



## MEMORANDUM

**TO:** Spencer Cronk, City Manager

**FROM:** Farah Muscadin, Director, Office of Police Oversight; Kerry O'Connor, Chief Innovation Officer; Brion Oaks, Chief Equity Officer

**DATE:** April 2, 2020

**SUBJECT:** Community Feedback - Community Conversation: Race and Policing in Austin

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On February 22, 2020, the Office of Police Oversight, Office of Innovation, and Equity Office hosted a community event, **Community Conversation: Race and Policing in Austin**. The purpose of the event was to gather community input regarding the findings of the January 2020 [Joint Report: Analysis of APD's Racial Profiling Data](#).

- 56 community members, 20 city staff, and 10 APD officers met to discuss the racial disparities in APD motor vehicle stop data from 2015-2018 and the ways in which the City of Austin can move toward equitable outcomes in policing.
- The event began with a panel in which the three authors of the report and Chief Manley provided an overview of the data in the Joint Report in a question and answer format. Following the panel, attendees were divided into five small groups for a facilitated discussion. Each group included a facilitator, notetaker, and representation from community and APD.
- Community members shared their lived experiences with policing in Austin, their perspectives on the data and trends, and their ideas for what accountability should look like moving forward.

This memo contains a high-level summary of the community feedback<sup>1</sup> collected at the event, as well as recommendations from the authors for action and next steps. A full Community Feedback Report is attached.

Attendees shared that in general, they were not surprised by the disparities outlined in the Joint Report because the quantitative findings aligned with their feelings and personal experiences with policing in Austin. However, many community members were surprised, discouraged, and saddened by the widening disparity trend from 2015-2018. Attendees highlighted the strengths of the Joint Report and asked for additional data analysis with regard to the reasons for the motor vehicle stops outlined in the report, the location of the stops, the result of the stops, and additional demographic information about those stopped (including age and gender).

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<sup>1</sup> The compiled list of community feedback collected at the event is viewable [here](#).



The topic of accountability motivated many to attend this event and is what community members would like to discuss at follow-up meetings. The community indicated that they would like accountability addressed in several ways:

- **Acknowledgement:** Many attendees shared that the first step towards accountability is unequivocal acknowledgement of the problem. The following were among the direct feedback provided by the community regarding acknowledgement:
  - “Why is it hard for the police to accept they have a problem and work to solve it?”
  - “APD needs to acknowledge instead of getting defensive”
  - “Did not hear acknowledgement from Chief Manley”
  - “It felt like Chief Manley invalidated [the] report, especially when he said more arrests in certain areas are because [there is] more crime in that part of town”
  - “Chief Manley has not said 0% disparity is a priority. Real commitment is needed for real change. Action and behavior come from the top”
- **Commitment and Action:** Community members expressed that they did not feel a sense of urgency from APD to make a change, and that transformative action is required for accountability. Attendees emphasized the need for City leaders to act with urgency. Some individuals asked for a City Council resolution demonstrating City commitment to the zero-disparity goal outlined in the Joint Report. Others asked for specific next steps for implementation of the recommendations in the report.
  - “Change needs to occur today, not when more data is collected.”
  - “What is the process to reach [the] zero disparity goal?”
- **Structural Change and Community Decision Making:** Community members want to hear more about how accountability will be upheld, acknowledging that it is difficult for people internally to hold themselves accountable. Specifically, attendees emphasized the need for increased community involvement in decision making, implementing concrete ways to be involved with changing APD policy, investment in a citizen’s panel, and implementation of “community scorecards” to evaluate individual officers.
- **APD Organizational Structure:** Attendees suggested that organizational accountability starts at the top with leadership and must include holding individual officers accountable for their actions. Some community members expressed the importance of having a system to flag and monitor at-risk officers using a strike or intervention system with real consequences for officers with regards to pay, promotions, permanent record, and monitoring.



- **Budget:** Some community members stated there should be economic consequences and a reduced budget if APD does not take steps to address the issue of racial disparity in policing and comply with the recommendations outlined in the Joint Report. One person stated:
  - “There should be economic consequences if APD does not do the right thing.”
- **Increased Transparency:** Community members made it clear that they expect transparency from APD as well as the Office of Police Oversight and the City of Austin.

Community members also provided input on training processes, the impact of police mental health on the community, the importance of community involvement in decision making, and the need to prioritize the expertise of those with lived experience. Finally, we heard a clear ask for actionable next steps for implementation and accountability.

One community member asked: “How will what was shared here impact next steps?”

With this question in mind, the Office of Police Oversight, Office of Innovation, and Equity Office recommend the following:

- APD to provide a written response to the community questions gathered at the Community Conversation event and share the answers publicly. The list of questions is attached. The authors of the Joint Report will also provide a written response to questions addressed to them.
- APD leadership to provide a public, unequivocal, and unconditional statement of acknowledgement regarding the racial disparities in outcomes of policing in Austin. In addition, APD should provide a set of goals and priorities for making the changes needed to address disparities. As stated in the Joint Report, the Office of Police Oversight, Office of Innovation, and Equity Office view commitment to zero racial disparity in motor vehicle stops, arrests, searches, field observations, warnings, and citations as essential.
- APD to prioritize the adoption of the recommendations outlined in the Joint Report that most closely align with community feedback:
  - Acknowledgement (recommendations 1-3)
    - 1. Acknowledge that racial disparity exists and is worsening.
    - 2. Acknowledge that the methodology previously used omitted the context of proportionality and therefore was an incomplete analysis. This resulted in a perception that a trend of disparity did not exist.
    - 3. Acknowledge that race plays a major role in who we stop, search, and for whom we use discretion favorably.



- Next Steps (recommendations 8-11)
  - 8. Explore promising practices from Oakland and Nashville that use a scoring mechanism for disproportional behavior to identify at-risk officers and assign appropriate interventions and use in the determination of promotions.
  - 9. Include implicit bias testing in the Austin Police Department hiring process.
  - 10. For current employees, require implicit bias testing and flag high-scoring officers for appropriate intervention.
  - 11. Identify and implement bias-counteracting policies, practices, methods, processes, and standard operating procedures to mitigate bias.
- Training (recommendations 12-14)
  - 12. Include the comprehensive Racial History of Policing curriculum in the cadet training academy and adapt it into required training for existing officers, at all ranks, annually.
  - 13. Follow the guidelines for racial equity training established by the Equity Office. The Equity Office and Office of Police Oversight shall be consulted for final selection of official racial equity training for officers at all ranks.
  - 14. Develop a method to provide racial equity training on an ongoing basis (a minimum of 40 hours per year) for all staff, sworn and civilian, in the department, annually, during every year of service.
- APD to proactively conduct intentional community engagement throughout the process of adopting the above recommendations, including creating opportunities for officers to engage with the community out of uniform.
- The Office of Police Oversight to monitor APD's implementation of the above recommendations

cc: Nuria Rivera-Vandermyde, Deputy City Manager

Rey Arellano, Assistant City Manager

Brian Manley, Chief of Police

# Community Conversation Series: Part 1

## Community Feedback Report



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THE OFFICE OF POLICE OVERSIGHT, OFFICE OF  
INNOVATION, AND THE EQUITY OFFICE PRESENT:

# A COMMUNITY CONVERSATION: RACE & POLICING IN AUSTIN

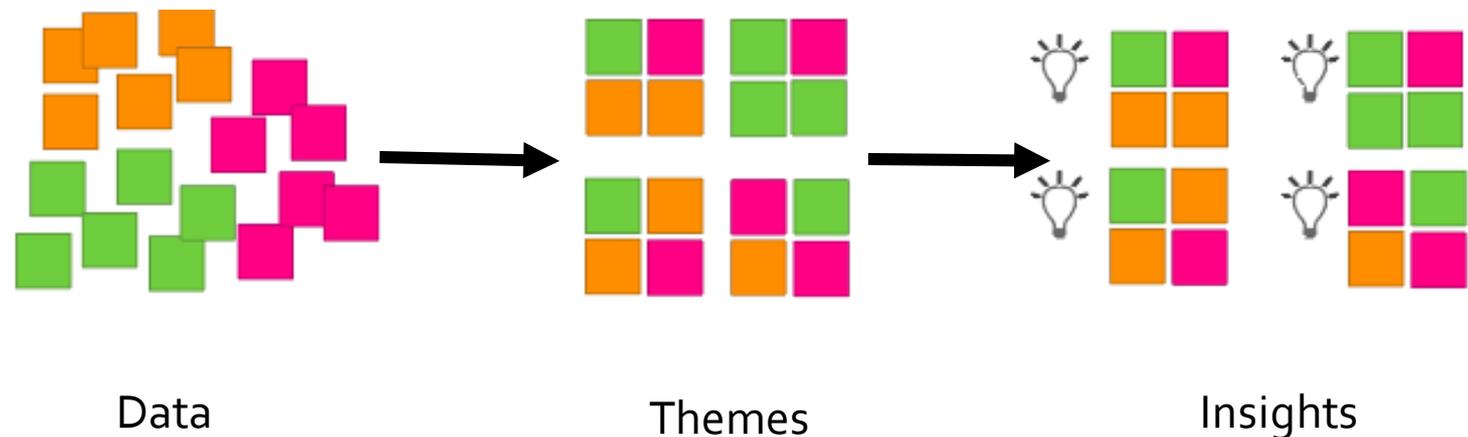
## Context



- 56 community members, 20 city staff, 10 APD officers
- Attendees were asked to share
  - Motivation for attending the event
  - How do you feel about what you have learned about the report so far? What came up for you reading the data or listening to the panel?
  - What surprised you about the report? What didn't surprise you?
  - What does accountability look like for you on the issue of racial profiling and racial inequity in policing? What would constitute meaningful change?
  - What would you like to see discussed at the next meeting?

# Our Method

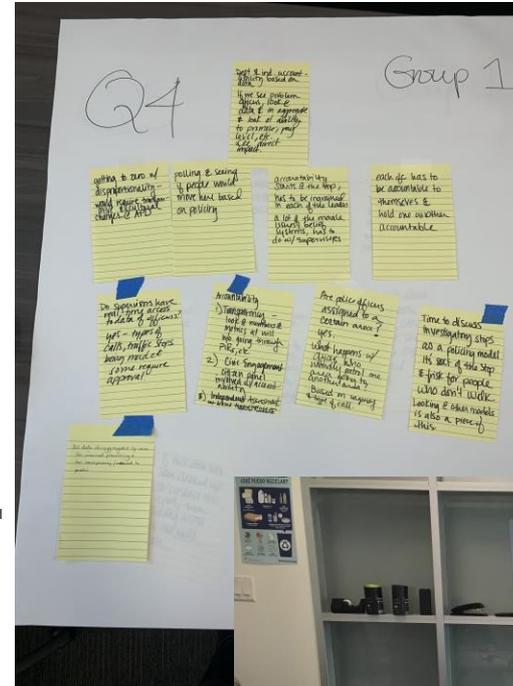
- In collaboration, the Office of Police Oversight, the Office of Innovation, and the Equity Office conducted a data synthesis of community feedback from the event .
- Data Synthesis: A process of combining separate elements or components to form a new whole connected by the shared qualities between parts.



# Our Method

## Translating Data Synthesis to a Report

- You said...
- We heard...
- We Decided...



## Introduction: Motivations & Feelings

### People expressed interest in this community dialogue and the importance of bringing community voices to the table.

- Attendees came from different backgrounds and had numerous motivations for attending the event, including *wanting to learn more about the report, being directly impacted, listening to new perspectives, having personal experiences with APD, possessing desire to contribute to change, and feeling like this was a necessary conversation.*
- The most common stated motivations for attending were **lived experience and passion for social change**. City and APD employees also contributed to the discussion.

# Data

## People highlighted the strengths of the racial profiling depth and analysis

- Specifically, community members said that this report is a step above past reports due to:
  - The depth of the data
  - Detailed sources
  - Tangible recommendations
  - Collaboration between departments
  - Attention to specific data sets
    - High v Low discretion searches
    - Commuting patterns
- We also heard that it is a community priority that reports are translated in Spanish and include history/context.

# Data

## Lived Experiences

- In general, we heard that attendees were not surprised by the report's:
  - **Geographic pattern**
  - **Disparities**
  - **Outcomes**
- "I am not surprised by the outcomes. A big contribution of this report is field observations to show black and brown communities and disparity in neighborhood locations."

## People felt discouraged, fearful, and saddened by disparity trend.

- While not surprised by the disparities, many attendees stated that they were surprised and discouraged by the disparity trend 2015-2018.

# Data

## People had questions and concerns about the data

- We heard questions around the accuracy of the race known analysis and how it is determined. The question was posed: **“Why are there still disparities when police officers reported not knowing race?”**
- Other community members had concerns about the racial/ethnic data groups in the report. We heard questions about whether the racial/ ethnic groups on the report accurately reflected the race/ethnicity of the individuals being stopped
- We also heard thoughts about the impact methods of policing may have on the patterns in the data. For example, one attendee pointed out that if more officers are patrolling certain areas, that may contribute to a feedback loop in which those areas have higher crime or arrest numbers.

# Data

## Some people called for additional analysis and data collection

- We heard a call for more analysis and data collection in the following areas:
  - Location/geography of stops
  - Socioeconomic data
  - Race of officer
  - Age of driver
  - Gender of person stopped/arrested
  - Result of stops
  - Reason for stops

# Community- Police Relations

## **People expressed a sense of fear, lack of safety, or lack of trust within community for police**

- In addition to feeling unsafe, some community members also expressed a sense of disconnect from APD
- Individuals stated that police should be providing a sense of safety, but at this moment this security was not felt.

## **Many community members said that police actions/outcomes are symptoms of racism**

- Community members described how experiences with Austin Police Department is different for communities of color and this effects the way they talk about police interaction from a young age.

# Accountability

The topic of accountability motivated people to attend the Community Conversation event and is what people want to discuss at a follow-up meeting.

We heard that people want accountability addressed:

- Acknowledgement
- Commitment and Action
- Structural Change and Community Decision Making
- APD Organization Structure
- Budget
- Increased Transparency

# Accountability

## Acknowledgement

- “Why is it hard for the police to accept they have a problem and work to solve it?”
- “APD needs to acknowledge instead of getting defensive”

Feedback to Chief Manley's response during the panel:

- “Did not hear acknowledgement from Chief Manley”
- “It felt like Chief Manley invalidated [the] report, especially when he said more arrests in certain areas are because [there is] more crime in that part of town”
- “Chief Manley has not said 0% disparity is a priority. Real commitment is needed for real change. Action and behavior come from the top”

# Accountability

Several participants were upset by a comment Chief Manley provided regarding the cost-benefit analysis of officer time spent in training vs officer time spent patrolling. Six separate comments were recorded in regard to this particular point. One attendee asked, **“Why is APD valuing hours of police on the streets over making policing practices less discriminatory?”**

Others saw the Chief’s response to implementing the training outlined in the recommendation as comparing loss of officer hours on patrol and loss of potential life as the result of lack of training.

- **“Concerned about loss of hours vs loss of life as a result of non-training”**
- **“Frustrated by asking community if life or money is more important”**
- **“Bothered by question about if loss of life is important”**

# Accountability

## Commitment and Action

- Regarding APD's response to the report, community members expressed that they **did not feel a sense of urgency** to make a change, but that transformation needs to happen now.
- **"Change needs to occur today, not when more data is collected."**
- **Commitment to zero disparity**- would require transformative cultural change
  - Community wondered how to pursue this commitment from the City and APD
  - Proposed City **Council resolution**
  - We heard that people want to see next steps for **implementation** and how APD will be held accountable
- Attendees emphasized the need to **demonstrate urgency** to City leaders

# Accountability

## Structural Change and Community Decision Making

- Community members want to hear more about how accountability will be upheld, acknowledging that it is difficult for people internally to hold themselves accountable. They offer that accountability is a community-wide issue
- People recommend
  - **Involving community** in decision-making
  - Implementing “community scorecards”
  - Investing in an APD oversight committee or “citizen panel”
- Attendees highlighted the need for continued community pressure
- People asked for concrete ways to be involved with **changing APD policies**

# Accountability

## APD Organization Structure

- Attendees suggested that organizational accountability starts at the top with leadership and must include holding individual officers accountable for actions.
- We heard a call for specific attention to **recognizing bias** and **problem officers**. In particular, community members expressed there should be a focus on the **academy**, including recognizing the young officers that have no experience working with communities or individuals of color.
- Some community members expressed the importance of having a **system to flag and monitor at-risk officers** using a strike system or **interventions** to create real **consequences** for officers.
  - Pay
  - Promotions
  - Permanent record
  - Monitoring

# Accountability

## Budget

- Specifically, individuals stated there should be economic consequences and a reduced budget if APD does not take steps to address the issue or comply with the recommendations in the report
- One community member stated, "**There should be economic consequences if APD does not do the right thing.**"

# Accountability

## Increased Transparency

- Community members made it clear that they expect transparency from APD as well as the Office of Police Oversight and the City.
- Request for the public availability of APD data and metrics as well as the raw data used to create the Racial Profiling report.
- One person stated that this data should be available freely, without a community member having to request a PIR.
- Another attendee highlighted the need for transparency of complaints that have been filed with the Office of Police Oversight.

## Next Steps/Moving Forward

# Training

- Community members referenced active vs passive training and the importance of more than just showing up.
- **"If you don't have accountability after training, it's a waste of time."**
- Other community members questioned whether the training measurements and tests were created with implicit bias.

## Next Steps/ Moving Forward

People expressed a need to take a systems-level approach to address these issues and examine the role of policing in society and the methods employed by the police department.

- “It is time to discuss investigating stops as a policing mode. It’s sort of the stop and frisk for people who don’t walk. Looking at other models is also a piece of this.” One attendee expressed that to them, accountability means re-defining policing. Another said that it means asking deeper questions of how we police. Another expressed that we should “**address institutionalized racism with wholistic care.**” Others pointed out that in some cases, unjust or inequitable laws are at the root of the problem.

## Next Steps/ Moving Forward

**Some participants expressed concerns about police mental health and its outcomes in the community and recommended that it be addressed.**

- Potential link between officer mental health and harm to community in the form of increased bias and/or escalation.
- Others did not want mental health to be used as an excuse or explanation for disparities, and felt that police themselves should advocate for mental health resources within APD.

**People expressed that APD should identify and address bias and participate in spaces for healing internally and with community.**

- For some participants, this means undertaking a race equity journey, addressing trauma, developing trust with the community, and/or taking part in healing circles.

## Next Steps/ Moving Forward

# Bringing Community Voices to the Table

- Attendees asked for follow-up with those who attend meetings, as well as **“increased efforts to hear from the community and the personal stories of those who are a victim of this issue and how it impacts quality of life.”** Attendees highlighted the importance of including lived experience in this conversation as well as bringing in those with lived experience to create solutions.
- **“Listen to voices of community and people with lived experience”**
- **“Acknowledge expertise of people with lived experience”**
- **“Urge the City to have conversation with those impacted”**
- One participant encouraged the City to have conversations with people currently in jail to diversify the perspectives considered. Another shared that fact that those with felonies cannot participate in the new Community-Police Review Commission takes directly impacted people out of the conversation.

# Questions

**In addition to feedback, community members also asked questions regarding the following:**

- Data
- Personal Experiences
- APD
- Recommendations
- Next Steps/ Moving Forward

## Recommendations

### The Office of Police Oversight, the Office of Innovation, and the Equity Office developed the following recommendations:

- APD to provide a written response to the community questions gathered at the Community Conversation event and share the answers publicly.
- APD leadership to provide a public, unequivocal, and unconditional statement of acknowledgement regarding the racial disparities in outcomes of policing in Austin.
  - Provide a set of goals and priorities for making the changes needed to address disparities.
- APD to prioritize the adoption of the recommendations outlined in the Joint Report that most closely align with community feedback:
  - Acknowledgement (recommendations 1-3)
    1. Acknowledge that racial disparity exists and is worsening.
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# Recommendations

- Next Steps (recommendations 8-11)
  - 8. Explore promising practices from Oakland and Nashville that use a scoring mechanism for disproportional behavior to identify at-risk officers and assign appropriate interventions and use in the determination of promotions.
  - 9. Include implicit bias testing in the Austin Police Department hiring process.
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- APD to proactively conduct intentional community engagement throughout the process of adopting the above recommendations, including creating opportunities for officers to engage with the community out of uniform.
- The Office of Police Oversight to monitor APD's implementation of the above recommendations.

# Contact Information

For more information or questions regarding this report, contact the Office of Police Oversight:



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## **Community Conversation Series: Race and Policing in Austin**

### **Community Questions**

#### **Questions For APD**

- While search and arrest rates seem driven by racial bias, disparities in stops, given that they persist when officers report known AND not knowing the race of the driver before the stop, seem primarily driven by where police are patrolling most. What police are instructed to prioritize-- motor vehicle stops. Is the police department considering changes to policing practices and priorities?
- APD is about to report 2019 RP data to the state. Will the new report to council replicate the method used so we can see how the trend is going? Has APD addressed 2018 data problems related to use of force at traffic stops?
- When arrests of students of color made, where is that data going?
- What exactly is APD doing to eliminate disparities? Please provide specifics, not just generalizations that are abstract.
- Is [Chief Manley] willing to take the job of 0 disparities by 2023 and work with the city to get there?
- What is APD doing to identify and talk about biases with officers?
- What system is in place for handling police officers who are a problem?
- What metrics determine whether officers/hires are deemed to have unsafe biases that could negatively affect community members?
- What is the process for identifying and intervening with an at-risk officer?
- What metrics determine whether an officer/hire is of sound mind?
- Method of policing- why is patrol a priority?
- How have the policies changed based on training?
- How are hot spots defined? Is it by calls? Are they initiated by being in certain zip codes?
- Was there community input on the person hired to do equity training and on that role?
- Do supervisors have real time access to data of officers?
- Are police officers assigned to a certain area?
- What happens when officers who normally patrol one area go to another area?
- What are the recommendations from the OPO that APD is NOT planning to act on?
- When will NIBR- coded incident data be available on the city's open data portal?
- What has APD agreed to do from the recommendations? How will they be held accountable moving forward?



- How can there be improvements in the "discretion" allowance when it comes to racial profiling?

### **Questions For the Authors of the Report**

- What is the process to reach zero disparity goal?
- Part 1: What accounts for the decrease of stops in each population in 2018, after prior years of increase?
  - Part 2: Do you have a sense if this downward trend has continued in 2019?
  - Part 3: Why don't charts show ""arrest"" data?
- Were Dr. Alex Del Carmen's racial profiling audits (since 2016) used in report analysis?
- How are each of your organizations working to get comparable data from DPS and other agencies making stops within the city?
- Where were stops made? Are they evenly distributed throughout the city?
- Why are there still disparities when police officers reported not knowing the race?
- What are the socioeconomic factors that are not being taken into account? More benchmarks can be used (ex stops at day or night)
- Does age affect motor vehicle stops?
- Do we know the reasons for the stops?
- Wonder how accountability is built into the implementation of the recommendations of this report especially to reduce racial disparities in 2020?
- There's a difference between community input and community decision-making. How do you plan to bring in community decision making?
- What does true accountability look like? If APD does not reduce these disparities, what are the consequences?
- Why is the City making recommendations and conclusions based on racial profiling when the data reflects the role of racial profiling or bias in traffic stops? (95% of stops occur without race/ ethnicity being known)
- If the APD fails to adequately reform itself, can stronger steps be taken, beyond recommendations? What, if any, are there?
- Is the City on board for zero disparity by 2023?
- When did APD get the report?
- "Do you have any data on difference in statistics before and after Freedom Cities began to take effect?"



### **Additional Feedback**

- In response to Chief Manley talking about training and time: You can that time back by not pulling over people needlessly/based on discrimination.
- Chief Manley, did you read through the recommendations? The problem is not getting more data. With the data we already have, disparity has increased since 2015. The disparity is a symptom of officers' discretion.
- "Como trabajan los dectectives en nuestra area? de crimes violentos mi hijo fue balaciado."
- Why wasn't APD response memo released with the report? What did it say?
- How do West Austinites feel about the report?
- If I complain about the police, do I have to receive a case number as well as copy?
- Black and LatinX Austinites have the lowest average income and wealth levels. Wouldn't replacing arrests with action exacerbate those racialized economic inequalities like in Ferguson, Missouri? What other options are there?