



## Meet-and-Confer: A brief history

At a time when police misconduct was too often in the headlines, Austinites were told that meet and confer would bring increased police accountability and transparency.

In February of 1995, responding to an "officer-down" call, more than 80 cops clubbed, pepper sprayed, and manhandled a group of black teenagers at a Valentine's Day party on Cedar Ave in East Austin.

In November of 1997 Gregory Steen lost a kidney after being shot in the back while fleeing a crack house, unarmed, in the driving rain, 60 feet away from the officer who shot him. The officer in question got a one-day suspension (which was later waived). Then, despite scant evidence, Travis County District Attorney Ronnie Earle indicted Steen for aggravated robbery of the crack house. (The charges were later dismissed.)

Meanwhile, officers were told that meet and confer could improve wages and allow the city to provide benefits far in excess of those allowed by Texas' civil service laws. Thanks to generous base pay and step pay increases worked into meet and confer agreements starting in 1997, APD officers now enjoy the promised benefits but the civilian oversight system is another story.

Austin started to negotiate wages, benefits and our system for addressing misconduct through meet and confer in 1997. The first two year contract (1998-1999) focused on wages, providing three 3% increases over the contract term. During the term of that contract the City and the APA launched a public negotiation – the Police Oversight Focus Group -- to create a new system of oversight to be incorporated into the next contract.

The Police Oversight Focus Group process was fueled by the Steen shooting, the Cedar Ave incident, alleged sexual assaults at gunpoint, questionable and coercive interrogations later thrown out in court, and stories of cops on the take, along with allegations of racial profiling at traffic stops (black drivers in west Austin and white drivers in East Austin.) It was further fueled by a 1999 citizen ballot initiative to increase transparency around records of police misconduct.

1999 to 2000 -- Police Oversight Focus Group – whose membership included the APA chief – conducts serious national review of police oversight systems. After considerable negotiation and compromise with APA representatives on the POFG, the members recommend a structure for civilian oversight to be implemented in the new meet and confer agreement.

**Fall 2000 – Final recommendation of POFG approved by Council 7-0 and sent to negotiation team for implementation in the meet and confer agreement.** The same APA representatives who had negotiated the POFG recommendation lead the police association team in a process of renegotiating the proposal they had helped write.

March 8, 2001 – **Citizens came to council to oppose final contract based on shortcomings in the negotiated structure of civilian oversight**, which had significantly changed from the POFG recommendations. Austin Police Officers granted significant pay increases in each of four years, making them the highest paid officers in the country at that time.

First major case reviewed by new CRB was the Sophia King shooting. CRB makes recommendations, but the report is completely secret. The City responds as if this outcome had not been predicted by POFG members at the time the contract was signed. "But ever since announcing on Sept. 18 that the outside inquiry into the King case was complete -- but that no details would be released to the public -- city officials have expressed disbelief at their quandary. "It's not sensible," Futrell told the Statesman. "How can you have an independent investigation, because of a citizen review panel's concerns, and not release the findings?"



## Meet-and-Confer: A brief history

What would be the point of it? It's very, very frustrating." Chief announces that there will be no changes to APD policy or procedure as a result of the report.

2004, the Texas Civil Rights Project and Austin NAACP complained to the DOJ about APD use of force.

Spring 2005: Next meet and confer agreement approved by Council despite continued opposition from community groups calling for stronger oversight. Pay increases continue at 5.5% each year over each of the four years.

The new agreement was followed shortly by the death of 18 year old Daniel Rocha, shot in the back at point blank range with no dash cams turned on and little to support the officer's claims of self defense. Witnesses at the scene alleged that he was on the ground face down, unarmed, with Officer Schroeder's knee in his back when she shot him. Multiple tests were conducted on Rocha to determine whether narcotics were in his blood the night he was killed. Rocha was initially reported drug-free, but Travis County Medical Examiner Robert Bayardo reversed this position later that summer, stating investigators found traces of marijuana in a "subsequent toxicology screen".

2007 DOJ agrees to investigate APD.

2008 DOJ came back with a package of more than 160 recommendations for police improvements, including updating its policy on the use of force, its force-reporting requirements, and its process for accepting complaints about officer conduct. DOJ did not find a pattern of discrimination. APD made some policy manual changes over the course of the investigation, but did not include recommended de-escalation and other key reforms. The city would do well to review this DOJ report and complete revisions throughout APD's policy manual.

August 2008: Meet and confer agreement renewed with minor improvement to complaint process – citizens who file a complaint with the OPM no longer required to then go immediately to IAD for interview. Instead OPM can forward video recording of complainant to IAD, and investigators can follow up later.

2013: Meet and confer agreement makes CRP recommendation letters public, sort of. Officers get another hefty pay increase.

July 2013, Officer Kleinert shoots unarmed Larry Jackson Jr. in the back of the neck after a chase in which the officer commandeered a civilian's car. After lengthy court proceedings, Kleinert is found to be immune from prosecution. He retired from the force.

Aug-Sept 2016 Community groups demand "Better before More" police during budget process and City Council approves riders to budget directing APD to consider use of force reforms suggested by community groups, respond to Matrix report, and more.

Summer 2017 Community prepares call to end meet and confer because we have not significantly reformed a troubled department and all the problems originally predicted by the POFG members who opposed this civilian oversight system have not become very clear.