Racial Inequities and Institutional Racism:

A Report Submitted to
The City of Austin Equity Office
and
The Austin Police Department

Joyce James Consulting
Equal Treatment Does Not Lead To Equity

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ACKNOWLEDGEMENTS

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EXECUTIVE SUMMARY
Introduction

Joyce James Consulting, LLC (JJC) prepared this report for the City of Austin (City) Office of Equity (OOE). The OOE engaged JJC to help identify racial inequities within the Austin Police Department (APD) and develop immediate and prolonged strategies to eliminate them. Key components of the scope of work addressed by this report include a documentation review relevant to APD and racial disparities; survey of the APD climate and culture to include selected interviews; facilitation of the Groundwater Analysis® training and debrief for APD leadership; and work with the APD and OOE to develop the strategies and objectives based on the findings from the documentation review, interviews, training, and debrief.

The mission of JJC is to support organizations, institutions, systems and communities in developing a racial equity lens to recognize institutional and structural racism as the root cause of racial inequities in all systems. By assisting in the development of organizational cultures that actively engage in sustainable strategies to eliminate racism, JJC works to improve systemic outcomes for all populations.

JJC has decades of unique experience and proven success in reducing systemic racial disproportionality and disparities. Using the Texas Model for addressing racial inequities as an analytical framework and the Groundwater Analysis of Racial Inequities, JJC's work focuses on the intersectionality of racial inequities and deeply rooted institutional and structural racism.

Theories of Action

The success of the Texas Model, pioneered by Joyce James, is attributable to three theories of action: transformative learning, critical race theory (CRT), and adult learning.

Transformative learning is the "process of experiential learning, critical self-reflection, and rational discourse that can be stimulated by people, events, or changes in contexts that challenge the learner's basic assumptions" (Brown, 2006). Through transformative learning, key leaders and critical stakeholders will develop new learning that constructs and appropriates critical shifts in interpreting quantitative and qualitative data and information on racial inequities (Taylor, 2008).

Relative to transformational learning, key features of the critical race theory will serve to enhance and inform equity strategies. CRT argues that "racism and other forms of oppression are central to the experience of people of color and dominant ideologies justify the status quo/structural oppression and must be challenged" (DeMatthews, 2016).

Finally, the adult learning theory, in this context, means "making" or building "knowledge construction" in a way that fosters "critical reflection…essential for transformative learning" (Merriam, 2008). Leadership learning must take place using strategies that promote reflection, discussion, and action.

Background

The APD is a quintessential twenty-first century urban law enforcement organization. With more than 2,600 sworn and civilian personnel, the APD operates inside a densely populated city core and citizenry of nearly one million. Like many urban U. S. cities, the APD data show decades of racial disparities. That is, the known differences in how APD officers interact with people in communities of color.

City leadership is demanding change and voice a commitment, "…to implementing policy and cultural changes to address the disproportionate impact of police violence on people of color and other affected communities." To this end, the OOE and APD are working to make institutional and structural racism, which may be invisible to some, consciously aware to all. The ongoing, intentional and deliberate effort now underway by the APD is critical to moving beyond a somewhat singular emphasis on the bias, prejudice, and bigotry of racism at an individual level to a deeper more systemic analysis of the APD policies, practices and procedures that contribute to racial inequities and a culture that may be at work to keep them in place.

Methodology
Documentation Review

The documentation review reflects a national context when appropriate. While the OOE engaged JJC prior to the death of George Floyd and subsequent protests in Austin and across the country, racial strife in our country is not new nor is the racial strain between the police and the citizens (Brown, 2020; also see NPR on History of Policing in America).

The documentation review was inclusive of the following reports and documents:

- *Austin Police Department Independent Investigation Fact Investigation (referred to as the "Tatum Report")*
- *Analysis of Austin Police Department's Racial Profiling Report, January 2020*
- *The Science of Policing Equity*
- *Austin Police Department Annual Racial Profiling Report (Years 2006-2017)*
- *Community Policing Advancement in Austin*
- The APD Response to the Joint Report
- APD Training Academy Review and Strategic Plan

Interviews

To further examine the current APD institutional culture, JJC conducted interviews with individuals and small groups of internal and external stakeholders. These groups included civilian and sworn staff, affinity groups, the Office of Police Oversight, the OOE, and community members. It should be noted that throughout this report, where possible, the comments of interviewees are verbatim. However, because sessions were not recorded, some verbiage may have been missed. Additionally, when the interviewee/respondent could be identified by their comments, those comments were summarized to maintain the confidentiality of the process.

APD Climate Assessment Survey

To further assess the current APD culture about race and equity, both civilian and sworn staff completed a racial equity assessment. The entire survey can be found in Appendix A and specific responses are provided in the appropriate sections of this report.

"A Groundwater Analysis of Racial Inequities" Training

JJC conducted a two-day Groundwater Analysis workshop for APD sworn and civilian leadership, representatives of the equity office, and members of the community on September 24-25, 2020 (Appendix C). JJC pre- and post-training surveys and an evaluation were completed by participants. The initial evaluation responses from many participants were that "this is the best training we have ever had" and post-training surveys confirm a significant and positive shift in their understanding of institutional and structural racism and the impact on the racial inequities that exist within APD culture. Complete analysis of participants' responses on the surveys and evaluation are provided in Appendix D this report.

Analytical Framework—Texas Model for Addressing Racial Disproportionality and Disparities (2010)

Developed in 2010, the Texas Model for Addressing Racial Disproportionality and Disparities (Texas Model) has been found to effectively reduce racial inequities and improve outcomes for all populations in Texas (James, et. al., 2020). The Texas Model, described below, serves as the analytical framework for the JJC APD recommendations in this report.

- Data-driven strategies: regularly collect, research, analyze, and evaluate data in line with a racial equity approach
- Leadership development: grow both systems and community leaders that are courageous and grounded in a racial equity approach
- Culturally competent workforce: develop workforce that reviews and examines its work through an anti-racist and humanistic lens
- Community engagement: recognize strengths of grass roots community, hear its ideas, and include it throughout process
- Cross systems collaboration: share data, training, and dialogue with systems, institutions, and agencies that serve the same populations
- Training defined by anti-racist principles: train ourselves and partners in principles that ensure we work at cultural and institutional levels
- An understanding of the history of institutional racism and the impact on poor communities and communities of color: develop common analysis of racism and history that led to current outcomes

Documentation Review—General Conclusions

Tatum Report

Interviews and surveys tended to support the Tatum report allegations of internal negative issues at APD regarding race, gender, and sexual orientation. Interviewees regarded the handling of the report as generating a lack of trust and a view that specific action would not be taken to remediate the problems. Survey data indicated that African Americans were less satisfied

with the workplace climate related to promotion, complaints, and fairness than Hispanics/Latinxs and Whites. Women were more dissatisfied than men along these survey dimensions.

Police Profiling

National and local data indicate that a higher percentage of African Americans, and Latinxs were stopped, cited, arrested, and searched than Whites, even when other factors were considered (e.g., visibility of occupant). It is also on the rise. Three reports responding to the profiling data were reviewed. This, as well as interviews, and survey data on attitudes toward race, gender, and sexual orientation converged to paint a picture of an institutional culture that lacks accountability at the leadership level in responding to repeated complaints about racism, gender, and sexual orientation. Interviews with management indicated their awareness of the report findings as did community members. Survey data on attitudes toward race indicated that African Americans generally were in less agreement with APD's tolerance toward race, institutional and structural racism, non-discriminatory practices, and their ability to raise questions and provide solutions along these lines. The findings were acknowledged by the Chief of Police and his response to the recommendations in the profiling report are elaborated verbatim in Response 3 to the profiling report. We also recommend as part of the data analysis above in the Texas Model that police profiling should contain a thorough verification and clear, transparent reporting of whom they stop, and should require a more comprehensive analysis (e.g., causative factors such as poverty, race community, crime, dispatching, etc.)

Use of Force

The sources of information reviewed converge on use of force being, in part, racial. The 2016 Austin data clearly show that force and force severity is disproportionately used on African Americans, even when other neighborhood demographic characteristics such as poverty and crime are considered. National data on police shootings show that African American men and women, and Latino men and Latina women are far more likely to be killed than White men and women. APD reported twelve cases with Officer involved shootings for the year, with five ending in fatalities. All five were minorities. The survey indicated that most respondents are aware of the police reports contained in this document, including profiling

and the use of force. Interviewees suggested more consistent use of body cameras and training that focuses on examining socialized attitudes and assumptions that have led to fear on the part of the police to communities of color. Recommendations included greater specification of force and shooting incidents in reports (to include the mentally ill) and increased training on de-escalation.

Police Training

The report on training by Dr. Villanueva was consistent with the survey in this report as were the interview comments. These lined up with national information. Weaknesses were found throughout the system and included the structure, culture, curriculum, and teaching effectiveness. The paramilitary format and less attention to different learning styles and community policing were found to lead to greater attrition. Moving from a warrior mindset to a guardian mindset was one of the stronger recommendations as was more diverse recruiting and greater discussion on the criteria for rejection (e.g., credit scores, financial status). These sentiments were echoed in interviews along with the need for resolving complaints by recruits, better mental health and trauma training, improved recruitment of more officers of color and women (national data also reflect this), diversity of instructors and materials presented, more information on institutional/structural racism, mentorship, and developing a better career path for recruits. Recommendations included transformation to an adult learning model, more attention and awareness of racial issues, and community placements for cadets to help build relationships in the community.

Community Policing

National data, local interviews and survey data all confirm that community policing in Austin could be improved. In particular, the information suggests that the community itself should have a much more active role in building a partnership and working in collaboration with the police in their communities. The national data suggest what community policing could be, how it could affect legitimacy, and satisfaction on all participants and even crime. However, there are three obstacles that impede these goals: (1) the lack of time on the part of the police and lack of trust in them, (2) the lack of empowerment of the marginalized communities to have a true partnership with the police, and (3) over-policing these communities. African American survey

respondents were less likely to endorse the current effectiveness of community policing than Whites or Hispanics/Latinxs.

Recommendations

The following JJC recommendations outline the proposed APD strategies to reduce and ultimately eliminate racial inequities, institutional racism, including gender and sexual orientation within its systems and improve outcomes for all populations.

Data Driven Strategies

- Examine data on the attrition rates of Blacks and develop new strategies for recruitment and retention.
- Use data to inform and obtain input from internal and external stakeholders to develop a new and bold out of the box community policing model in a real community engagement process.
- Assess the capacity of new and existing staff to examine old attitudes, assumptions, and stereotypes about race, gender, and sexual orientation.
- Create a clearly defined roadmap with appropriate metrics, benchmarks, and milestones that define and gauge progress.
- Verify that police profiling ensures clear and transparent reporting of whom they stop and undergo a more comprehensive analysis (e.g., causative factors such as poverty, race, community, crime, dispatching, etc.).

Leadership Development

- Demonstrate a higher level of accountability for creating a visible anti-racist institutional culture at all levels of leadership within APD.
- Take steps to create a short-term career ladder to hire/promote a critical mass of African Americans in leadership positions, including Commanders and Assistant Chiefs.
- Require representatives from the executive team, including internal affairs, the union, and all affinity groups to participate in regular and ongoing leadership development sessions to intentionally expand their racial equity lens and build their capacity to contribute to reducing inequities and improving outcomes for all.
- Review employment policies and practices through a racial equity lens, especially as they relate to promotions, transfers,

and hiring disqualifiers. For example, consider allowing second chances for bad credit, eviction, and so forth.
- Include in the field training officers program opportunities to ensure that new officers transfer their academy training to the field regarding racial equity. For example, explore including "ride-alongs" in the community as a part of the academy training.

Culturally Competent Workforce

- Add racial equity training (Groundwater Analysis) to (a) supervisor training class; (b) the 40-hour officer re-certification class; (c) academy instructor training; and (d) existing cadet academy diversity training. **The Groundwater Analysis training is TCOLE approved for credit for diversity training.**
- Utilize the Groundwater Analysis workshop for racial equity training with leadership and staff at all levels that includes a focus on understanding institutional and structural racism that has led to socialized attitudes and assumptions resulting in fear on the part of the police in communities of color and leading to more arrests, shootings, and fatalities.
- Develop a timeline for training all APD staff and special units in the Groundwater Analysis.

Community Engagement: a four staged process

- Implement the JJC Community Engagement Model (Appendix B).
- Develop, in collaboration with APD and TPOA, a mentoring program for African American cadet populations who have been impacted by institutional and structural racism.
- Invite individuals and community groups no longer engaged with APD back to the table.
- Demonstrate transparency in regularly communicating with internal and external stakeholders.
- Develop specific strategies to hear voices from all segments of the community, e.g. homeless, LGBTQ(IA+), inclusive of black trans women.

Cross Systems Collaboration

- Collaborate with City of Austin's departments and other systems that are making decisions that impact APD's work, e.g. education, housing, health/mental health, CPS, and financial institutions.
- Develop strategies that result in optimal collective impact on internal and external communities.
- Convene an information sharing summit that includes

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all of the various groups that are working to develop plans that impact APD e.g. Reimagine Austin.

Training Defined by Anti-Racist Principles

- Develop a formalized process for all new cadets to engage with the communities that experience the most disparate treatment in relationships with APD, as part of their training.
- Make it clear on the front end of hiring and throughout the system that there is zero tolerance for racism.
- Examine and remove any materials, videos, etc. that stereotype Black men as being more criminal.

An Understanding of the History of Institutional Racism and the Impact on Poor Communities and Communities of Color

- Develop processes during ongoing JJC strategic planning sessions to monitor, measure, evaluate, and make visible, the strategies for addressing the long history of racism that has continued to create and perpetuate less than desirable outcomes for internal and external stakeholders.
- Apply a deeper awareness and sensitivity to Black culture in the hiring process.
- Develop strategies to eliminate excessive use of force while at the same time considering the common goal of APD's desire for officers to go home after every shift, and the community's desire for their loved ones to come home after being stopped by the police.
- Use the true history of policing to raise the awareness of all APD officers and staff about the lingering effects of racism.

Quick Wins

1. Circulate an agency-wide communication from the Chief utilizing the consultant's report as a vehicle for opening lines of internal communication, acknowledging mistakes, and making the commitment to lead the work of creating an anti-racist institutional culture in APD. (This will be ongoing, but it can start right away.)
2. Provide Groundwater Analysis workshop to APD recruiters and training officers in advance of the next cadet class.
3. Based on positive response, prioritize Groundwater Analysis training at all levels of APD, with a specific focus on those areas with the greatest need for immediate training, based on the very positive response to the recent workshop.
4. Identify in collaboration with APD communications, various opportunities to share and discuss this report with the community and obtain their feedback on the recommended strategies.
5. Begin planning for a specific community engagement initiative with residents of a Patrol Sector to be identified with input from community stakeholders, assigned officers, and Affinity Groups such as TPOA, that will focus on building trust and opportunities for a new and effective model of community policing
6. Incorporate recommended strategies for working with TPOA into this framework to ensure consistency in working from an analysis of institutional racism and through a racial equity lens.
7. Engage and utilize the voices of community members involved in the Groundwater Analysis workshop, debrief, and strategy session to work with APD in regaining the trust of the community and to ensure their ideas do not get lost in the process.

DOCUMENTATION REVIEW AND ANALYSIS
The Tatum Report
Review of the Report

The Tatum Law firm was hired by the City Manager (City of Austin) on November 15, 2019 to conduct an independent investigation as to the validity of allegations of discrimination and misconduct *within* the Austin Police Department. Three of the complaints filed with the Office of Police Oversight were anonymous and two of the allegations were filed by Commander Jason Dusterhoft.

The Tatum Report listed the following complaints and allegations to be investigated:

The first anonymous complaint was filed against Assistant Chief Newsom and Chief Manley. It alleged that Assistant Chief Newsom had been using the "n---" word to describe African Americans for over a decade and his conduct was evidenced by text exchanges which Chief Manley was aware of. There was also an amendment to this anonymous complaint filed alleging that Assistant Chief Newsom was notified of the complaint against him for racist behavior before the investigation began, allowing him to retire and receive full retirement pay. Next, an anonymous complaint was filed regarding an anti-gay environment within APD, alleging Chief Manley supported the anti-gay mindset of Assistant Chief Gay in advocating the use of gay conversion therapy. Last, allegations were raised by Commander Jason Dusterhoft during his arbitration hearing which includes twelve instances of criminal or APD violations (7 allegations and 5 examples of disparate treatment or attempted retaliation) which he states were reported by him directly and to Assistant City Manager Rey Arellano. He also filed a complaint alleging failure to comply with subpoenas issued to Chief Manley, Chief of Staff Gay, Assistant Chief Newsom, and Assistant Chief Chacon for testimony or production of documents related to his arbitration hearing.

Ms. Tatum was not able to substantiate these allegations, and after numerous attempts and interviews, she was unable to obtain documents and evidence pertaining to the complaints under investigation. Some evidence was outside of the 180 Day rule and therefore not applicable and other documents were not able to be located by APD. Among the 74 interviews performed by Tatum Law, twenty of those individuals asked to be anonymous. There were several conclusions made by Ms. Tatum's team after conducting these interviews. One, there was a high level of fear of retaliation among active duty officers and unsworn staff. Second, there was an exceptionally low degree of expectation by these individuals that any investigation would reveal the truth based on past experiences. Last, there were doubts to the sincerity of City leadership to enforce changes necessary for APD to improve practices.

The theme of retaliation is evident throughout the interviews. These interviews also exposed how inconsistently complaints and officer misconduct are handled. The current policy allows for these matters to be resolved or dealt with in several different ways by different departments. Currently, the complaints or misconduct have the option to be handled by a direct Supervisor, Assistant Chief, Chief of Police, or Internal Affairs. Tatum Law advised that a "more uniform application of policy would result in more predictable and suitable outcomes." This will also help to prevent a discriminatory process in relation to disciplinary action. As an alternative, Tatum Law suggests APD address these reports through several avenues, including improved education, training, restructuring, re-assignment, and removal if necessary. In relation to the way officer conduct is handled, Tatum Law identified two policies in need of possible reform, the 180 Day Rule and the Meet and Confer Agreement.

Some other areas for improvement were pointed out through challenges faced by Tatum Law during their investigation. Another area where improvement was needed was with the Department's file management and retention system. Many documents requested in the investigation were not able to be located by APD. Also, Tatum Law suggests that "further training as it pertains to management training, and unconscious bias, racial, and cultural sensitivity training would be helpful to improve the current culture in the Department." Also, developing policies around the use of department issued property and equipment is necessary. A good start would be by implementing an electronic communications Code of Conduct and possibly an off duty social media policy. Finally, to provide further insight into the challenges that were presented from this investigation, Tatum

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Law suggests it would be useful to gather more information to help identify trends within APD. Tatum Law feels this information "will enable City leadership to continue with a more focused direction of its mission of undoing racism as it pertains to APD."

Overview of the Report Recommendations

- Reevaluate the 180 Day Rule
- Reevaluate the Meet and Confer Policy
- Train all personnel on awareness of cultural sensitivities and racism
- Improve file management and retention
- Establish an electronic communications code of conduct
- Apply more uniform policies surrounding disciplinary actions

Key Observations/Comments from Interviews

- Through numerous individual and group interviews, JJC confirmed the Tatum report finding that some officers were reluctant to respond to consultants' questions. But others were transparent and forthcoming. Those who spoke freely opined that others were reluctant because they have seen no results after speaking with previous consultants and completing numerous surveys.
- Several high-ranking officers also expressed frustration with the Tatum report because they would have preferred more specific examples and strategies for addressing the disparities described.
- Throughout the Tatum interviews, reports by various ranking officers of different genders and races revealed that racist and sexist name calling, and the use of derogatory terms is persistent within the department. Many also expressed frustration that when reports of discrimination are made, there is no action, or they are held in excess for 180 days and then disregarded. Both officers and civilian staff interviewed expressed concern that complaints filed are handled unfairly and almost certainly comes with retaliation.
- The vast majority of JJC interviewees agreed with the Tatum findings listed above, which resulted in a lack of trust at APD, both internally and in terms of public image in the community. Many cited poor communications among employees as a contributing factor to mistrust. Some also said that employees who talked to the media not only lacked support but were victims of retaliation. In addition, a "code of silence" after the Newsome incident

contributed to low morale. This mistrust has led to a view that the "Fifth Floor" supports the Union more than sworn officers.

- The Tatum Report recommended that the Department's file management and retention system be improved.
- When Tatum Law requested documents regarding evidence of disciplinary action, they were told they could not be found. With maintaining a more consistent file system the City could conduct audits assuring compliance with disciplinary policies.
- They felt that racial incidents were "swept under the rug" due to a poor management system. Others noted that the file management system is extremely antiquated; that paper files are kept in filing cabinets, and that files are not separated by race.
- Technology, such as more advanced forensics, is needed and should stay with APD because some aspects are only available to officers.
- Other systems that are automated do not talk to each other, making file retrieval cumbersome and time-consuming at best, especially when files are needed from multiple systems.
- Chief Manley took the lead on responding to the Tatum report, even though many of the charges were against him. The response and recommendations were pushed to the side or forgotten about. They didn't talk to HR.
- To achieve the cultural change necessary in the present climate, APD leadership at the top must have the political acumen, courage, strength, and awareness to get it done.
- The current structure of Human Resources is multilayered and limits effectiveness. One area needing improvement is more of a focus on what an individual should do if treated unfairly. Re-aligning divisions does nothing to address bias and racism.
- The Tatum report noted lack of defined professional development or career path.
- Some indicated that it is difficult for civilians and women in law enforcement.
- Women feel ignored at meetings and left out. As a civilian, they're treated as lower level employees. They feel like they are not part of the team.

Survey Data

There are eight survey questions that address directly or indirectly, issues related to the Tatum report. They are shown in the figure below. The responses range from an average of 2.86 to 4.06 on a five-point scale. (See Appendix A)

Figure 1: Internal Organizational Issues by Race/Ethnicity

SURVEY QUESTION

Horizontal bar chart with survey questions on the y-axis and "Strongly Agree/Agree" (0 to 100) on the x-axis. Bars are colored by race/ethnicity: Black (blue), Hispanic (red), White (green).

Survey questions (top to bottom):
- Leadership of this organization makes it clear that sexism will not be tolerated.
- My organization treats women fairly.
- Rules regarding employee misconduct are fair and equitable for all employees.
- Rules regarding the consequences of employee misconduct are clear.
- I feel comfortable reporting my concerns to the Human Resources Department.
- I am satisfied with the culture and climate of my workplace.
- I received adequate training in racial equity when I began employment here.
- The process for advancement and promotion at APD is fair.
- I am aware of the process of reporting a complaint through the Office of Police Oversight (OPO).

Legend: Black, Hispanic, White

Survey responses reflect that the experiences of White and Hispanic men are mostly positive and differ significantly from that of Blacks and Women.

Most notably, shown in Figure 1, Hispanic/Latinx and White respondents report more agreement with the climate of the workplace, equity training, fair advancement and promotion, the process for advancement, comfort reporting complaints and concerns, and the fairness of the rules than African American respondents. It is noteworthy that females do not think the organization treats women fairly compared to males. Moreover, females have somewhat less agreement with all internal organizational issues than men

These difference as they relate to the experiences of women and Blacks in APD, align with the overall findings in this report ..

The Joint Report on Racial Profiling, Responses and National Data
Austin Data

The Office of Police Oversight, the Office of Innovation and Equity Office issued a joint report on racial profiling (2020). That report contained information about motor vehicle stops, arrests, citations, warnings, and searches. The data were broken down by race/ethnicity and for the years 2015 to 2018. The figure above displays a summary of the data for 2018 because, with one exception, (fewer warnings for Hispanics/Latinxs) the pattern over the years is quite similar. Relative to their percentages in the driving age population, a higher percentage of African American drivers receive a higher percentage of stops, warnings, citations, and arrests than White drivers. They are followed by Hispanics/

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Latinxs and Asians, relative to Whites. Warnings generally occur more to the West side of Austin and arrests more to the East side.

The telling difference between warnings vs. arrests in West and East Austin could suggest to some, a difference in driving habits of the minority communities on the East side. However, national data on differences in traffic stops at night vs. daytime suggests that the warning data and the very large differences in arrests between African Americans, and Hispanics/Latinxs compared to Whites are race related. The Austin data itself tell a similar story. Discretionary vs. non-discretionary stops resulting in citations or arrest in Austin suggests racial profiling (Goff, Obermark, LaVigne, Yahner, & Geller, 2016). Findings (shown in "Racial Profiling A") indicate higher officer discretionary stops and arrests for African American than White or Hispanic/Latinx drivers. Finally, data on stops, searches and resulting search/findings suggest race is a significant factor. Findings from APD's Racial Profiling Report indicate that traffic stops resulting in searches are higher for African Americans and Hispanics/Latinxs than Whites, relative to the percent driving age. Further the 4% difference in search/finding rates between African Americans and Whites does not explain the 41% difference in searches. Though less pronounced, the findings are similar for Hispanics/Latinxs vs.

Racial Profiling A: 2018 Percent of Racial/Ethnic Groups Profiled in Relation to Percentage in Population

Data from Joint Report on Racial Profiling Charts 1, 2, 3 & 4

Whites. In addition, the Austin data from Goff and his colleagues (2016) indicate a higher search rate for African Americans then young Hispanics/Latinxs relative to Whites (more so when the race was known) but similar search/finding rates for the three groups.

As a final note in this profiling section we show below in the figure that traffic stops have risen over the years for African Americans and Hispanics/Latinxs.

Overview of Recommendations
- Acknowledge that racial disparity exists and is worsening.
- Gain community trust and decrease racial disparity in all

aspects of the report (traffic stops, arrests, citations, searches, use of force) yearly to arrive at zero racial disparity by 2023.

National Data
A large nationwide study is consistent with the Austin data and provides more context. Pierson and his colleagues (2020) found that African Americans were more likely to be pulled over for a traffic stop than Whites (over 100 million stops were assessed), yet this difference disappeared at night (the darker the sky, the less the disparity). Further, searches occurred less often for Whites, though they were more likely to be found with drugs than African Americans and Hispanics/Latinxs. Interestingly, where and when marijuana

Racial Profiling B: Traffic Stops by Race/Ethnicity 2015-2018

*Data from Joint Report on Racial Profiling Report Chart 1

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had been legalized for recreational use, the search threshold was higher for Whites. Other studies have found similar results for stops, searches, results of searches, and arrests (see references at the end for the original article or the policing and profiling link in a Balco 2020 article in the Washington Post for more information).

Key Observations/Comments from Interviews

- Most executive staff/management at APD are aware of the racial profiling data and acknowledged these disparities existed and are worsening.
- A small number of officers indicated that they had not seen instances of racism at APD and when asked about profiling specifically, thought that officers making traffic stops were doing so appropriately.
- In recruiting, there are those who look for ways to disqualify people. They take pride in ruling them out. They are comfortable making disparaging comments about women and Blacks. This has been going on for a long time.
- See APD Response to Racial Profiling below for citizen responses and more APD responses.

Responses to the Report

Response 1

January 14, 2020, Police Chief Manley submitted to City Manager Cronk, a memorandum that "unequivocally acknowledged that racial disparities are prevalent throughout many aspects of our City, including police enforcement actions."

This document listed the steps that had been taken to address the disparities within APD's purview over the last five years. Five of these steps addressed broad categories of collaborative improved analyses of disparity data, the use of available analytic frameworks and technologies (e.g., body cameras), and obtaining feedback from the community. Three addressed training, noting the use of implicit bias training for new recruits, hiring an expert to review the training, and improving diverse recruiting. Four addressed police profiling, improved policies concerning the use of force de-escalation and traffic enforcement. Three steps also addressed publishing an annual profiling report, contracting with an expert on racial profiling, the reduction of discretionary arrests, and the monthly workgroup with community members to explore disparities and enforcement actions.

Response 2

April 2, 2020, City Manager Crook responded to the Director of Police Oversight, Muscadin, Chief Innovation Officer O'Connor, and Chief Equity Officer, Oaks. The Memorandum and Power Point was in regards to gathering community input on the January 2020 Joint Report: Analysis of APD Racial Profiling Data. It was attended by 56 community members, 20 city staff, and 10 APD officers. The event began with a panel and presentation of the report by the authors and Chief Manley in a question and answer format. Following this, attendees were divided into five small groups for a facilitated discussion.

In general, community members were not surprised by the findings in the report because they fit with their experiences with the police in Austin. But they were surprised, discouraged, and saddened by the increasing disparity trend over the years in the report (see Racial Profiling B above). They also asked for additional data to help illuminate the reasons for the outcomes in the report and additional demographic information (a full listing of community feedback can be found by clicking the link on page 1 of the memorandum and by viewing the Power Point presentation associated with it). The community addressed several ways in which they wanted APD accountability: (1) **Acknowledgment** of the problem without being defensive, (2) **Commitment and Action** to make a change in accountability with some urgency, (3) **Structural Change and Community Decision Making,** specifically the need for community involvement in decision making, changing policy, a citizen's panel, and evaluating individual officers, (4) **APD Organizational Changes** aimed at holding leaders and individual officers accountable by having a monitoring system and real consequences for their actions, (5) **Budget** consequences if steps are not taken to address the racial disparities in the report, and (6) **Increased Transparency** from APD, the Office of Police Oversight, and the City of Austin.

Community members also provided input on training processes, the impact of mental health on the community, the importance of community involvement in decision making, and the need to prioritize the expertise of those who had lived the experience of police profiling. Finally, they requested actionable next steps for implementation and accountability.

This same memorandum requested that APD provide a written public response, acknowledge the existence of racial disparities, and align recommendations with community feedback.

They are as follows (Exploring best practices and training will be addressed in subsequent sections of this report.):

- Acknowledge that racial disparity exists and is worsening.
- Acknowledge that the methodology previously used omitted the context of proportionality and therefore was an incomplete analysis. This resulted in a perception that a trend of disparity did not exist.
- Acknowledge that race plays a major role in who is stopped by the police, searched, and for whom discretion is used favorably or unfavorably.

Response 3

April 22, 2020, Chief of Police Manley provided a response to recommendations through a detailed memorandum. The responses to recommendations 1-7 regarding racial profiling is reported in full below. The responses to recommendations 8-14 are more related to training and are reported in that section.

The purpose of this memorandum is to provide responses to the recommendations outlined in the joint report, as requested by the members of the Judicial Committee during its meeting on February 10, 2020. The Department's initial response, as well as the studies and reports referenced therein, provides additional context to this memorandum.

- *Recommendation 1: Acknowledge that racial disparity exists and is worsening.*

    The Austin Police Department consistently and unequivocally acknowledges that racial disparities exist throughout aspects of our city, including police enforcement actions. Accordingly, the Department has readily taken many steps to address the disparities within APD's purview over the past five years, as detailed in the January 14, 2020 response. Racial disparities have persisted despite these efforts, and the widening of certain gaps has raised additional concerns that demand further attention and analysis.

- *Recommendation 2: Acknowledge that the methodology previously used omitted the context of proportionality and therefore was an incomplete analysis. This resulted in a perception*

that a trend of disparity did not exist.

The primary purpose of APD's annual racial profiling report is to comply with state legislative mandates that require the reporting of specific data. Proportionality assessments are not compulsory. However, recognizing the importance of such information, APD collaborated with the Center for Policing Equity to conduct a comprehensive analysis of the racial disparities manifested in the Department's enforcement actions. The report was the first to apply the National Justice Database's independent analytic framework to police data made available through President Obama's Police Data Initiative, Measuring Fairness in the Austin Police Department. That report is posted alongside the Department's racial profiling reports on the City's website.

- *Recommendation 3: Acknowledge that race plays a major role in who we stop, search, and for whom we use discretion favorably.*

    The Department acknowledges that the outcomes of many police activities result in racial disparities. Additional data and analysis are necessary to determine how officer discretion, Departmental procedures, and societal factors contribute to these disproportionalities.

- *Recommendation 4: To gain community trust, proportional racial disparity in motor vehicle stops, arrests, searches, field observations, warnings, and citations should be zero.*

    The Department is committed to reducing racial disparities to zero, particularly disparities that are the result of officer discretion or inefficient police practices.

- *Recommendation 5: The official comprehensive analysis of racial profiling shall be conducted and released by the City of Austin Office of Police Oversight, although state-mandated reporting may continue under the purview of the Chief.*

    The Department will continue to release its state-mandated racial profiling report on an annual basis and welcomes the Office of Police Oversight's independent analysis and insight, in the manner the City Manager deems necessary and appropriate.

- *Recommendation 6: In order to uphold data integrity, accuracy, and transparency, officers should verify the racial and ethnic*

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identity with people they stop. The verified data should be documented in officer reports and be published in the Racial Profiling data sets on the City's Open Data Portal.

In accordance with departmental procedures, Officers are required to document the race and ethnicity of the individuals they stop. The City has contracted with Dr. Alex Del Carmen, an expert on racial profiling and discrimination, to regularly audit the Department's racial profiling data to ensure accuracy in data collection and reporting. The traffic stop data, which includes race, is published in the racial profiling datasets on the City's Open Data Portal.

• *Recommendation 7: Analyze and report on the operational*

inefficiencies and costs that disproportionate racial disparities create by the second quarter of the fiscal year 2020 and provide to the City Manager and Council.

Currently, the Department is not staffed or equipped to quantify and analyze this data but would readily collaborate with the City Auditor's office or another entity, at the direction of the City Manager.

Survey Data

The results of the questions on attitudes toward race and profiling showed generally positive results (averages ranged from 2.75 to 4.08 on a five-point scale. See Appendix A). However, when broken down by race and ethnicity, differences emerged and are

Figure 2: Attitudes Toward Race by Race/Ethnicity

SURVEY QUESTION

- Leadership of this organization makes it clear that racism will not be tolerated.
- Employees here are willing to work on issues that impact racial equity, despite discomfort.
- Employees in my organization believe that institutional and structural racism exist.
- I feel that my organization operates in a race- competent manner.
- My organization does not discriminate on the basis of sexual orientation.
- I feel that my ideas and suggestions to reduce systemic racism in our system receive a positive response at all levels.
- I can raise questions and issues of racial inequities and disparities in the workplace without fear of negative consequences.
- I understand how systemic and institutional racism affect the organization's operations.

Strongly Agree/Agree

■ Black ■ Hispanic ■ White

shown in Figure 2. African Americans, compared to Hispanics/Latinxs and Whites, had the least agreement on every question concerning APD's understanding of how institutional racism affects the organization, feeling free to raise issues concerning racism without consequences, getting a positive response to their ideas and concerns, discrimination on the basis of sexual orientation, the organization operating in a race conscious manner, willingness to work on racial issues, and the tolerance of the organization toward racism. Women showed the same pattern of less agreement relative to men. Here again, these findings for African Americans and Women reflect the overall findings of this Report.

An additional observation from the survey is that across race and ethnicity, a low number of staff felt their ideas and suggestions for reducing systemic racism at APD were received positively. African Americans also responded higher to the question regarding employee beliefs that institutional and structural racism exist in APD.

Police Use of Force and Shootings
Austin Data
Goff and his colleagues (2016) also report data on use of force. The data indicate that the incident rate of use of force is greater for African Americans than Hispanics/Latinxs or Whites. The rate per 1,000 citizens ranges between .35 and .25 over the year for African Americans and below .10 for Hispanics/Latinxs and Whites over the year. The findings for the rates of use of force severity are also disparate between African Americans and Hispanics/Latinxs and Whites.

Of even more importance is that these researchers included neighborhood and demographic characteristics, crime rate, income, and percentage of African Americans and Hispanics/Latinxs in these neighborhoods in the models. Findings showed that residents in Austin neighborhoods with a higher percentage of African American or Hispanic/Latinx residents, those in poverty, and neighborhoods with higher crime rates, had disproportionate force and severity of force used upon them. When these possibilities other than race were adjusted statistically, African American and Hispanic/Latinx residents still experienced higher rates of use of force. The Austin Police Departments Research and Planning Unit (2017) also produced data on use of force

(along with other measures). In this case as well, when the use of force from 2014 to 2016 by race and ethnicity was compared to the population, African Americans and Hispanics/Latinxs had disproportionate force used upon them relative to Whites. Control variables such as crime, poverty and neighborhood were not used. Officer involved shootings (OIS) do not occur frequently within APD (Officer Involved Shooting Report, 2018). In 2018 there were twelve incidents of officer involved shootings. Among the 12 shootings, over half were found to have a mental illness component. Five of the twelve (OIS) incidents resulted in fatalities. All five suspects were African Americans or Hispanics/Latinxs.

National Data
Police shootings and use of force evidence is similar nationally. Edwards, Lee and Esposito (2019) report in the Proceedings of the National Academy of Sciences that the police shooting database indicates…"that between 2013 and 2018, Black men were about 2.5 times more likely than White men to be killed by police, and that Black men have a 1-in-1,000 chance of dying at the hands of police. Black women were 1.4 more times likely to be killed than White women. Latino men were 1.3 to 1.4 times more likely to be killed than White men. Latina women were between 1.2 percent and 2.3 percent less likely to be killed than White women." Further, several findings in different cities in the U.S. have found that force is more likely to be used against African Americans than Whites.

Key Observations/Comments from Interviews on Use of Force
- No accountability is required for not using body cams.
- The department has an "us versus them" mentality and thinks of some communities as adversarial.

Recommendations on Police Shootings and the Use of Force by the Office of Police Oversight
- Increase the OPO access to OIS shooting incident data.
- Publish annual reports related to OIS incidents.
- APD should acknowledge and address:
  › Number of OIS incidents involving a mental health component
  › The fact that only Blacks or Latinxs were the subject of fatalities caused by police
  › The fact that the majority of OIS incidents involved people from the Hispanic/Latinx community

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› The fact that "less lethal" force was only used in one incident prior to deadly force

- Increase education for patrol officers on de-escalation, response to resistance, and crisis intervention.
- Ensure mental health response training, policies and procedures follow best practices and address shortcomings.

Survey Data

This section of the survey relates to the awareness of APD data in this report. The questions are shown in Figure 3. Generally all participants in the survey report a high level of awareness of the Tatum Report, and similar awareness of community policing. Of note is that African Americans are slightly more aware than Whites of the Tatum Report, which could speak to seeing their concerns documented in the report. They also speak to the overall findings of this Report.

White respondents showed the highest level of awareness of the remaining questions shown in the graph. Finally, civilians were not as aware as sworn employees.

Police Training

Austin Data

The Training Academy is eight months long. Dr. Villanueva (2020) provides a review of the Training Academy and a framework for her analysis. It is referred to as a Strengths, Weaknesses, Opportunities and Threat analysis (SWOT). Strengths include organizational leadership, the hierarchical structure producing stability, the culture, though paramilitary, is viewed as none-the-less informal, and the movement toward more ethnic and racial diversity and inclusivity. Parts of the curriculum (currently under review) and teaching effectiveness are considered strengths as well. The diligent adherence to difficult scheduling

Figure 3: Data and Reports Awareness by Race/Ethnicity

SURVEY QUESTION

I am aware of the recommendations regarding race in the above APD reports.
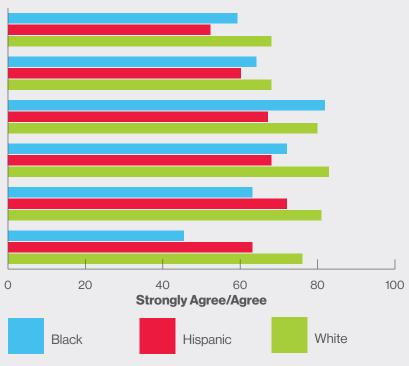
I am aware of the data in APD reports on Community Policing.

I am aware of the Tatum Report.

I am aware of the data in APD reports on race and use of force.

I am aware of the data in APD reports on race and traffic stops, arrests, etc.

My organization is committed to reducing racial profiling of Blacks and Hispanics/Latinos.

Strongly Agree/Agree

Black   Hispanic   White

and compliance with requirements and standards are listed as strengths. Instructors are viewed as well prepared and organized. Discussed later in this document, some findings do not coincide with the interviews that were conducted for the present report.

Weaknesses were found in the organizational structure, culture, curriculum, and teaching effectiveness as well. Process improvement is needed around a variety of areas of communication, the organization of course material, and the scheduling and course alignment. These were found to be weaknesses of the organizational structure. In the area of culture, weaknesses were noted in the paramilitary training format in that it leads to high drop-out rates, less attention to different learning styles, and inconsistency with a community policing philosophy. Diversity among the faculty and teaching methods were also noted as weaknesses and the current curriculum is being reviewed. Teaching effectiveness weaknesses were noted. Namely, trainers' job descriptions do not include any expectations of training in teaching methods or evaluations of the effectiveness of those methods. Further, resources regarding effective teaching methods are unavailable. Finally, the 80% passing standard along with related practices and procedures should be reviewed.

Opportunities include adopting an adequate Learning Management System, moving away from a paramilitary culture and warrior mindset to a more guardian view that is consistent with community policing and the value "to protect and to serve." Various types of training are suggested along these lines.

The issue of race and ethnicity in policing is regarded as a cause of concern and a number of efforts are underway to address this issue. The courses currently taught are under substantial review about content of teaching, content of materials, current scholarly literature, and effective delivery of the material. Meeting the diverse needs of both the community and the organization are paramount. Noting that women and faculty of color are under-represented in the academy, recruitment will be closely examined.

Since many of the existing courses are mandated by law, courses will be reviewed, and a series of evidenced-based practices will be included to help officers navigate encounters with community members while helping the officers build emotional regulation and strength tolerance. To that end, academy instructors will need the training, experience, and resources necessary to achieve teaching excellence.

Threats listed are (1) socio/political climate and political unrest, (2) negative police/community relations, (3) shortage of recruits, (4) economic/financial/budgetary constraints, (5) internal morale, (6) internal discord, (7) negative perceptions by the public/media, and (8) lack of real or perceived support.

National Data

The Governing data website provides data on the demographic composition of police departments in the United States. According to the data found in the reports on the site, Whites are overrepresented while African Americans and Hispanics/Latinxs are underrepresented in varying degrees in the majority of larger police departments (race and ethnicity data on this website can be reviewed city by city). Further, according to a survey by Crime and Law Enforcement (2019), women make up only 12.6 % of full-time police officers in the United States. As the President's Task Force on 21st Century Policing (2015) points out, a tolerance and understanding of these racial and ethnic groups as well as the LBGTQ community is essential to improved training (and of course, recruitment).

Dr. Villanueva Recommendations
- Transform para-military structure to Adult Learning model
- Incorporate implicit bias evaluations into recruitment process
- Increase diversity in teaching faculty
- Include simulations and role plays that pertain to difficult cultural or racial situations
- Establish a community placement opportunity for cadets to begin building relationships with community

Key Observations/Comments from Interviews Regarding Training and Advancement

There is no mechanism for cadets to complain above their Instructor/Counselor (IC) even if the IC is the person who abused them.

- Resignations/firing Black officers after training
- Insufficient mental health training
- Insufficient training on trauma-informed care

- Numerous former cadets stated that they were verbally, psychologically, and physically abused in the academy, and that they observed the same for their classmates.
- Certain cadets are targeted and pressured relentlessly, then asked to resign or be fired. In the latter case, they would likely be banned from future law enforcement jobs in the whole state.
- The academy curriculum glosses over the subject of diversity, taught by all-White instructors.
- Academy has a high level of attrition of Black cadets
- Some Black cadets are prepared, and some are under-prepared for the academic rigor of the academy. This could be a historical failure of the school educational system, resulting in an achievement gap.
- Choice of videos in training academy promotes warrior mentality
- Cadets suffer "death by Power Point" in academy
- SWOT analysis was conducted by Dr. Villanueva, but staff did not receive feedback
- Lack of community engagement during the academy
- Questionable reasons for disqualifying cadet applications: credit score; smoking weed in high school; hairstyle
- The police department has not done a very good job of awareness of the need for racial and gender equity. Beliefs such as women cannot police have permeated the department since the 1930s.
- Some would prefer officers to be recruited and or trained in psychology and empathetic understanding.
- The academy has no specific mentorship program for African Americans that mirrors the female mentorship program.
- Marketing might attract more recruits of color.
- Most officers take a substantial pay cut to teach in the academy. They lose night shift stipends, and ability to make overtime.
- Support adding the history of policing course to the academy. What APD was doing before was inadequate regarding history of policing. The curriculum is in place for the next cadet class through the University of Texas for an 8-hour class.
- They are planning to use the Beyond Diversity curriculum from the LBJ school for their diversity training (separate from history of policing class.)
- What needs to change is militaristic training
- There is a lack of a clearly defined career path

- One individual thought there was a negative reaction to Undoing Racism training by some
- There is a need to develop a formal mentoring program led by APD for African Americans
- Training for new supervisors includes HR: Policy, Workers Comp, FMLA, Annual Performance Reviews, and so forth.
- 30 sergeants and 20 corporals are currently going through supervisor training. The class is 2 weeks, with an additional accountability class. There is no specific curriculum included on data showing the racial inequities.in APD that officers going into leadership positions should be aware of.
- For the academy, the ICs are responsible for academic support if needed.
- Every officer must have 40 hours every 2 years. TCOLE will mandate some, but other hours are at the discretion of the department. Re-certification is required every two years.
- The motto of the academy is, "I am my brother's keeper." That culture ought to shift. The highest level of diversity is at the officer level and that needs to be spread throughout the agency.
- African Americans are lacking sufficient numbers in high positions to support what some interviewees called "succession planning" to help them do well on tests for promotion which Whites and Latinos have. Rather, many stated the existence of a "good old boy network" that continues the cycle of promoting White males. For example, there are no Black Commanders and only one Black Assistant Chief.
- The videos that cadets view have a disproportionate number of Black people involved in violent crime, which not only shapes the minds of White officers, but also does something to the psyche of Black and Brown people that their own people are dangerous.
- Interviewees mentioned a lack of awareness of and sensitivity to Black history and culture in the Department. There are too many recruitment disqualifiers as well. For example, they said that Black hairstyles for men and women have been disqualifying factors in the application process. Other disqualifying factors of Black candidates, such as bad credit score; having been evicted, and having smoked weed in high school should be taken into consideration as the result of intergenerational effects of economic exploitation and racial trauma.

Community Responses to Training: (From the Responses to the Joint Report on Police Profiling)

- Include implicit bias testing in the Austin Police Department hiring process.
- For current employees, require implicit bias testing and flag high-scoring officers for appropriate intervention.
- Identify and implement bias-countering policies, practices, methods, processes, and standard operating procedures to mitigate bias.
- Include the comprehensive Racial History of Policing curriculum in the cadet training academy and adapt it into required training for existing officers, at all ranks, annually.
- Follow the guidelines for racial equity training established by the Equity Office. The Equity Office and Office of Police Oversight shall be consulted for final selection of official racial equity training for officers at all ranks.
- Develop a method to provide racial equity training on an ongoing basis (a minimum of 40 hours per year) for all staff, sworn and civilian, in the department, annually, during every year of service.

Response 3

(continued from page 8. April 22, 2020, Chief of Police Manley remaining responses to recommendations in the Joint Report on Racial Profiling: these 7 remaining responses are placed here because they relate more to training)

- *Recommendation 8: Explore promising practices from Oakland and Nashville that use a scoring mechanism for disproportional behavior to identify at-risk officers and assign appropriate interventions and use in the determination of promotions.*

   The Department agrees the City should invest in sophisticated oversight tools that are more adept at identifying, flagging, and tracking at-risk officers in order to facilitate timely and effective interventions.

- *Recommendation 9: Include implicit bias testing in the Austin Police Department hiring process.*

   Based on the best available evidence from subject-matter experts on bias, the Department operates with the understanding that every applicant will have implicit biases. Therefore, the Department administers training to ensure all employees are aware of their biases, promulgates explicit policies to set clear expectations that bias-based actions are intolerable, and utilizes oversight mechanisms to identify inappropriate behavior.

- *Recommendation 10: For current employees, require Implicit Bias testing and flag high scoring officers for appropriate intervention.*

   As stated above, the Department has mechanisms in place to identify and rectify inappropriate behavior. Additionally, the Department is open to exploring proven, evidence-based testing methods that are capable of effectively supplementing current training, policies, procedures, and audits.

- *Recommendation 11: Identify and implement bias-countering policies, practices, methods, processes, and standard operating procedures to mitigate bias.*

   The Department recommends the City contract with a suitable academic institution to conduct an independent, comprehensive, and evidence-informed assessment of the Department's enforcement practices, cultural norms and customs, training, accountability procedures, and any resulting racial disparities. A similar partnership between the City of Oakland and Stanford University yielded promising results and provided a roadmap for creating community-based strategies aimed at addressing the unique historical and cultural challenges of a city: Data for Change & Strategies for Change.

- *Recommendation 12: Include the comprehensive Racial History of Policing curriculum in the cadet training academy and adapt it into required training for existing officers, at all ranks, annually.*

   The Department intends to incorporate the Racial History of Policing training in future cadet class and is determining the best approach and frequency for administering the training to existing officers.

- *Recommendation 13: Follow the guidelines for racial equity training established by the Equity Office. The Equity Office and Office of Police Oversight shall be consulted for final selection of official racial equity training for officers at all ranks.*

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The Department is committed to following the established guidelines for racial equity training and welcomes input from the Equity Office and Office of Police Oversight.

Recommendation 14: Develop a method to provide racial equity training on an ongoing basis (a minimum of 40 hours per year for all staff, sworn and civilian, in the department, annually, during every year of service).

The Department is eager to provide additional racial equity training for all employees in an effective, feasible, and sustainable manner. The Department will consider this recommendation as part of the FY21 budget process.

Community Policing
Austin Data
One of the goals of community policing involves citizens having an active role in policing. In Austin, that translates to District Representatives and other support positions to enable citizens to have a role in supporting and working with the police: Community meetings and gatherings are attended, foot, bicycle, and horse patrol are used in targeted areas (especially the entertainment district). Currently, that role may shift somewhat with the reallocation of resources.

Two Reports were reviewed that address community policing in Austin. The first, Community Policing Advancement in Austin (2020) was a response to the staffing report needs assessment provided by the Matrix Consulting Group and describes Austin's community policing scope of work. The response provides several recommendations too numerous to list here. However, those related to the nature of the current report are the inclusion of pedestrian stops and field interviews in the yearly police profiling report, developing a marketing plan for community policing, greater funding, developing an evaluation plan, and performance measures.

Additionally, the report recommends developing a recruiting and training plan for community policing, revising job classifications that reflect community policing principles, the creation of neighborhood portfolios, consideration of a field training program, supporting neighborhood events, consideration of non-English speaking populations, and the consideration of officer volunteers and community youth.

Community Policing Matrix Report 2020 Key Recommendations
- Develop Community Policing theme that highlights the philosophy as a major focus of Academy training
- Send exit interviews of cadets and trainees directly to HR
- Explore the use of problem-solving based learning methodology
- Produce a recruiting video more aligned with community policing

Community Policing/Advancement in Austin 2020
APD's response to the Community Policing Matrix Report can be found on pages 31-36 of the report itself. The column on the right indicates which responses have and have not been implemented.

The second report is by the City Auditor (2020), and is entitled, The Impact of Community Policing Efforts. The report provides two types of analyses. The first is an analysis of the time officers have available to engage with the community (Figure 4 below).

As shown in Figure 4 (next page), Officers' uncommitted time when they are not responding to a call can be less than 5 minutes per shift during which they also check e-mail, write reports, read policy updates, and engage in other tasks. Clearly this is not an ideal situation. The second analysis is an employee survey conducted to determine if perceptions had changed since the initial matrix was conducted in 2016. Results were mixed and can be found on pages 13-16 of the report. The percentage change between pre/post is shown on the right side of the page.

National Data
A variety of opinions exist about the value and effectiveness of community policing, dependent in many instances on the makeup of the community. Nationally, the population is 72 percent White, and 13 percent Black. And the US police force is 75 percent White and 12 percent Black. Asians and Latinos have smaller numbers of representation nationally (Vitale, 2018). From a macro perspective, this means that many White officers who live in White communities are patrolling non-White communities, where they don't live. The old school effective models of community policing entailed officers living in the areas where they work and intermingling with their neighbors. For this reason, Vitale (2018) argues that community policing today does little to empower communities, reduce over-policing in marginalized communities, or to reduce crime.

Figure 4: Estimated Available Time Community Policing: City of Austin Audit Report 2020

Officer responding to a call	Uncommitted Time	Officer responding to a call

Can be less than 5 minutes

- Community Engagement
- Check Email
- Write Reports
- Read Policy Updates
- Other Tasks

The President's Task Force on 21st Century Policing (2015) is favorable toward community policing done correctly. Crowl (2017) provides a review of the evidence surrounding Community Policing over the years. He enlists only studies with quality methods in his results. He notes that although Community Policing has many definitions and objectives, it attempts to address the conditions that enable public safety such as crime, social disorder, and fear of crime (Crowl, 2017), often in poorer communities of color. To accomplish this, it attempts to empower citizens to have an active role in working with the police. In the Crowl (2017) review, he shows that Community Policing has been found to be effective in high quality studies in reducing fear of crime (56.3% of the studies reviewed), citizen satisfaction (66.7% of the studies reviewed), fostering police legitimacy (77.8 % of the studies reviewed), improving job satisfaction (90% of the studies reviewed) and to some degree crime reduction (only 18.6% of the studies reviewed). These two views above are deserving of more attention, considering the comments below.

Key Observations/Comments from Interviews

- Poor communication with the community
- Community Policing not practical with current workload on patrol
- It would be good to have the same spirit of care for fellow officers to be infused into the communities they serve.
- Similar to interviewees, views that communication with the community in general is poor, community engagement during the academy was also lacking. Rather, interviewees said that community representatives spoke in class, and cadets prepared follow-up written reports, without ever actually going to communities.
- A number of interviewees elaborated on their perspective of the shortcomings of Community Policing in Austin. Black and Latinx officers noted that the current climate of mistrust for police in general puts them at a disadvantage with their own people when they are seen with the badge, gun, and blue uniform. Consider an example of parking on the street. Officers of

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color who patrol in poor communities of color are aware of the residents saying that they are skeptical of the officer's sincerity for their well-being when asking them to comply with laws in their communities, when they know that in a nearby White neighborhood, residents are allowed and even encouraged to do the same non legal actions with no consequences, such as parking on the street. Since trust—a prerequisite for the development of a healthy relationship—is lacking in this example and others, trust will need to be restored in advance of effective community policing.

- Assignment to specialty units like community policing is not a fair process for African Americans.
- Community policing should be accomplished through true partnership with the community and a sense of restorative justice. That is, bringing together people harmed, and those responsible for harm and harm prevention in a safe and respectful way.

Survey Data

The two questions for this part of the survey are shown in Figure 5 below. Clearly the workforce values the communities they serve (means range from 4.07 to 4.14 on a 5-point scale—Appendix A). Questions were analyzed by race, ethnicity, and gender. Race is shown in the figure. Generally, it shows that a majority of respondents agreed with both statements, though African American are less likely to agree. This is again consistent with the overall findings of this Report.
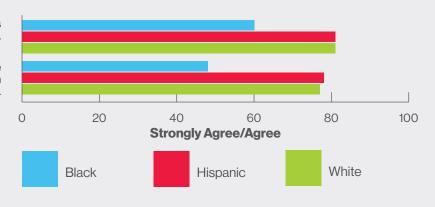
CONCLUSION

This report provides key findings, recommendations and responses to the JJC team's review of multiple reports related to racial inequities that exist in the culture of APD, and the impact on internal and external stakeholders. Additional information from surveys, interviews with sworn and civilian staff, community members, and participants in the Groundwater Analysis workshop, provide a comprehensive analysis of the trends that speak to a long history of institutional and structural racism in the APD culture. These findings have informed the recommendations and beginning road map, that if implemented, have implication for beginning a journey towards creating an APD anti-racist institutional culture. The review of the reports, interviews and survey data all indicate that change in the Austin Police Department requires an immediate response. The Texas Model serves as the framework for the recommendations outlined in this report. It has proven to be effective in reducing racial inequities and improving outcomes for all populations. This is the ultimate goal of anti-racist work.

Figure 5: Community Policing by Race/Ethnicity

SURVEY QUESTION

My organization's work fairly impacts the lives of all people we serve.

My organization works well with the community and seeks their input on matters that affect their lives.

0   20   40   60   80   100

Strongly Agree/Agree

■ Black   ■ Hispanic   ■ White

REFERENCES

Balco, R. (2020). There is overwhelming evidence that the criminal justice system is racist. Here's the proof. *The Washington Post,* June 10.

Crowl, J.N. (2017) The Effect of Community Policing on Fear and Crime Reduction, Police Legitimacy and Job Satisfaction: An Empirical Review of the Evidence. *Police Practice & Research 18,* no. 5 449–462.

DeMatthews D, (2016). *Effective Leadership is Not Enough: Critical Approaches to Closing the Racial Discipline Gap.* The Clearing House: A Journal of Educational Strategies, Issues and Ideas. Volume 89, 2016 - Issue 1. n1 p7–13.

Goff, P., Obermark, D., La Vigne, N., & Yahner, J. (2016). *The Science of Policing Equity. In Policy File.* Urban Institute.

James, J., Baumann, D. J., Rodriquez, C., Craig, S., & Kathan, S. (In Press). Creating Comprehensive System Reform to Reduce Disproportionality and Disparities: The Texas Community Engagement Model. In *Racial Disproportionality and Disparities in the Child Welfare System, Child Maltreatment Series,* Vol. 11, Alan J. Dettlaff (Eds): 978–3–030–54313–6, 466762_1_En, (Chapter 20)

Brown. K. M. (2006). Leadership for Social Justice and Equity: Evaluating a Transformative Framework and Andragogy. *Educational. Administration Quarterly, Volume 42 Issue 5,* December, page(s): 700–745

The Matrix Consulting Group, (2016). *Final Report on Community Policing.* Prepared for the Austin Police Department https://www.austintexas.gov/sites/default/files/files/Police/Austin_Community_Policing_Report_7–21_–_Final.pdf

Office of Police Oversight, Office of Innovation, Equity Office (2020). Joint Report: *Analysis of APD Racial Profling Data.* Austin, Texas

Pierson, E., Simoiu, C., Overgoor, J. et al. (2020) A large-scale analysis of racial disparities in police stops across the United States. *Nat Hum Behav* 4, 736–745 https://doi.org/10.1038/s41562–020–0858–1

President's Task Force on 21st Century Policing (2015). *Office of Community Oriented Policing Services.* Washington D.C, Department of Justice, May

Merriam, S. B (2008) *Third Update on Adult Learning Theory: New Directions for Adult and Continuing Education, NO. 119.* Jossey-Bass, San Francisco, CA, 2008, 96 pages.

The Tatum Law Practice (2020). *Austin Police Department Independent Investigation Fact Investigation*

Taylor, Edward W. *Transformative Learning Theory. New Directions for Adult and Continuing Education,* n119 p5–15 Fall 2008. http://www.anitacrawley.net/Resources/Articles/TaylorTransformative%20Learning%20Theory.pdf

Villanueva, S. (2020). *Review Analysis and Strategic Plan.* Austin Police Department Training Academy. Austin, Texas

Vitale, Alex. 2018. *The End of Policing.* London, England: Verso Books.

Racial Inequities and Institutional Racism:

A Report Submitted to
The City of Austin Equity Office
and
The Austin Police Department

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November 2020

APPENDIX A:
APD Climate Assessment Survey

APPENDIX A: APD CLIMATE ASSESSMENT SURVEY

STATEMENT	STRONGLY AGREE	AGREE	NEITHER AGREE nor DISAGREE	DISAGREE	STRONGLY DISAGREE	TOTAL % (N)	AVE
Internal Organization Issues (1,2,3,17,18,20)							
1. I am satisfied with the culture and climate of my workplace.	11.96% (N=100)	29.55% (N=247)	12.92% (N=108)	23.33% (N=195)	22.25% (N=186)	85.13% (N=836)	2.86
2. I received adequate training in racial equity when I began employment here.	44.22% (N=371)	26.10% (N=219)	14.30% (N=120)	10.01% (N=84)	5.36% (N=45)	85.44% (N=839)	3.94
3. The process for advancement and promotion at APD is fair.	22.38% (N=188)	32.62% (N=274)	19.88% (N=167)	15.36% (N=129)	9.76% (N=82)	85.54% (N=840)	3.42
17. I am aware of the process of reporting a complaint through the Office of Police Oversight (OPO).	37.74% (N=314)	41.71% (N=347)	10.70% (N=89)	8.17% (N=68)	1.68% (N=14)	84.73% (N=832)	4.06
18. I feel comfortable reporting my concerns to the Human Resources Department.	28.88% (N=240)	31.41% (N=261)	17.09% (N=142)	13.12% (N=109)	9.51% (N=79)	84.62% (N=831)	3.57
20. Rules regarding employee misconduct are fair and equitable for all employees.	18.03% (N=150)	23.20% (N=193)	15.63% (N=130)	22.72% (N=189)	20.43% (N=170)	84.73% (N=832)	2.96
Attitudes (Gender, Race, Sexual Orientation) 4,5,6,7,8,9,13,14,15,16							
4. My organization treats women fairly.	42.55% (N=357)	32.90% (N=276)	13.35% (N=112)	7.63% (N=64)	3.58% (N=30)	85.44% (N=839)	4.03
5. I understand how systemic and institutional racism affect the organization's operations.	25.12% (N=206)	30.61% (N=251)	28.41% (N=233)	5.98% (N=49)	9.88% (N=81)	83.50% (N=820)	3.55
6. I can raise questions and issues of racial inequities and disparities in the workplace without fear of negative consequences.	26.59% (N=222)	27.54% (N=230)	21.92% (N=183)	14.13% (N=118)	9.82% (N=82)	85.03% (N=835)	3.47
7. I feel that my ideas and suggestions to reduce systemic racism in our system receive a positive response at all levels.	13.78% (N=113)	13.54% (N=111)	57.68% (N=473)	8.90% (N=73)	6.10% (N=50)	83.50% (N=820)	3.2
8. My organization does not discriminate on the basis of sexual orientation.	47.66% (N=397)	27.01% (N=225)	15.37% (N=128)	6.36% (N=53)	3.60% (N=30)	84.83% (N=833)	4.09
9. I feel that my organization operates in a race-competent manner.	37.30% (N=310)	31.41% (N=261)	17.21% (N=143)	9.99% (N=83)	4.09% (N=34)	84.62% (N=831)	3.88
13. Employees in my organization believe that institutional and structural racism exist.	5.90% (N=49)	21.33% (N=177)	34.70% (N=288)	17.95% (N=149)	20.12% (N=167)	84.52% (N=830)	2.75
14. Employees here are willing to work on issues that impact racial equity, despite discomfort.	25.51% (N=211)	41.11% (N=340)	22.61% (N=187)	7.86% (N=65)	2.90% (N=24)	84.22% (N=827)	3.78
15. Leadership of this organization makes it clear that racism will not be tolerated.	41.08% (N=341)	28.80% (N=239)	13.86% (N=115)	9.52% (N=79)	6.75% (N=56)	84.52% (N=830)	3.88
16. Leadership of this organization makes it clear that sexism will not be tolerated.	42.67% (N=355)	29.33% (N=244)	14.66% (N=122)	8.05% (N=67)	5.29% (N=44)	84.73% (N=832)	3.96

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APPENDIX A: APD CLIMATE ASSESSMENT SURVEY

STATEMENT	STRONGLY AGREE	AGREE	NEITHER AGREE nor DISAGREE	DISAGREE	STRONGLY DISAGREE	TOTAL % (N)	AVE
Data & Reports Awareness (10,21,22,23,24,25)							
10. My organization is committed to reducing racial profiling of Blacks and Hispanics/Latinos.	44.65% (N=371)	26.71% (N=222)	20.10% (N=167)	5.78% (N=48)	2.77% (N=23)	84.62% (N=831)	4.05
21. I am aware of the data in APD reports on race and traffic stops, arrests, etc.	36.82% (N=306)	43.56% (N=362)	13.24% (N=110)	5.17% (N=43)	1.20% (N=10)	84.62% (N=831)	4.1
22. I am aware of the data in APD reports on race and use of force.	36.10% (N=300)	42.48% (N=353)	13.96% (N=116)	6.14% (N=51)	1.32% (N=11)	84.62% (N=831)	4.06
23. I am aware of the Tatum report.	29.72% (N=247)	49.58% (N=412)	10.35% (N=86)	6.74% (N=56)	3.61% (N=30)	84.62% (N=831)	3.95
24. I am aware of the data in APD reports on Community Policing.	26.39% (N=219)	39.76% (N=330)	19.16% (N=159)	12.65% (N=105)	2.05% (N=17)	84.52% (N=830)	3.76
25. I am aware of the recommendations regarding race in the above APD reports.	19.61% (N=163)	43.08% (N=358)	22.38% (N=186)	11.79% (N=98)	3.13% (N=26)	84.62% (N=831)	3.64
COMMUNITY (11,12)							
11. My organization works well with the community and seeks their input on matters that affect their lives.	40.38% (N=336)	36.54% (N=304)	14.78% (N=123)	6.37% (N=53)	1.92% (N=16)	84.73% (N=832)	4.07
12. My organization's work fairly impacts the lives of all people we serve.	45.07% (N=375)	34.74% (N=289)	11.18% (N=93)	7.09% (N=59)	1.92% (N=16)	84.73% (N=832)	4.14

Racial Inequities and Institutional Racism:

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The Austin Police Department

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APPENDIX B:
Community Engagement Model

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APPENDIX B: COMMUNITY ENGAGEMENT MODEL
Community Engagement Four Stages and Steps:

Stage 1: Community Awareness and Engagement

- Making the problem visible
- Sharing the data
- Telling the story
- Enrolling community leaders
- Building local allies

Stage 2: Community Leadership

- Expanding leadership at the community level
- Communities claiming responsibility for solutions
- Community investment in efforts to address the issue
- Community-based decision-making re: strategies
- Community structures (advisory committees, steering committees) through which work is accomplished
- Engaging stakeholders who have been the biggest critics of the system as solution-builders & advocates

Stage 3: Community Organization

- Going to the community, being guided by it to learn what strengths exist, what the needs are, and bringing community members / families and youth / natural community leaders into the process
- Selection of practices that are needed from the community's perspective
- Giving community members the chance for meaningful contributions
- Operating from the premise that the community knows best
- Recognition that communities are resilient
- Grounding the work in these principles:
  - › Analyzing power
  - › Defining racism
  - › Understanding the manifestations of racism
  - › Learning from history
  - › Cultural sharing
  - › Organizing to undo racism

Stage 4: Community Accountability

- Defining and achieving desired outcomes and measurable results
- Everyone is a contributor to what the results should be
- Sustainability is the ultimate goal
- Communities and systems are the owners of the solutions
- Community leaders do not stay silent—they advocate
- Community accountability transcends the work of CPS and other organizations communities must be accountable to people in the community for community wellness
- Communities hold all systems accountable for the oppression they have imposed on communities, their residents, their children
- Accountability must be visible supported through written MOUs and other formal strategies, having formal networks for services

Summary Points

- Highly inclusive process
- Reliant on a facilitative leadership process of committees and other entities
- Cross-systems approach with shared values, shared resources, mutual investment in identified outcomes
- Community leaders are engaged in decisions and the commitment of resources for sustainability
- Community strengths are a strong focus

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APPENDIX C:
A Groundwater Analysis
of Racial Inequities

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APPENDIX C: A GROUNDWATER ANALYSIS OF RACIAL INEQUITIES
"Turning the Mirror Inward"

Description

In the absence of a racial equity lens, well-meaning leaders often continue to unconsciously contribute to sustaining and often perpetuating racial inequities in the design and delivery of programs. This workshop will enhance the racial equity awareness of the participants by building a common language and understanding, of the underlying factors that contribute to racial inequities. This increased knowledge can be a catalyst for developing strategies to build more effective programs and for strengthening and transforming the culture of systems towards increased accountability in response to the needs of all populations.

The facilitators are skilled in creating a safe space for participants to discuss institutional and structural racism in the historical and current context, in a way that holds us accountable for "turning the mirror inward" to examine systemic rather than individual factors contributing to poor outcomes. This safe space creates an atmosphere for all to engage in out-of-the-box thinking that can continue to be supported through consultation with JJC, beyond the workshop.

JJC will introduce the Ground water Analysis for examining racial inequities derived from an evaluation of the Texas Model:

- Racial inequities look the same across systems
- Systems contribute significantly to racial inequities
- Racial inequities cannot be attributed to one "bad apple"
- Racial inequities are concentrated in poor communities and communities of color
- Systemic interventions and training can work to reduce disproportionality and disparities and improve overall outcomes for all populations

The workshop is designed to enhance the awareness of well-meaning and committed leaders to strengthen and transform systems and community-based organizations to better respond to the needs of all populations.

The workshop components serve as a basis for analyzing racial inequities that exist and intersect across systems such as housing, education, law enforcement, financial services, healthcare, juvenile justice, child protective services, and employment. The outcomes of services in these systems disproportionately impact poor communities and communities of color in ways that previously may not have been considered. The workshop is designed to promote a clearer understanding of the role of leadership in systems and institutions in working together and in partnership with constituents and community to understand the history of institutional and structural racism, to strengthen our collective capacity to reduce and ultimately eliminate racial inequities in outcomes and in systems responses, both of which are predictable by race, across systems and institutions.

Workshop Objectives

- Examine by race/ethnicity, the data for multiple systems, to broaden knowledge and understanding of the underlying causes of racial inequities in systems and institutions, and the deeper more systemic factors that contribute to poor outcomes for vulnerable populations.
- Increase understanding of the importance of cross systems collaborations and being in partnerships with poor communities and communities of color to examine old attitudes, assumptions, and stereotypes, that shape the lens through which children, families, and communities of color are viewed so that systems begin to work in deliberate and intentional ways to remove the barriers that contribute to racial inequities.
- Introduce new language, skills, and concepts to move toward the development and implementation of more effective interventions that can reduce racial inequities and improve outcomes for all populations served.
- Engage participants in activities and facilitate dialogue designed to help systems be more accountable for "turning the mirror inward," to examine systemic rather than individual factors of racism, contributing to poor outcomes for poor communities and communities of color.
- Understand how institutional structures and practices impact outcomes for vulnerable populations.
- Engage in a facilitated dialogue to begin to examine commonly held attitudes and assumptions that create

and sustain disproportionate and disparate outcomes for poor communities and communities of color.

- Examine data by race/ethnicity for multiple systems, to broaden knowledge and understanding of the history of institutions, and the deeper more systemic factors that contribute to poor outcome for vulnerable populations.
- Examine the relationships that exists among systems and their collective impact on poor communities and communities of color.
- Begin to develop a common understanding and language that opens the door for conversations that are critical and necessary for undoing racism.
- Discuss the importance of moving from cultural competency to racial equity and developing a common definition and language with which to begin the journey to eliminate institutional and structural racism.
- Begin to develop the language and the skills to move toward the creation and implementation of more effective interventions that will reduce racial inequities and improve outcomes for all populations served.

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APPENDIX D:
The Groundwater Analysis Workshop
Technical Assistance Report

APPENDIX D: THE GROUNDWATER ANALYSIS WORKSHOP TECHNICAL ASSISTANCE REPORT
City of Austin Police Department

ACKNOWLEDGEMENT

Joyce James Consulting (JJC) would like to thank the City of Austin, Office of Equity (OOE) and Police Department (APD) that helped bring "Groundwater Analysis" training and technical assistance to APD.

The willingness of Chief Bryan Manly, his command team and other sworn and civilian staff to have open and meaningful conversations about institutional and structural racism was invaluable to the open and honest facilitated dialogue. The presence of the OOE was critical to ensuring that all phases were in alignment with the anti-racist principles embedded in that office. The voices of the community members who shared in the workshop, debrief, and strategy sessions were very powerful in shaping the recommendations included in this report. JJC feels confident that in having strong community voices at the table, a higher level of accountability exists for change within APD.

Overview

The City of Austin (City) Austin Police Department looks to transform the department's culture in ways wholly antithetical to its beginnings as a law enforcement organization. The early history of the APD (as described in the Austin History Center's Austin Police Department Guide, 2018) recounts its law enforcement beginnings in 1840 with the election of the City's first marshal. Like other marshals of the day, those in Austin held enormous power. These elected officials picked their own officers, played a part in criminal executions and were chiefly responsible for upholding city law and order including the rules or laws specifically "designed to constrain slaves' behavior." One of these laws being slave curfews. The curfews made it unlawful for slaves to be in public or gather at night; responding to the fears of whites of people of color united through their enslavement. In their role as enforcers of the law, marshals and their officers could lash a slave found out in public after curfew with up to 15 lashes.

In 1862, the structure of the APD began to change in ways that reflected different societal norms. City ordinance set up the police department and a chief of police. Then in 1871, the first African American police officers joined the APD police force. Today, the APD workforce, both sworn and civilian, is more diverse. However, internal and independent reporting point to deeply rooted and persistent signs of institutional and systemic racism—that have not and cannot be diminished simply by the passage of time.

Therefore, consistent with the department's vision for systemic changes within the department, the OOE and APD contracted with Joyce James Consulting (JJC) to provide technical assistance, "A Groundwater Analysis of Racial Inequities" (GWA) workshop and a workshop debrief and strategic planning session. The mission of JJC is to support organizations, institutions, systems and communities in developing a racial equity lens to recognize institutional and structural racism as the root cause of racial inequities in all systems and assist in creating organizational cultures that actively engage in sustainable strategies to eliminate racism.

Background

Three theories of action serve as a foundation for the JJC racial equity workshop and guide the use of pre- and post-surveys: transformative learning, critical race, and adult learning. Transformative learning is the "process of experiential learning, critical self-reflection, and rationale discourse that can be stimulated by people, events, or changes in contexts that challenge the learner's basic assumptions" (Brown, 2006). Critical race theory argues that "racism and other forms of oppression are central to the experience of people of color and dominant ideologies justify the status quo/structural oppression and must be challenged (DeMatthews, 2016)." The adult learning theory focuses on knowledge building in a way that fosters "critical reflection...essential for transformative learning" (Taylor, 2008).

Qualitative Feedback

The GWA workshop facilitated the examination of systemic transformation and participants' awareness about racial inequities and disproportionality in outcomes across multiple systems serving vulnerable populations and communities of color. In providing the APD with training and technical assistance, JJC used

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its pre- and post-surveys to establish a baseline of participants' perceptions of knowledge of institutional racism and racial equity prior to the workshop and identify shifts in participants' perceptions of knowledge of institutional racism and racial equity immediately after workshop participation. Identifying shifts from an organizational standpoint can assist systems in determining where further training and guidance is needed related to addressing disparate and disproportionate systemic outcomes, point to an increase in the number of participants who have developed a common analysis of racism and the history that led to current outcomes, and aid in the analysis of workshop effectiveness.

A key learning from implementation of the Texas Model for addressing disproportionality and disparities in several systems serving vulnerable populations was that when staff at every organizational level understand and value history, culture and the partnership of vulnerable populations and community. Further, changes occur in decision-patterns and interventions that impact systemic outcomes.

Why Undo Institutional Racism

Participants were asked as part of workshop introductions, "why is it important to undo institutional and structural racism in the APD system?" The following responses were captured.

- It's hard to hear men and women talk about unfair promotion and transfers. They feel like they don't have the same opportunities.
- Maybe I had blinders on, but I didn't feel like I was working in a racist organization. Hearing comments over the last twelve months has been disheartening.
- All lives don't matter until Black Lives Matter.
- I want everyone in the Department to feel equal.
- Not to do so is robbing us of opportunities to be the best we can be in terms of talent and opportunity.
- So that people can feel valued regardless of their skin tone.
- We cannot provide service to the community in fair and equitable ways unless we look at ourselves first.
- It's wrong.
- The system needs to be fair and equitable for everyone. Austin is safe, but it's not safe for everyone.
- We've missed opportunities to make changes because people of

color haven't been in a better position to have their voices heard.
- It's a matter of life or death for this city. For example, people in certain zip codes have a life expectancy that is ten years less than average.
- It has a diverse impact on society as a whole.
- Because nothing is more destructive of a person's spirit than when they've been singled out for something they can't change, whether skin color, gender, or sexual preference.
- Because the children are watching
- Everybody is not awake.
- If we can't take care of our own people properly internally, how are we going to take care of the people we serve?
- It's our own responsibility to carry out policies and procedures that are fair to everyone.
- I've seen people's self-esteem and careers ruined because of racism.
- As a profession, we haven't been good about teaching our history.
- We can't say we've done what we should have in terms of learning our history. Those who forget history are doomed to repeat it.
- We also have to challenge ourselves and ask: Through whose eyes do we examine history? We need to step outside of ourselves and look at the history of those whose stories have been untold.

Other Comments of Participants

- In addition to accountability, training is needed (education). There needs to be education for everyone because the individual's behavior affects the whole.
- We're not even having a proper conversation about the war on drugs.
- The academy videos continually show black males in violent incidents which shape the way we see Black men. New officers come in with the view that Black men are dangerous.
- Coming out of the academy, we didn't talk about race, but neighborhood. We were told, "when you go to those neighborhoods, take extra precaution." When you expect a bad outcome, what are you going to get?
- Zero tolerance for racism ought to be clear on the front end, but that wasn't clear in orientation from the City or APD. We need to not only make it clear that we don't tolerate discrimination, but we need to market it.

- Our policies and practices have protected certain people in the City. White people have had sub-standard job performance and it was tolerated for months, whereas Black people who have had similar shortcomings have been gone within days. The only difference was race. As gatekeepers, we need to "get in good trouble" when we see this happening. If we say we don't tolerate this and when it happens nothing is done, it's perpetuated.
- We need to have a consistent message at the front door about what will not be tolerated, and reiterate the message at multiple levels as well.
- We need to ask, "am I handling this in the least obtrusive means": both cadets and those who have been here for years.
- We focus so much on the bad apples and not the system.
- We'll become better as we approach this work from an institutional and structural perspectives.
- I hope that everyone in the Department goes through this program. The approach of other programs that we have attended makes people shut down and think that they're a bad person.
- This approach is new or unheard of to much of our workforce. They're not connecting dots with previous bias training. I hope that this training will be lasting.
- It's important that the enemy is not an individual, but a system. This fits with the motto, "safer together." It is an uncomfortable conversation that is necessary.
- If we leave a legacy, what legacy do we want to leave?
- I don't want to be a part of the problem by not moving forward.
- The content and approach used in this training are good.
- We keep trying, but we are not making progress. The way this is framed makes sense. We've been focused on the individual and we can't see the forest for the trees.
- We get so focused on process that we lose focus on vision.
- We see the same percentage of contraband among Whites and Blacks who are stopped, even though Whites are under-represented with respect to the percentage who are stopped.
- The system doesn't value the voices of people who are impacted by their services.
- There is a disconnect between what we say that believe and accountability. We had racial equity training in all of the years where the data show disparities. That means that those trainings were "one and done."
- We need to refocus on accountability in systems and away from individual accountability.
- In recruiting, we can make changes to the application on the "front end" "We do not tolerate... xyz. If you agree, you can proceed with the application."
- We've done lots of training but aren't seeing a different outcome. We definitely need to go to structural.
- The data tell us that something needs to be fixed, but it doesn't tell us what or how. We need to dig deeper.
- I hope we don't do things in a cycle. I hope we continue to have diverse representation.
- We have a distinction between sworn and civilian. While we have the right voices at the table, I hope we will allow outside voices.
- Relationships are the basis of the external culture. What we lack is an empathetic lens. We need to create a space to listen and learn, as well as to create a model for the entire nation.
- We have the same training year after year, and the outcomes of traffic stops don't get better. It is significant that the data are getting worse for African Americans while the percentage of African Americans in Austin is decreasing.
- How do we ensure that we're building things that will last ten years from now: that people who come after us will sustain what we do.
- From the perspective of data, heart, and mindset, the civilian side has all eyes on how ADP will respond.
- I think we should explore more from the social-emotional aspect and send not only a message of what we won't tolerate, but the culture that we do want.
- The significance of eyes from the past are important. I think we can't get enough of the history of Austin.
- How does the community see the department, and how can we bridge that gap?
- I feel that this group is going to do really awesome things and I'm glad to be a part of it.
- People have to be won back to engage: both within and outside the organization. Some think that it's a hopeless task. Everyone has to pick up the oars and row the boat when some wonder if they even need to be in the boat.
- I think that this is a good way to move the system forward, but all pieces of the system are not here. Those who are not represented here are making decisions about our system, and that's frustrating.

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- I'm excited. I'm ready to get out of the blocks and get moving. In addition to the data, which we know, we have to be able to think outside of the box and try some different things. As we're developing this plan, people are still being impacted within the department and in the community. Nobody has the perfect roadmap, so we have to take some risks. This needs to be something that all of our directors in the City need to hear. For example, someone in another division said that if a plan to address the homeless doesn't work, "we are going to unleash APD."
- If we can get to a point that any interaction can see our humanity, that will be a major step in addressing racism.
- Our efforts can't be departmentalized. It's not only something that only APD can work on. It needs to involve all departments of the City. Our eyes are opening that this discussion involves more than APD, and it can't be an adversarial approach. If we say that the only change involves APD, we're limiting our outcomes.
- Regarding power and purpose, there is a necessity to shift power. The history of this nation has been to "unleash" power on people of color. The pain point has been that power dynamic that people have been so frustrated about. Maybe we need to redefine our mission and purpose.
- In "re-imagining" public safety, what is the relationship with other organizations? That involves a deeper dive into a difficult conversation. How do we bring this into the "re-imagining" conversation.
- Anything that is working for Black people is destroyed, such as Black Wall Street in Tulsa, and Anderson High School in Austin.
- We used to arrest youth because of graffiti until the skateboarders started doing it. Then it became art, and we promoted it.

Participants' Surveys

JJC examined the completed pre- and post-training surveys, feedback from participants on evaluation forms and during debrief and strategic planning. This report summarizes the results of the training surveys and evaluations and JJC's overall recommendations related to strategies that reduce or end racial inequities and disproportionality.

Pre-Surveys

JJC administered the workshop pre-survey immediately before training while the post-survey and evaluation took place immediately after. Participants' completion of surveys and assessment forms were anonymous and voluntary. Participants completing pre- and post-training surveys were asked to rank their agreement with the following seven equity statements using a Likert-type scale of "Strongly Agree," "Agree," "Disagree," "Strongly Disagree," and "N/A Unsure".

1. *I have received training within the past two years that has increased my knowledge and understanding of institutional and structural racism.*
2. *The training that I received contained information that increased my knowledge about the underlying causes of racial in equities in policing.*
3. *I have a clear understanding of what racial inequity and disproportionality means in helping systems.*
4. *I feel that it is important to train leadership and departmental teams to have an analysis and understanding of the history of institutional and structural racism in LE.*
5. *I have received clear training on the impact that institutional racism has on families and communities.*
6. *Institutional and Structural racism impacts the decision-making processes of individuals working within systems.*
7. *Data is critical in identifying racial disproportionality and disparities and in developing appropriate strategies that reduce racial in equities and improve outcomes for all populations.*

Most participants agreed or strongly agreed with all seven racial equity statements before training. At pre-survey, all participants agreed or strongly agreed that racial equity training is important (100%) and describe data as critical to identifying racial inequities (100%) (see Graph 1). Ninety-four (94) percent of participants agreed or strongly agreed institutional racism affect the decision-making within systems (see Graph 1). Eighty-nine (89) percent of participants said that it is important to train leadership and departmental teams about the difference between equality and equity (see Graph 1). Finally, seventy-eight (78) percent of participants said the institutional racism and racial equity training prior to the JJC training increased their knowledge.
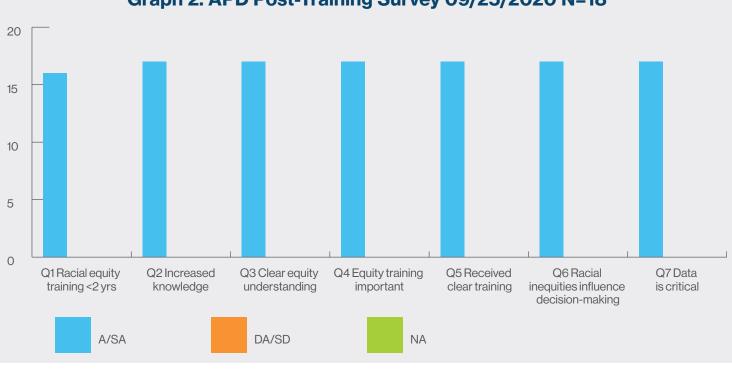
Graph 1. APD Pre-Training Survey 09/24/2020 N=18

Legend: A/SA, DA/SD, NA

Post-Surveys

The post-survey asked again the seven equity questions for participants' after training. All participants agreed or strongly agreed with all seven equity statements (see Graph 2). (One participant joined by phone and did not complete the post-survey or evaluation.)
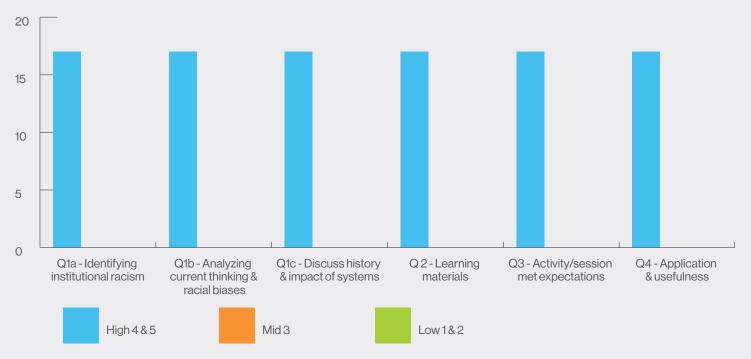
Graph 2. APD Post-Training Survey 09/25/2020 N=18

Legend: A/SA, DA/SD, NA

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Participants' Evaluation

As part of the evaluation, participants ranked JJC's achievement of the workshop learning objectives and the application and usefulness of content on a Likert-type scale of one through five

- all the examples & dialogue
- explaining the difference of systems-based vs individual based racism. Focus on systems, equality vs. equity graphic
- the background information of the instructors' parallel experience

Graph 3. APD Participant Evaluation – Scaled Responses 09/25/2020 N=17

where "1" was the lowest and "5" was the highest (see Chart 3). All participants ranked all scaled responses at "4" or "5" (see Graph 3).

In addition to the scaled responses, participants provided qualitative feedback based on the following questions.

"What information or activities did you find most impactful?"

- discussion on equality and equity
- deep discussion on systems
- safe sharing environment; analogies
- equity vs. equality "Great" Enjoyed all!
- the statistical analysis of systemic racism
- the equality vs. equity exercise
- definition of structural an institutional racism

& impact on CPS systems to better outcomes for Blacks

- highlighting the differences between individual racism and systemic racism
- equity/equality exercise
- slide presentation/conversation/knowledge
- the chart equity & equality chart
- group discussion and experiences — understanding of systems
- The equality versus equity slide. The discussion and presentation were quite impactful.
- The equality vs. equity

"What aspects of the process will be most helpful to you in your daily life and/or work experience?"

- decision making
- developing strategies

- new understanding of equality v. equity
- ability to identify the barriers!
- understanding and dismantling systemic racism
- understanding the role of systems in outcomes and looking with a new lens
- having this conversation w/non-blacks
- the greater understanding now imprinted on me
- using a systems-based lens to examine issues and develop solutions
- identifying ways to remove fences
- Institutional/structure of racism
- all of it—but who was in the room receiving the training
- the equality vs equity

"How will this process provide an opportunity for you to be more effective in your work?"

- listening with a wider spectrum of knowledge
- developing analysis to think systemically
- understanding equity
- ability to change systems
- looking at the processes through the lens of outcomes
- the opportunity to use a new lens w/data to determine if we are affecting outcomes in a positive way
- helps me too create a safe inclusive environment to have a dialogue about this issue
- it gave me the awareness, tools, and hope I needed to move forward
- providing information I can use to create actionable items
- a framework to use when analyzing current systems & having conversations with coworkers about change outcomes
- creating a group to work together, having been through this training together
- better identify organizational impediments to equity
- the principle understanding we put to use in the department (APD)
- education and challenge to think outside the box
- understanding, enlightenment
- I will be able to clearly articulate how structural racism impacts the implementation of initiatives
- this process has helped me to look at the systems

"What new skill or idea will you implement into your job or practice…a result of attending this educational event?"

- decision making w/equity in mind
- systems thinking
- still a work in progress
- ensure all employees are exposed to this
- evaluating outcomes as systemic indicators
- providing this same lens and understanding to the workforce
- open conversations on race relations
- I will re-evaluate hiring processes specifically disqualifications that may be inequitable. I will add anti-racism in our mission vision.
- looking @ all policies & practices in my area of responsibility
- removing the fence!
- using a systems approach to problem solving
- implement the ideas of this session
- ensure the consideration of applicants based on their particular skills and circumstances
- addressing systemic change

Participants' Additional Comments

- great!
- truly outstanding & inspirational
- you all are awesome I want to be you
- best training not only on this subject but compared to other topics
- great training!

DEBRIEF

As a follow-up to the GWA workshop, JJC conducted a 3-hour debrief with participants. The purpose of the debrief was to share the data and information collected through participants' pre- and post-surveys and evaluation and consultants' observations drawn out from training discussions, provide participants with an opportunity to share their personal insights and awareness after reflection, gather additional feedback on individual training experiences such as how they may have connected with content and activities, and identify any new perspectives and learnings, which might translate to changes in day-to-day practices and strategic planning.

Why important to undo institutional and structural racism

- It's a birthright.
- Now we have a better definition and now I have a starting point. On both sides, there needs to be an understanding

of how we want our officers to come home every night.

- Colin Kaepernick was very peaceful, but he was told to stay in his place and was ostracized.
- After Olympic medalists Tommie Smith and John Carlos gave the Black Power salute while the Star-Spangled Banner was playing, their lives/careers were ruined because they didn't stay in their place. (They'd won gold and bronze medals respectively in the 200-meter sprint at the 1968 Summer Games in Mexico City.)
- Law enforcement is often used as the clean-up mechanism for other systems. Unless we address the problems in the whole system, we're still going to tell police to take care of it.
- For the longest time, I thought I knew what institutional racism meant, but I realize that I don't.
- If I go in thinking that there's going to be a bad outcome, there's going to be a bad outcome.
- Teaching cadets racial profiling
- Many cadets say that they grew up in neighborhoods where everyone looked like them, so most of what they learn about Black people is learned on the street.
- In medical school, they dissect bodies to learn more about how to find a cure. The same is true about the history of policing.
- How do we get people to step into the reality of what Black people experience every day? Black people get tired trying to convince White people that this is really happening. It feels like a loop repeating, and it's tiring.
- If we're not conscious of the jobs we do, we can do really bad things. For example, there were people in Nazi Germany who went to work every day and planned transportation of trains to the concentration camp; those in purchase who bought bullets and gas; those who were planners, and so forth.
- As the lightbulb comes on, people need to know about resources that are available. How do we get everyone at the table who needs to be there?

What we heard from participants about fences in the APD

- The system that is in place for promotion. Is it a fair system? What does a fair system look like? That brings in the contract and barriers associated with that.
- Challenges with specific required course work in forensics that vary by university and impact incoming qualifications.
- Many applicants have been disqualified because of low

category offenses that can be reconsidered for civilians.

- Promotions, transfers, and disqualifies in recruiting system.
- Making sure everyone has an opportunity to succeed and advance. Inclusion across the board.
- FTO program needs to be re-examined where FTO tells new officers to forget what they've learned in the academy. Can ride-alongs be a part of cadet training in the future?
- Communication throughout the department from the time a recruit steps into the academy and some of the comments within and externally from the community reveal communication issues.
- TPOA has a document with a whole list of items. They are being written up more formally. This information will be shared and may impact Women, Hispanics, and Union as well. Don't want to leave out any group.
- Commitment from leadership that is communicated both internally and externally that we are going to make this change at every level.
- Commitment to leaning into the fences and acknowledging the fences.
- Fence around community trust. Figure out strategy to restore that trust. On the community side, there are people who don't want APD at the table, but they need to be at the table in order to re-imagine public safety.
- Resources. If all 50 or 100 managers throughout APD were involved in this discussion, we would have so much more input into what the fences are.
- In the recruiting process, we should consider allowing second chances for bad credit, eviction, and so forth.
- Assure that we don't rebuild the fence with protectionism in efforts to rebuild trust within the community. For example, it's true that police want officers to come home every night. How can everyone sit at the table and be respectful of the culture from the community's viewpoint? **JJC**: Maybe go to the group and ask, "what would it take to be invited back to the table?"
- How do you repair trust when some of the messaging is not community oriented? **JJC:** Through communication, the community needs to know what APD is doing. How do you message it in a way that says this is what the APD is doing?
- Some people who don't represent the community go through the back door and say that they do. There has to be reciprocal communication.

- We must use the history of policing as a point of departure.
- The community has power, but no authority. The power comes from the institution. How can we bridge that gap?
- How do we transfer authority to the community so that it is actually distributed there and change comes from a unified effort?
- Who is "the community"? Some parts of the community are not in sync with or in agreement with other parts of the community. JJC: How do we develop strategies to hear voices from all segments of the community?
- There are multiple communities. How do we talk to the little guy in the equity slide such as the formerly incarcerated, Black trans women, homeless, etc. because those are the most vulnerable and those most left out of the community. If we don't have an existing relationship, we need to create one.
- Division between sworn and civilian is an extreme fence. Employee relations and recruitment have areas of similarity to identify and then synchronize. That's a huge piece of the puzzle. Employment processes for 911 and officers are the same in the beginning, and then break off at some point. If HR is not on the front end of employment meetings, there are challenges on the back end.
- Do a better job of marketing areas that have been neglected.

STRATEGIC PLANNING

Fundamental to the APD's future success in tackling the complex and persistent problems of racial disproportionality and disparities in its outcomes is a roadmap—strategic plan—designed to address institutional and structural racism. With the foundation of a deeper understanding about institutional and structural racism as the root cause of racial inequities; the goal of the APD strategic planning session (as facilitated by JJC) was to identify priorities and opportunities for measurable actions.

The strategic planning session opened with participants selecting by consensus the following immediate priorities.

1. Develop and deliver a consistent message about racial inequities and disproportionality about what will not be tolerated and a plan for reiterating the message at multiple levels within the organization and at APD's "front door."

2. For both the APD cadets and those who have been in the department for years, ensure policing is handled by the "least intrusive means."

3. Thoroughly analyze data to ensure focus on the most appropriate areas.

4. Engage members of the community who participated in this process with APD, in the ongoing planning and implementation of new strategies that will improve and strengthen partnerships with community.

5. Add anti-racism language to the APD core values and principles to strengthen the APD mission and vision statement in conveying the importunate of an anti-racist organizational culture.

6. Develop a process for engaging with "Ida Sector" officers, community members, TPOA, and others, to actively involve and hear the voices of the community in the design of a new and inclusive community policing model.

7. Examine budget allocations that may support the new community policing model, i.e., hand select officers, include Ida Sector community members in GWA workshops with assigned APD officer

8. Engage both sworn and civilian staff in the process of identifying and undoing institutional and structural racism.

9. Identify other cross systems partners, city of Austin departments, community-based organizations and individual community members to include in the ongoing efforts to develop an "upstream" collaborative approach to undoing institutional and structural racism in APD.

10. Prioritize and develop a plan to make GWA training available to the APD across department and at multiple levels.

11. Conduct a critical examination of the APD policies and procedures through a racial equity lens

RECOMMENDATIONS

The historical nature and design of law enforcement and all other systems, shows that systems as originally structured have an oppressive racially defined relationship with internal and external constituents. Therefore, ensuring an organizational culture and climate that is supportive of the APD vision requires that the department actively engage in creating a sustainable culture; one not solely focused on individual implicit biases, but rather,

placing a higher level of accountability for addressing racism at the institutional and structural levels. Systemic change will only occur when leadership can visibly demonstrate a willingness to be intentional, deliberate, transparent and vulnerable in recognizing the long history of racism in policing and in creating a liberated and safe space for internal and external stakeholders to share in every step of the process of creating the new APD anti-racist culture.

JJC has recommended in the full report that APD use key components of the nationally recognized Texas model to support and enhance efforts to create its more race competent organizational culture. Racial disproportionality and disparities are complex and multi-faceted. These components will act as a frame for the necessary work ahead.

REFERENCES

Austin History Center (2018). Austin Police Department Guide, Sources of Information Relating to the Austin Police Department. Austin Public Library

Brown, K. (2006). Leadership for social justice and equity: evaluating a transformative framework andragogy. *Educational Administration Quarterly,* 42(5), 700–745.

DeMatthews, D. (2016). Effective leadership is not enough: critical approaches to closing the racial discipline gap. *The Clearing House: a Journal of Educational Strategies, Issues and Ideas,* 89(1), 7–13. doi:10.1080/00098655.2015.1121120

Taylor, E. W. (2008). Transformative learning theory. *New Directions for Adult and Continuing Education,* Vol. 119, Wiley InterScience, doi: 10.1002/ace