



## MEMORANDUM

**TO:** Mayor and Council Members

**FROM:** Rey Arellano, Assistant City Manager

**DATE:** March 16, 2022

**SUBJECT:** **Supplement to Kroll Phase B Report**

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At the January 25, 2022, City Council work session [Item B001](#), representatives from Kroll Associates presented a summary of findings from the Kroll Phase B report, *Evaluation of Austin Police Department: Use of Force / Public Interactions / Recruitment, Selection, and Promotions*, January 21, 2022 (“Kroll Phase B Report”). The attached memorandum provides responses to questions and feedback from Council during the presentation. The document will be uploaded as back up for Item B001.

The memorandum specifically provides (1) additional statistical analyses examining arrests and use of force in George Sector; (2) supplemental statistical analyses examining the circumstances surrounding the use of force involving individuals with behavioral or mental health issues; and (3) further details concerning the 21 problematic use of force incidents involving mental health concerns that were referenced in the Kroll Phase B Report, Section Four, p. 79.

Cc: Spencer Cronk, City Manager  
Chief Joseph Chacon, Austin Police Chief  
Sylvia Hardman, Acting Police Oversight Director  
Anne Morgan, City Attorney

Attachment



## MEMORANDUM

To: City Manager's Office  
From: Kroll Associates, Inc.  
Date: March 15, 2022  
Re: Supplement to Kroll Phase B Report (Analyses of APD Use of Force Incidents)

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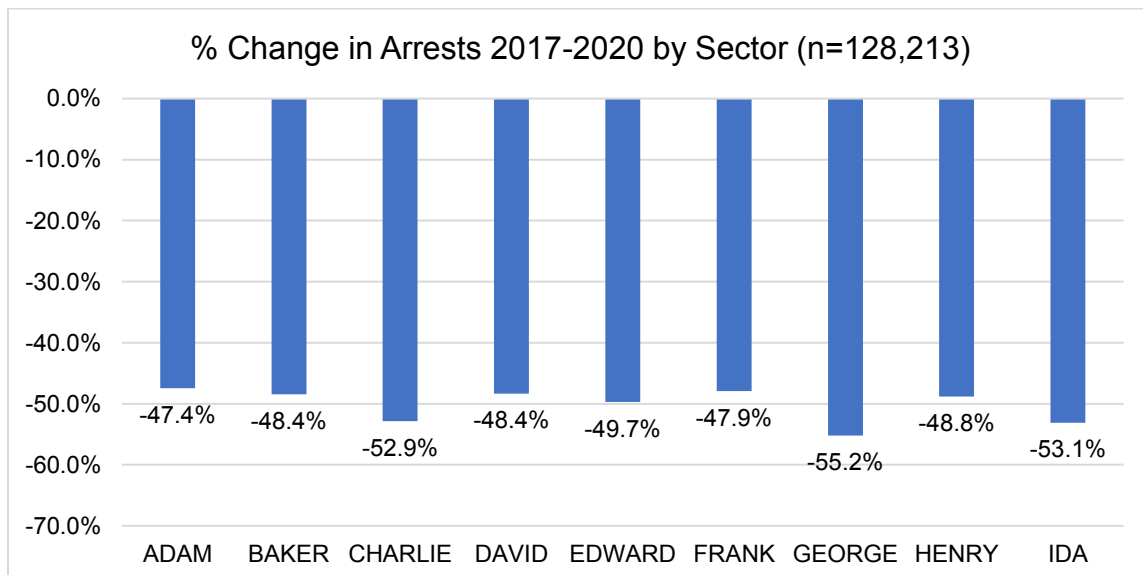
### Introduction

On January 25, 2022, Kroll presented a summary of findings from the Kroll Phase B report, *Evaluation of Austin Police Department: Use of Force / Public Interactions / Recruitment, Selection, and Promotions*, January 21, 2022 ("Kroll Phase B Report"). Based on questions and feedback from Austin City Council members during Kroll's presentation, we provide the following supplemental information: (1) additional statistical analyses examining arrests and use of force specifically for George Sector (see Kroll Phase B Report, Section Three, pp. 37-59); (2) supplemental statistical analyses examining the circumstances surrounding the use of force involving individuals with behavioral or mental health issues (see Kroll Phase B Report, Section Three, pp. 30-37); and (3) further details concerning the 21 problematic use of force incidents involving mental health concerns that were referenced in the Kroll Phase B Report, Section Four, p. 79.

### George Sector – Supplemental Analyses

We begin with a comparison of arrest trends across the 4-year study period comparing George Sector to the other APD Sectors. As shown in Figure 1 below, from 2017 to 2020, George Sector reported the largest decline in number of arrests, with a 55.2% reduction during this four-year period. While arrests declined substantially across all APD sectors, George Sector led the way with the largest decrease in arrests.

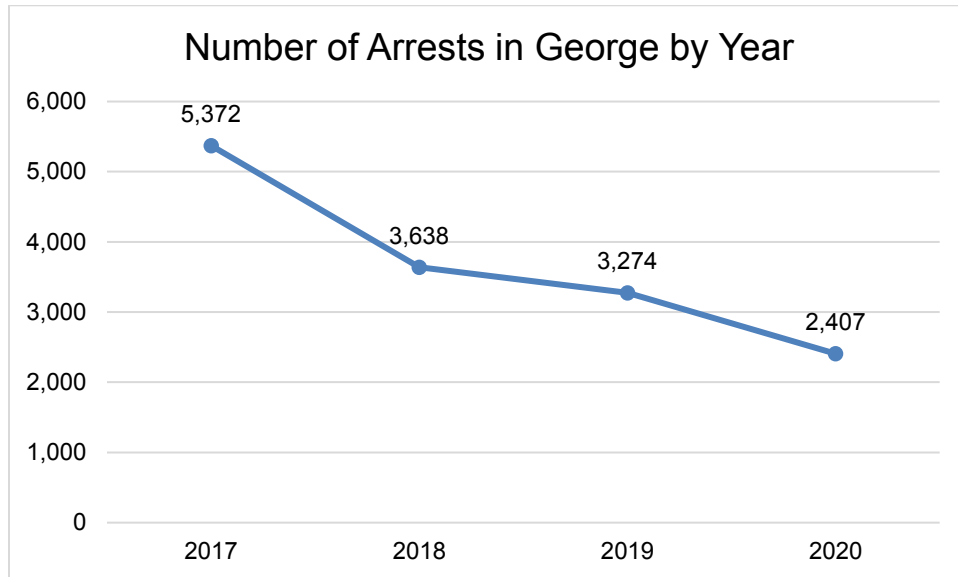
**Figure 1. Percentage Change in Arrests by Sector (2017-2020)**



Across the department, the largest decrease in arrests was experienced in the one-year period from 2019 to 2020 (-31.3%). However, the reductions in George Sector were the largest from 2017 to 2018 (-31.3%). As shown in

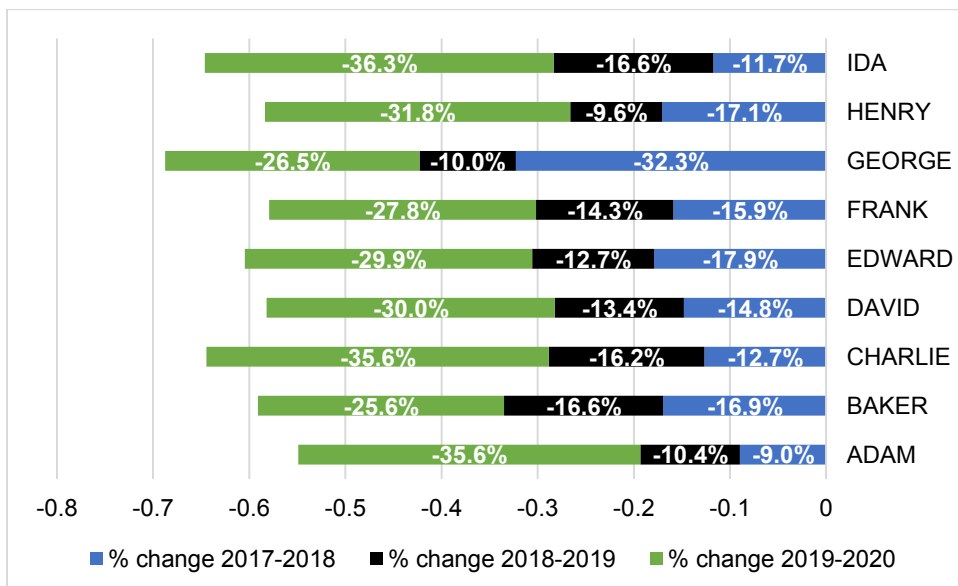
Figure 2 below, the reductions in arrests continued to decline, but at a slightly slower pace (-10.0% from 2018 to 2019, and -26.5% from 2019 to 2020).

**Figure 2. The Number of Arrests in George Sector, by Year.**



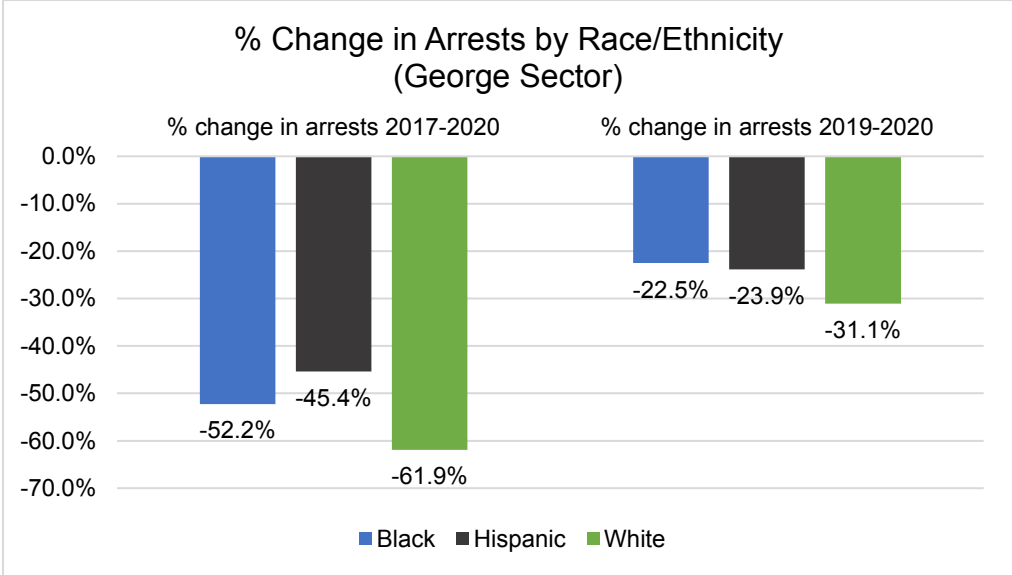
As shown in Figure 3 below, across sectors, the decline in George Sector in 2017-2018 was much larger than the reductions in all other sectors. In contrast, the decline in arrests in George Sector from 2018-2019 and again in 2019-2020 were among the smallest compared to other sectors. This suggests that significant changes (reductions) in the numbers of arrests happened in George Sector in 2017-2018 – leading the trend that would be experienced in other sectors in the following years. Despite these declines, George Sector remains the leader in the number of arrests across the department, despite being one of the smallest geographic areas with the smallest residential population.

**Figure 3. Percent Reduction in APD Arrests by Sector, by Year**



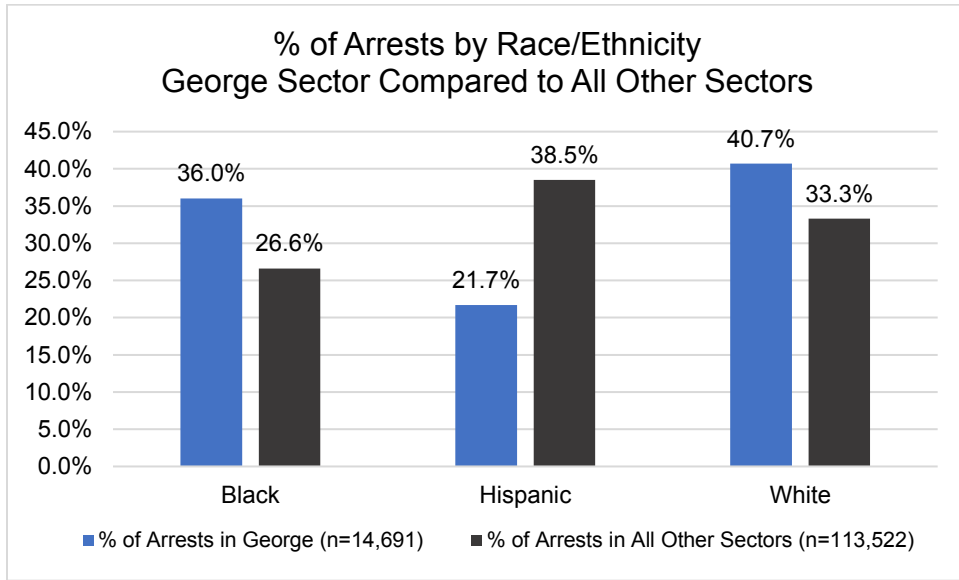
It is also important to consider the racial/ethnic breakdown in reductions in arrests experienced in George Sector. As shown in Figure 4 below, white individuals experienced the highest reduction in arrests during the four-year period (62% reduction), followed by Black individuals (52% reduction), and Hispanic individuals (45% reduction).

**Figure 4. Percent Changes in Arrests in George Sector, by Race/Ethnicity and Year (n=14,691)**



When the race/ethnicity of individuals arrested in George Sector are compared to arrests in the remainder of the city, additional differences emerge. Figure 5 displays the percent of arrests for Black, Hispanic and white individuals in George Sector compared to other sectors. As shown, the percentage of arrests of both Black and white individuals in George Sector exceeds those citywide, while Hispanics represented a significantly smaller percentage of the arrestee population in George Sector. Specifically, 36% of the arrests in George Sector were of Black individuals, compared to 27% of arrests in the rest of the city. In contrast, 22% of the arrests in George Sector involved Hispanic individuals, compared to nearly 39% across Austin.

**Figure 5. Percent of Arrests by Race/Ethnicity, Comparisons Across Sectors**



Next, we consider the percentage of arrests that involved the use of force, by year and across APD sectors. Figure 6 below shows that George Sector is a clear outlier in the percentage of arrests that resulted in the use of force – every year George Sector had the highest percentage across the city. The percentage of arrests that involved the use of force has increased every year across all districts (a function of the intersecting patterns of declining arrests and increasing uses of force). George is the only sector with a reduction in the percentage of arrests that resulted in the use of force for 2020; note that even with this decline, the percentage remained more than double the other sectors.

**Figure 6. Percent of Arrests involving Use of Force, by Year and APD Sector**

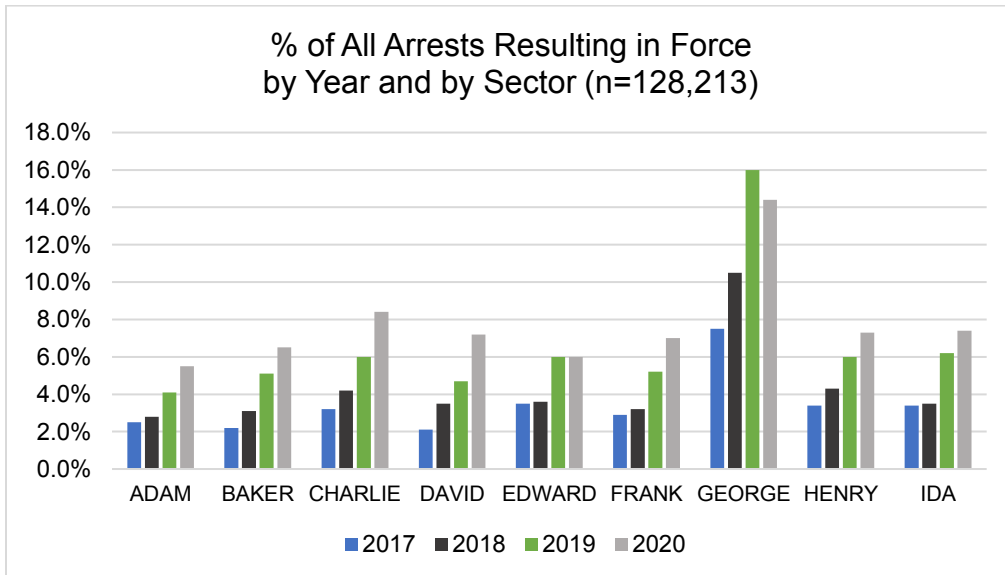


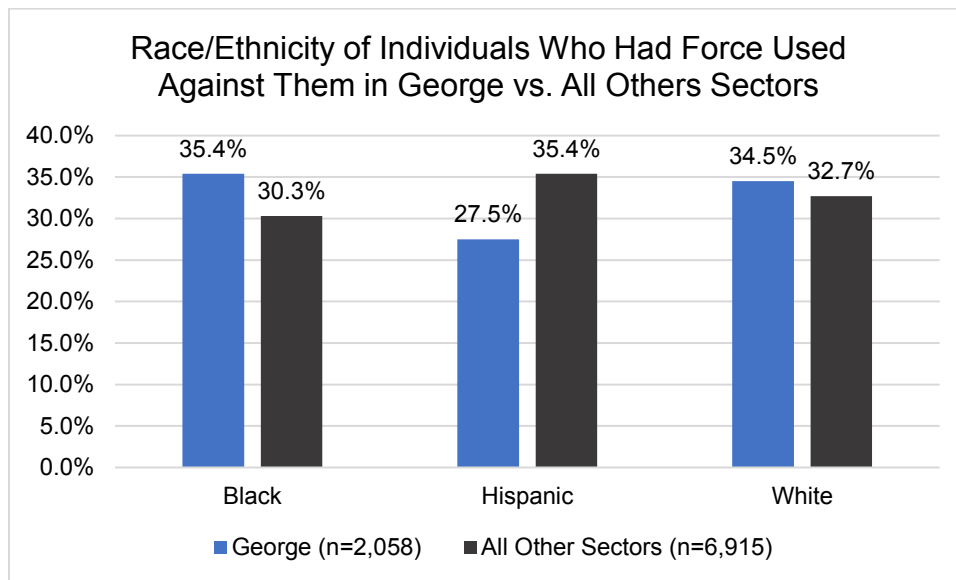
Table 1 below further documents the percentage of arrests in George Sector that resulted in the use of force, by individuals' race/ethnicity, and across years. This breakdown demonstrates that the decline in the percentage of arrests that involved the use of force experienced in 2020 in George Sector was driven primarily by the reductions for Black and Hispanic arrestees, but not white arrestees (where the percentage of arrests with force remained constant).

**Table 1. Percent of Arrests in George Sector Involving Use of Force, by Race/Ethnicity and Year**

% of Arrests in George Sector Involving Force by Race/Ethnicity and by Year				
	Overall	Black	Hispanic	White
2017 (n=5,372)	7.5%	7.5%	11.0%	6.1%
2018 (n=3,638)	10.5%	10.8%	13.6%	8.7%
2019 (n=3,274)	16.0%	15.1%	19.2%	14.9%
2020 (n=2,407)	14.4%	12.1%	17.4%	14.5%

When examining the patterns of use of force for individuals who had force used against them during this four-year period, it is important to also consider any racial/ethnic differences in George Sector compared to others. As shown in Figure 7 below, similar to the race/ethnicity of arrestees, a larger percentage of recipients of force in George Sector were Black (35%) compared to the remainder of the city (30%). In addition, those who had force used against them were less likely to be Hispanic (28%) compared to other sectors (35%).

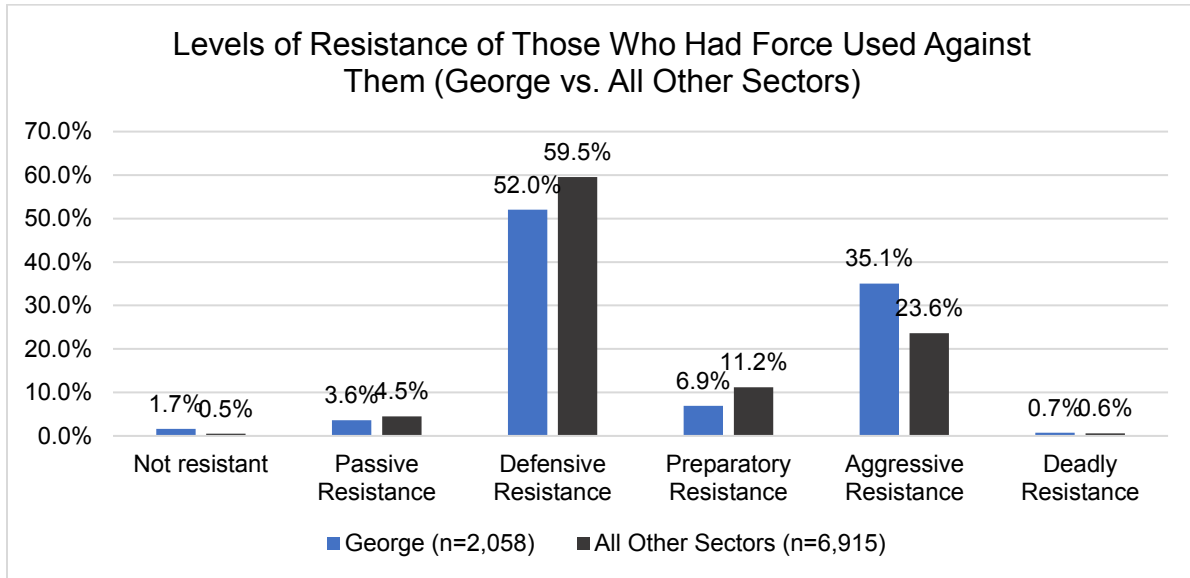
**Figure 7. Force Recipients by Race/Ethnicity, George Sector**



It is further instructive to consider what other factors might be related to the use of force practices in George Sector. Here we consider some unique patterns of police-citizen interactions in George Sector that may differ from other locations in the city. Given that George Sector contains the entertainment district, it is plausible that interactions with the public in that sector are more likely to involve individuals who demonstrate greater resistance to police, and who are intoxicated.

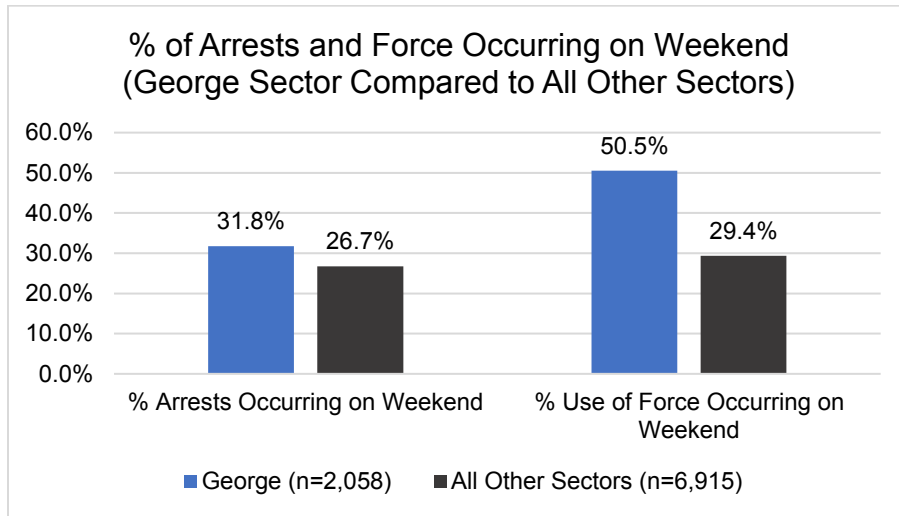
As shown in Figure 8, the level of resistance of individuals who had force used against them in George Sector was higher compared to other areas of the city. Specifically, over one-third (35.1%) of individuals who had force used against them in George Sector demonstrated aggressive resistance toward officers, compared to less than a quarter (23.6%) of individuals in other sectors. On average, recipients of police force in George Sector showed higher levels of resistance than individuals who had force used against them in other areas of the city.

**Figure 8. Differences in Individuals' Resistance Levels during Use of Force Incidents, George Sector Compared to All Other Sectors.**



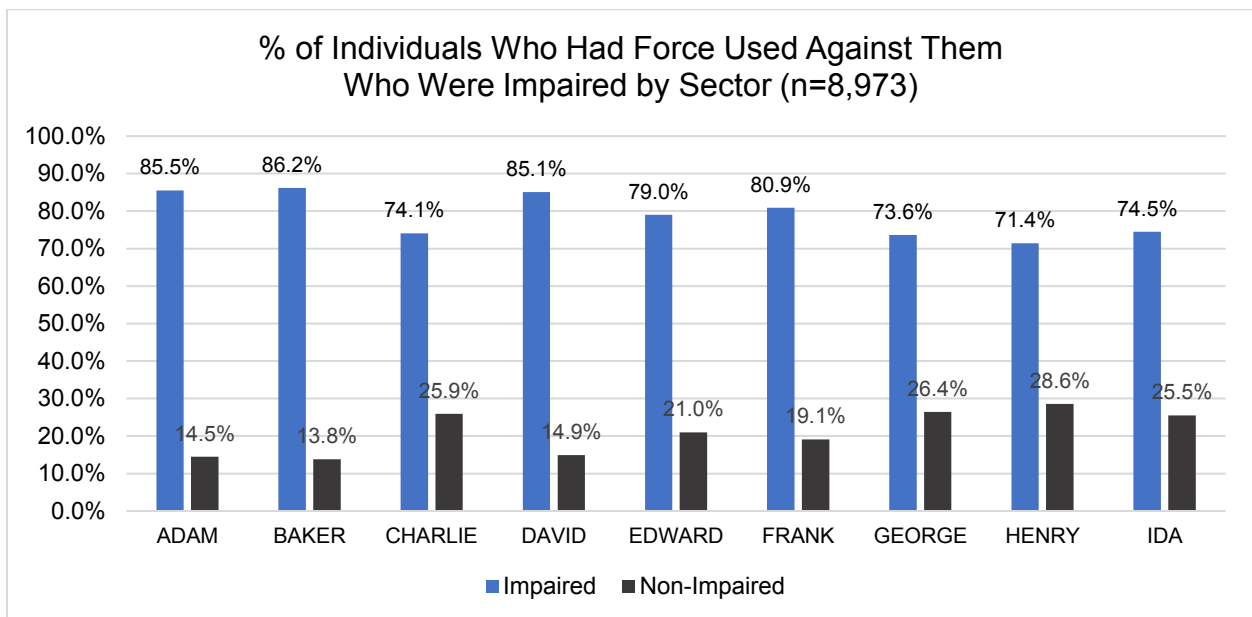
Next, we present the percentage of both arrests and uses of force that occurred during the weekends for George Sector compared to the rest of the City of Austin. As shown in Figure 9, a slightly greater percentage of arrests occurred on the weekends in George compared to the other sectors (32% compared to 27%), while a much larger percentage of use of force incidents occurred on the weekends in George Sector (51%) compared to the other sectors (30%).

**Figure 9. Percentages of Arrests and Uses of Force by Weekday, George Sector Compared to All Other Sectors**



Finally, we consider the possible differences in individuals' impairment for those involved in the use of force within George Sector relative to the other APD sectors. Figure 10 documents these differences. Interestingly, George Sector had the second lowest percentages of individuals who had force used against them who were also impaired (73.6%). Impairment includes intoxication from alcohol/drug use, mental health issues, or both.

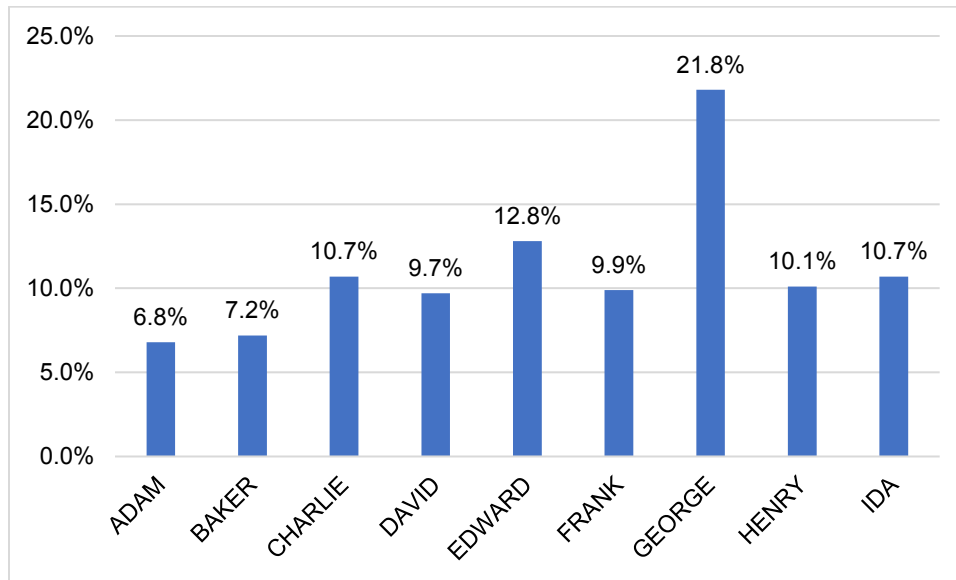
**Figure 10. Percentage of Impaired Use of Force Recipients, by APD Sector (n=8,973)**



Nevertheless, as documented in Figure 11 below, nearly 22% of all impaired individuals who had force used against them were in George Sector. That is, of the 6,954 individuals who had force used against them who were also impaired, the largest percentage of these individuals were reported in George Sector.



**Figure 11. Sector Percentage of Total Impaired Individuals who had Force Used Against Them (N=6,954)**



Collectively, these additional analyses further demonstrate that the types of individuals interacting with police in George Sector – coupled with the situational circumstances that officers encounter and the level and type of police activities in George Sector – differ greatly from all other APD Sectors.

### **Behavioral and Mental Health Impairment – Supplemental Analyses**

The following supplemental statistical analyses examine the circumstances surrounding the use of force involving individuals with mental and behavioral health issues. On the APD use of force form, officers could indicate if they perceived the recipient of force was an “emotionally disturbed person / mentally unstable.” For ease of interpretation, in the reported analyses below, we use the term “mentally impaired” to reflect if *any* officer reported the individual was an emotionally disturbed person / mentally unstable, and “not mentally impaired” to reflect if no officer during the use of force encounter reported the individual was an emotionally disturbed person / mentally unstable.<sup>1</sup> Note that the measure of mental impairment is based solely on officers’ reported perceptions.

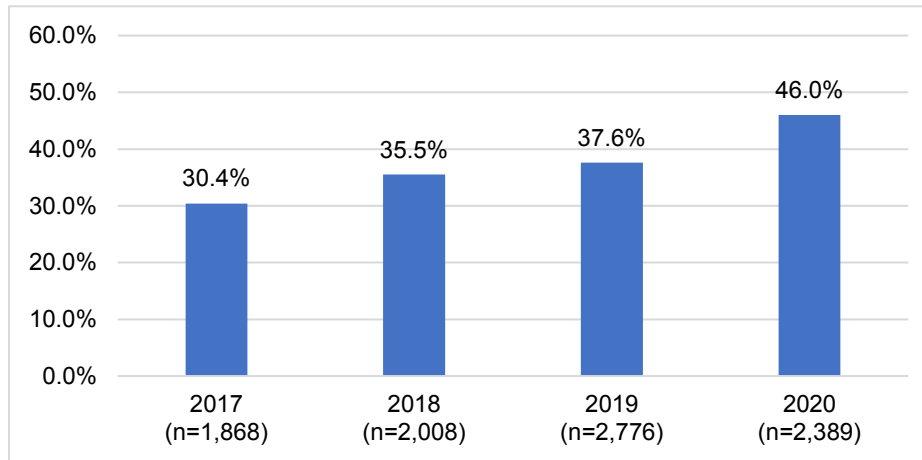
In the four-year period examined (Jan 1, 2017 – Dec 31, 2020), APD officers used force against 9,041 individuals. Of these individuals, 3,422 (37.8%) were perceived to be mentally impaired by officers. As shown in Figure 12, the percent of individuals who had force used against them who were mentally impaired has steadily increased from 30.4% of use of force recipients in 2017 to 46.0% of force recipients in 2020. This represents a 94% increase in the number of individuals who had force used against them who were mentally impaired during this 48-month period. The reasons for this increase are unknown. It is possible that officer reporting has increased due to additional training alerting officers to behavioral health issues or that the number of persons with behavioral health issues that police have contact with has increased – thereby increasing the likelihood of increases in the use of force. Alternatively, it could mean that officers are perceiving heightened risks with respect to the behaviors of

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<sup>1</sup> Multiple officers may use force against a single individual in a single incident – resulting in multiple use of force reports, which may vary in officers’ reported perceptions of whether that same individual was an emotionally disturbed person/ mentally unstable. We conduct our use of force analyses at the individual level, rather than the incident or officer level – meaning we measure force as the number of individuals who had force used against them. For the measure of emotionally disturbed person / mentally unstable, we consider any officers’ reported perception (e.g., officers’ reports do not need to match).

these individuals, and thus are more likely to use force in these incidents. Accordingly, a closer examination of these incidents by APD leadership is warranted.

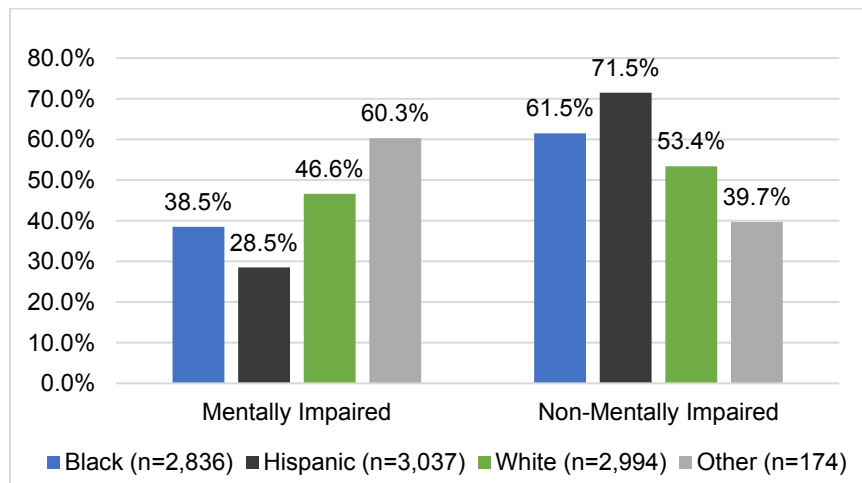
**Figure 12. Percent of Individuals Experiencing Force Who Were Perceived to be Mentally Impaired, by Year**



To further explore these issues, we begin with an examination of the factors that are related to whether an individual who had force used against them is perceived by officer(s) to be mentally impaired. We then examine differences in force severity and arrests for force recipients who were mentally impaired compared to those who were not.

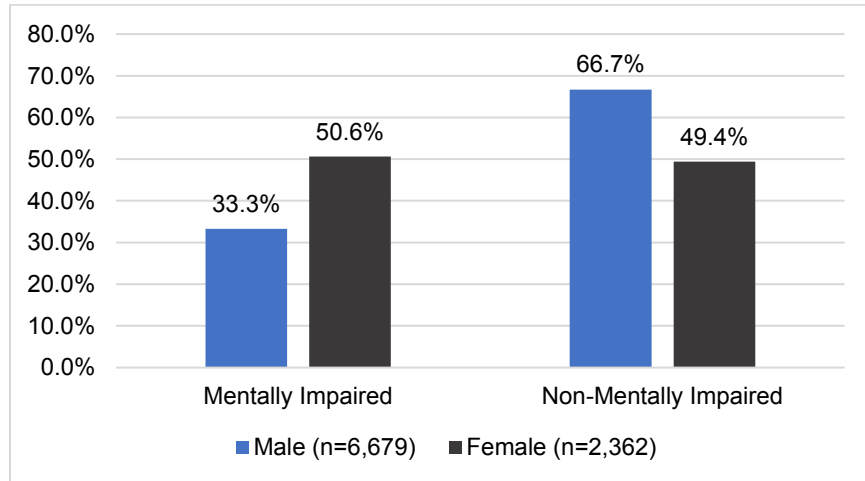
As shown in Figure 13 below, of those that had force used against them, white individuals (46.6%) and individuals of other race/ethnicity (60.3%) were significantly more likely than Black (38.5%) and Hispanic individuals (28.5%) to be perceived as mentally impaired. Conversely, Black and Hispanic individuals who had force used against them were significantly more likely than white individuals and individuals of other race/ethnicity to **not** be perceived as mentally impaired.

**Figure 13. Mental Impairment of Force Recipients by Race/Ethnicity**



Likewise, Figure 14 shows that female use of force recipients were significantly more likely than male force recipients to be perceived by APD officers as mentally impaired (50.6% for females, compared to 33.3% of males).

**Figure 14. Mental Impairment of Force Recipients by Gender**



As reported in Figure 15, of the 9,041 individuals who had force used against them, individuals with mental impairment had significantly higher average ages (33.7 years) compared to those without mental impairment (29.6 years).

**Figure 15. Mental Impairment by Average Age (in Years)**

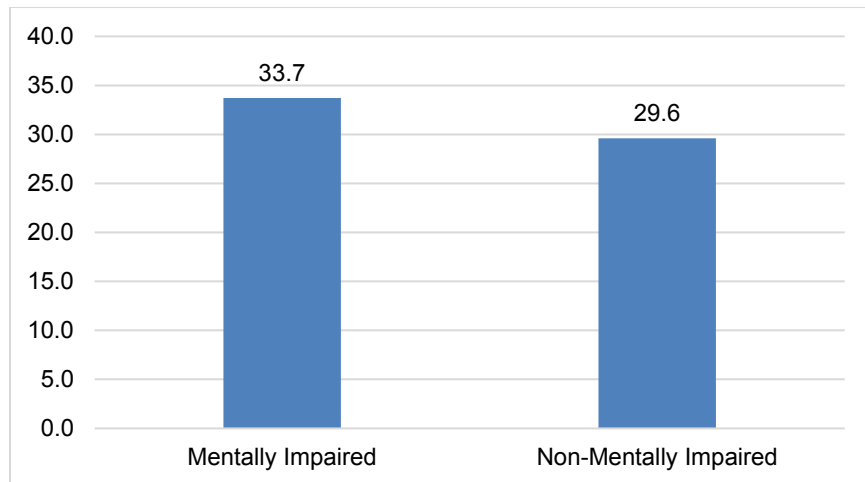
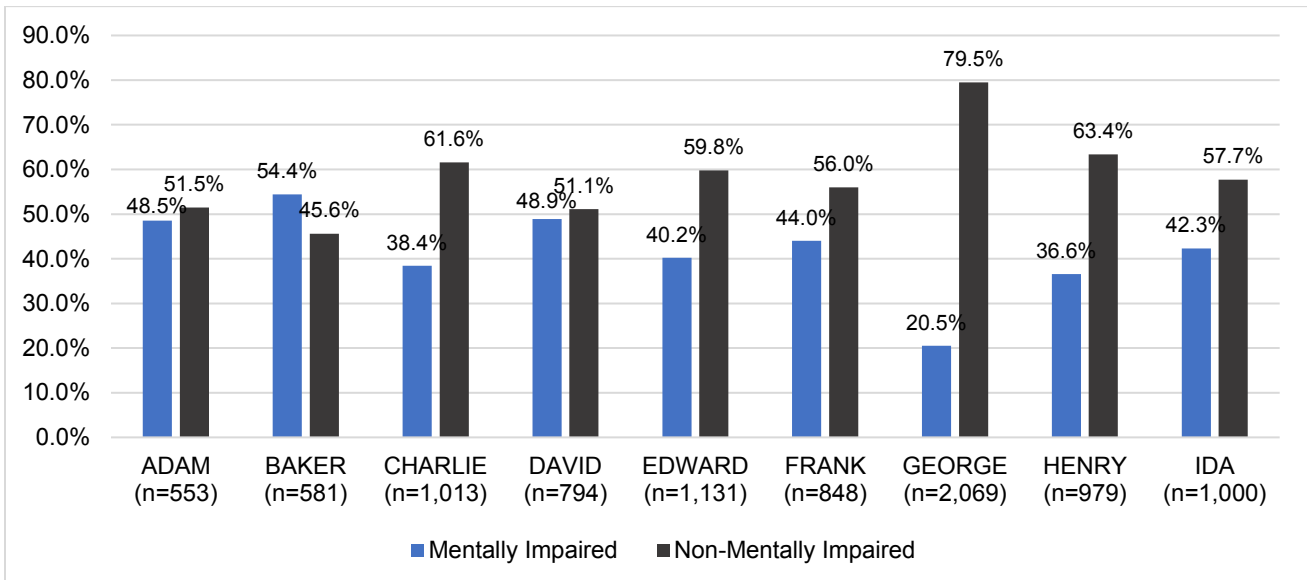


Figure 16 shows the percent of individuals who were perceived to be mentally impaired within each APD sector. The sectors with the largest percentage of individuals who were perceived to be mentally impaired were Baker, David, and Adam. In contrast, George Sector had the smallest percentage of individuals who were perceived to be mentally impaired (20.5%).<sup>2</sup>

<sup>2</sup> As reported previously, force recipients in George Sector were more likely to be considered impaired when drug/alcohol intoxication is included in the impairment measure.

**Figure 16. Mental Impairment of Force Recipients, by APD Sector**



We next examine differences in the severity of force used for individuals who were mentally impaired compared to those who were not. As shown in Figure 17, mentally impaired individuals were significantly more likely to have the least severe type of force (level 4) used against them. Specifically, 35.0% of people who were perceived to be mentally impaired experienced level 4 force, compared to 24.0% of people without mental impairment. People perceived to be mentally impaired were significantly less likely to have experienced level 3 and level 1 force (the most severe force), but equally likely to have experienced level 2 force.

**Figure 17. Severity of Force, by Mental Impairment**

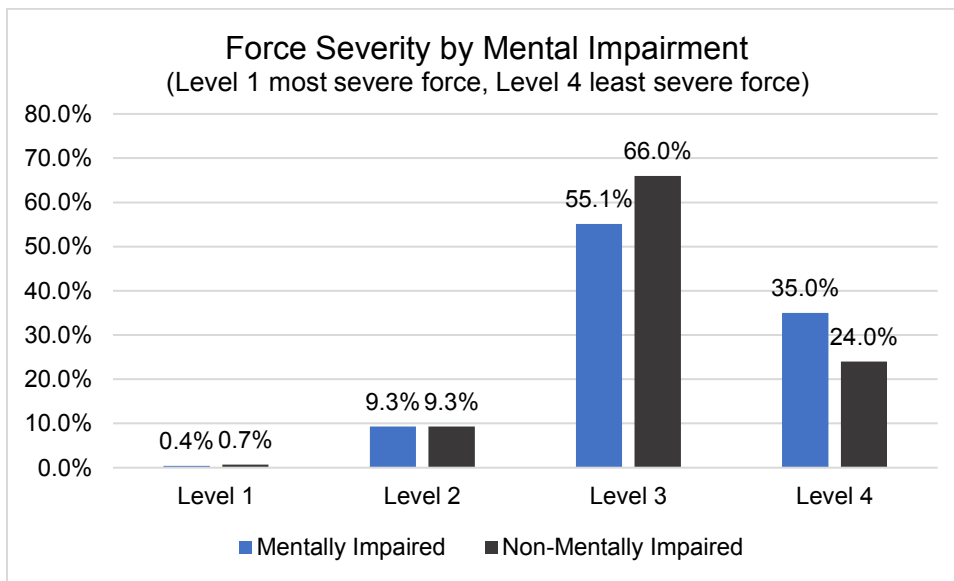
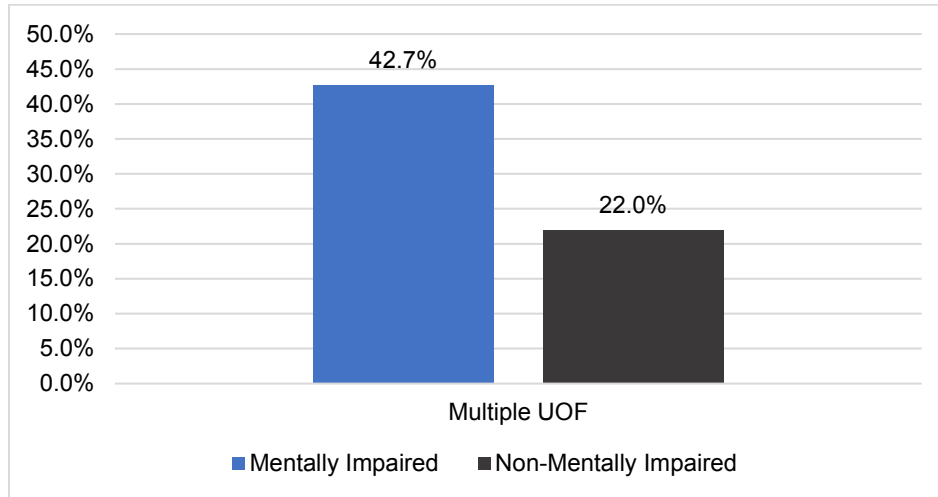


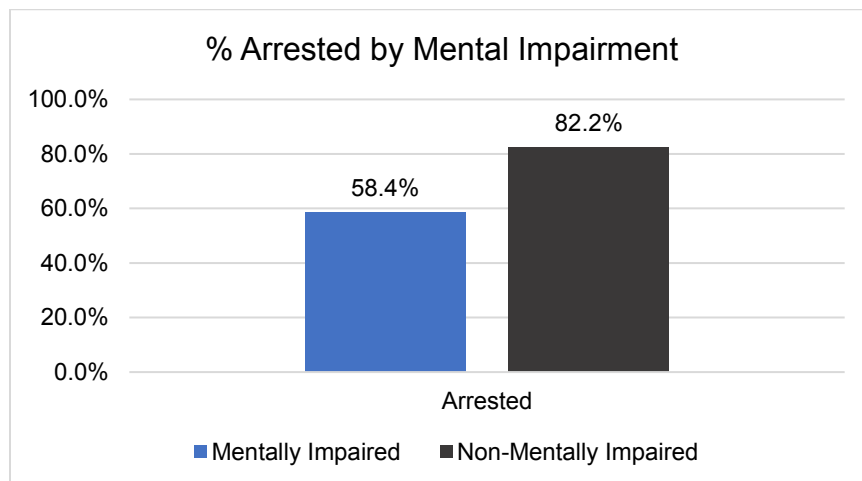
Figure 18 illustrates that individuals who were mentally impaired were also significantly more likely than non-mentally impaired individuals to have had force used against them more than once during the study period.

**Figure 18. Multiple Use of Force, by Mental Impairment**



Finally, as shown in Figure 19, mentally impaired individuals were significantly less likely to be arrested during use of force encounters compared to individuals who were not mentally impaired.

**Figure 19. Force Recipients Arrested, by Mental Impairment**



In sum, the above analyses show that APD use of force incidents involving persons with mental health issues are increasing (both in the raw number and the percentage of overall use of force incidents), having resulted in a 94% increase in the number over a four-year period. This could mean that (1) APD officers are getting better at reporting if someone has a mental health issue, (2) officers are encountering more persons with mental health issues, (3) officers are perceiving heightened risks with respect to the behaviors of these individuals and thus are more likely to use force in these incidents, or (4) some combination of these factors. As nearly half (46%) of force recipients in 2020 were perceived to have mental health issues, at a minimum these statistics suggest that more training may be needed in mental health awareness and crisis intervention responses.

## **Problematic Use of Force Incidents Involving Mental Health Concerns**

During Kroll's presentation to City Council on January 25, 2022, Councilmember Ann Kitchen requested that Kroll provide a further breakdown of the 21 mental health related use of force incidents referenced in the Kroll Phase B Report at page 79, to include (1) the number of dispatched vs. self-initiated incidents; (2) whether the calls included an APD CIT officer response; (3) whether substance use was also involved; and (4) the classification of each call. We also examined the disposition of each incident and the racial, ethnic, and gender makeup of the involved individuals.

The relevant section of the Kroll Phase B Report stated as follows:

***Mental Health Related:** Kroll identified 21 use of force cases of concern that involved a mental health component (18.8% of problematic cases). Of these 21 problematic incidents involving an individual with mental health issues, in 19 incidents, Kroll determined that the use of force was inappropriate. That is, of all use of force incidents reviewed during the six-month time period, Kroll determined that 1.4% of these cases involved an inappropriate use of force against an individual displaying some type of mental health issue or concern.<sup>3</sup>*

The following is a breakdown of the 21 subject cases in response to the request by Councilmember Kitchen:

### ***Dispatched vs. Self-initiated***

- 20 incidents were dispatched.
- 1 incident was self-initiated by an APD officer.

### ***APD CIT Officer Response***

- 6 incidents involved APD CIT officers.
- 1 incident involved calling for an APD CIT officer but that officer did not arrive prior to the use of force.
- 13 incidents involved no CIT officer response.
- 1 incident was not applicable, as it occurred in a psychiatric hospital and the involved APD officer was working overtime and assisting hospital staff.

### ***Substance (drugs or alcohol) use involved***

- 5 incidents involved known substance use.
- 8 incidents involved suspected substance use but could not be positively verified.
- 8 incidents involved no indication of substance use.

### ***Classification of dispatched calls***

- Check Welfare – 5 incidents.
- Suicidal Subject – 3 incidents.
- Disturbance – 5 incidents.
- Emotionally Disturbed Person (EDP) – 5 incidents.
- Suspicious Person – 1 incident.

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<sup>3</sup> Kroll Phase B Report, p. 79. One additional incident noted in the Kroll report involved a Level 1 incident (i.e., any incident that involves force that could result in serious bodily injury or death). That incident involved a suicidal subject armed with a large butcher knife. Lethal force was deployed by two APD officers killing the subject. On August 6, 2021, the Travis County District Attorney notified APD that a Grand Jury had returned murder indictments against both officers. As the criminal case is currently pending, APD's administrative review is delayed, and APD does not intend to reach a conclusion during the criminal prosecution to protect the integrity of the investigation. Accordingly, Kroll has expressed no position on the appropriateness of these criminal charges or the delayed administrative review.

- Heard Shots Fired in Area – 1 incident (self-initiated).
- Not Applicable – 1 incident (occurred in a hospital psychiatric ward and did not go through APD Communications - hospital staff requested assistance on-site).

***Disposition of Incidents***

- Emergency detention hospitalized – 9 incidents.
- Emergency detention hospitalized and jailed – 2 incidents.
  - One incident involved a juvenile that was taken to the hospital, released and placed into a Juvenile Detention Facility. The juvenile was charged with Harassment of a Public Servant.
  - One incident involved the individual being charged with Resisting Arrest or Search.
- No Emergency Detention Hospitalization and Jailed – 7 incidents.
  - One Incident involved an arrest for Public Intoxication.
  - One incident involved an individual receiving medical treatment for an injury and an arrest for Evading Arrest or Detention.
  - One incident involved an arrest for Interference with Public Duties.
  - One incident involved an arrest for Criminal Trespass and Interference with Public Duties.
  - One incident involved an individual receiving medical treatment for an injury and an arrest for Assault on a Police Officer and Resisting Arrest or Search.
  - One incident involved an individual receiving medical treatment and an arrest for Resisting Arrest or Search.
  - One incident involved an arrest for Resisting Arrest or Search.
- Detained and released with no charges – 1 incident
- Other/NA – 2 incidents.
  - One incident (a fatal officer-involved shooting) is pending criminal and administrative action.
  - One incident occurred in a hospital psychiatric ward and did not go through APD Communications as hospital staff requested assistance on-site.

***Race and Gender of Involved Individuals (Citizens)***

Race:

White – 7 (male - 5, female - 2)  
 Hispanic – 8 (male - 6, female - 2)  
 Black – 3 (male)  
 Asian – 2 (male)  
 American Indian/Native American – 1 (male)

Gender:

Male – 17  
 Female – 4