



City of Austin

P.O. Box 1088, Austin, TX 78767
(512) 974-2200, Fax (512) 974-2833

October 29, 2020

Brian Manley
Austin Chief of Police
715 E. 8th St.
Austin, TX 78701

Via email: brian.manley@austintexas.gov

Chief Manley,

Acknowledging the probability of activity involving free speech and free assembly in Austin on and around the November 3, 2020 election, we as members of the Austin City Council's Public Safety Committee request a written response from your office on what plans are in place to ensure the safety of all those in Austin. We write to you publicly because private communications leading up to the demonstrations this spring were apparently insufficient.

As we're sure you agree, what happened at previous Austin protests this year represented a failure to keep people safe. We request updates on how, under your leadership, APD will maintain an environment where free speech and assembly are not only tolerated, but welcomed, without injury either to the public or our own public servants.

We ask that you respond about the following:

- While ensuring the safety of community members and officers, how you will ensure that the tactics that so needlessly harmed peaceful demonstrators and escalated conflict are not used again;
- How you will ensure that real threats of violence, such as those posed by domestic terrorist and white supremacist groups, are addressed with the seriousness they deserve, given recent reports that these extremist groups were treated differently and less forcefully than peaceful protestors;
- How you will ensure the department will begin to rebuild trust with the public as it relates to safety at First Amendment events through clear communication and accountability.

Tactics and Safety

In the spring of this year, APD shot 20-year-old [Justin Howell](#), 16-year-old [Brad Levi Ayala](#), [Saraneka Martin](#), a pregnant woman, and several [street medics](#) with impact munitions during several days of protest after the killing of George Floyd. Shortly after these events, Council unanimously passed Resolution 20200611-095, which directed changes in use of tactics towards demonstrations, including but not limited to: a ban on tear gas; limitations on use of force, including de-escalation, impact munitions, and enforcement of the duty to intervene; ban on chokeholds; reduction



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in use of military equipment; ban on facial recognition technology; and limitations on LRADs.

Furthermore, questions have been raised about whether or not training or equipment was proper or adequate for keeping people safe at the demonstrations in the Spring. We expect from you that these questions and/or deficiencies have been addressed, and would like communication from you about what you have done.

Please provide relevant current updates on how these changes are being implemented from the resolution, updates on other changes you have made to address training and equipment, and what guarantees the harm caused at these protests by our own department will not happen again.

Combating Extremism

The following is according to the Department of Justice and multiple other reports: On June 3, 2020, APD pulled over a vehicle downtown for “numerous traffic violations.” The individuals in this vehicle were heavily armed, dressed in tactical gear, and had access to hundreds of rounds of ammunition. During this traffic stop, one individual disclosed that they were a South Texas leader of the Boogaloo Bois, a far-right extremist group and whose members have recently committed terrorist acts. During this exchange, this individual also admitted to being present for the vandalism and burning of the Minneapolis Police Department’s Third building in Minneapolis, Minnesota. The individuals seem to have been released by APD without charges or further investigation. This set of facts has caused much public concern because we have seen many cases where Austinites have been detained, questioned, or arrested for far less. The individual in question was reportedly arrested in October in a different city.

More recently, Council received multiple accounts from a Women’s March Austin event on October 17, 2020, where participants described harassment, assaults, and other acts of violence from far-right street fighting groups, including the Proud Boys, while “APD stood watching, taking pictures on their cell phones, speaking to each other, and refusing to [file charges],” according to one statement. At least one Women’s March participant was assaulted, and have said they will file suit against APD after they refused to charge the attacker.

While many questions about these two instances are relevant, please provide all updates and clear communication about these incidents, clarify if you are investigating in any way the allegations of selective enforcement, and provide information on how we will ensure any demonstrators are not subject to harassment, assault, or worse by extremist groups.



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Clear Communication & Accountability

As Texans continue to vote in record numbers and prepare for the results of the election in the coming weeks, the safety of all Austinites must be APD's top priority. We are sure you agree that it is important that the Chief of Austin's Police Department make publicly clear the Department's commitment to keeping all Austinites safe should there be demonstrations in the days in weeks to come.

Furthermore, clear and unbiased accountability for any policy violations at the department related to the Spring 2020 protests is critical for rebuilding trust. The Office of Police Oversight has [expressed concerns](#) over how your department has handled investigations of officer misconduct stemming from the public demonstrations of this year. These investigations must have integrity, otherwise, dangerous misconduct can go without accountability, public trust will continue to erode, and public safety further damaged.

Please provide all relevant updates on the status of these cases, how you will address the concerns raised by the OPO, and how you will ensure the integrity of all investigations.

People in Austin should be able to demonstrate peacefully, without fear that they will be hurt by anyone. We all recognize the important social justice movement we are in right now and want to ensure the safety of everyone, both residents and officers, is a priority for you. We are eager to receive your written response to these inquiries in advance of the Nov. 3, 2020 election, for the good of the public trust.

Signed,

Delia Garza
Mayor Pro Tem
District 2

Jimmy Flannigan
Chair
District 6

Greg Casar
Vice Chair
District 4

Natasha Harper-Madison
District 1

cc: Spencer Cronk
City Manager

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