhibit B](#)) prohibits the use of chemical agents on a subject under physical restraint unless the subject is still aggressively resisting and lesser means of controlling the subject have failed. All officers are provided training on the conduct that constitutes aggressive resistance.

Audit/Assessment: N/A

48: (p. 16) “APD should implement a uniform practice to permit individuals to decontaminate as soon as it is safe to do so.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101a .06 F. ([Exhibit B](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c. ([Exhibit D](#)).

49: (p. 16) “APD does not weigh OC spray canisters. Spray must be tracked and accounted for, to facilitate accountability and, when necessary, investigations into use of OC spray.”

Response: We do not concur with the recommendation. Policy has been developed to facilitate accountability and the use of OC spray. The specific policy can be found in APD General Order B101a .06 ([Exhibit B](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c. ([Exhibit D](#)).

12. Impact Munitions

50: (p. 16) “The use of impact munitions needs to be consistent with the use of deadly force. Rubber bullets should only be used when there is a deadly force option in reserve to use if an impact munition fails. The use of other less lethal impact munitions should be consistent with the APD’s less lethal force policy, but the APD’s review of the use of all impact munitions should be consistent with the same level of review as lethal force. The use of an impact munition against an unarmed individual should be appropriately limited.

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101a .09. ([Exhibit B](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c. ([Exhibit D](#)).

51: (p. 16) “We recommend that the APD utilize a separate policy on the control of crowds and should cross reference that policy in the use of force policy and vice versa.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B310 ([Exhibit I](#)). All officers are required to comply with APD General Order B101a. ([Exhibit B](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c. ([Exhibit D](#)).

52: (p. 17) “The current policy requires, generally, that the APD obtain medical treatment for an individual whom the APD strikes with an impact weapon. This should be made more explicit, to require that the struck subject be taken to a hospital and cleared for incarceration before being processed at the jail.”

Response: We concur with the recommendation. Department policy does not require an automatic hospital examination. Appropriate medical aid will be given to a person when an employee used force resulting in physical injury, potential non-visible trauma, or a complaint of pain or injury. Policy has been developed to meet the recommendation which is in APD General Order B101a .10. ([Exhibit B](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found in APD General Order B101c. ([Exhibit D](#)).

13. Canines

53: (p. 17) “The Canine SOP does not include the same explanation of reasonableness as is contained in the APD’s Response to Resistance policy. As with other uses of force that require their own detailed policies, we recommend that in its use of force policy the APD list canines as a use of force on the continuum of types of uses of force and reference the separate policy governing canine use.”

Response: We concur with the recommendation. The Canine Unit SOP .08 (Canine Bites) ([Exhibit G](#)) describes the requirements of an APD canine officer when the dog injures a suspect in a use of force situation and also states the canine officers must comply with the Response to Resistance departmental policy B101a.

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101c. ([Exhibit D](#)).

54: (p. 17) “We recommend that the APD examine its methodology to ensure that the APD’s use of canines is consistent with “find and alert” or “find and bark” practice, i.e., requiring the dog to bark, rather than bite, upon locating the subject. In a “find and bark” standard of operation, a canine is still capable of biting a subject.... The APD should not leave the decision to bite to the canine’s discretion. The APD also should ensure that canine training supports this standard.”

Response: We do not concur with the recommendation. APD policy is very restrictive regarding the use of a canine to locate a subject. These searches are regularly conducted with the dog on a leash unless specific safety criteria are met allowing for the dog to work off leash. APD Canine handlers keep their canine on a short lead and most subject finds do not result in a bite. Policy has been developed to guide the canine officers and that policy can be found in the Canine Unit Standard Operating Procedures. ([Exhibit G](#)). The canine officers are guided in the use of force by restrictions contained in APD General Order B101a. ([Exhibit B](#)).

Audit/Assessment: To ensure the Canine officers are in compliance with this standard an assessment function is found in APD General Order B101c. ([Exhibit D](#)).

55: (p. 17) “We recommend that the definition of canine deployment be limited to those circumstances in which canines are utilized off a lead in an actual attempt to apprehend or find a suspect.”

Response: We do not concur with the recommendation. APD policy requires our officers to conduct on-lead searches unless specific safety criteria are met. Limiting the definition of a canine deployment to only off-lead searches would eliminate a majority of the deployments performed by our canine handlers. Policy has been developed to guide the canine officers and that policy can be found in the Canine Unit Standard Operating Procedures .06 B ([Exhibit G](#)) which states that all canine deployments require supervisory approval.

Audit/Assessment: Canine Unit SOP .09 Personnel Duties, Authority and Responsibilities B. ([Exhibit G](#)). Canine Sergeant responsibilities.....3. Complies with and monitors subordinates and his/her compliance with the Department's General Orders, Policies and Procedures.

56: (p. 18) “When there is a need for canine deployment, we recommend that the APD ensures that deployment is subject to appropriate supervisory oversight.”

Response: We concur with the recommendation. Policy has been developed to guide the canine officers and that policy can be found in the Canine Unit Standard Operating Procedures .06 B ([Exhibit G](#)), which states that all canine deployments require supervisory approval.

Audit/Assessment: Canine Unit SOP .09 Personnel Duties, Authority and Responsibilities B. ([Exhibit G](#)). Canine Sergeant responsibilities.....3. Complies with and monitors subordinates and his/her compliance with the Department's General Orders, Policies and Procedures.

57: (p. 18) “The canine SOP requires general supervisory approval for canine deployment. Canine SOP .06(B). We recommend that the APD update this SOP to require approval from a canine unit supervisor for deployment, i.e., a supervisor already trained on the appropriateness of such deployments, if available. If no canine supervisor is available, then deployment should require a field supervisor’s approval.”

Response: We concur with the recommendation. Canine Unit SOP .06 B ([Exhibit G](#)) requires a supervisory approval for canine deployment.

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within Canine SOP .09 B. Personnel Duties, ([Exhibit G](#)) Authority and Responsibilities- Sergeant responsibilities.

58: (p. 18) “We recommend that the APD clarify the reporting and review procedures in its canine SOP.’

Response: We concur with the recommendation. The Canine Unit SOP .08 3 (Canine Bites) ([Exhibit G](#)) requires canine officers to comply with the requirements of Response to Resistance policy, APD General Order B101c. ([Exhibit D](#)). Section .5 requires the Canine Sergeant to conduct a supervisory review of the incident. Section .6 requires the notification of the Canine Sergeant anytime a person is injured by an APD canine.

Audit/Assessment: Canine Unit SOP .09 Personnel Duties, Authority and Responsibilities B. ([Exhibit G](#)). Canine Sergeant responsibilities.....3. Complies with and monitors subordinates and his/her compliance with the Department's General Orders, Policies and Procedures. The Canine Unit SOP sets out reporting requirements. Use of force reporting requirements are applicable.

C. Reporting Uses of Force

59: (p. 18) “We recommend that the APD revise its policy to require all officers involved in a use of force incident, not just the initially involved officer, to prepare their own report detailing the event.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation. The specific policy is APD General Order B101c .01 D ([Exhibit D](#)) which states: Response to Resistance Supplement- A supplement to the primary reporting employee's incident report required from secondary involved employees, assisting employees, and by the supervisor...

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101d. ([Exhibit E](#)).

60: (p. 18) “APD should also revise its use of force form to require supervisors to collect sufficient information and evidence for later review, oversight, and training.”

Response: We concur with the recommendation. The department no longer uses a Use of Force form. Policy requires individual reports/supplements from all officers involved, including the supervisors. The specific policy is APD General Order B101c .01 Required Reports and Packets. ([Exhibit D](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101d. ([Exhibit E](#)).

1. Reportable Uses of Force

61: (p. 20) “We recommend that the APD revise its policy to make clear the basic requirement that all involved officers or witness officers complete individual use of force reports for all uses of physical or instrumental force beyond un-resisted handcuffing.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation. The specific policy is B101c .01 D ([Exhibit D](#)), which states: Response to Resistance Supplement- A supplement to the primary reporting employee's incident report required from secondary involved employees, assisting employees, and by the supervisor....

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found in APD General Order B101d. ([Exhibit E](#)).

62: (p. 20) “We recommend that the APD revise this section [B101c.02(B)] to also specify that a citizen complaint at the scene of the use of force, or after the fact, will also elevate the category of investigation and trigger internal affairs involvement.”

Response: The department concurs with the recommendation. APD General Order B101c.02(A) ([Exhibit D](#)) directs supervisors to the scene. Subsection (B) provides: Supervisors will promptly notify IAD if there is any credible evidence a violation of law or policy may have occurred concerning the officer's use of force that may reasonably lead to formal discipline. A citizen complaint would not elevate the category of the investigation.

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found in APD General Order B101d. ([Exhibit E](#)).

63: (p. 20) “If the SIU is required to respond to the scene of potentially criminal uses of force, then we recommend that the policy state this clearly. The policy should also be clear who leads the investigation of the incident if SIU is on scene, either the supervisor or SIU.”

Response: We concur with this recommendation. APD General Order B101c, Section .05 ([Exhibit D](#)) states that the ranking SIU supervisor on the scene of a Level 1 incident will assume command of the scene.

Audit/Assessment: N/A

64: (p. 20) “The policy should make clear that subordinates should not review supervisor’s uses of force, unless the subordinates are trained to conduct internal affairs investigations and are operating in that capacity. The APD also should clarify whether or not the supervisor’s chain of command superior is to report to the scene of a supervisor’s use of force.”

Response: We concur with the recommendation. Response to Resistance policy, APD General Order B101c ([Exhibit D](#)) directs supervisors of the employee using force to make inquiry into the incident. For example, if a sergeant used force requiring an inquiry then his/her lieutenant would respond to the scene. Only those trained investigators assigned to Internal Affairs would conduct IA investigations.

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found in APD General Order B101d. ([Exhibit E](#)).

65: (p. 21) “We recommend that CED deployments resulting in misses be reported and investigated at the same level as successful CED deployments.”

Response: We concur with the recommendation. APD General Order B101c ([Exhibit D](#)) increases the supervisor review of Level 3 incidents, requiring these incidents to be reviewed by an employee’s chain-of-command. The Department will be classifying all CED deployments as a Level 3 incident.

Audit/Assessment: N/A

66: (p. 21) “We recommend that APD require reporting of all active targeting with these devices by an APD officer.”

Response: The department does not concur with regard to separately reporting the active targeting of CED’s. However, targeting of CED’s will be documented in an existing report, such as field observation report or incident report.

Audit/Assessment: N/A

67: (p. 21) “The APD provided us its new Response to Resistance report form from the APD’s Versadex. That form does not list active targeting in the data field in which other force options are listed. We recommend that active targeting be added to this field. Tracking of active targeting with CEDs could also be useful as a management tool.”

Response: We concur with the recommendation. The pointing of a firearm was added to the document in Versadex. APD General Order B101a C.6 ([Exhibit B](#)). CED is tracked when the CED is fired at a person and further documented when struck. APD General Order B101a B. 6.

Audit/Assessment: To ensure the department is in compliance with this recommendation an assessment function is found in APD General Order B101c. ([Exhibit D](#)).

2. Reporting Forms

68: (p. 22) “We recommend that the form be structured so that discrete information about multiple uses of force by multiple officers in a single incident may be recorded. The form (consistent with policy) should allow officers to provide a detailed narrative description of the incident.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation. The specific policy is APD General Order B101c .01 D ([Exhibit D](#)) which states: Response to Resistance Supplement- A supplement to the primary reporting employee's incident report required from secondary involved employees, assisting employees, and by the supervisor.

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function for Level 1 and Level 2 uses of force is found in APD General Order B101d. ([Exhibit E](#)).

69: (p. 22) “The form should also include other information not on the use of force reporting form, such as: the officer’s assignment area; the officer’s assignment; whether the officer was on or off duty; whether the officer was in uniform; and whether or not the subject alleged excessive force or unlawful enforcement action.”

Response: We concur with the recommendation. This type of information will be part of the officer's and supervisor’s reporting of the facts of the use of force incident when writing his/her offense report or supplement. The use of force reporting will be reviewed by the chain of command and, if appropriate, the Force Review Board.

Audit/Assessment: See APD General Order B101c ([Exhibit D](#)) for the assessment function.

70: (p. 22) “We recommend that the APD’s policy establish a review mechanism to ensure that officers are complying with the reporting procedures and provides for appropriate administrative sanctions or retraining for officers who fail to comply.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Orders B101c and B101d. ([Exhibit D](#) and [Exhibit E](#)) APD General Order B101c requires review by the chain of command, and B101d requires review by Force Review Board.

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101d. ([Exhibit E](#)).

71: (p. 22) “Supervisors should also report to the scene of all uses of force above unresisted handcuffing.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101c.02 A. ([Exhibit D](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found in APD General Order B101d. ([Exhibit E](#)).

D. Supervisory Review of Uses of Force

1. Chain of Command Review

72a: (p. 23 footnote) “Even if the academy is no longer the data entry point, academy staff need to perform the qualitative analysis. The subject matter experts for each respective use of force should review the respective use of force reports for both individual training and supervision issues and for systemic use of force issues.”

Response: We concur with the recommendation in that a review will be done. APD General Order B101d ([Exhibit E](#)) states that the Force Review Board will review these matters. The board is chaired by the commander of Training, and includes key training staff.

72b: (p. 24) “Supervisors (who are to review use of force reports) are not themselves trained in up-to-date, uniform tactics or use of force. If these line-level and mid-level supervisors are not trained in use of force, themselves, than they are not equipped to assess or counsel on their subordinates’ use of force.”

Response: We concur with the recommendation. All corporals, sergeants, lieutenants and commanders have attended or are currently attending the mandatory Defensive Tactics training. This training was specifically focused to bring these staff members up-to-date with the latest uniform tactics and use of force.

Audit/Assessment: Training records document attendance and Defensive Tactics lesson plans.

73: (p. 25) “We recommend that the APD revise its policy to require that APD supervisors qualitatively review all uses of force, not just some levels.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation and the specific policy can be found in APD General Order B101c.02.E. ([Exhibit D](#)) which states: “Supervisors shall be held accountable for the timely, accurate, and thorough documentation of all force incidents.” This documentation includes an inquiry narrative for all Level 2 response to resistance incidents.

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found in APD General Order B101d. ([Exhibit E](#)).

74: (p. 25) “Either on the Response to Resistance form or a separate form, the APD should require that supervisors record their substantive review of use of force.”

Response: We concur with the recommendation. The department requires the supervisor to write a separate memo documenting the supervisor's substantive review of the response to resistance by the involved officers. APD General Order B101c. ([Exhibit D](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found within APD General Order B101d. ([Exhibit E](#)).

75: (p. 25) "The APD could utilize the internal affairs division to ensure that the chain of command is performing such review of uses of force."

Response: We concur with the recommendation. Policy has been developed to meet the recommendation. The specific policy is APD General Order B101c. ([Exhibit D](#)). A separate incident report is written by SIU for Level 1 incidents. Internal Affairs reviews all Level 1 and Level 2 response to resistance offense reports. The chain of command is responsible for review of all Level 3 incidents.

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found in APD General Orders B101c and B101d. ([Exhibit D](#) and [Exhibit E](#)).

76: (p. 26) "The APD should revise its policy to provide for tracking of all force reports and then utilize force report data for its EWS."

Response: We concur with the recommendation. The department's Guidance Advisory Program collects data on all use of force incidents, which is used to produce the GAP activation report. APD General Order A410. ([Exhibit V](#)).

Audit/Assessment: APD General Order A410. ([Exhibit V](#)).

2. Identifying Use of Force Trends

77: (p. 26) "We recommend that in order to place appropriate importance on the review board process and give the board authority, that an assistant-chief level command staff member chair the board."

Response: We concur with the recommendation. Although the board is not chaired by an assistant-chief, APD General Order B101d ([Exhibit E](#)) requires the APD Chief of Staff, an assistant chief, to monitor and document implementation of board recommendations, and advise the Chief on those matters. APD General Order B101d.05.C. The board chairperson, the commander of training, shall ensure an FRB report is delivered to the Chief of Police within 30 calendar days after the board adjourns. APD General Order B101d.03.D.

Audit/Assessment: N/A

78: (p. 27) “We recommend that the APD revise its policy to require the Board to consider the steps leading up to use of force.”

Response: We concur with the recommendation. APD General Order B101d. C. ([Exhibit E](#)) requires the board to consider relevant tactics and current practices and training leading up to the use of force during it's discussion.

Audit/Assessment: N/A

79: (p. 27) “We recommend that the APD revise its policy to make clear the requirement to track all uses of force and the need to record all uses of force in the APD’s EWS.”

Response: We concur with the recommendation. The department's early intervention program is the Guidance Advisory Program. APD General Order A410. ([Exhibit V](#)). The department tracks all uses of force by officers as a performance measure which triggers an "officer alert".

Audit/Assessment: To ensure the department is in compliance with this recommendation an assessment function is found in APD General Order A410. ([Exhibit V](#)).

III. Complaints of Officer Misconduct

A. Complaint Procedure

1. Complaint Process Information

80: (p. 28) “We recommend that the APD better disseminate information to the public about its complaint process, in order to garner more confidence in the process.”

Response: We concur with the recommendation. Policy A109 .08 details the receiving/documenting complaints by employees of the department. Information sheets about the complaint process are available at the substations and at headquarters. Under the Meet and Confer Agreement, the Office of Police Monitor is the primary location for accepting administrative complaints of alleged officer misconduct.

Audit/Assessment: N/A

81: (p. 28) “We recommend that each district police station and APD headquarters have information about the complaint process prominently posted in a visible place in the public reception area.”

Response: We concur with the recommendation. The complaint process has been printed and is posted in the public area of each APD facility and is being posted at City Hall.

Audit/Assessment: N/A

82: (p. 28) “The APD should also make complaint forms available at the City Hall and other public offices.”

Response: We concur with this recommendation. The OPM is currently in the process of making complaint forms available at the City Hall. OPM contacted the Municipal Court and the judges have agreed to make the forms available in their courtrooms. The forms are available in the police precincts and APD headquarters.

Audit/Assessment: N/A

83: (p. 28) “Complaint process information and forms should be posted in multiple languages.”

Response: We concur with this recommendation. The OPM is currently posted in Spanish only. OPM will move forward in seeking a process to post in other languages as well.

Audit/Assessment: N/A

84: (p. 28) “The APD should also consider making information about the complaint process available on-line, in multiple languages.”

Response: We concur with this recommendation. The OPM is currently reviewing a process in which we can place the complaint process online in Spanish. In the future we will explore options to place in other languages.

Audit/Assessment: N/A

85: (p. 28) “We recommend that the APD institute periodic customer satisfaction surveys, and include feedback questions regarding the public’s perception of the complaint process, so that APD has an avenue for addressing any actual or presumed deficiencies.”

Response: We concur with the recommendation. The feedback of the public's perception of the complaint process is accomplished by the annual City of Austin customer satisfaction survey.

Audit/Assessment: Review of past survey results.

2. Complaint Intake

86: (p. 29) “We recommend that APD adopt a policy that requires all personnel, who receive citizen complaints, to immediately contact a supervisor. If a supervisor is unavailable, the policy should then direct personnel to document the complaint, which includes gathering the complainant’s name, nature of complaint, date of complaint, name of the officer involved in the incident, and collecting transient evidence.”

Response: We concur with this recommendation. Although under the Meet and Confer Agreement, the Office of Police Monitor is the primary location for accepting administrative complaints of alleged officer misconduct, employees who are made aware of an external complaint will notify a supervisor. APD General Order A109a ([Exhibit J](#)) addresses this issue: Besides the APD Control Booth employees, all other employees who are made aware of an external complaint will notify a supervisor. If no supervisor is available, the employee will complete a Complainant Contact Form. It will be forwarded to Internal Affairs. APD General Order A109a.08.

Audit/Assessment: N/A

87: (p. 29) “The APD should train all its personnel, particularly communications staff members, on their responsibility to accept complaints and reporting pertinent complaint information to supervisors.”

Response: We concur with the recommendation. All department employees have been trained to comply with department policy per A109a .08 Receiving/Documenting Complaints. ([Exhibit J](#))

Audit/Assessment: N/A

88: (p. 29) “Further, we recommend that the APD consider placing drop boxes in police stations or City Hall so that complainants can easily submit their complaints.”

Response: We concur with the recommendation. While we do not have actual drop boxes, under the Meet and Confer Agreement, the OPM is the primary, but not exclusive, location for accepting administrative complaints of alleged officer misconduct. The complaint process has been printed and is posted in the public area of each APD facility and is being posted at City Hall. Department policy A109a.08 requires all employees to receive and document complaints. ([Exhibit J](#)).

Audit/Assessment: N/A

89: (p. 29) “APD should ensure that all complaints are referred to a supervisor and all complaints are documented.”

Response: We concur with the recommendation. Policy has been developed to meet the recommendation. The specific policy is APD General Order A109a.08. ([Exhibit J](#)).

Audit/Assessment: To ensure the department is in compliance with this standard an assessment function is found in APD General Order A109a.10 ([Exhibit J](#)). All records related to officer misconduct are retained per rules regarding local record retention of public safety agencies, approved by the Texas Local Government Records Committee and adopted as a rule of the Texas Library and Archives Commission. Title 13, Texas Administrative Code, Section 7.125.

90: (p. 29) “As soon as the APD receives a complaint, the complaint information should be recorded in Internal Affairs’s (“IA”) centralized database of all complaints and the APD’s EWS. Even complaints for which complainants refused to submit written forms or which are submitted anonymously should be listed in this database. The date on which a complaint is initiated should be recorded, and processed for complete investigations.”

Response: We concur with the recommendation. All complaints (formal, anonymous, and regardless of the method by which they were received) are tracked in the Internal Affairs database, and are issued a control number.

Audit/Assessment: Internal Affairs files.

3. Complaint Classification

91: (p. 30) “We recommend that the APD expand its current list of less serious violations into an exhaustive list of examples that would be consistently applied and that would reduce the probability of subjective judgment.”

Response: We concur with the recommendation. APD General Order A109d - Discipline Matrix ([Exhibit K](#)) is designed as a guide to be used in conjunction with the APD Discipline Process policy and Internal Investigative Process policy. This matrix provides guidance for the vast majority of investigations involving discipline.

Audit/Assessment: APD General Order A109d - Discipline Matrix. ([Exhibit K](#)).

92: (p. 31) “We recommend that the APD investigate to the extent possible all complaints against officers, regardless of the source of the complaint, and that the APD record all findings in an EWS.”

Response: We concur with the recommendation. APD General Order A109a ([Exhibit J](#)) details the required process for the investigation of alleged officer misconduct and when misconduct is identified, the imposition of fair and equitable disciplinary action. APD's Early Warning System is the Guidance Advisory Program. APD General Order A410 ([Exhibit V](#)). One of the performance measures which activates

the EWS is the number of complaints received by Internal Affairs. (Three (3) or more complaints in any 12 month period.)

Audit/Assessment: Internal Affairs and GAP data base files.

93: (p. 31) “We recommend that the APD create only two distinct categories of complaints: those to be fully investigated by IA, and those to be investigated and resolved through the chain of command.”

Response: We concur with the recommendation. Class A complaints are investigated by IA. Class B, C and D complaints are investigated by the chain of command. The review process for Class B, C and D complaints includes the chain of command, up to the commander.

Audit/Assessment: N/A

94: (p. 32) “The following are the objective criteria that we recommend the APD consider using in categorizing complaints for IA investigations: (1) all allegations which, if true, involve serious policy violations, including, but not limited to, all violations involving use of force; (2) all allegations involving use of deadly force; (3) all allegations involving failure to provide medical treatment; (4) all allegations involving potentially criminal conduct; (5) all allegations involving purported unlawful police action, e.g., unlawful arrest; and (6) evidence of discriminatory policing. Complaints that do not meet the objective criteria for investigation by IA would belong to the second category: those to be investigated and resolved through the chain of command.”

Response: We concur with the recommendation. APD General Order A109a .04 Complaint Process ([Exhibit J](#)) details the complaint classifications and who is responsible for the investigations of such complaints.

Audit/Assessment: N/A

95: (p. 32) “Once a complaint is classified, we recommend that the APD contact the complainant in writing to provide the complainant with the name and contact information of the IA investigator or chain of command supervisor who is assigned the complaint investigation.”

Response: We concur with this recommendation. The OPM currently contacts the complainant in writing and provides the complainant with the name and contact information of the IA investigator or chain of command supervisor who is assigned the complaint investigation. The OPM also notifies the IA Commander when this process takes place.

Audit/Assessment: N/A

96: (p. 32) “At the conclusion of the investigations, the APD should notify all relevant parties, including the complainants, of the final disposition.”

Response: We concur with this recommendation. At the conclusions of the investigation, the OPM notifies all relevant parties, including the complainant of the final disposition. The OPM offers the complainant an opportunity to participate in a Police Monitor Conference (PMC). This will afford the complainant a face-to-face dialogue with OPM to review the investigative summary from IA.

Audit/Assessment: N/A

4. Chain of Command Investigations

97a: (p. 32) “We recommend that subject officers’ chains of command investigate all complaints not investigated by IA.”

Response: We concur with the recommendation. APD General Order A109a .04 Complaint Process ([Exhibit J](#)) details the classification and assignment of complaints.

Audit/Assessment: Internal Affairs files and data base.

97b: (p. 33) “The chain of command should reach a finding after investigation of all complaints it receives. All findings of potential policy violations should then be reviewed by second-level supervisors before findings are submitted to the IA Commander for final approval.”

Response: We concur with the recommendation. APD General Order A109a ([Exhibit J](#)) provides for this review.

Audit/Assessment: Internal Affairs files and data base.

98: (p. 33) “To ensure that the chain of command staff is equipped to investigate and resolve complaints (particularly citizen complaints) referred to them, we recommend that the APD provide appropriate training, with an emphasis on interpersonal skills.”

Response: We concur with the recommendation. Prior to initiation of investigations of Class B incidents by first line supervisors, all such supervisors (sergeants and lieutenants) attended training on the investigative process, conducted by Internal Affairs.

Audit/Assessment: See Academy Lesson Plans for above. ([Exhibit LL](#))

99: (p. 33) “We recommend that APD provide training on appropriate burdens of proof, i.e., preponderance of the evidence, to supervisors who are responsible for investigating and deciding the outcome of a complaint, and the factors to consider when evaluating complaint or witness credibility (to ensure that their recommendations regarding dispositions are unbiased, uniform, and legally appropriate).”

Response: We concur with the recommendation. The APD Supervisor School includes a section taught by the APD Internal Affairs Division related to this subject.

Audit/Assessment: See Academy Lesson Plans. ([Exhibit LL](#))

100: (p. 33) “We also suggest that APD implement a policy regarding complaint disposition that requires all complaints to be recorded in an EWS.”

Response: We concur with the recommendation. APD General Order A109b ([Exhibit M](#)) details the required process for the investigation of alleged officer misconduct and, when misconduct is identified, the imposition of fair and equitable disciplinary action. APD's Early Warning System is the Guidance Advisory Program. APD General Order A410 ([Exhibit V](#)). One of the performance measures which activates the EWS is the number of complaints received by Internal Affairs. (Three (3) or more complaints in any 12 month period.)

Audit/Assessment: N/A

101: (p. 33) “We recommend that the APD implement a uniform system for recording all complaints resolved through the chain of command.”

Response: We concur with the recommendation. APD General Order A109a .08 ([Exhibit J](#)) addresses this issue. All chain of command complaints are retained by Internal Affairs.

Audit/Assessment: See Internal Affairs files and data base.

102: (p. 33) “We recommend that the APD uniformly require that officers’ personnel files include a record of all complaints resolved through the officers’ chain of command.”

Response: We concur with the recommendation. APD General Order A109a.09 ([Exhibit J](#)) requires the documentation of all complaints, including those resolved by the officer's chain-of-command.

Audit/Assessment: N/A

103: (p. 33) “We also recommend that APD implement oversight, e.g., an audit or quality assurance mechanism, to review a sampling of chain of command complaints

investigations to ensure that complaints are properly classified and appropriately resolved.”

Response: We concur with the recommendation. Internal Affairs reviews for completeness all investigations conducted by the chain of command. In addition, APD General Order A109b.04.A.5 ([Exhibit M](#)) provides for OPM access to Class B Investigations. The OPM has full access to IA investigations. The IA and OPM share an internal database. The Internal Affairs case management system is a database that holds pertinent information regarding case management for both IA and OPM. The system holds information about cases, complainants, witnesses, officers and will allow the user to run reports.

Audit/Assessment: OPM.

5. Outside Referral of Potentially Criminal Allegations

104a: (p. 34) “The APD and the Travis County District Attorney’s (“DA”) should work cooperatively when they investigate APD employees for potentially criminal conduct. When an incident or complaint of officer misconduct indicates the possibility of criminal conduct by the officer, the APD should refer the matter to the DA’s office and support, as needed, a criminal investigation. An ongoing criminal investigation, however, should not foreclose the APD’s ability to conduct a parallel administrative investigation. The APD administrative investigation should proceed on a concurrent track to the extent it is able without interfering with the criminal investigation.”

Response: We concur with the recommendation. APD General Order A109a.06 ([Exhibit J](#)) states that the Chief will normally allow the administrative investigation or disciplinary action to proceed prior to the final disposition of the criminal investigation. The policy provides for communication with the appropriate prosecutor to determine whether imposition of disciplinary action will jeopardize the criminal investigation.

Audit/Assessment: N/A.

104b: (p. 35) “APD should apply the recommended policy revisions for parallel investigations to ensure that investigations are conducted in a complete, thorough, and timely manner before the 180-day deadline.”

Response: We concur with the recommendation. APD General Order A109a .06 B. Concurrent Investigations ([Exhibit J](#)) addresses the 180 day deadline. A109a .06 C. addresses procedures for 180+ day investigations.

Audit/Assessment: N/A.

105: (p. 35) “We recommend that APD modify its policies and procedure to clarify the rights of officers who may be the subject of a misconduct investigation. During an administrative investigation, officers suspected of potentially criminal

misconduct should be informed of their rights under *Miranda v. State of Arizona*, before questioning, including their rights against self-incrimination and to have counsel present during questioning. Likewise, the APD policy should provide clear guidance to investigators regarding procedures for when and how to compel statements from officers for the purposes of an administrative investigation in conformity with *Garrity v. New Jersey*.”

Response: We believe that APD does comply with this recommendation, as appropriate. APD has two distinct units that handle internal investigations that involve a potential criminal allegation. The Special Investigations Unit (SIU) investigates only the criminal allegation. When interviewing a subject officer who is in custody in a criminal investigation, SIU advises the officer of his or her Miranda rights. A subject officer is free to refuse an interview by SIU because of his or her Miranda rights. In most cases an officer who is not in custody is accompanied by an attorney, and they are told that the officer may refuse to answer and may leave the interview at any time.

In the administrative investigation, IAD gives the officer a Garrity Warning. For IAD to also issue a Miranda Warning blurs the individual functions of each unit. An officer is compelled to be interviewed by IAD as a condition of his or her employment. The officer is given a Garrity Warning by IAD that clearly states that the compelled information being provided by the officer cannot be used in a criminal case against the officer.

Audit/Assessment: N/A.

IV. Internal Affairs

A. Staffing and Training

106: (p. 35) “We recommend that the APD develop articulable selection criteria for all IA positions. Such criteria should include an evaluation of the applicant’s performance, including complaint and disciplinary histories to ensure that only officers with unquestioned integrity and ethics are selected to serve as IA investigators and supervisors. The APD should also take measures to assign officers with extensive investigative skills to IA.”

Response: We concur with the recommendation. See Internal Affairs S.O.P.07 Personnel Selection Procedures ([Exhibit L](#)) for details.

Audit/Assessment: N/A

107: (p. 36) “We also recommend that APD remove investigators whose conduct while serving as IA officers would have disqualified them from selection for IA.”

Response: We concur with the recommendation. In practice, all Internal Affairs members would have to be officers in good standings. See Internal Affairs S.O.P. .07 Personnel Selection Procedures ([Exhibit L](#)) for details.

Audit/Assessment: N/A.

108: (p. 36) “We recommend that APD implement policies, procedures, and training for IA personnel, specifically to address the above-mentioned areas.”

Response: We concur with the recommendation. Department Policy A109a details the mission of Internal Affairs. A109 b ([Exhibit C](#)) establishes the required process for the investigation of alleged officer misconduct. Internal Affairs S.O.P. ([Exhibit L](#)) provides specific rank job duties and responsibilities. APD has provided ethics training over the last 2 years from an outside instructor. APD is developing an internal training component on policies and procedures which will be mandatory for IA personnel. Additionally, the Department has identified an out-of-state IA training course and will be sending IA leadership in November. APD’s Leadership Command College will also provide training in employment law to supervisors in the upcoming year.

Audit/Assessment: N/A.

109: (p. 36) “We recommend that all APD officers responsible for investigating internal affairs complaints receive specialized training in internal affairs investigations, interviewing and interrogation skills, ethics, and APD administrative and disciplinary procedure.”

Response: We concur with the recommendation. Department Policy A109a details the mission of Internal Affairs. A109 b ([Exhibit C](#)) establishes the required process for the investigation of alleged officer misconduct. Internal Affairs S.O.P. ([Exhibit L](#)) provides specific rank job duties and responsibilities. APD has searched for appropriate training for IA personnel that is at the level appropriate for a department of this size and complexity. Most of the IA staff’s training has been provided internally and we will be hiring outside Department training instructors. APD has provided ethics and risk management training over the last 2 years from an outside instructor. APD is developing an internal training component on policies and procedures which will be mandatory for IA personnel. Additionally, the Department has identified an out-of-state IA training course and will be sending IA leadership in November. APD’s Leadership Command College will also provide training in employment law to supervisors in the upcoming year.

Audit/Assessment: N/A.

110: (p. 36) “We also recommend that APD provide its IA supervisors with training in internal affairs management from a certified police internal affairs training program.”

Response: We concur with the recommendation. Department Policy A109a details the mission of Internal Affairs. A109 b ([Exhibit C](#)) establishes the required process for the investigation of alleged officer misconduct. Internal Affairs S.O.P. ([Exhibit L](#)) provides specific rank job duties and responsibilities. APD has searched for appropriate training for IA personnel that is at the level appropriate for a department of this size and complexity. APD has provided ethics training over the last 2 years from an outside instructor. APD is developing an internal training component on policies and procedures which will be mandatory for IA personnel. Additionally, the Department has identified and will be sending the IA leadership to an out-of-state IA training course in November. APD's Leadership Command College will also provide training in employment law to supervisors in the upcoming year.

Audit/Assessment: N/A.

111: (p. 36) "We suggest that the APD provide continuing law enforcement training to both IA detectives and supervisors, concentrating on IA-specific topics."

Response: We concur with the recommendation. Department Policy A109a details the mission of Internal Affairs. A109 b ([Exhibit C](#)) establishes the required process for the investigation of alleged officer misconduct. Internal Affairs S.O.P. ([Exhibit L](#)) provides specific rank job duties and responsibilities. APD has searched for appropriate training for IA personnel that is at the level appropriate for a department of this size and complexity. APD has provided ethics training over the last 2 years from an outside instructor. APD is developing an internal training component on policies and procedures which will be mandatory for IA personnel. Additionally, the Department has identified an out-of-state IA training course and will be sending IA leadership in November. APD's Leadership Command College will also provide training in employment law to supervisors in the upcoming year.

Audit/Assessment: N/A.

112: (p. 36) "IA should provide in-service training to first-line supervisors regarding their roles in the complaint process and IA investigations."

Response: We concur with the recommendation. APD has provided in-service training to all first line supervisors on the new A109b ([Exhibit C](#)) Internal Affairs Investigation Process ([Exhibit LL](#)). This training was completed in July, 2008. APD has provided ethics and risk management training over the last 2 years from an outside instructor. APD is developing an internal training component on policies and procedures which will be mandatory for IA personnel. Additionally, the Department has identified an out-of-state IA training course and will be sending IA leadership in November. APD's Leadership Command College will also provide training in employment law to supervisors in the upcoming year.

Audit/Assessment: Academy personnel training records.

113: (p. 36) “Like other supervisors, IA supervisors should receive training before assuming supervisory responsibilities.”

Response: We concur with the recommendation. All APD sworn supervisors attend a supervisor training course (Sergeant's School) before assuming supervisory responsibilities.

Audit/Assessment: Course lesson plans and learning objectives. ([Exhibit U](#)).

B. Investigative Process

114: (p. 37) “APD policy should provide that any investigation include an interview with the complainant and all relevant witnesses, citizens, or police. The policy should require that the APD obtain and analyze all available forensic (such as bullets) evidence. The policy should require that supervisors or IA personnel on the scene of an incident take pictures, collect evidence, and conduct interviews. The policy should require all subject and witness officers to produce all statements, reports, and notes completed in the course of duty that are related to the investigation. IA investigators should keep all of these items in the investigative file, along with the IA investigator’s notes. We recommend that the policy require audio or video recordings of all interviews for IA investigations.”

Response: We concur with the recommendation. APD General Order B101c .01 F. (Response to Resistance Inquiry Packet) ([Exhibit D](#)) lists the information required by SIU for Level 1 investigations and by supervisors in general for Level 2 investigations. APD General Order B101c .02 (Notifications), requires supervisors to report to the scene. APD Internal Affairs S.O.P. ([Exhibit L](#)) sets out investigation requirements.

Audit/Assessment: Response to Resistance inquiry packet files.

115: (p. 37) “We also recommend that the investigation of complaints be governed by defined time lines set forth in a modified policy. Each step of the investigation should have a policy-specific deadline. For example, we recommend that the APD’s policy require that, absent exigent circumstances, the IA investigation be completed in 90 days.”

Response: The department concurs with the recommendations. APD General Order A109b.A ([Exhibit M](#)) addresses Class B investigations. APD General Order A109a ([Exhibit J](#)) and Internal Affairs S.O.P ([Exhibit L](#)) cover the investigations of Class A investigations.

Audit/Assessment: Internal Affairs files.

116: (p. 37) “Time lines should be subject to adjustment only when approved in writing by IA supervisory personnel. Each investigative file should have a chronology log attached to it on which to list daily investigative activity or notes associated with the investigation. The log should also list the location of documents and evidence associated with the investigation.”

Response: We concur with the recommendation. APD General Order A109b.04 ([Exhibit M](#)) establishes timelines for investigations. These timelines are monitored by IAD supervisors and the independent Office of the Police Monitor. The investigation packet includes a control sheet and a section for investigator notes / log.

Audit/Assessment: N/A.

117: (p. 37) “We recommend that IA advise complainants of the status of the investigation of their complaints.”

Response: We concur with the recommendation. However, the Office of the Police Monitor advises the complainants of the status of investigations for the APD.

Audit/Assessment: N/A.

118: (p. 37) “If a complainant requests to withdraw his or her complaint, we recommend that IA continue its investigation to determine whether or not a violation of policy occurred.”

Response: We concur with the recommendation. Internal Affairs continues to investigate the incident without regard to a complainant’s request to withdraw the complaint. APD General Order A109b ([Exhibit M](#)) addresses the Internal Affairs Investigative Process.

Audit/Assessment: Internal Affairs files.

119: (p. 37) “If IA finds no policy violation occurred, the record of the investigation should include a written acknowledgment executed by the complainant agreeing to the resolution of the complaint.”

Response: We concur with the recommendation. APD General Order A109b.05 ([Exhibit M](#)) provides that a letter will be mailed to the complainant explaining the outcome of the investigation. That letter is sent by the Office of the Police Monitor. The Meet and Confer Agreement ([Exhibit N](#)) provides in Article 16, Section 3, e, Panel Review Process, that not later than thirty (30) days after the mailing of the notice of the outcome of the investigation to the complainant, the complainant may request that the Police Monitor refer the complaint to the Citizen Review Panel.

Audit/Assessment: Internal Affairs Files.

120: (p. 37) “We recommend that, at the conclusion of every investigation, IA notify all relevant parties, including the complainant, of the final disposition of the complaint. If the complainant’s allegation is sustained, the letter should also indicate whether the APD will take remedial action.”

Response: We concur with the recommendation. The Office of the Police Monitor, at the conclusion of every investigation, notifies all relevant parties, including the complainant, of the final disposition of the complaint. If the complainant’s allegation is sustained, the letter indicates whether the APD will take remedial action. The Texas Local Government Code prohibits public disclosure of certain actions involving law enforcement discipline.

Audit/Assessment: Office of Police Monitor files.

121: (p. 38) “If, during the course of an IA investigation, collateral misconduct is discovered, IA should institute investigation of such misconduct. The IA policy should be clear that if a policy violation is uncovered, IA will identify that violation and investigate or refer it as appropriate. Likewise, the policy should state that any criminal conduct uncovered will also lead to a referral for criminal investigation.”

Response: We concur with the recommendation. APD General Order A109a B. ([Exhibit J](#)) addresses concurrent criminal investigations. Collateral misconduct is investigated as a matter of practice by Internal Affairs.

Audit/Assessment: Internal Affairs files.

122: (p. 38) “If a complaint is ultimately sustained, the APD should go back to the documentation regarding the incident from which the complaint was generated to assess supervisory and management accountability. The APD should review these documents to ensure proper supervisory review of the incident and reporting of any identifiable policy violations for IA investigation. If the subject officer’s supervisor failed to report a known policy violation, for example, he or she should then be held responsible for failure to report.”

Response: We concur with the recommendation. A system is in place for review of supervisory accountability through the chain of command. APD General Order A109a. ([Exhibit J](#)). [Exhibit W](#) is a report on the APD Investigative Process 12 Month Review. That report indicates that supervisory accountability has increased on all Class A investigations. Class B and C investigations are reviewed by Internal Affairs in addition to the chain of command.

Audit/Assessment: Internal Affairs files.

C. Proactive Investigations

123: (p. 38) “We recommend that the APD’s IA act proactively in reviewing records to identify potential misconduct issues.”

Response: We concur with the recommendation. The Special Investigations Unit is utilized to perform proactive misconduct investigations upon probable cause to merit such an investigation. ([Exhibit X](#)).

The department's Guidance Advisory Program is an early intervention program that reviews the number and types of internal affairs complaints to find a pattern of problem behaviors in officers so that supervisors may address the problems, usually by counseling or training, to correct that behavior.

Audit/Assessment: See APD General Order A410 ([Exhibit V](#)).

124: (p. 38) “We also recommend that the APD review use of force reports on a quarterly basis to identify whether a basis exists to investigate any reported uses of force for potential violations of policy or for referral, if necessary, for criminal investigation.”

Response: We concur with the recommendation. Policy has been developed to address this issue. It is found in APD General Order B101d .01, ([Exhibit E](#)) that establishes the policy and procedures of the Force Review Board. B101d .02 B. requires the FRB chairperson to convene an FRB within 30 days of receipt of the Response to Resistance inquiry packet or vehicle pursuit report from IAD.

Audit/Assessment: These FRB records are retained by policy, APD General Order B101d .06 ([Exhibit E](#)) in Internal Affairs.

125: (p. 38) “Many other similarly sized police departments routinely have their IA unit perform an annual check of state driving records of violations or suspended licenses. IA could also perform annual checks of local court dockets for civil suits that may have bearing on officers’ behavior on duty. The APD also should consider having a formalized process to solicit from the DA and City Attorney’s office information on APD officers’ performance in judicial proceedings, e.g., showing up for court, successful motions to suppress based on officers’ conduct, or perceived truthfulness of officers’ court or deposition testimony.”

Response: We concur with the recommendation. The department's Risk Management division checks staff driving records monthly. The department does have a system in place to assure officers are attending court as required and is monitored at COMPSTAT meetings. The Crimes Against Property Commander serves as the department's court liaison representative to receive complaints regarding officers' performance in judicial proceedings as needed.

Audit/Assessment: APD Risk Management conducts an annual check of driver license records for compliance. APD also reviews records for officers’ failure to attend court in its regular COMPSTAT meetings.

126: (p. 39) “The APD should consider developing a system to monitor, evaluate, and conduct affirmative investigations using targeted integrity tests. The integrity tests should be targeted to determine whether or not evidence of criminal misconduct that violate policy exists when there is an accusation or reason to believe that the subject officer may violate APD law and policy. Any such system should be memorialized in a policy to provide clear guidance regarding the proper and appropriate use of integrity tests.”

Response: We concur with the recommendation. Such investigations are conducted by SIU when approved by the Chief of Police. APD Special Investigation Unit Standard Operating Procedure. ([Exhibit X](#)).

Audit/Assessment: N/A.

127: (p. 39) “We recommend that the OPM conduct more community outreach by appearing at community forums and keep extended hours, even if on limited days, at accessible community locations so that the process for accepting complaints can be made readily accessible.”

Response: We concur with this recommendation. The OPM currently conducts several outreach forums throughout the City of Austin. The OPM accommodates complainants that have varying scheduling issues by extending OPM office hours

Audit/Assessment:

128: (p. 39) “We also recommend that the OPM make its website bilingual for the convenience and use of members of the community who cannot read English.”

Response: We concur with this recommendation. The OPM is currently working internally to provide bilingual access to the website for community members who cannot read English.

Audit/Assessment:

V. Office of the Police Monitor/Citizen Review Panel

129: (p. 40) “We recommend that APD allow the OPM access to police reports and incident reports at the inception of all investigations.”

Response: We concur with the recommendation. APD does allow the OPM access to police reports and incident reports related to all ongoing administrative investigations.

Audit/Assessment: N/A.

130: (p. 40) “To ensure integrity of the IA process as we have suggested herein, we recommend that the APD implement policies and procedures for the OPM to routinely review all aspects of the APD complaint process, including assignment of complaint, classification of complaints, and completeness and sufficiency of investigations.”

Response: We concur with this recommendation. The OPM and IA share an internal database that affords the OPM to routinely review all aspects of the APD complaint process.

Audit/Assessment:

131: (p. 40) “We also recommend that the OPM be used to review IA investigations and track records from an outside perspective for the benefit of the community.”

Response: We concur with this recommendation. The OPM employs a full-time Research Analyst that generates a semi annual and an annual report with full access to the community. OPM does not have unlimited access to the APD Versadex System, which would allow review of incident reports or police reports during the initial stage of the complaint process. However, APD does allow the OPM access to police reports and incident reports on all ongoing administrative investigations. Earlier access could interfere with ongoing criminal investigations.

Audit/Assessment:

132: (p. 41) “We recommend that the APD’s policies should clearly set forth the expectations for the use of the CRP and the response the APD is required to undertake. Specifically, we recommend that the IA commander report to the Chief on all responses to CRP recommendations. A written copy of this response should be furnished to the CRP through the OPM.”

Response: We concur with the recommendation. The department is guided in this matter by the Meet and Confer Agreement between the City of Austin and the Austin Police Association, ([Exhibit N](#)). Section 3. Citizen Review Panel, Actions and Recommendations, provides: (1) At the conclusion of the review process set forth above, the Panel, upon a majority vote of its total members, may make the following recommendations to the Chief of Police: a. Further investigation by the Department is warranted; b. Department policies warrant review and/or change; c. An "Independent Investigation is warranted; or d. A written, non-binding recommendation on discipline. (critical incidents only).

These CRP recommendations would then be forwarded to chain of command members who are responsible for follow-up investigation or department policy changes.

Audit/Assessment: N/A.

VI. Discipline

133: (p. 40) “We recommend that the APD complete the development of a discipline matrix.”

Response: We concur with the recommendation. Policy has been developed to address this recommendation. APD General Order A109d. ([Exhibit K](#)). This matrix is designed as a guide to be used in conjunction with the APD Discipline Process policy and Internal Investigative Process policy.

Audit/Assessment: N/A.

VII. Supervisory Oversight

A. Direct Supervision of Line Officers

134: (p. 42) “We recommend that the APD implement policies and procedures for APD supervisors to routinely review all aspects of APD officer conduct.”

Response: We concur with the recommendation. This procedure can be found in Patrol Operations S.O.P .05 Personnel Duties, Authority and Responsibilities B. Sergeant. ([Exhibit H](#)).

Audit/Assessment: N/A.

135: (p. 42) “APD supervisors should review the following for officers under his or her command: (1) all uses of force, as set forth above; (2) probable cause for arrests and the appropriateness of charges filed; (3) reasonable suspicion for stops and searches that do not result in an arrest; and (4) a minimum sample of mobile video recording devices (“MVR”) recordings each month.”

Response: We concur with the recommendation. (1) APD General Order B101c ([Exhibit D](#)) requires an officer's supervisor to be notified and respond to the scene of force incidents, including an on-scene investigation. The officer's chain-of-command will also review the use of force as part of the Department's required inquiry. (2 and 3) APD policy requires arrests to be reviewed by the APD Arrest Review Unit. An officer's report will go to the supervisor for review. (4) Supervisors conduct reviews of an officer's Mobile Video recordings as part of their inspections, including “spot” inspections. The supervisors will include a comparison of the CAD recorded data and the MVR. The Guidance Advisory Program review also includes such matters. APD General Order A410 ([Exhibit V](#)).

Audit/Assessment: N/A.

136: (p. 42) “APD policy should require supervisors to review and approve all arrest reports and search-and-seizure reports, and to record their approval on the arrest or incident reports by handwritten or electronic signature.”

Response: We concur with the recommendation. The policy addressing this recommendation is found at Patrol Operations S.O.P .05 Personnel Duties, Authority and Responsibilities E. Ending Tour of Duty 2. Sergeant. "Sergeants will check all paperwork, hard copy or electronic, for completeness and accuracy." APD Arrest Review reviews and signs probable cause affidavits for each arrest. APD Arrest Review Standard Operating Procedure. ([Exhibit Y](#)).

Audit/Assessment: N/A.

137: (p. 42) “Even with the daunting tasks of review of line officer’s reports, sergeants need to go to the field to: (1) supervise first hand; and (2) investigate uses of force on their own.”

Response: We concur with the recommendation. This recommendation is addressed by Patrol Operations S.O.P .05 Personnel Duties, Authority and Responsibilities B. Sergeants; and Policy B101c Response to Resistance Inquiry, Reporting, and Review. ([Exhibit H](#)).

Audit/Assessment: Response to Resistance reports filed in Internal Affairs.

138: (p. 42) “We further recommend that senior supervisors meet annually with every APD officer to discuss positive aspects of his or her police work, his or her complaint history, if any, and to discuss any problems or concerns officers may have concerning the department.”

Response: We concur with the recommendation. Each officer's performance is formally reviewed annually by the officer’s supervisor during the Success Strategy Performance Review (SSPR) meeting.

Audit/Assessment: These records are retained at APD Human Resources.

B. Supervision of Specialized Units

139: (p. 43) “The specialized units should not select its own members. Nor should any single member stay in the same specialized units for too great a period of time.”

Response: We concur with the recommendation. The supervisor and lieutenant usually are the individuals involved in personnel selection for a particular unit with the commander's approval. The length of time an officer is assigned to a particular unit such as motors or metro response depends on many specific factors. Time limits are under review.

Audit/Assessment: N/A.

140: (p. 43) “We recommend that the APD command develop objective selection criteria for membership in SRUs or other specialized units, including a requirement that applicants not have any sustained findings, minimally on use of excessive force, within the preceding 24 months. Similarly, substantiated findings should subject officers already in specialized units to exclusion from those units for 24 months.”

Response: We concur with the recommendation. Assignment criteria to the Metro Response Unit (Street Response Unit – SRU) is based on a number of factors such as, "Must have an Internal Affairs complaint history acceptable to the chain of command".

Assignment criteria for the Field Training Officer program does not allow for officers to apply to the field training (FTO) program if they had received any sustained violation resulting from actions other than collisions that result in a suspension of one (1) day or more, with the previous 36 months immediately prior to application.

Audit/Assessment: Policy contained in:

1. Field Training and Evaluation Program Operations Manual, Section 8, FTO Qualifications (page 6 of 20)
2. Metro Tactical Street Response Operations Manual, Section 110.03 C.

141: (p. 43) “We also recommend the APD develop a clear chain of command for SRUs.”

Response: We concur with the recommendation. Metro Tactical Units are divided into three Bureaus, North, Central and South with their own Sergeant, Lieutenant and Bureau Support Commander. APD organizational charts were sent to Mr. Geissler and Mr. Sanders of your office on June 11, 2009 ([Exhibit T](#)).

Audit/Assessment: N/A.

C. Preparation of Supervisory Roles

142: (p. 44) “We recommend that new commanders, at the time of promotion, receive training on the management of the division before assuming leadership of the division.”

Response: We concur with the recommendation. The department is implementing a Leadership Command College program that addresses the management competencies that supplement leadership. Foundation courses will be developed in the areas of communication, project management, resource management, leadership and executive development.

Audit/Assessment: Academy lesson plans for [Leadership Command College courses](#) and rosters.

143: (p. 44) “Command staff should be permitted the opportunity to attend appropriate supervisory training from outside organizations, when needed.”

Response: We concur with the recommendation. APD is consistently searching for appropriate available training. There are several courses, including the FBI National Academy and the Police Executive Research Forum – Senior Management Institute for Police, to which the Department has sent command level supervisors. The department has established partnerships with the University of Texas and Texas State University to provide training for command staff. Professional development training requirements are set out in APD General Order A308 ([Exhibit P](#)).

Audit/Assessment: N/A

144: (p. 44) “Shifts between command assignments should include a transition plan between the outgoing and incoming commanders.”

Response: We concur with the recommendation. The practice in the department is for commanders to exchange information about past, current and upcoming issues such as, personnel issues, crime initiatives, budget problems and expenditures and many other issues. The two commanders meet to discuss these issues, and have an ongoing dialogue as issues arise.

Audit/Assessment: N/A.

145: (p. 44) “We also recommend that the APD establish a more formal process for the selection of command staff. This should include articulable criteria for promotion and assignment.”

Response: We concur with the recommendation. The selection of command staff at the ranks of Sergeant, Lieutenant and Commander is subject to the promotional processes set forth in Texas Local Government Code Sections 143.028 through 143.036, as amended by Article 13 of the duly ratified Meet and Confer Agreement between the Austin Police Association and the City of Austin that was effective on October 1, 2008. Pursuant to TLGC 143.036(f), the Chief of Police must promote the candidate with the highest score on the promotional eligibility list unless he has a valid reason for bypassing that person, and a bypass is subject to review by the Civil Service Commission or an Independent Third Party Hearing Examiner. The selection of command staff at the rank of Assistant Chief of Police is set forth in Texas

Local Government Code Section 143.014. Individuals promoted to the rank of Assistant Chief are not required to take a promotional examination and serve at the pleasure of the Chief of Police. The Chief of Police has developed and is utilizing a promotional checklist to evaluate a candidate's qualifications for promotion.

With respect to assignments within APD, the department electronically posts available positions and the criteria for selection at the rank of Sergeant and Lieutenant, and any interested and qualified applicant may apply. Assignments for Commanders are made by the Chief of Police or by an Assistant Chief of Police who has been delegated that authority. Commander assignments are made based upon the needs of the Department taking into consideration any specialized skill, training, education, or experience an individual might have.

Audit/Assessment: N/A.

146: (p. 44) “We have been informed that the APD has considered a plan to mentor its sergeants. We recommend that the APD bring such a plan to fruition. Similarly, support lieutenants could be set up in leadership roles to prepare for promotion.”

Response: We concur with the recommendation. The revised APD Supervisor’s School provides a mentoring element to sergeant candidates.

- The course provides the sergeant candidate with a role model for guidance and advice when needed.
- Students receive 80-hours of classroom instruction from various supervisory sources; 10-hours of scenario based instruction to emulate life-like supervisory situations; 20-hours of on-the-job training where sergeant candidates are paired with a tenured sergeant, who mentors the sergeant candidate on the responsibilities and duties of the new supervisory role
- Tenured sergeants participate as trainers based on their exhibited leadership skills, work ethic, departmental reputation and training capabilities
- The tenured sergeants are required to cover mandated topics with the sergeant candidates to verify instruction/mentoring on specific topics/areas
- Tenured sergeants are required to complete and submit a Supervisor (Sergeant) OJT Checklist that captures the minute details of the various recurring tasks/mandated topics that line-level supervisors must successfully accomplish for their respective assignments.

The curriculum for the Supervisor School is based on requirements of the Texas Commission on Law Enforcement Officer Standards and Education. ([Exhibit U](#)).

Audit/Assessment: N/A.

VIII. Early Warning System

147: (p. 46) “We recommend that the APD implement policies and procedures to collect data on individual officers for the purpose of maintaining, integrating, and

retrieving information necessary for effective supervision and management of APD personnel.”

Response: We concur with the recommendation. The City of Austin Personnel Policies and Procedures require annual performance evaluations, Success Strategy Performance Review (SSPR). This information is also collected as part of the Guidance Advisory Program, APD General Order A410 ([Exhibit V](#)).

Audit/Assessment: N/A.

148: (p. 46) “The GAP should contain information on all investigations and complaints, including non-sustained complaints and complaints prior to final disposition, discipline and other supervisory corrective measures, uses of force, arrests and charges, searches and seizures, service calls, training, awards and commendations, sick leave, civil lawsuits, and other items relevant to an officer’s conduct.”

Response: We concur with the recommendation. APD General Order A410 ([Exhibit V](#)) sets out the criteria that alert supervisors of the need for management review of an employee.

Audit/Assessment: APD General Order A410 ([Exhibit V](#)).

149: (p. 46) “The APD should then use the data gathered for the GAP regularly and proactively. APD supervisors should use the GAP to: (1) promote best professional police practices; (2) improve accountability and management; (3) manage the risk of police misconduct and potential liability; (4) evaluate and audit the performance of all levels of the APD, its members, and its unit on an ongoing basis, and (5) evaluate and assess the effectiveness of training and policy.”

Response: We concur with the recommendation. The criteria are contained in APD General Order A410 ([Exhibit V](#)).

Audit/Assessment: APD General Order A410 ([Exhibit V](#)).

150: (p. 46) “We recommend that the APD require supervisors, including command staff, to review this data for every officer they supervise on a regular, predetermined basis, such as during reviews.”

Response: We concur with the recommendation. The criteria are contained in APD General Order A410 ([Exhibit V](#)).

Audit/Assessment: APD General Order A410 ([Exhibit V](#)).

151: (p. 46) “When supervisors review their subordinates’ GAP data, we recommend that the APD utilize comparisons to peers. Supervisors should compare their

subordinates' data concerning complaints, use of force reports, and other pertinent information about a particular officer with the same categories of information from other officers on the same patrol team or shift. Similarly, command staff should review the GAP data for the units they command and compare these data with peer units.”

Response: We concur with the recommendation. Peer comparisons are developed in APD General Order A410 ([Exhibit V](#)) to establish triggers for review of an employee. This policy will be continuously reviewed for needed changes.

Audit/Assessment: APD General Order A410 ([Exhibit V](#)).

152: (p. 46) “The policy should provide explicit guidance to supervisory officers reviewing reports to ensure that patterns of possible misconduct are identified, analyzed, and addressed properly by command staff.”

Response: We concur with the recommendation. The criteria are contained in APD General Order A410 ([Exhibit V](#)).

Audit/Assessment: APD General Order A410 ([Exhibit V](#)).

153: (p. 47) “The GAP must have defined triggers for management intervention. The policy implementing these recommendations should also establish guidelines regarding specific events that will trigger an additional supervisory review, such as a specific number of uses of force or citizen complaints within a discrete period.”

Response: We concur with the recommendation. The criteria are contained in APD General Order A410 ([Exhibit V](#)).

Audit/Assessment: APD General Order A410 ([Exhibit V](#)).

154: (p. 47) “Once an officer has been selected for this additional review, a report should be prepared for his or her supervisor that details all use of force reports, formal and informal complaints, calls for service, sick leave, counseling reports, civil lawsuits, and commendations pertaining to the officer over an appropriate time of review.”

Response: We concur with the recommendation. The criteria are contained in APD General Order A410 ([Exhibit V](#)).

Audit/Assessment: APD General Order A410 ([Exhibit V](#)).

155: (p. 47) “The officer’s immediate supervisor and command staff should then meet to discuss the report and determine if any corrective action is warranted. The supervisor’s and command staff’s recommendations should then be forwarded to the appropriate Assistant Chief for his or her timely review and implementation. The

effectiveness of the implemented recommendations should be determined by monitoring the officer and drafting written reports on the officer's conduct on a monthly basis. The officer's supervisor should retain the supervisory recommendations and the written monthly report in his or her supervisory file."

Response: We concur with the recommendation. The criteria are contained in APD General Order A410 ([Exhibit V](#)).

Audit/Assessment: APD General Order A410 ([Exhibit V](#)).

IX. Officer Training

A. Policy Re-Training

156: (p. 47) "We recommend that as the APD updates or creates each new policy, the APD re-train all APD personnel, including command staff, on each new policy and its effects. Such training should be comprehensive to cover all aspects of the change in policy so that APD personnel are aware of what would no longer be within policy, as well as what new material would then be included in the APD's revised policies."

Response: We concur with the recommendation. APD uses training software for testing purposes on critical policy changes. APD has also purchased a system with daily training bulletins and testing.

Audit/Assessment: APD training site.

157: (p. 47) "Once trained, each APD member should demonstrate competency of his or her knowledge of the new subject matter through performance or examination. Each member of the APD, including command staff, should be required to pass competency-based performance or examination for each new policy."

Response: We concur with the recommendation. APD uses training software for testing purposes on critical policy changes. APD has also purchased a system with daily training bulletins and testing.

Audit/Assessment: APD training site.

B. Ongoing Training

158: (p. 48) "We recommend that the APD's training for firearm qualification not focus only on skills in shooting. That training time also should include review of applicable case law."

Response: We concur with the recommendation. Critical changes in case law trigger the creation of special orders which officers are required to review and follow.

A review of applicable case law is located on all APD networked computers. The site also contains legislative updates. The department provides elective in-service training courses on case law updates.

Audit/Assessment: Department computer file listed above and special orders files.

159: (p. 48) “We recommend that the APD ensure that its officers are trained in verbal de-escalation (e.g., verbal judo).”

Response: We concur with the recommendation. The department has sent three staff officers to become certified verbal judo instructors. The department intends to provide verbal judo training to all recruits and to provide elective in-service training.

Audit/Assessment: See Academy lesson plan records.

160: (p. 48) “Like the street tactics course that the APD had previously begun, we also encourage the APD to bring to fruition its plan to use current field training officers (“FTOs”) as adjunct trainers for their units. The APD had not fully developed, but should the concept of using its corporals as trained trainers, as well. These adjunct trainers should utilize standardized lesson plans.”

Response: We concur with the recommendation. The department is utilizing the field training officers and corporals as adjunct instructors at the academy to teach courses and to provide formal instruction to patrol squads. All field training officers are certified by the Texas Commission on Law Enforcement Officer Standards and Education.

Audit/Assessment: Academy class rosters.

161: (p. 48) “The APD units who work together should have the benefit of training together. Training with the unit should be the standard whether training occurs informally through adjunct trainers, or through more formalized classes.”

Response: We concur with the recommendation. APD has provided training for units in Active Shooter training, Mobile Field Force training, and Homicide in Progress.

Audit/Assessment: Academy class rosters.

162: (p. 49) “We also recommend that the APD retain, as needed, consultation for the review of policy and curriculum to further develop the APD’s ongoing in-service training. When engaging in this process, we recommend that the APD seek the input from its commanders, as well as rank and file, in assessing the needs for in-service training.”

Response: We concur with the recommendation. APD has had reviews of its policy and curriculum by the Police Executive Research Forum and MGT of America, and has hired Lexipol to provide continuing guidance in those areas.

Audit/Assessment: N/A.

X. Community Relations

163: (p. 49) “We recommend that the APD clearly and prominently post its mission statement and statement of citizen rights in multiple languages in the public spaces in APD buildings.”

Response: We concur with the recommendation. APD’s substations and main headquarters currently have this information posted. A Spanish translation is currently being reviewed.

Audit/Assessment:

164: (p. 49) “We recommend that the APD complete its strategic plan and make the document open to public comment.”

Response: We concur with the recommendation. APD uses its business plan for this purpose. That document is publicly available on its web site. ([Exhibit Z](#)).

Audit/Assessment:

165: (p. 49) “We recommend that the APD’s planning efforts include identification of, and plans for, tracking quantifiable performance measures. The APD should report on these measures to the community annually. The APD should use such measures to target services in need of improvement.”

Response: We concur with the recommendation. APD has an ongoing process for identifying, tracking, and reporting performance as part of the City’s citywide program. It has approximately 175 measures in total. APD develops targets in advance, then reports results monthly, quarterly or annually (depending on the specific measure). The information is posted on the city’s web site for the public to view.

Performance measures are available to the public at the following site:
<http://www.ci.austin.tx.us/budget/eperf/index.cfm>.

APD participates in the city's annual Citizen Survey, which includes questions about resident perceptions of safety as well as other perceptions about police performance.

That survey is available on the city's public site:

<http://www.ci.austin.tx.us/budget/citizensurvey.htm>.

Audit/Assessment: Web site review at:

<http://www.ci.austin.tx.us/budget/citizensurvey.htm>.

The City of Austin and the Austin Police Department provide the information in this letter to work toward resolution of the issues raised by the Department of Justice. We would appreciate your review of these responses, and we will address any remaining items that you bring to our attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "Art Acevedo".

Art Acevedo
Chief of Police
City of Austin