



PUBLIC SAFETY COMMISSION  
RECOMMENDATION 20200601-005

Date: June 1, 2020

Subject: Recommendation that Council Eliminate City of Austin Open Container Policies

Motioned by: Meghan Hollis

Seconded by: Bill Kelly

**Recommendation:** The Public Safety Commission recommends that the City Council eliminate Open Container ordinances across the City of Austin.

**Description of Recommendation to Council:** The Austin City Council passed Resolution No. 20191205-062. This Resolution tasked the Public Safety Commission with reviewing the City of Austin's Open Container Policies. The Public Safety Commission reviewed these policies at the June 2020 meeting and found that these policies (1) only apply to certain areas of the city, and (2) could contribute to disparate treatment by race, ethnicity, and/or socioeconomic status due to the sociodemographic composition of areas where open container policies apply compared to those where they do not.

Therefore, The Public Safety Commission recommends that the Austin City Council eliminates all Open Container prohibitions in the city.

**Rationale:** The Public Safety Commission has reviewed Resolution No. 20191205-062 and all related ordinances. The Public Safety Commission has also reviewed available data on enforcement of Open Container statutes and the socio-demographic properties of the areas of the city subject to open container prohibitions compared to those that are not subject to open container prohibitions.

The Public Safety Commission found that there is great potential for open container policies and prohibitions to be applied in a discriminatory manner due to the way those ordinances are written. To promote rule of law and equal protection under the law in the City of Austin, it is essential that laws apply equally across population subcategories – including different racial, ethnic, and socioeconomic status/class groups – in the City. The designations of areas where Open Containers are permitted compared to those where they are prohibited reflect underlying socio-demographic differences. This does not afford citizens equal protection under the law and equal probability of being subject to the law. This could have adverse effects in perceptions of procedural justice based on the research evidence presented before the Commission. Therefore, we recommend that any open container laws must be consistent across all geographic areas in the City.

Additionally, the Public Safety Commission found that there are other tools available to handle concerns that arise from the presence of the open container itself. It is not the open container that is the behavioral and societal concern. Concerns emerge when the presence and consumption of alcohol leads to disorderly or criminal actions. As there are already laws in place to address those concerns - including public intoxication, disorderly conduct statutes, open container prohibitions while driving (state law), and others – there is no need to have an additional open container statute. It is recommended that the Austin Police Department use the other tools available through other laws and ordinances to address the problematic behaviors and that the City of Austin remove the Open Container provisions from existing ordinances.

**Vote:**

For:

Meghan Hollis  
Rebecca Webber  
William (Bill) Kelly  
Rebecca Bernhardt  
Chris Harris  
Kathleen Hausenfluck  
Daniela Nunez  
Selena Alvarenga  
Rebecca Gonzales

Against:

Abstain:

Absent:

Attest: *[Staff or board member can sign]*

*Janet Jackson*  
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