

Comply Then Complain: Standardize the Complaint Process

Texas' young drivers may comply more with officers if they understand and believe in the complaint process available to them later

Currently, every Texas jurisdiction has its own process for driver complaints after perceived roadside mistreatment. Many of these processes were negotiated with police associations in “meet and confer.” It is impossible to produce a statewide curriculum for young drivers that outlines their right to complain about mistreatment. Texas needs statewide standards that facilitate complaints and that clearly demonstrate how seriously law enforcement will take reports from the public.

Current complaint processes favor officers' rights. While there are a wide range of driver complaint processes throughout the state, they generally tend to be onerous from the perspective of the complaining public. Most require a person to go to the police department and file a written statement in person, which many people find intimidating. While officers get notice and legal representation, members of the public can be left in the dark as to the progress of any investigation. Complainants may or may not get to see any audio or video from their interaction, and they may or may not be given an opportunity to provide additional evidence. They may never know the outcome. And they get no appeal.

Most complaints are not upheld. The *Austin American-Statesman* recently reviewed video evidence for all the racial profiling complaints filed against Texas Department of Public Safety officers. None of the complaints were upheld, although the videos presented compelling evidence that some officers treated innocent drivers with disrespect and conducted intrusive investigations at the borderline of constitutional limits.¹ Most national studies similarly find sustained complaints to be rare. A massive study of complaints against police officers in Chicago found that 96% of more than 56,000 allegations were not sustained.² In Austin, a recent audit found that only 5% of complaints from the public are sustained, that the process is difficult to navigate, and that some complaints are not properly reviewed.³

Complaint processes should be both standardized and fair. Complaint process standards should include:

- The ability to complain by phone, email, or webform, or in person;
- A standard 180-day timeframe for the investigation, with routine reporting back to the complainant and the officer on the progress of the investigation;
- Complainant access to any audio- or video-recorded evidence of the interaction; and
- Notice to the both parties of the outcome of the investigation, as well as an appeal process.

Comply and Complain must be more than just “Comply”

¹ <http://projects.statesman.com/news/texas-dps-racial-profiling-claims/>

² <http://chicagoreporter.com/police-misconduct-complaints-by-whites-more-likely-to-be-upheld/>

³ <http://www.austinmonitor.com/stories/2016/09/audit-points-out-in-flaws-apd-complaint-process/> (full audit report posted)

IN SHORT

- It is impossible to produce a curriculum to educate young people on their right to complain of mistreatment by officers because of wide variation in procedures.
- Procedures often favor the rights of officers over the rights of the general public.
- Studies of complaints find that they are rarely upheld.
- If we are to ask the public to simply “take” behavior from officers that they believe to be abusive and complain later, then the complaint process must be standardized, well understood, and fair.