



OFFICE OF THE DISTRICT ATTORNEY

P.O. Box 1748, Austin, TX 78767

Telephone 512/854-9400

Telefax 512/854-4206

JOSÉ P. GARZA
DISTRICT ATTORNEY

TRUDY STRASSBURGER
FIRST ASSISTANT

TRANSMITTED BY EMAIL

August 3, 2021

Spencer Cronk
Austin City Manager
301 W. 2nd, 3rd Floor
Austin, TX 78701

Dear Manager Cronk,

I am writing to request an update on steps the City of Austin has taken to address the increasing incidents of some Austin Police Department Officers declining to investigate suspected criminal activity. The County Attorney has similarly requested an update in a separate letter. As two of the top elected law enforcement officers in the county, we are charged with ensuring that our justice system functions to protect the rights of all involved, and that the community trusts that the system works for them. When sworn law enforcement officers decline to investigate crimes reported by Travis County residents, it erodes public confidence in our justice system and makes our community less safe.

We first raised these concerns with Interim Chief Chacon on June 23. We informed him that, according to reports we received from members of the community, some APD officers were declining to investigate suspected criminal activity. Further, we notified the Interim Chief that those officers falsely claimed the policies of our offices “prevented” them from investigating suspected criminal conduct when members of our community confronted those officers about their inaction. Failing to investigate crimes reported by our citizens for perceived political gain is a gross violation of the public trust and makes us less safe.

When we met with the Interim Chief, we reminded him that our offices have enacted no policy that prevents his officers from taking action, especially in cases where public safety is an issue. In that meeting, we sought to work collaboratively with the Interim Chief to address these troubling reports. We offered to meet with additional APD leadership and officers to provide clarity about our policies and answer their questions.¹ Later on June 23, we met with you. During our meeting, we made you aware of these citizens’ reports. I am disappointed that since our meetings with you and the Interim Chief, additional incidents of some APD officers playing politics with public safety have come to my attention.² I am aware of no similar conduct by officers from other law enforcement agencies in Travis County.

¹ As we have stated publicly, and in meetings with you, we are following the policy of the previous administration and we are not prosecuting people for small amounts (under 1 gram) of narcotics **unless** there is a threat to public safety or it is part of a larger investigation. In those situations, we are prosecuting. Our policies are publicly available: <https://www.traviscountytexas.gov/district-attorney/our-office/office-policies>.

Although these reports are deeply troubling, they are not entirely surprising. After our elections in July of 2020, Austin Police Association President Ken Casaday publicly called on APD officers to stop “active enforcement” of suspected criminal activity.³ It appears that some rogue APD officers have answered Mr. Casaday’s call. This tactic mirrors tactics used by police unions in other cities.⁴

Multiple reports of APD officers declining to investigate suspected criminal activity is particularly troubling because of the moment we are in. All across this country, and in our community, homicides are on the rise. If the public lacks trust that APD will investigate crime, it could chill the cooperation we need from the public to prosecute violent crime. In my previous meetings with APD and you, **I have been clear that our office is prioritizing our resources to prosecute acts of violence and that we will prosecute any alleged crime that poses a threat to public safety.** In fact, the DA’s office has recently created a homicide and major crimes unit to support law enforcement agencies investigating the most serious acts of violence. This year, the District Attorney’s Office has brought over 500 charges for acts of violence in our community.

I remain eager to partner with APD to address our community’s most pressing challenges. I am confident that the overwhelming majority of APD officers continue to perform an incredibly difficult job honorably and I am proud of the working relationship our office has built with other law enforcement agencies in Travis County. I am unaware of any action taken by the Interim Chief and we would be grateful if you can share with me the result of your inquiry into this matter.

I look forward to your response and to continuing to work together to keep our community safe and to building a criminal justice system worthy of the aspirations of the people who live here.

Sincerely,



Handwritten signature of José P. Garza in black ink, appearing as 'JP Garza'.

José P. Garza
Travis County District Attorney

CC: Mayor Adler
Mayor Pro Tem Harper-Madison, Public Safety Committee Chair
Council Member Casar, Public Safety Committee Vice-Chair
Council Member Kelly, Public Safety Committee Member

2 On July 2, the DA’s Office was contacted by KXAN seeking comment on reports from a small business owner that APD officers declined to investigate suspected crime. According to the small business owner, the officer blamed the DA’s office for their inaction. The same day, I raised with the Interim Chief concerns that in the case of State of Texas v. Daniel Perry, two “sources” with knowledge only law enforcement can have, have aided police union lawyers in their attempt to undermine both the secrecy of the grand jury process and public trust in the prosecution. On July 3, in a widely circulated post on “nextdoor,” a community member raised concerns that an officer declined to investigate a man exposing himself to children.

3 Jennifer Kendall, *Austin Police Association recommends members stop active enforcement*, Fox 7 Austin, July 17, 2020 (available at <https://www.fox7austin.com/news/austin-police-association-recommends-members-stop-active-enforcement>).

4 Melissa Gira Grant, *New Yorkers Should Thank Police for the Summer “Slowdown,”* The New Republic, Aug. 30, 2019 (available at <https://newrepublic.com/article/154895/new-york-police-slowdown-backfiring>); Julian Mark, *An Excelsior woman was attacked with a knife. The SFPD discouraged her from reporting it.*, Mission Local, May 22, 2021 (available at <https://missionlocal.org/2021/05/an-excelsior-woman-was-attacked-with-a-knife-the-sfpd-discouraged-her-from-reporting-it/>).