



COMMITTEE COMMENTARY

Prompted by the death of 19-year-old Jesse Lee Owens in 2003, the *Austin American-Statesman* set out to examine charges that Austin police treated minority residents differently than whites. The result was a probing four-part series, "Use of Force." *Statesman* reporters made effective use of the Texas Public Information Act and computer analysis to produce an authoritative database on police use of force. They concluded that, for the past six years, police officers were 25 percent more likely to use force against Hispanics than whites; for African Americans, the rate was 100 percent greater compared to whites. Breaking down data by city neighborhoods, the *Statesman* also found that the disparity was evident throughout the city. The series also included suggestions from experts on strategies to reduce or ensure the appropriate use of force. The impact of "Use of Force" in Austin was widespread and immediate. It resulted in broad community dialogue about matters of race and policing in Austin. The *Statesman* also made use of a website to share information, including interviews with police officials and people who had been injured, and posted a message board for readers to share their impressions of the series and of Austin policing. The series played a crucial role in the adoption of new alternative methods and practices. Within months of the original series, the *Statesman* examined more recent statistics and found dramatic reductions in the use of force by Austin police.

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EXCERPT

Resistance, Race Affect Police Response:
Minorities not charged with resisting arrest subject to unequal force compared with whites

By Andy Alford, *American-Statesman* staff
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Separate the people charged with resisting arrest in the past six years from those who were more compliant, and the complex puzzle of how Austin police officers use force becomes clearer: In cases in which suspects were charged with resisting arrest, police treated whites, blacks and Hispanics about the same, analysis shows. However, when using force in any other situation, from dealing with bystanders to arresting people on charges other than resisting, Austin officers were more likely to show restraint when handling white subjects than when handling minority subjects in similar situations...

Austin police assert that they are colorblind when it comes to policing and that, when they use force, it is specific to the circumstances at hand. However, experts say the racial disparities revealed by the analysis suggest that it's possible Austin officers are using race as a factor in determining how much force to use in subduing subjects.

The exact causes of racial disparities in Austin's figures may never be revealed by statistical analysis alone, said William Terrill, an assistant professor of criminal justice at Rutgers University who studied police use of force in St. Petersburg, Fla., and Indianapolis. For example, he said, statistics don't reveal anything about the subject's or officer's mental states during the encounters.

"The biggest limitation when relying on statistics is that you only have a snapshot. The difficulty is that encounters don't occur in snapshots," Terrill said. "Nonetheless, I still think these are good measures, valid measures, to take overall indicators of levels of resistance and force. You are getting closer to showing discrimination. You've ruled out resistance as a factor for the racial disparities."

Paul Chevigny, a New York University law professor and the author of several books on police violence, said such disparities as those found in Austin are troublesome. "Of course, if someone is resisting, then police will use



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force," Chevigny said. The problem with police brutality is that sometimes officers react with violence to defiance. Minorities might be more defiant, might give the cops more sass. And people who do that are likely to get hit, especially if the officer has a racist attitude. "It wouldn't excuse the violence," he said. "Any more than you mouthing off at me excuses me if I slap you. That's assault."



"Use of Force" is available online at <http://thirdcoastactivist.org/apdforce.html>.