



MEMORANDUM
Austin Police Department

TO: Mayor and Council Members

FROM: Brian Manley, Chief of Police

DATE: September 1, 2018

SUBJECT: Update regarding City Council Resolutions 20180614-073 & 20180614-074

The purpose of this memorandum is to provide an update on the Austin Police Department's progress toward Council resolutions adopted June 14, 2018. The first resolution focuses on the use of discretionary arrests for non-violent misdemeanors and racial disparities in arrests, while the second involves matters related to immigration enforcement and information sharing.

With this memo, staff requests an extension to addressing the elements of Resolution 20180614-074 from the original completion date of September 1, 2018 to October 1, 2018 as will be described below.

In summary, Council Resolution 20180614-073 directs the City Manager to:

- 1. Work with the Police Chief to take the steps necessary and appropriate to eliminate the use of discretionary arrests for non-violent misdemeanors.*
- 2. Send a quarterly public memorandum to Council, for the purpose of transparency, to provide data concerning the use of discretionary arrest in lieu of citation for nonviolent misdemeanor offenses when a ticket or citation would be allowed by state law.*
- 3. Work with the Police Chief to identify additional documents or procedures that may be used by officers to establish a person's county of residence in order to issue a citation or ticket in lieu of arrest.*
- 4. Return to Council by November 1, 2018 with recommendations on how the City can further address racial disparity in arrests made by the Austin Police Department. The City Manager should establish a community working group to support the development of the recommendations provided to Council.*
- 5. Provide an update to the City Council on the activities conducted, including all policies, procedures, and practices identified and implemented, as a result of this resolution.*

Shortly after the June Council meeting, APD formed a community stakeholder group comprised of nine advocacy organizations: Measure, Texas Fair Defense Project, Grassroots Leadership, Workers Defense Project, United We Dream, Just Liberty, Texas Appleseed, Austin Justice Coalition, and Capital Area Private Defender Service. Texas State University volunteered to attend group sessions and provide objective academic consultation. The City's Office of the Police Monitor and Public Safety Commission designated representatives to participate in the group discussions.

The community stakeholder group is charged with a detailed review of our policy regarding the use of discretionary arrest and providing recommendations that will lead to a decrease in racial disparities.

To date, the community stakeholder group has met on two occasions, July 19 and August 27. The meetings centered on the Department's general order that addresses the issuance of a citation in lieu of an arrest. The stakeholder group has been, and we expect, will continue to be very engaged and open, assisting with process improvements and providing comprehensive insight into the array of individual and neighborhood impacts following an arrest. APD is currently reviewing the group's recommendations and anticipates completing policy updates in September (Items 1 and 3). In future planned meetings, the stakeholder group will focus their efforts on options for reducing racial disparities in arrest made by APD (Item 4).

In January 2019, APD will submit to Council the first quarterly report that examines nonviolent misdemeanor offense arrest and citation data, discretionary factors, and race proportionality (Item 2).

Council Resolution 20180614-074 directs the City Manager to:

- 1. Work with the Police Chief to take necessary and appropriate steps to reinforce constitutional and legal protections for detainees and arrestees who might be affected by Senate Bill 4 (SB4).*
- 2. Work with the Police Chief to take necessary steps to further ensure, in light of unfunded mandates imposed by SB4, that the City's policing resources are prioritized, and that request for federal immigration enforcement assistance are appropriately vetted and securitized at higher levels of the department, with consideration for the urgency of the request, whether there is a criminal nexus involved, and whether officers are trained in the task they are being asked to perform.*
- 3. Inform members of the City Council of requests for or authorization of City policing resources for premeditated civil immigration enforcement.*
- 4. Take necessary and appropriate steps to ensure that the City will provide confidential information about people without their consent for the purpose of civil immigration enforcement only to the extent required by law.*

5. *Send a quarterly memorandum to Council that provides data concerning the use of City resources for immigration enforcement.*
6. *Ensure that the public is informed about the procedures and practices of the Austin Police Department as they relate to detaining foreign nationals and handling request for assistance from federal immigration officials, and should inform Council if additional steps or resources are necessary to educate the public.*
7. *Complete the items directed in this resolution no later than September 1, 2018.*

APD Executive Staff met with community members from the Workers Defense Project and Grassroots Leadership to discuss the Departments' current policy related to the passage of Senate Bill 4. At the August 6, 2018 Public Safety Commission meeting, APD spoke about immigration enforcement and answered questions posed by commissioners.

The Department is working with the Law Department and the City Manager's Office to determine how best to incorporate stakeholder input in order to complete Items 1 and 2. Given the complexity of the issues, staff requests an extension to October 1, 2018 to complete the provisions of Resolution 20180614-074.

The Department will provide Council with the first quarterly report in January 2019 that analyzes requests for and projected costs of City resources used for immigration enforcement (Item 5).

Next steps

The Austin Police Department will continue to work with community stakeholders to fully implement all action items developed in response to the above Council directives. I will provide Council with another update on October 1, 2018.

Please contact Assistant Chief Troy Gay or me with any questions.

cc: Spencer Cronk, City Manager
Rey Arellano, Assistant City Manager
Assistant Chief Troy Gay, Austin Police Department