

# RECOMMENDATION TO COUNCIL REGARDING COLLECTION OF RACIAL PROFILING DATA BY THE AUSTIN POLICE DEPARTMENT

## FROM THE PUBLIC SAFETY COMMISSION

WHEREAS in March 2016, the Office of Police Monitor [OPM] issued its 94-page 2014 Annual Report covering a variety of topics including:

- OPM's process for responding to citizen complaints about Austin Police Department [APD] officer misconduct,
- a rundown of the Citizen Review Panel's recommendations to Chief Art Acevedo in 2014 and his responses to the Panel's recommendations,
- an analysis of citizen complaints about police misconduct in 2014,
- an analysis of the demographics of citizen complainants in 2014,
- an analysis of the demographics of APD officers accused of misconduct in 2014,
- an analysis of the race of citizens on which APD used force in 2014, and
- an analysis of APD's racial profiling based on APD's internal data of the races of the citizens that APD cited or arrested in 2014;

WHEREAS the OPM report concluded that while Caucasians and Hispanics/Latinos are stopped roughly on par with their representation in the voting age population, African-Americans are stopped and searched by APD at a rate higher than their representation in the population;

WHEREAS APD—recognizing that racial profiling is an important issue to the community—commissioned a 2015 report by Del Carmen Consulting to ensure that APD was in compliance with the reporting requirements of the Texas Racial Profiling Act;

WHEREAS the Del Carmen Consulting study was issued in February 2016 and found that APD was in compliance with the Texas Racial Profiling Law's reporting requirements in 2015;

WHEREAS the Del Carmen Consulting study found—similar to the OPM report regarding 2014—that African-American drivers in 2015 were stopped by APD at a rate higher than their representation in the population;

WHEREAS the OPM report recommended that in addition to collecting the data required by the Texas Racial Profiling Law (*ie* the race of those cited or arrested), APD should also collect data on those that are stopped and searched but not cited or arrested;

WHEREAS the Del Carmen Consulting study also recommended that APD collect and evaluate data on stops beyond what is required by the Texas Racial Profiling Law;

WHEREAS, in a move to bring further transparency to APD and engender trust from the community, APD is currently in the process of initiating changes that will allow it to keep data on those that are stopped and searched but not cited or arrested;

WHEREAS, in another move to bring further bring transparency to APD and engender trust from the community, APD has also initiated an inquiry into whether it is feasible to go back and retrieve data on those that were stopped and searched but not cited or arrested in past years;

WHEREAS the OPM report acknowledged that its analysis of APD's data would have greater impact if cross-referenced with the geographic location of stops and searches;

WHEREAS the Public Safety Commission had concerns about deficits in APD's data collection and in APD's and OPM's interpretation of the data;

WHEREAS the OPM's and APD's outside consultant's future reports will have a greater impact if they include context such as:

- trends and data from previous years;
- geographic analysis;
- comparisons to other similarly-sized cities;
- adjustments for the effects of Austin's rapid populations growth;
- clarification regarding which trends are statistically significant and which are not.

Be it resolved that the Public Safety Commission recommends that the Austin City Council direct the City Manager to:

1. Require the Austin Police Department to complete by August 1, 2016 its efforts that are already underway to collect demographic information regarding all stops and searches of drivers and pedestrians that do not result in a citation, arrest, or towed vehicle;
2. Ensure that the Austin Police Department has the necessary resources—including the services of an outside statistician—to collect data using methods and metrics that will best inform City Council policy and best further APD's goal of transparency. ; and
3. Ensure that the Office of Police Monitor and the Austin Police Department have the necessary resources—including the services of outside statisticians—to analyze the Austin Police Department's data with regards to racial profiling so as to best inform City Council policy and best further APD's goal of transparency. The services of statisticians consulting on future reports will include:
  - Trends and data from previous years;
  - geographic analysis;
  - comparisons to other similarly-sized cities;
  - adjustments for the effects of Austin's rapid populations growth;
  - clarification regarding which trends are statistically significant and which are not.

Date of approval: \_\_\_\_\_

Record of the vote: \_\_\_\_\_

Attest: \_\_\_\_\_

Janet Jackson, Public Safety Commission Staff Liaison