Summary of the Agreement between the City of Austin and the Austin Police Association

Oct 26, 2017

General Summary

The City of Austin and the APA have tentatively agreed to a revised version of the contract under which law enforcement work in Austin. The proposal modestly expands the purview of the Civilian Review Panel and makes the complaint process less intimidating and burdensome. On the other hand, only cosmetic changes were made to the 180 day limitation on disciplining officers and the automatic reduction of suspensions to a written reprimand. Ultimately, the changes to the contract make it easier to file a complaint but do not ensure that misconduct is adequately addressed. The community has called for more significant reform and the contract offers more of the same bureaucracy that has not yet proven effective at curbing police brutality.

Notable Changes

In Article 7, Wages and Benefits, in addition to base pay, step pay, and the longevity bonus, the contract adds a monthly “patrol stipend” for patrol officers starting at $200 a month in year one and increasing by $50/month over each year of the contract. This section also includes a signing bonus for the officers representing APA in the negotiations of $1,000. [p. 15-16]

In Article 16, Citizen Oversight of the Austin Police Department expands the definition of complaint to include includes online, phone and anonymous reports of police misconduct. [p. 51]

Section 3 of Article 16 focuses on the Office of Police Monitor. Much of the work of the OPM continues as before, although the OPM now has the option of referring complaints that are not signed or sworn to the Chief. [p. 51]

Section 3 now allows the OPM to directly ask questions of an officer who was a witness to an alleged incident, with that officer’s permission. Previously, the OPM could only question the subject officer, with permission. [p. 53]

Section 4 of Article 16 authorizes the OPM to refer complaints to the Citizen Review Panel either at the request of the complainant or simply because the OPM feels the CRP should review the complaint. The OPM will be able to tell the complainant the outcome of any investigation at a “close out” meeting. [p. 53-54]

Citizen Review Panel members will be allowed to observe interviews of officers who are the subject of internal affairs investigations, at the discretion of the OPM. The panel members will be able to ask questions at their meetings. [p. 54]

Section 4 ends with a new section setting out term limits for the members of the Citizen Review Panel.

Section 6. Allows the Citizen Review Panel to make recommendations on training or other practice or procedure at APD. Any response from the Chief to panel recommendations will be made public. [p. 60]

Article 18, Disciplinary Actions, Demotions, and Appeals, includes an exception to the general rule that 1-3 day suspensions turn into a written reprimand after 2 years and cannot be considered by the Chief in decisions related to subsequent misconduct. Suspensions for inappropriate use of force and racial profiling will not automatically be reduced. In the past four years, there have been no examples of 1 to 3 day suspensions for these causes. This change is nonsubstantive.

Changes to Article 18 also include an adjustment to the 180 day rule. Currently, an officer cannot be disciplined if no discipline is handed down within 180 days of the misconduct incident date. The new version of this rule allows the 180 day clock to start after discovery of the incident by an Assistant Chief or the Chief. However, this new deadline only applies to disciplinary matters that are criminal in nature. In the Breaion King case, the officer who slammed her to the pavement might be subject to the new “upon discovery” timeline, but the officer who made insulting and biased comments in the car would likely be protected from sanction.