

RECOMMENDATION BY THE AUSTIN PUBLIC SAFETY COMMISSION TO THE AUSTIN CITY COUNCIL IN RESPONSE TO THE 2014 ANNUAL REPORT OF THE OFFICE OF THE POLICE MONITOR

The Public Safety Commission believes it very important to acknowledge the highly successful partnership efforts of the Office of the Police Monitor, the Austin Police Department and the Austin Police Association that, as indicated in the 2014 annual report of the OPM that have significantly reduced the number of police/citizen incidents that have been reported, that have significantly increased the degree of “self-reporting” of incidents by APD supervisory personnel, that have educated the community and law enforcement, that have improved APD’s process of investigating complaints, and thus have improved the relationships between the officers of the Austin Police Department and the citizens they have been sworn to serve and protect.

The PSC acknowledges the significant deficits and methodological problems in the report described by PSC commissioner Kim Rossmo, a professor at Texas State University who holds the Endowed Chair in Criminology and is director of the Center for Geospatial Intelligence and Investigation. Dr. Rossmo states:

1. There is no analysis of rates, only of incidents. Austin has a rapid population growth, 3% in the past year alone, and yearly comparisons have to adjust for changes in the city's population or APD's officer strength.
2. No temporal analysis; comparisons were limited to the previous year, which does not reveal the emergence of any long-term trends.
3. No context provided through comparisons to similarly-sized cities in Texas or elsewhere.
4. Several of the analyses involved very small numbers. No tests for statistical significance were performed to eliminate random fluctuations; instead, minor changes in incidence levels were treated as real trends.
5. The role of police deployment levels in high-crime areas with different demographic patterns is completely ignored as a factor in police traffic enforcement bias.
6. The only denominator used in the report is derived from census data, which does not take into account group differences in crime rates (e.g., see the data in the Texas Department of Criminal Justice Statistical Report, https://www.tdcj.state.tx.us/documents/Statistical_Report_FY2014.pdf). While an argument can be made that inherent biases in the criminal justice system disproportionately affect certain racial groups, it is well established from studies of murders and victim-driven arrests where police discretion is minimal that such differences are real, most likely the result of socioeconomic disadvantage. So the true denominator lies somewhere between the census data and the arrest data. However, none of this is analyzed or even discussed.
7. The OPM has not conducted a veil-of-darkness analysis, which would more accurately outline the extent of racial profiling in APD's traffic stops.
8. In places, unsubstantiated statements are made, absent supporting evidence.

The commission recommends that an outside professional skilled in statistical analysis should be retained and allowed to play a significant role in the OPM's on-going operations so that they are based on statistical rigor and discipline in terms of the determining the need and definition of the data it seeks and the interpretation of that data. elimination of the defined deficits and methodological problems in its on-going operations so that the OPM's work product is based on a necessary level of statistical rigor and discipline in determining the need and definition of the data it believes it requires and in the interpretation of that data. Special attention should be given to benchmarking against similar statistics in other communities. The outside professional's involvement will insure that the OPM's 2015 annual report (which will be presented to the PSC at its April 2017 meeting) will reflect this new approach to data collection and assessment. The result will be that the OPM's recommendations will have maximum credibility in the public arena and affirm that the OPM is meeting its critical "check and balance" mission in the law enforcement mechanism of our community.

Racial profiling is an increasingly critical issue for the Austin community as well as for APD and the APA. In another move to bring further bring transparency to APD and engender trust from the community, APD has initiated an inquiry into whether it is feasible to go back and retrieve data on those that are stopped and searched but not cited or arrested in past years. The OPM report acknowledges that its analysis of APD's data would have significantly better information for the public if cross-referenced with the geographic locations of stops and searches, and if it includes context such as trends from previous years, geographic analysis, and comparison to other similarly-sized cities. The OPM asks that APD complete by a date agreed to by APD and the OPM the efforts that are already underway to collect data including demographic information that shows the stops and searches of drivers and pedestrians that do not result in a citation, arrest, or towed vehicle; that APD has the necessary resources to provide the OPM with yearly data including demographic information that shows the numbers of stops and searches of drivers and pedestrians that do not result in a citation, arrest, or towed vehicle; that the OPM has the necessary resources to analyze in an appropriate manner APD's data with regards to racial profiling; and that working together APD and the OPM routinely audit in a practical and cost efficient manner 1) video of traffic stops to ensure that racial profiling data was reported as required; and 2) Response to Resistance reports to ensure that the Response to Resistance policy is being followed. The PSC supports these requests by the OPM, given they must be within the context of the findings by the PSC as previously stated in this recommendation.

Date of approval: _____

Record of the vote: _____

Attest: _____

Janet Jackson, Public Safety Commission Staff Liaison