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April 27, 2020

City Manager Spencer Cronk
Mayor Steve Adler

Councilmembers Alter, Casar, Ellis, Flannigan, Garza, Harper-Madison, Kitchen, Pool,
Renteria, Tovo

Dear City Manager Cronk, Mayor Adler, and Members of City Council,

The deadly shooting of Mr. Mike Ramos by Austin police on Friday, following closely on the publication of reports affirming a culture of racism within the police department, patterns of racial profiling in policing, and a fear of retaliation against those who report it, require us to call for new leadership over public safety.

The undersigned individuals and groups demand the City Manager and City leaders:

- Remove and replace Chief Brian Manley, his Chief of Staff Troy Gay, and Assistant City Manager Rey Arellano;
- Launch an independent investigation into Mr. Ramos' shooting;
- Delay the June Academy class and immediately implement training reforms to ensure that cadets are adequately trained in de-escalation *as part of all use of force and scenario training*.

Multiple bystander videos show that police shot Mr. Ramos as he was standing by his car with his hands up, then killed him as he tried to drive away. We have many questions for investigators. Where was the de-escalation? Where was the effort to clearly communicate? What did that first shot from a beanbag gun look like to the victim, after officers warned him that he would be “impacted” (a vague and terrifying term), and

wasn't he understandably fleeing in fear for his life? Why did the second officer shoot at a moving vehicle that was moving away from the officers? And finally, when will you release a complete set of all the body camera and DMAV video taken at the scene for public viewing?

City Council, in resolution after resolution and in multiple budget directions, has made it clear that Austin's police department must prioritize de-escalation, reduce violence against black and brown people, reduce arrest and incarceration for minor infractions, demonstrate equity and end biased policing, and improve its relationship with communities of color.

Two years ago, with the implementation of a policy of de-escalation, the passage of Freedom Cities, and the creation of a working group to monitor the Department's implementation of that important ordinance, we had hope that we were on a path to real change. Last year, the Department even promised new policies to ensure release of body camera video. And community groups have provided recommendations, shown up at meetings, researched models from other cities, and cooperated even when processes were frustratingly slow. Then, change ground to a halt and backlash has taken hold at the highest levels of the Department. Our patience is now at an end.

This deadly shooting demonstrates what happens when long-awaited changes are shelved or not taken seriously. De-escalation could have prevented this death. Instead, based on our review of bystander video, it appears that a newly graduated officer, fresh from his Academy training, quickly pulled a "less lethal" shotgun out and shot at a man standing with his hands in the air by the door of his car. The officer's partner, with five years on the force, immediately followed with deadly force as Ramos jumped back in his car and tried to drive away. The deadly force was dangerous not only to the driver but to the passenger, and potentially to bystanders as well. Academy reforms demanded by community groups might have given that young officer some better tools. Retraining in de-escalation for existing officers might have prevented the deadly shot, along with a chase pursuit policy that prohibits shooting at moving vehicles. **But it has become clear to us that actual change -- as opposed to words about change or promises of future change -- is not a priority for the current leadership of the Austin Police Department.**

This shooting occurs on the heels of many other failures: the Tatum report, the anonymous complaints of racism that triggered it, the reduced discipline for body camera violations (a change issued during this COVID-19 crisis), the failure to implement proposed new body camera transparency, Manley's and Arellano's failure to

comply with Council's direction on the staffing plan ([Item 47 of 3/22/2018](#)), Manley's and Arellano's failure to adequately reform the crime lab, Manley's public statements about Austin's homeless plan, and Manley's public refusal to cease certain unnecessary marijuana arrests lead us to believe that public safety leadership is actively undermining change.

Today, we call on you to:

- 1) Remove Brian Manley and Troy Gay;
- 2) Remove Assistant City Manager Rey Arellano; and
- 3) Reassign the current city legal team supporting public safety and bring in new people.

The community demands a new leadership team that supports your vision for a new kind of policing in Austin and commits to the hard work this change will take.

We no longer believe that it is worth our time to continue working with those currently leading public safety. And we believe that our public safety leadership has failed in the key areas that City Manager Cronk promised in his [June 8, 2018, memo related to Chief Brian Manley](#) (attached). We would particularly note:

1. Failure to support enhanced police oversight and officer accountability opportunities includes the refusal to sign proposed Standard Operating Procedures and the issuance of administrative rules that go in the wrong direction.
2. Improvements in transparency related to racial profiling occurred thanks to the Office of Police Oversight, with resistance from public safety leadership. Body camera transparency is still pending and complaint transparency has been reduced by recent General Order changes.
3. We are still waiting for Academy reform despite two years of discussion.
4. Community policing does not appear to be tracked in terms of officer time, and we are unsure of the results of those efforts. Tracking and data generally are a problem.
5. Diversity at all levels of the Department has not been enhanced.
6. There has not been an influx of reform-oriented "executive level talent."
7. While mental health training has been expanded, de-escalation is not appropriately incorporated into use-of-force training and has clearly not shifted "command and control" as the basis for officer communications.

We ask you to take this action because culture change in a police department requires a vision for where the department must go both on the sworn and on the civilian side of management. We believe that neither Brian Manley nor Rey Arellano are visionaries in

the rapidly changing world of policing and public safety. Both came up at a time when police departments nationwide were adopting military techniques and prioritizing the stop-and-frisk model for community interaction, and when police shootings were on the rise. Equity was not a goal for city leadership as it is today.

City Council has taken strong action to *change* the culture of the police department through incremental and reasonable policy reforms via ordinance, resolution, the police contract, and budget direction. But it is often said that culture change requires visionary leadership -- leaders who can take people from where they are to the visionary (and unfamiliar) place we must go.

We now need a vision for public safety that includes:

- **Fewer, better-trained, more accountable police officers with transparency,**
- More health care and mental health workers,
- Social workers to connect people to post-emergency services,
- A public health approach to drug use,
- Support for community-based security that reduces the need for police,
- Mediation and restorative justice for those who choose it,
- Deeper and impartial investigations of serious crime,
- Employment and housing for people, including those released from incarceration, and
- Robust data systems and data analysts that can integrate policing into other service models and improve accountability.

While we believe Council has clearly called for critical changes leading to such a vision, reforms have not been a priority for the Assistant City Manager in charge of public safety, nor our Police Chief.

Further, we believe that the city's legal staff do not give either Council or the City Manager the quality legal support necessary to challenge old ways of doing things and carve new paths. The City's legal staff has adamantly represented to you that statutes or contracts prevent a certain chosen course of action, and they have been wrong. Invariably, that staff falls on the side of doing things as they have been done for the past three decades. It is time for a change. It is past time. We ask that the legal support for the public safety area be reassigned and new people hired who also support your new vision for public safety.

There are many, many needed changes simply to implement the directives that Council has already given, and those alone will take visionary new leaders. We believe it will

take new leadership to 1) change the internal department culture and end racism, sexism, and homophobia; 2) reset the Department's staffing goals for sworn/civilian staff and set new public safety priorities; and 3) address complaints and misconduct in a way that prioritizes transparency and demonstrates fairness, firmness, and equity to those both in the community and within the Department.

Community organizations have recommended and supported *numerous* specific reforms over the past few years that fall into these three categories, and we want to take a moment to remind you of them so you can clearly see why we continue to urge you to bring in the kind of new leadership we need to get this done. In direct response to findings in the Tatum report, we have added some items in addition to our long-standing recommendations.

1. Effect a culture change

- a. Academy reform -- we have asked in prior communications that you halt the June class and implement recommended changes to the Academy curricula and practice (original recommendation letter attached). The changes to training required by RESOLUTION NO. 20191205-066 (Resolution 66) are significant, as is required community participation.
- b. Hiring reform -- Hire people who have grown up in this community and particularly in East Side communities and who graduated from East Side highschools and know the community in a deeper way.
- c. Training reform -- Existing officers should be rotated through a curricula that retrains in the areas of de-escalation, racial bias, demilitarization, trauma-centered policing, and more as also required by Resolution 66 and recommended for cadets.
- d. Just as we recommend that cadets circulate through community organizations, we believe current officers should volunteer at the direction and invitation of groups supporting the homeless, re-entry organizations, and more.
- e. Crime lab reform -- Failures related to rape investigations and the crime lab rocked the city and set years of work in motion. Rey Arellano on February 21, 2019, promised a final set of recommendations for crime lab reform by June 2019: ["Update Regarding Activities to Address APD DNA Lab Audit Recommendations."](#) No further reports can be found on the city's website, although the Quattrone Center completed its work and the Tatum report claims that "the Office of City Manager continues to work to address the operations of the Forensic Lab and provides updates on its work to the City Council." Improve trust in criminal investigations by

implementing an independent forensic lab to separate investigators from those who must apply only science to evidence in criminal cases.

- f. Invest, improve, and integrate data systems (with appropriately trained staff) to support measuring improvement in Council metrics as part of standard reporting (Resolution 66 metrics, staffing plan resolution metrics, metrics in Kitchen budget directive to mental health first responder funding, Freedom Cities metrics) and use those metrics to manage the department.
2. Be transparent in staffing and cost of staffing
- a. Complete [the staffing plan \(Item 47, 3/22/2018\)](#) as requested by Council two cycles ago to analyze *actual* needs in the current environment for *both sworn and civilian staff*. Take into account new policies still being implemented, like changes to mental health first response, as well as the general direction toward decreased arrests for minor offenses, marijuana, and homelessness, and the steep drop in new arrest warrants.
 - b. Stop the endless argument over whether and how Austin will get to its “real” staffing level and start a budget dialog with the staff we have now.
 - c. Eliminate the confusing budget process of giving the Department money for staff it cannot hire, then making the Department return that money later.
 - d. Negotiate necessary changes to pension contributions [[as recommended by audit released July 17 2019](#)] prior to this budget cycle so Council will understand the cost of sworn staff before budget decisions are made.
3. Ensure accountability for misconduct and equity in the application of discipline
- a. Publicly release body camera video in critical incidents.
 - b. Make routine the public reporting required by [the staffing plan \(Item 47, 3/22/2018\)](#) so that community and leadership can regularly communicate on whether progress is being made towards improvement in these areas.
 - c. Complete and sign draft Standard Operating Procedures (SOP) ([in development since mid-2018](#)) between the Department and Office of Police Oversight.
 - d. Withdraw new General Order 902 and rewrite it to conform with that SOP.
 - e. Withdraw the change to the disciplinary matrix (General Order 903) that reduces discipline for failure to use body cameras appropriately.
 - f. In response to the Tatum report, clarify in the General Orders that union staff using information they obtain to tell members about future

investigations so they can resign prior to the start of the investigation *is* misconduct.

- g. In response to the Tatum report, have the City Auditor conduct an audit of the creation and retention of complaint and misconduct records, including all classifications.
- h. Clarify the specific process to be utilized for the investigation of alleged misconduct by the Chief and top management staff in the Department, and document this within the General Orders.

There is a lot to do. We ask that you terminate the people who are standing in the way of change and instead find people willing and eager to do this. There will be great public interest in the hiring process for a new Police Chief, so we will be happy to discuss those issues and provide support as they become relevant.

Yours sincerely,

Austin Justice Coalition

MEASURE

Just Liberty

Undoing White Supremacy Austin

Texas Criminal Justice Coalition

Austin Community Law Center

MELJ Center

Central Texas NAN (National Action Network)

Texas Fair Defense Project

Indivisible Austin

Texas After Violence Project

Angelica Erazo, Vice Chair, Hispanic Quality of Life Commission

Amanda Afifi, Chair, Hispanic Quality of Life Commission

Grassroots Leadership

Texas Appleseed

Never Again Action - Central Texas

Workers World Party - Texas

PAPs - Prison Abolition Prisoner Support

EIS - Educators in Solidarity

Central Texas Workers Alliance

Educators in Solidarity

Tricia Forbes, Crime Survivors for Safety and Justice

AJJ - Austin Jews for Justice

Communities of Color United

AZAAD Austin

Shane Johnson, Member, Resource Management Commission

George Schorn, Founding Member, Empowerment Self Defense Alliance; TX21
Indivisible

Texas Harm Reduction Alliance

Friends of India - Texas

Planning Our Communities

Amanda Lewis, Co-founder of Survivor Justice Project & Commissioner for the
Commission for Women

Bre Bitz, Austin Mutual Aid

Nadia Barbot, District 1

Janis Bookout, Board Member, Zero Waste Commission

Dr. Jereka Thomas-Hockaday, Central Texas Allied Health Institute