

## Patrol and Surveillance Working Group of the Reimagining Public Safety Task Force

### Patrol and Surveillance

Addressing why and how patrol and surveillance policies harm Black, Indigenous, and People of Color (BIPOC) communities and fail to develop community safety. The group will explore how to divest funding from these operational areas towards creative solutions to community needs.

Contact:

David Johnson

[criminaljustice@grassrootsleadership.org](mailto:criminaljustice@grassrootsleadership.org)

### Working group members:

David Johnson

Sue Gabriel

Rodney Sáenz

Bethany Carson

**Presenting Members** (List of members that would plan to be a part of presenting the work group's final recommendations at Council Work Session on April 20th, 2021)

David Johnson, Rodney Sáenz, Sue Gabriel, Bethany Carson

### Background and context:

#### POLICE ARE NOT PUBLIC SAFETY

Police do not and cannot prevent crime from happening. In 2019, fewer than half of crimes in the U.S. were reported, and fewer than half of those reported were solved.<sup>1</sup> Only 32.5% of household property crimes were reported and only 17.2% of property crimes reported were cleared.<sup>2</sup>

Police do not spend most of their time addressing violent crime. Less than 1% of calls APD responds to are related to violent crime.<sup>3</sup> Even then, there is often little they can do by time they arrive. Consider this person who took our survey and recounted their experience with police after a home robbery:

---

<sup>1</sup> <https://www.pewresearch.org/fact-tank/2020/11/20/facts-about-crime-in-the-u-s/>

<sup>2</sup> <https://www.pewresearch.org/fact-tank/2020/11/20/facts-about-crime-in-the-u-s/>

<sup>3</sup> <https://austinjustice.org/assessment-of-apd-calls-for-service/>

*“We experienced a home robbery here in Austin and our door was broken. The officers told us they couldn't do anything about it. They said if it made us feel better they could take some finger prints but it was very unlikely anything would come of that.”*

Since police don't prevent crime, or “solve” crime in most cases, what do they do? Patrol policing emerged out of a need to surveil and exercise control over Black, Brown, and poor communities through threat of violence.<sup>4</sup> Based on present day data and lived experience, its impact remains the same. Patrol is not only ineffective, but actively harmful to those communities.

- From 2015-2021, police killed at least 35 people (4 more died in their custody but APD claimed they were suicide or accidental deaths).
- The Joyce James report found 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.”<sup>5</sup>
- According to the city's Joint Analysis of APD Racial Profiling Data, racial profiling data reveals stark racial disparities in motor vehicle stops and searches. Black people make up about 8% of Austin's population but account for 14% of traffic stops, 25% of stops resulting in searches, and 25% of stops resulting in arrest. Black people were most overrepresented in all categories except citations where Hispanic people were most overrepresented. White people were underrepresented in all categories.<sup>6</sup>

---

<sup>4</sup> See the history of policing timeline developed by the task force, including the Fugitive Slave Law, “vigilance committees” to “drive Latinos out of Austin,” the decision to create a police force in Austin due to the fact that “a large number of Negroes turned loose by their owners are congregating in and about Austin,” and APD Chief Morris' order that “all Black people found idle without work should be arrested and fined with vagrancy.” <https://austintexas.gov/publicsafety/task-force>

<sup>5</sup> <http://www.austintexas.gov/edims/pio/document.cfm?id=352525>

<sup>6</sup>

<https://spectrumlocalnews.com/tx/austin/news/2020/11/17/report-finds-police-pull-over--arrest-black-austinites-at-disproportionate-rate>

## COMMUNITY ENGAGEMENT

Consistent with the task force principles of prioritizing those most directly harmed by our current policing systems, the Patrol & Surveillance working group met with 40 people directly impacted by incarceration, deportation, or immigration enforcement to hear about what safety means to them, as well as their experiences with policing. To date, we have collected 39 surveys, which were disseminated by word of mouth to people directly impacted and their immediate community.

Our respondents' experiences, feelings, and beliefs reflect what we see from the history and aggregate data: that police do not keep them or their communities safe. Participants expressed support for the vision of reallocating harmful areas of policing to other community resources that would make them feel safer.

Imagining a safe community without police patrol and surveillance can seem idealistic, but in reality these spaces exist today. Consider the experience of one participant in our community engagement session:

*"We moved to a pretty white, affluent suburb. And I remember seeing that there were no police by the grocery store, not at the parks. Nowhere. If you want to know what a community without police looks like, go to a wealthy, white suburb. It's what their day to day looks like. It's very unmarked by any sort of surveillance, any sort of police presence. And I remember how striking that was... The fact is that when there is economic security, childcare, healthcare, housing, food and water, the need for the police to be there clearly isn't necessary. I just want to remind people who want to block this idea by saying we can't abolish the police that there are many instances in our society right now, where you don't see the presence of police in people's day to day community. That's important to remember."*

# SURVEY FINDINGS

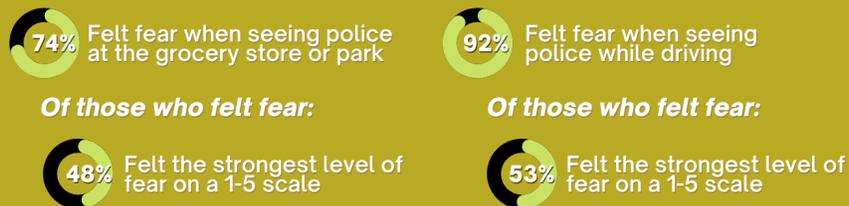


TEXAS  
ADVOCATES  
FOR JUSTICE

## WHEN ASKED WHAT COUNCIL COULD FUND OR DEFUND THAT WOULD MAKE THEM FEEL SAFER



## SEEING THE POLICE



## 87% STOPPED BY POLICE

*Of those stopped by police:*



## COMMUNITY IMPACT

95% Had a family, friend or loved one stopped by police

*Of those stopped by police:*



## RELYING ON POLICE IN AN EMERGENCY

36% Have not called or would not call 911 in an emergency because of fear that police interaction would be more harmful to themselves or others

19% Those who did call reported that no one ever responded

***“Police worsen and escalate situations. They automatically criminalize Black and Brown people.”***

***“they don't come in sufficient time. it will only make the situation worse.”***

***“fear of being shot.”***

***“Fear of the police taking it to the next level without understanding the situation first”***



## MOST COMMON EMOTIONS AROUND DATA COLLECTION & SHARING WITH OTHER POLICE DEPARTMENTS AND ICE



**FEAR**



**ANGER**



**DISGUST**

### **NOTE:**



Respondents who filled out the survey in Spanish reported feeling fear

## TAKEAWAY

Nearly all of our respondents have interacted with the police - both as people seeking help and as objects of suspicion - and it hasn't made them feel safer

Police aren't actually able to provide the responses that people need to feel safe

Police stops exacerbate many of the issues that most threaten community safety, including:

- Mental health struggles
- Financial stability
- Incarceration
- Deportation
- Family separation

## LONG TERM VISION AND RECOMMENDATIONS

Long term, we must divest from this entire racist, classist model of patrol policing.

- **The entire \$210,604,299 Neighborhood-Based Policing line item in the APD budget should be phased out** because it is based on an inherently problematic model. Driving around looking for “criminals” is based in a system of surveillance and control enforced through the threat of violence.
- **No more cadet classes.** Training officers in this model will inevitably create an "us vs. them" mentality regardless of what the training looks like.
- **Phase out all use of deadly weapons.** Maintaining a fully armed and staffed police force is a public safety threat. It is intolerable that many Black and Brown people pulled over in traffic stops fear for their lives from the people who are paid to protect them. This reality cannot be addressed with more community outreach; it will only be resolved by stopping the danger to their lives.
- **Traffic enforcement should be decoupled.** State level changes are needed to decriminalize traffic offenses and allow unarmed civil servants to direct traffic and make stops for civil traffic violations. There are some interim changes that are possible now.
- **Reallocate money from policing to reinvest in economic, health, and housing resources that create REAL safety and well-being for overpoliced communities.** Communities of color are deprived of the resources they need to survive, which fuels a vicious cycle of criminalization. We are all safer when everyone in our community has what they need to survive.

## IMMEDIATE BUDGET RECOMMENDATIONS

The following recommendations should be implemented beginning in FY2021 to reduce the public safety threat posed by patrol and surveillance and to reinvest in holistic public safety. The majority of these items are budgeted year after year, creating the opportunity for ongoing reinvestment in community resources and services.

### **Safety is...an end to discriminatory and dangerous patrol.**

Communities of color in Austin live under constant threat of police violence. They are heavily overrepresented in police use of force incidents and homicides. Particular programs and units glaringly contribute to these disparities and dangers. Black and Brown people are heavily over-represented in the data APD uploads into the Texas Gang Database.<sup>7</sup> The Riverside Togetherness Project, which increased police presence to patrol for low level traffic and ‘quality of life’ offenses in the several block radius of where Mike Ramos was killed is still in operation.

---

<sup>7</sup> According to information provided by APD responsive to an open records request by Grassroots Leadership. Other cities such as Chicago have researched the extreme racial disparities and criminalization of minors that results from gang enforcement.  
[http://erasethe database.com/wp-content/uploads/2018/07/Expansive-and-Focused-Surveillance-June-2018\\_final.pdf](http://erasethe database.com/wp-content/uploads/2018/07/Expansive-and-Focused-Surveillance-June-2018_final.pdf)

APD seriously injured dozens of people in last year's racial justice protests but is still responsible for "crowd management". Property can be declared a nuisance and seized if allegedly patronized by people committing a crime, feeding displacement, gentrification, and the wealth gap.<sup>8</sup> APD houses a US Marshals task force notorious for its toxic warrior culture and unaccountable killing of civilians at rates higher than local police departments.<sup>9</sup> Numerous reports have noted the persistent warrior and "us vs. them" mentality of the cadet academy. Yet the city continues to fund these programs and units that have been found to increase danger and disparities for people of color. The best way to stop this disparate harm is to cut funding for what causes it.

#### Recommendations:

1. Defund the following budget items:

- \$216,581 Crowd management
- \$2,276,488 [Gang Suppression Unit](#)
- \$312,381 [Nuisance Abatement](#)
- ~\$600,000<sup>10</sup> [Riverside Togetherness Project](#)
- \$1,453,743 US Marshals' Lone Star Fugitive Task Force
- \$685,161 Weapons and military supplies (rifles, pistols, ammunition, "less lethal", targets & backers)
- ~\$7.6M Training and recruitment of new cadets<sup>11</sup> (From Reimagine fund: cadet training, training, recruiting + \$2.2M under consideration for current class from deferral in retirement increases and overtime<sup>12</sup>)

Total: ~\$12.5 Million

2. Disarm traffic patrol that cannot be immediately decoupled:

- It is unacceptable that Black and Brown community members must fear for their lives during routine traffic stops. Officers who conduct routine traffic stops should not be armed with deadly weapons, but instead receive more and better training in de-escalation. We understand that this recommendation will require reorganization of how APD structures patrol, as all neighborhood patrol units currently take part in traffic enforcement. This unit could also be used as a pilot for further disarmament of the department, consistent with our recommendation to entirely phase out the Department's use of deadly weapons.
- No weapons budget should be included with the addition of new sworn FTE's.

---

<sup>8</sup> A ProPublica analysis found that the toll of nuisance abatement actions falls almost exclusively on minorities and that there are devastating impacts for people not convicted of any crime.

<https://www.propublica.org/article/nypd-nuisance-abatement-evictions>

<sup>9</sup>

<https://www.themarshallproject.org/2021/02/11/u-s-marshals-act-like-local-police-with-more-violence-and-less-accountability>

<sup>10</sup> Federal grant funding. Not included in total as the funding could not be reallocated.

<sup>11</sup> This year is unique because Council did not allocate money to cadet class salaries and decreased other line items. Based on the budget proposed by the City Manager for this fiscal year, these items would equal \$7,972,069.

<sup>12</sup> <https://www.austinchronicle.com/news/2021-03-26/small-change-at-apd/>

3. Reallocate this money to fund services that will help mitigate the impact to communities most harmed.
  - Fund immigrant defense through the public defender's office
  - Fund direct cash assistance for overpoliced communities through a guaranteed income pilot through geographic neighborhood hubs as proposed by the Equity Reinvestment in Community working group.
  - Fund health, including behavioral and mental health initiatives for overpoliced communities, including funding for community health workers as proposed by the Public Health Reinvestment working group.

**Safety is...being able to live and exist peacefully in your neighborhood, social, and recreational spaces without constant police presence and harassment**

The history of policing in Austin shows that police originated to exercise control and violence over communities of color.<sup>13</sup> Racial profiling reports, the number of people of color killed and brutalized by APD, and the lived experiences of people we've interviewed show that this has not changed. (*One respondent reported that three officers drew their guns on their teenage son while he was walking in Coronado Hills. He was told he "fit the description" of someone the police were looking for but was ultimately let go. Another respondent was arrested while parked at the gym in an interaction where the officer asked to search the vehicle, was verbally threatening, and used physical force.*) We must end policing of recreational and free speech spaces and significantly decrease neighborhood patrol. We know what safe neighborhoods without constant police presence look like because that's the reality of most white, affluent neighborhoods. The city must stop funding excessive policing and reallocate funds to resources such as direct cash assistance, low-income housing, and anti-displacement funds for overpoliced communities.

Recommendations:

1. Defund the following budget items
  - \$3,174,647 Overtime
  - \$5,634,493 [Park Police](#)
  - \$2,042,835 [Mounted Patrol](#)
  - \$53,519 Specialized Patrol
  - \$17M ~10% of "Neighborhood policing" patrol
  - \$7,408,707 [Motors](#)Total: ~35.3M
  
2. End investigative / discretionary stops and "officer initiated" calls:
  - People pulled over in discretionary stops are disproportionately Black and brown. In Fayetteville, North Carolina de-prioritization of all violations other than speeding, DWI, running stop signs or lights, or other "unsafe movement" led to a 50% decline in the number of Black drivers searched - one of our largest

---

<sup>13</sup> <https://austintexas.gov/publicsafety/task-force>

disparities in Austin<sup>14</sup>. Use of force, injuries to civilians and officers, and complaints against officers also decreased. Reallocate money previously spent on these stops to resources that create real safety for overpoliced communities.

- This would reduce interactions like one person described in our survey. *“Was pulled over because I reached into back seat to stop plastic bag from flying out window. Cop thought I was hiding something. Ultimately cited for expired sticker.”* They reported that this caused financial struggles, a negative mental health impact, and created or worsened distrust of law enforcement - all because an officer saw a conscientious move to stop trash from flying out the window as suspicious.

3. Decouple the following items from APD:

- Traffic enforcement units that do not involve directing traffic, conducting traffic stops, or filing criminal charges:
  - \$99,536 Traffic Administration
  - \$590,760 AV/Wrecker
  - \$2,766,584 Highway enforcement / Commercial vehicle unit
  - ~\$300,000<sup>15</sup> Vehicle Abatement
- \$4,471,999 Special events: Take APD entirely out of event review and security. Convene a team of community members to co-create a re envisioned process for event safety that includes unarmed security. Re-assess needs and reduce spending so that some of this money can be reallocated.
- \$1,445,684 [Lake Patrol](#) Search and rescue functions would be performed more quickly and effectively by EMS. Currently, people needing medical care experience dangerously long wait times because the first responders are police instead of paramedics. Any portion of this budget not needed for search and rescue functions should be reallocated.
- \$309,928 Homelessness (HOST): This should be reallocated to a public health and social service response that does not involve APD or any armed security.

Total: ~\$10M

### **Safety is...freedom of speech and movement without surveillance**

In Austin, community members who are organizing events or simply going about their daily lives are subject to ever-growing surveillance. Through video surveillance and real-time monitoring, we are all being watched. Through the Austin Regional Intelligence Center (ARIC), a cadre of untrained informants are encouraged to report “suspicious behavior”. Recently, Black activists organizing cultural events were surveilled by a social media mining contract, also through ARIC. This data, as well as police interactions are uploaded into databases shared with hundreds of

---

<sup>14</sup> Jallow, Ahmed, March 29, 2021. Taking Cops out of Traffic Stops - Does it Make a Difference?, WRAL. [https://www.wral.com/taking-cops-out-of-traffic-stops-does-it-make-a-difference/19599910/?version=amp&fbclid=IwAR2AXpEQrzs-JD\\_6Rz8KmH6ISEQvEacNEDPqKG5TpAPiMjl46zz7eT-Dcco](https://www.wral.com/taking-cops-out-of-traffic-stops-does-it-make-a-difference/19599910/?version=amp&fbclid=IwAR2AXpEQrzs-JD_6Rz8KmH6ISEQvEacNEDPqKG5TpAPiMjl46zz7eT-Dcco)

<sup>15</sup> Rough estimate based on \$2.1M Traffic Investigation (Major) line item that includes both Vehicle Abatement and Vehicular Homicide Investigation.

other law enforcement agencies, including DHS and ICE. This surveillance leans into Trumpian narratives of Black organizers as “Black Identity Extremists” and lays the groundwork for COINTEL-PRO style attacks on community organizers at the local and federal level. It also endangers immigrant communities by sharing their location data with ICE, placing anyone who leaves their home at risk of deportation and family separation. The city must immediately defund and decommission this surveillance infrastructure and ensure that data is deleted from shared law enforcement databases.

#### Recommendations:

1. Defund the following budget items
  - \$2,022,228 [Austin Regional Intelligence Center \(ARIC\)](#)
  - \$2,402,429 \*[Real Time Crime Center / HALO](#)
  - \$55,500.00 StarChase Pursuit Management Technology SolutionTotal: ~\$4.5M
2. Provide transparency about the use (technical capabilities, function and location) of all APD drones, including the 13 donated by Austin Crime Commission. Immediately cease the use of these drones for video surveillance and delete any footage from law enforcement databases.
3. Ban the use of facial recognition software, such as Clearview AI<sup>16</sup>, by any APD officer or city employee.

#### **Safety is...ending the war on drugs and treating drug use as a public health issue**

Communities of color have been deeply harmed by the war on drugs. Many drug possession and distribution statutes were crafted to have intentionally harsher sentences for substances more often used by Black, brown, and poor communities. Many disparities remain. The 2020 Austin racial profiling report showed stark racial disparities in probable cause searches leading to arrest and prosecution for drug charges. K9 units can exacerbate the impact of existing bias, as it has been shown that handlers often consciously or unconsciously cue their dogs when they expect to find something, which then allows a search.<sup>17</sup> They can also lead to greater use of force and escalate encounters unnecessarily due to the historic trauma associated with police dogs, particularly for Black Americans.<sup>18</sup> Furthermore, criminalization and incarceration fail to address addiction or its underlying causes. Imagine the behavioral and mental health treatment services that we could fund with \$10.4 million, and the impact on safety in families and communities if the city funded recovery instead of punishment.

---

<sup>16</sup> This report found that APD had conducted 11-50 searches using Clearview AI. This could potentially be due to an officer using a free trial, without the knowledge of department leadership or the public. [https://www.buzzfeednews.com/article/ryanmac/clearview-ai-local-police-facial-recognition?utm\\_source=dynamic&utm\\_campaign=bftwfw&ref=bftwfw&d\\_id=2086347](https://www.buzzfeednews.com/article/ryanmac/clearview-ai-local-police-facial-recognition?utm_source=dynamic&utm_campaign=bftwfw&ref=bftwfw&d_id=2086347)

<sup>17</sup> <https://www.npr.org/2017/11/20/563889510/preventing-police-bias-when-handling-dogs-that-bite>

<sup>18</sup> <https://www.themarshallproject.org/2020/10/15/mauled-when-police-dogs-are-weapons>

Recommendations:

1. Defund the following budget items:

- \$1,713,812 [K-9 Unit](#)
- \$1,286,953 [K-9 Interdiction](#)
- ~7.5M [Narcotics](#) (conspiracy, support, street)

Total: \$10.4M

2. Reallocate this money to fund:

- Behavioral and mental health treatment services, particularly Harm Reduction drop-in centers and concurrent Medication Assisted Treatment programs as recommended by the Public Health Reinvestment working group
- Low-income and supportive housing, including a harm reduction housing first program as recommended by the Public Health Reinvestment working group and housing trusts for trans people of color, housing subsidy programs, and crisis safety net programs as recommended by the VSSP working group.

**Safety is...an end to manipulative and self-promoting police interactions with community**

When police are paid to hand out food and toys, and have dialogues in under-resourced communities while continuing to harass, injure, and kill members of those same communities, that is manipulation not relationship building. When officers attend neighborhood or business association meetings, it's a paid opportunity to lobby for more officers in response to concerns about property damage or loitering, while doing nothing to provide resources that would address the root causes of those issues. When uniformed officers run programs for under-resourced kids or hand out baseball cards in schools, we are teaching a whole new generation that safety means police, even as youth of color are killed by police outside the limited context of those programs. It is APD's responsibility to stop the harm, not the community's responsibility to trust or forgive police while harm continues to occur. Instead of paying officers to do damage control for APD's image, the city should reallocate these resources to fund community based initiatives that truly prevent and address violence.

Recommendations:

1. Defund the following budget items:

- \$2,513,050 [Community Partnerships](#)
- \$728,285 [District Representatives](#)

Total: \$3.2M

2. Reallocate this money to fund:

- Community-based violence prevention education programs as recommended by the Violence Survivor Services and Prevention (VSSP) working group
- Community Rooted Safety grant program as recommended by VSSP working group
- Cure Violence or Hospital Based Violence Intervention program as recommended by VSSP working group

## **Safety is...equity and accountability**

Currently there are no mandatory screening processes to assess the equity impact of APD contracts, grants, and donations, and little transparency or opportunity for community input prior to approval of this funding. Contracts to surveil and attack community members and activists, such as the recent purchase of less lethal weapons immediately after they were violently used against protestors, have been non-transparently approved even after enormous public outcry about the harm they have caused<sup>19</sup>. Despite its massive budget, APD has still dipped into the general fund to cover unallocated expenditures for items such as overtime and drones. APD has quietly accepted donations from groups such as the Austin Crime Commission, furthering deeply embedded historic alliances between police and white elites.

### Recommendations:

1. Take contracting out of APD control.
2. Create a mandatory equity screening process for all APD contracts and grants.
  - Require all potential APD contracts over \$5,000 be reviewed by the Equity Office (through the process recommended by the Uprooting Punitive and Harmful Culture working group) BEFORE APD is able to enter into a competitive bidding process to solicit the product/service or submit a grant proposal, such as the one approved recently for less lethal weapons. The contract or grant should not be solicited if it received a failing score from the Equity Office.
  - Any new contract or one up for renewal over \$50,000 must pass the Equity Office screening prior to soliciting the product/service AND receive community input in a public meeting posted with 10 days notice before it can be approved.
3. Any proposed spending, including grant funding or donations, for previously unallocated items (such as the recently purchased highway drones), or overspent budget items, (such as recent overtime expenditures), should require Equity Office approval, and then come before Council for a vote before pulling money from outside the department.

## **BUDGET TOTALS**

**Reallocate this year: ~\$66M.** Some of these items are already in Reimagine and Decouple funds, but have not yet been reallocated. No funding that has been shifted from APD into the Reimagine or Decouple fund should be given back to APD. True reimagining involves shifting resources to true solutions for holistic public safety, not moving money around from one APD function to another.

**Decouple this year: ~\$10M.** These are functions that are needed for public safety but can be done more effectively and with less harm outside of APD. Some of this funding should be able to be reallocated to other areas once staffing expenses and necessary functions are reevaluated in the decoupling process.

---

19

<https://www.kut.org/austin/2020-11-02/austin-police-pledged-to-stop-using-less-lethal-rounds-on-crowds-when-it-ordered-thousands-more>