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Spencer Cronk, City Manager, Austin, TX
Spencer.cronk@austintexas.gov

Dear City Manager Cronk,

I write today to request an update on our June 23rd, 2021 conversation regarding disturbing incidents of Austin police officers inaccurately characterizing the policies of my office when responding to 911 calls for help. The public safety of our community demands that we work together. But the continued and increasing reports to my office of the public being told by police officers that they cannot arrest someone for an alleged offense due to the policies of my office has left me no other option than to follow up and ask what your office is doing to address these inaccurate statements by your employees.

By way of background, on March 1st, 2021, my office implemented a change to our case review process. This updated process that has been used in other jurisdictions for many years, and one that many of my predecessors considered implementing but faced, as we often do in government, limited resources. My administration has been able to implement this necessary change to our review of cases with existing resources. We are now able to review cases more quickly to provide efficiency and fairness in our process, as well as, and perhaps most importantly, be able to better allocate resources to prosecute violent crime.

I understand there are some within your police force who are not happy with this change, but it has never been the role of this office, or prosecutors in any jurisdiction, to simply rubber stamp police arrests. The County Attorney's Office has the responsibility and duty to see that justice is done and use our discretion to determine if and how a case will proceed through our criminal justice system. This effort not only prioritizes violent crime and addresses a backlog of cases, but also ensures equity and fairness in our justice system.

Furthermore - and this bears repeating - at no time has my office asked Interim Chief Chacon to direct his officers to NOT make an arrest if the officer believes a crime was committed. Nor have we stated or implemented a policy that blanket rejects any type of charge. Our prosecutors are trained to review every arrest on a case-by-case basis and decide whether to prosecute on the facts and evidence presented. We continue to work, and if appropriate, prosecute offenses within our jurisdiction with the goal of balancing public safety and the rights of the accused.

Manager, you have always known me to be direct and passionate about serving our community, so I would feel disingenuous to not address the political elephant in the room. I am very aware that the false narrative of mischaracterizing the policies of this office aligns perfectly with attempts to obstruct reform efforts of our criminal justice system. I want to be clear that I am committed to an open dialogue with leaders in our community who truly care more about public safety over political ploys and pandering. I know that the great majority of our police officers serve the community well and I am grateful for their service. I hope they know that policies of this office are designed to ensure our system affords constitutional and community protections at every step of the process. This is how the system is supposed to work.

Law enforcement may not always agree with the charging decision of a prosecutor. And prosecutors may not always agree with the decisions to arrest made by officers. But in a great majority of cases, we often do agree. And above all, we must all respect the independent roles we perform within our system. We are all committed to the safety and well being of our residents. At the end of the day, we need to set aside political agendas and remain focused on doing the jobs we have been entrusted so we can best serve our community.

Last week, I was grateful to have had the opportunity to speak to a large group of downtown business owners to clear up some of these inaccurate statements and I will continue to take every opportunity available to be able to set the record straight on the policies of our office.

I appreciate the work you do to improve our community and I look forward to hearing back from you about the concerns outlined above.

All my best,

A handwritten signature in black ink, appearing to read 'D. Garza', with a stylized flourish at the end.

Delia Garza
Travis County Attorney