



MEMORANDUM

Austin Police Department *Office of the Chief*

TO: Mayor and Council Members
FROM: Brian Manley, Chief of Police
DATE: February 28, 2020
SUBJECT: 2019 Racial Profiling Report

Pursuant to state racial profiling reporting requirements, the Austin Police Department (APD) submits racial profiling reports to the Texas Commission on Law Enforcement, as well as the Mayor and Austin City Council by March 1.

The 2019 Racial Profiling Report and Complaints are attached and have been submitted to TCOLE. This report meets the legal requirements as outlined by Article 2.132 of the Texas Code of Criminal Procedure.

A subsequent report will be published with more in-depth analysis comparable to previous years' reporting.

Finally, Dr. Alex Del Carmen, an expert in racial profiling, reviews our racial profiling data throughout the year to ensure the Austin Police Department complies with the Texas Racial Profiling Law. Through these periodic audits and year-end analysis of our complete data, Dr. Del Carmen has confirmed APD's compliance with recently expanded legal requirements.

Please contact me or my staff should you have any questions.

Brian Manley
Chief of Police

cc: Spencer Cronk, City Manager
Rey Arellano, Assistant City Manager

Attachments

Racial Profiling Report | Full

Reporting Date: 02/25/2020

Agency Name: AUSTIN POLICE DEPARTMENT

TCOLE Agency Number: 453201

Chief Administrator: BRIAN E. MANLEY

Agency Contact Information:

Phone: (512) 974-5030

Email: apd3@ci.austin.tx.us

Mailing Address:

P. O. BOX 689001

AUSTIN, TX 78768-9001

This Agency filed a full report

AUSTIN POLICE DEPARTMENT has adopted a detailed written policy on racial profiling. Our policy:

- 1.) clearly defines acts constituting racial profiling;
- 2.) strictly prohibit peace officers employed by the AUSTIN POLICE DEPARTMENT from engaging in racial profiling;
- 3.) implements a process by which an individual may file a complaint with the AUSTIN POLICE DEPARTMENT if the individual believes that a peace officer employed by the AUSTIN POLICE DEPARTMENT has engaged in racial profiling with respect to the individual;
- 4.) provides public education relating to the agency's complaint process;
- 5.) requires appropriate corrective action to be taken against a peace officer employed by the AUSTIN POLICE DEPARTMENT who, after an investigation, is shown to have engaged in racial profiling in violation of the AUSTIN POLICE DEPARTMENT policy adopted under this article;
- 6.) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - a.) the race or ethnicity of the individual detained;
 - b.) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - c.) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- 7.) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision(6) to:
 - a.) the Commission on Law Enforcement; and
 - b.) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

Executed by: Tracy Guagliardo, Administrative Specialist

Date: 02/25/2020

Total stops: 139051

Gender

Female	53144
Male	85907

Race / Ethnicity

Black	19520
Asian / Pacific Islander	8020
Hispanic / Latino	45755
White	65704
Alaska Native / American	52

Was race or ethnicity known prior to stop?

Yes	5377
No	133674

Reason for stop?

Violation of law	19923
Preexisting knowledge	332
Moving traffic violation	104053
Vehicle traffic violation	14743

Street address or approximate location of the stop

City street	97151
US highway	26773
County road	0
State highway	15127
Private property or other	0

Was a search conducted?

Yes	9446
No	129605

Reason for Search?

consent	44
contraband	87
probable	3496
inventory	579

ncident to arrest	5240
Was Contraband discovered?	
Yes	2595
No	6851
Description of contraband	
Drugs	1009
Currency	391
Weapons	235
Alcohol	102
Stolen property	0
Other	858
Result of the stop	
Verbal warning	11281
Written warning	68277
Citation	51688
Written warning and arrest	0
Citation and arrest	74
Arrest	7731
Arrest based on	
Violation of Penal Code	5211
Violation of Traffic Law	412
Violation of City Ordinance	4
Outstanding Warrant	2104
Was physical force resulting in bodily injury used during stop?	
Yes	94
No	138957

Submitted electronically to the



**The Texas Commission on Law
Enforcement**

Summary of Complaints Alleging Racial Profiling, 2019

In 2019 there were 8 formal complaints and 40 informal complaints of racial profiling reported to the Internal Affairs Division (IAD). Complaints are included if any part of the complaint alleges disparate treatment based on race or ethnicity, regardless of the merit of the allegation. This compares to 4 formal and 9 informal complaints in 2018.

Racial profiling complaints against the department are received in multiple ways. Complaints may be received from within the department or from a citizen to a member of the department. Most commonly racial profiling complaints are made through the Office of Police Oversight (formerly Office of the Police Monitor). However, in December of 2017 the Meet and Confer Agreement between the City of Austin and the Austin Police Association expired. As a result, the OPO was unable to accept complaints through the majority of 2018. All external complaints on officer misconduct were made through IAD. In November 2018, a new agreement between the City of Austin and the Austin Police Association was made, entered into, and made effective. The new contract reinstates the OPO as a non-exclusive location for accepting administrative complaints of officer misconduct and a provision is made permitting the OPO to accept anonymous complaints. In addition, the OPO established an online process for submitting complaints in 2019.

Formal complaints are those complaints received externally from the OPO or received internally and submitted on an “Internal Affairs Complaint” form and are investigated by IAD. Informal complaints are any for which no formal complaint has been received by IAD. Depending on the seriousness of the alleged complaint, it may be investigated by either IAD or the subject officer’s chain-of-command. IAD will designate the classification level for all complaints directed to them.

The outcome of an investigation can be: sustained, unfounded, exonerated, inconclusive, administratively closed, or a supervisor referral. A finding that is “sustained” indicates the investigation disclosed sufficient evidence to establish that the act occurred and that it constituted misconduct. A finding that is “unfounded” indicates the investigation disclosed that the alleged act(s) did not occur. A finding of “exonerated” indicates the investigation disclosed that the alleged act occurred but that the act was justified, lawful and/or proper according to Departmental policy. A finding of “inconclusive” indicates the investigation disclosed that there is insufficient evidence to sustain the complaint or fully exonerate the employee. An investigation may be “administratively closed” under the following circumstances: an administrative inquiry has been completed and no allegations were made or misconduct discovered; the case was classified as a lower level complaint; at the discretion of the Chief or designee. A “supervisor referral” is an informal complaint that did not result in an investigation but was referred to a supervisor for attention. At the conclusion of an investigation, the complainant is notified of the outcome in writing.

“Contact” or “Citizen Concern” is designated as a complaint type by the IAD and/or OPO for cases that do not rise to the level of a formal or informal complaint because the complainant did not wish to speak to a supervisor nor did they wish to make a formal complaint. Cases classified as a contact or citizen concern can come in many ways including but not limited to a Complainant Contact Form (CCF) or through contact directly with the OPO or IAD. In a CCF, a supervisor speaks to the complainant to address their concerns on the scene of the incident or over the phone. While addressing their concerns, they review all available evidence which may

include video or body worn camera (BWC) footage. The supervisor then forwards the information on the CCF to IAD for documentation. Additionally, the supervisor provides the contact information for the OPO for follow-up should the complainant wish to make a formal complaint. In the review of a CCF, the affected officer's chain of command may initiate an internal formal complaint if they observe policy violations.

Formal Complaints

1. Case Number: 2019-0183

Complaint Reported: The complainant is taxi driver and was stopped for traffic. When the driver stopped, both rear passengers opened their doors and jumped out of the vehicle. The officer drew his gun and ordered the passengers back into the cab. The driver complained he was upset with the way the officer spoke to him and he believed the officer was a racist. The driver said the officer did not say anything racist to him but he "felt it."

Outcome: Administratively Closed

Reason for Contact: Traffic Violation

2. Case Number: 2019-0648

Complaint Reported: An online complaint stated an officer stalked him from a gas station and stopped him because he was black. The officer followed him for a mile and half and subsequently pulled him over for a traffic violation.

Outcome: Administratively Closed

Reason for Contact: Traffic Violation

3. Case Number: 2019-0670

Complaint Reported: The complainant reported a detective has been discriminatory towards him because of his race and gender.

Outcome: Administratively Closed

Reason for Contact: Other

4. Case Number: 2019-0695

Complaint Reported: The complainant was stopped for a traffic violation and subsequently cited. The complainant stated the officer made racially insensitive comments drawing conclusions based on the driver's mannerisms and clothing.

Outcome: Administratively Closed

Reason for Contact: Traffic Violation

5. Case Number: 2019-0805

Complaint Reported: The complainant believes he was discriminated against because he is Hispanic. He called 911 because someone was trying to break into his apartment. Officers did not make an arrest even though the suspect was located.

Outcome: Sustained for Impartial Attitude and Courtesy

Reason for Contact: Call for Service

6. **Case Number:** 2019-0923
Complaint Reported: The anonymous complaint alleged an officer may have used inappropriate language when talking about another employee.
Outcome: Pending
Reason for Contact: Other
7. **Case Number:** 2019-1331
Complaint Reported: A police supervisor was made aware of an incident involving an officer and civilian employee. The complainant stated the officer made a racially insensitive and sexist comment.
Outcome: Pending
Reason for Contact: Other
8. **Case Number:** 2019-1332
Complaint Reported: A police supervisor was made aware of an incident involving an officer and civilian employee. The complainant stated the officer made a racially insensitive comment.
Outcome: Pending
Reason for Contact: Other

Informal Complaints

1. **Case Number:** 2019-0006
Complaint Reported: The complainant stated he received a citation for driving on the sidewalk and believes he was “shaked” down because the officers thought he was Mexican.
Outcome: Contact/Citizen Concern
Reason for Contact: Traffic Violation
2. **Case Number:** 2019-0022
Complaint Reported: The complainant stated he saw a police vehicle rapidly approaching in his rear-view mirror and, as he turned in to a gas station, the police vehicle followed. After idling behind him for a couple of minutes, the police vehicle exited the station. He said the police vehicle went to an empty parking lot and waited for him. As the complainant exited the gas station, the officer operating the police unit activated the lights and initiated a traffic stop. He opined he was racially profiled and pulled over for no reason.
Outcome: Contact/Citizen Concern
Reason for Contact: Traffic Violation

3. **Case Number:** 2019-0043
Complaint Reported: An unknown complainant approached an officer to discuss the tactics used by Mounted Patrol to clear 6th Street after the bars closed. He stated Mounted Patrol officers previously singled out a group of people because of their color (they were primarily African American).
Outcome: Contact/Citizen Concern
Reason for Contact: Other
4. **Case Number:** 2019-0071
Complaint Reported: The complainant stated he felt targeted, racially profiled and discriminated by the way the officer looked at him while getting into his truck. He opined "because I am perceived as a Hispanic man that cannot afford a nice vehicle and have a beautiful white wife."
Outcome: Contact/Citizen Concern
Reason for Contact: Traffic Stop
5. **Case Number:** 2019-0104
Complaint Reported: The complainant received a citation for a speeding and opined he was racially profiled.
Outcome: Contact/Citizen Concern
Reason for Contact: Traffic Violation
6. **Case Number:** 2019-0133
Complaint Reported: When the complainant arrived at the scene of his wife's collision, he approached the officer and extended his hand. The officer refused to shake hands stating, "I don't shake hands, I'm sorry." The officer continued, "I don't know where your hands have been. It's flu season." The complainant felt it was offensive and racist because he was Muslim.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service
7. **Case Number:** 2019-0165
Complaint Reported: The complainant was stopped and cited for No Front License plate. The complainant believes the officer "is a racist and only stops black people."
Outcome: Contact/Citizen Concern
Reason for Contact: Traffic Violation
8. **Case Number:** 2019-0172
Complaint Reported: The complainant mailed a letter to the OPO stating, "Since I'm black they went along with framing me for sexual assault." He reports his investigation was one-sided and the officers had their own personal agendas.
Outcome: Contact/Citizen Concern
Reason for Contact: Other

9. **Case Number:** 2019-0184
Complaint Reported: The complainant was with two other subjects at her residence complaining about their neighbors. She stated the officer was being rude and wanted to complain. A supervisor arrived and she stated that APD is prejudiced because her family is black.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service
10. **Case Number:** 2019-0187
Complaint Reported: An officer responded to a 911 call for assistance. The complainant stated the responding officer intimidated him because he and his roommate are Hispanic.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service
11. **Case Number:** 2019-0232
Complaint Reported: The complainant, who is making this complaint on behalf of her son, stated her son was discriminated against. Her son was involved in a four-car collision and the responding officer spoke with her son before speaking with any other driver. The complainant stated the accident report listed her son as the person who caused the crash. The officer later amended the report and emailed the new report to the complainant's son. The complainant claims her son was discriminated against because the officer never went back to talk with him.
Outcome: Supervisor Referral
Reason for Contact: Call for Service
12. **Case Number:** 2019-0248
Complaint Reported: The complainant contacted 911 after having been given an unknown pill by a known female. The complainant began feeling strange and felt he had been poisoned. As he laid in front of her car, the responding officers removed the complainant from the roadway and placed him in handcuffs. The vehicle departed the scene without being identified. The complainant stated the officers failed to stop the vehicle from departing due to the fact that he was black and the females were white.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service
13. **Case Number:** 2019-0322
Complaint Reported: Officers responded to a disturbance between a male and a female. While the officers attempted to determine what happened, family members complained the officers were being biased due to the male looking white.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service

14. **Case Number:** 2019-0385
Complaint Reported: Complainant was involved in a family disturbance and was arrested for warrants. Officers checked the involved female for warrants but she returned negative. The complainant alleged he was being arrested due to “White Privilege.”
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service
15. **Case Number:** 2019-0442
Complaint Reported: The complainant is alleging officers are harassing him. He called for police because he was involved in an auto-pedestrian collision; he was hit by a car mirror at a drive-thru. He stated he feels he was racially profiled because, “it was a white lady and they believed her and he called the police because she hit him with the mirror on her car.” He was arrested and she was not.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service
16. **Case Number:** 2019-0509
Complaint Reported: The complainant claimed the officer racially profiled him when he ran his license plate and discovered that he had an outstanding felony warrant. He stated the officer didn’t stop him right away and followed him to his apartment complex.
Outcome: Contact/Citizen Concern
Reason for Contact: Warrant
17. **Case Number:** 2019-0523
Complaint Reported: Officers responded to a possible criminal trespass call which turned into an Assault with Injury Family Violence. A supervisor responded to the scene and asked the complainant to be more specific about the circumstances of the assault. The complainant believed the supervisor was questioning her because she was Hispanic.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service
18. **Case Number:** 2019-0526
Complaint Reported: The complainant was upset officers pushed their way into her residence, hitting her with the door, and causing her pain. She believed the officers treated her poorly because she was white.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service

19. **Case Number:** 2019-0531
Complaint Reported: Officers responded to a call of a person stopped at a green light and incoherent. It was unknown if the subject needed medical assistance or was driving while intoxicated. Officers detained the person and placed him in handcuffs. While at the hospital, the complainant alleged the officers harassed him for being black and used excessive force.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service
20. **Case Number:** 2019-0592
Complaint Reported: Officers responded to a Family Disturbance call and determined insufficient evidence existed. No one was arrested and the two complainants felt the officers were racist.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service
21. **Case Number:** 2019-0602
Complaint Reported: The complainant stated he called for police after an employee at McDonald's would not return his credit card. He was upset officers did not arrest the employee and was also upset officers made him lift his shirt to check for weapons. He confirmed he had a weapon in his car. He feels the officers and employee discriminated against him because they were all Hispanic.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service
22. **Case Number:** 2019-0605
Complaint Reported: The complainant stated she was followed by an officer working an off-duty contract at HEB "because she was the only black female inside of the store." She said she was sexually intimidated by him, was racially profiled, and stalked by the officer.
Outcome: Supervisor Referral
Reason for Contact: Other
23. **Case Number:** 2019-0608
Complaint Reported: Officers responded to a 911 call of a disturbance. The complainant felt officers were being racist by focusing their attention on her and her baby's father. She believes they were stopped due to their race.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service

24. **Case Number:** 2019-0616
Complaint Reported: City Hall requested police due to a Planning and Zoning Commission meeting which drew protesters. Officers were sent into the chambers to escort persons disrupting the meeting out of the council chambers. One person was arrested for criminal trespass. During the interaction, the complainant stated the only person arrested was Hispanic.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service
25. **Case Number:** 2019-0745
Complaint Reported: The complainant was upset an officer stopped him and implied he might be stealing items from a vehicle. He felt the officer treated the vehicle owner differently because she was a white female and he was a black male.
Outcome: Supervisor Referral
Reason for Contact: Subject stop
26. **Case Number:** 2019-0765
Complaint Reported: An anonymous online complainant felt an officer discriminated against him during a traffic stop. He is a U.S. citizen born in a foreign country and has an accent from his native land. He said he was stopped for speeding and the officer asked him how long he had been driving. He found this question insulting as the officer used an unpleasant tone.
Outcome: Contact/Citizen Concern
Reason for Contact: Traffic Violation
27. **Case Number:** 2019-0771
Complaint Reported: The complainant stated she was stopped for traffic and was issued a citation. The complainant felt she was targeted because she was from Brownsville and Hispanic.
Outcome: Supervisor Referral
Reason for Contact: Traffic Violation
28. **Case Number:** 2019-0778
Complaint Reported: The complainant stated he and his family were stopped for traffic as they were leaving their apartment complex. The complainant felt they were racially profiled, mistreated, harassed, and picked out because of their vehicle.
Outcome: Supervisor Referral
Reason for Contact: Traffic Violation
29. **Case Number:** 2019-0780
Complaint Reported: The complainant was stopped by officers because he matched the description of a burglary suspect. When it was determined he was not the suspect, he was released without incident. The complainant believed he was racially profiled.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service

30. **Case Number:** 2019-0782
Complaint Reported: The complainant said officers followed her for three miles before stopping her for traffic. She opined, "why was it necessary to follow my car until I made a so-called mistake for three miles. That seems as if I was being racially profiled." She did not receive a ticket or a warning.
Outcome: Supervisor Referral
Reason for Contact: Traffic Violation
31. **Case Number:** 2019-0815
Complaint Reported: The complainant was pulled over and cited for no seat belt. He stated the officer told him it was because of "my color" that he could tell whether or not he had his seat belt on or not. The complainant stated, "it's because I am a black male who at the time was wearing a white shirt that he said that."
Outcome: Contact/Citizen Concern
Reason for Contact: Traffic Violation
32. **Case Number:** 2019-0833
Complaint Reported: Bicycle officers were working a protest and formed a line to separate attendees and protesters. The complainant stated that a bicycle officer ran over her foot, rubbed his bike against her leg, and pushed her back. She stated that she is an indigenous woman of color and he was a white officer treating her aggressively.
Outcome: Contact/Citizen Concern
Reason for Contact: Other
33. **Case Number:** 2019-0847
Complaint Reported: The complainant stated an officer pulled him over for driving with a cell phone in his hand. The complainant felt he was profiled.
Outcome: Contact/Citizen Concern
Reason for Contact: Traffic Violation
34. **Case Number:** 2019-0914
Complaint Reported: Officers responded to a burglary in progress call in which the complainant was handcuffed. The complainant accused the officer of being racially biased.
Outcome: Contact/Citizen Concern
Reason for Contact: Call for Service
35. **Case Number:** 2019-0966
Complaint Reported: The complainant was arrested for local warrants and requested to speak with a supervisor. The complainant felt he had been racially profiled by the officer and expressed disagreement with being arrested for the local warrants.
Outcome: Contact/Citizen Concern
Reason for Contact: Subject stop

36. **Case Number:** 2019-1034
Complaint Reported: Officers stopped the complainant for crossing against the traffic light. The complainant attempted to evade and the officers grabbed him. As they placed him in handcuffs, the complainant dropped a bag of suspected K-2 which was observed and picked up by an officer. The complainant believes the officers were racist and they did not see him drop anything.
Outcome: Contact/Citizen Concern
Reason for Contact: Subject stop
37. **Case Number:** 2019-1047
Complaint Reported: The complainant was stopped for a traffic violation and felt the officer racially profiled her and pulled her over because she was “brown.”
Outcome: Contact/Citizen Concern
Reason for Contact: Traffic Violation
38. **Case Number:** 2019-1093
Complaint Reported: The complainant reported he was stopped by an officer and detained because he fit the description of a suspect involved in a bank robbery that just happened. He stated, “I asked what the description of the robber was and he said a black man with a grey t-shirt with orange and khaki shorts.” The complainant was wearing a charcoal grey t-shirt with green cargo shorts. The complainant feels he was racially profiled by the officer because he is black.
Outcome: Contact/Citizen Concern
Reason for Contact: Subject stop
39. **Case Number:** 2019-1348
Complaint Reported: The complainant stated an officer stopped him on traffic and pulled him over “for no reason...he made a U-turn and followed me. When he saw my face and knew I was black and he was very rude to me...he was a white officer.”
Outcome: Supervisor Referral
Reason for Contact: Traffic Violation
40. **Case Number:** 2019-1354
Complaint Reported: The complainant stated he noticed an officer driving, changing lanes, and not using his blinker. The complainant said the officer was driving fast and almost caused an accident. The complainant stated the officer pulled someone over who did not violate any laws. The complainant pulled over in an attempt to tell the officer he was racially profiling the driver. The officer raised his voice, became upset, and was disrespectful to the complainant.
Outcome: Supervisor Referral
Reason for Contact: Traffic Violation