



MEMORANDUM

Austin Police Department *Office of the Chief of Police*

TO: Mayor and Council Members
FROM: Brian Manley, Chief of Police
DATE: April 11, 2019
SUBJECT: Media Story on APD Use of Force

The Atlantic ran a story titled “Austin’s Weirdly Aggressive Traffic Stops” covering Texas police agencies mandated annual racial profiling reporting. With the passage of the Sandra Bland Act, police agencies must now report arrests made from traffic stops and use of force resulting in bodily injury during those arrests. The story compared 64 Texas police and sheriff department’s data and identified that the Austin Police Department had the third highest use of force during traffic stop rate, and the highest among the Texas major cities.

While the data used in this report accurately represents what APD reported to the State, I have identified that my team over-reported these use of force incidents in an effort to not under-report. Instead of only reporting use of force incidents with bodily injury resulting from traffic stops as required by the law, we reported all use of force incidents resulting in bodily injury. These include walking beat officers responding to fights in the entertainment district, 911 calls for service resulting in force incidents across the city, and many other categories. *Upon reviewing the data, we identified 80 incidents of force with bodily injury attributed to a Traffic Stop, not the 921 we reported in our annual report. Our actual rate of force per 10K stops was 6.70, not 77.19 as reported in the article. This would rank us 27th among the 64 reporting cities, not third as we were listed in the article based on our data submission.*

I have taken steps to ensure future reports contain the correct data so appropriate comparisons can be made. The remainder of this memo provides more information.

Background

Our reporting system captures use of force data categorized by reason for contact. The categories include Dispatched Call, Viewed Offense, Self-Initiated Stop, Traffic Stop, Tactical Operation, and Warrant Service. In preparing our report this year, the team found 64 incidents where officers coded the reason for contact for stops they were on together differently. This could occur from the primary officer who initiated the traffic stop coding the interaction as a traffic stop while the officer who was dispatched as a back-up officer coding it as a dispatched call. This

inconsistency, coupled with their concern that inadvertently miscoding a Traffic Stop as a Self-Initiated activity, or other category, would lead to under-reporting our data, led to their decision to include all use of force incidents resulting in bodily injury.

For information, bodily injury is defined in the Texas Penal Code as "physical pain, illness, or any impairment of physical condition".

Cc: Spencer Cronk, City Manager
Rey Arellano, Assistant City Manager
Jessica King, Communications and Public Information (CPIO) Interim Director
David Green, CPIO Media Relations Manager