

**FROM THE AUSTIN PUBLIC SAFETY COMMISSION TO THE AUSTIN CITY  
COUNCIL REGARDING THE 2014 REPORT SUBMITTED BY THE CITY OF  
AUSTIN'S OFFICE OF THE POLICE MONITOR ON THE COLLECTION OF  
RACIAL PROFILING DATA BY THE  
AUSTIN POLICE DEPARTMENT AND DEFICITS AND METHODOLOGICAL  
PROBLEMS IN THE REPORT**

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

Whereas the PSC acknowledges the assessment of the OPM's report 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:

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. There is no temporal analysis; comparisons were limited to the previous year, which does not reveal the emergence of any long-term trends.
3. No context is 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](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.

WHEREAS in March 2016, the 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;
- 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 (*i.e.*, 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 the deficits and methodology in APD's data collection and in APD's and OPM's interpretation of the data;

WHEREAS the future annual reports of the OPM, working with APD and professional statistician, will have a greater impact if they include context such as:

- Trends and data from previous years;
- Geographic analysis;
- Comparisons of valid interpreted data to similarly-sized cities in Texas and elsewhere.
- Adjustments for Austin's rapid population growth;
- Veil-of-darkness analysis (*i.e.*, analysis of stops made at night);
- Clarification regarding which statistics indicate significant information upon which it is possible to base accurate assessments to be used in policy recommendations

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. Retain outside professionals skilled in statistical analysis to play significant roles in the on-going operations of the OPM and APD so that their data collection and interpretation are based on statistical rigor and discipline. The outside professionals' 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 with regards to racial profiling and other issues so as to best inform the City Council regarding appropriate and necessary policy and further APD's goal of transparency. 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.

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

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

Attest: \_\_\_\_\_  
Janet Jackson, Public Safety Commission Staff Liaison