Austin Police Department

Analysis of Gun Crime in Austin, Texas

Fourth Quarter 2020

Quarterly Report to Austin City Council

& Public Safety Commission

RESOLUTION NO. 20190822-069

Prepared by the Austin Police Department
Crime Analysis Unit
March 31, 2021

Introduction

On August 22, 2019, the Austin City Council passed Resolution No. [20190822-069](). In addition to creating the Gun Violence Task Force, the resolution requires a quarterly report from Austin Police Department (APD) on gun crime. "The City Council directs the City Manager to provide the Council and the Public Safety Commission a quarterly report on incidents of gun violence that occur within the City. The report shall include geographic information concerning the location of those incidents, demographic information on the individuals involved, incidents of domestic violence involving a firearm, trends across reporting history, incidents of gun violence committed by individuals having a history or an association to hate groups, and any other details determined to be appropriate by City staff. The report should respect all appropriate and relevant privacy laws and best practices."

APD produced an initial in-depth report on gun crime in the summer of 2019 that covered the time period of 2014 – 2018. This report is the fourth quarterly report for the City Council. It focuses on gun crime through the fourth quarter of 2020 and puts 2020 gun crime into the context of the previous five years for a more complete understanding of trends. Since the initial analysis was completed, APD crime analysts have continued to explore this topic and look for ways to improve the analysis. Differences between the numbers in this report and previous reports reflect the continually changing nature of the crime records and improved methodology.

About the Information & Data

AUSTIN POLICE DEPARTMENT DATA DISCLAIMER

The following conditions about the crime information provided in this report, which is tallied from the Versadex mainframe database, will allow for a deeper understanding of the data presented:
- Due to methodological differences in data collection, different data sources or reports may produce different statistics.
- The data is continuously being updated. The data provided represents a particular point in time and does not reflect the dynamic nature of the Versadex mainframe database.
- The data here may not reflect official Texas Department of Public Safety (DPS), Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) or National Incident-Based Reporting System (NIBRS) numbers.
- If the information provided here is used outside the department, then the following disclaimer applies: "The Austin Police Department cannot assume any liability for any decision made or action taken or not taken by the recipient in reliance upon any information or data provided."

FIRST AMENDMENT ACKNOWLEDGEMENT

The Austin Police Department and the Austin Regional Intelligence Center (ARIC) recognize that U.S. citizens have constitutionally protected rights to assemble, speak, and petition. The ARIC safeguards these First Amendment rights, and reports on only those activities where the potential use of incitement rhetoric could be used to instigate an act of violence or a threat to the public or critical infrastructure. Additionally, potential criminal activity conducted by certain member(s) of a group does not negate the constitutional rights of the group itself or its law-abiding participants to exercise their First Amendment rights under the U.S. Constitution.

Trends across Reporting History

The goal of this report was to continue the analysis of gun offenses that began with APD's initial gun crime report that was published in the summer of 2019. Specifically, the focus was to analyze the data from 2015 through the end of 2020 to determine gun offense trends. Gun crime was explored using several categories – major violent offenses, gun specific type crimes (Unlawful Carrying of a Gun, Possession of Firearm by Felon, and Disorderly Conduct – Gun offenses), and lost/stolen and seized/recovered firearms.

First we look at the trends for major violent offenses (murder, rape, robbery and aggravated assault) involving guns from 2015 through the end of 2020. We start with a big picture view of the numbers and then drill down into the specific types of offenses. The total number of offenses for 2020 significantly surpassed the yearly totals for the previous five years.

The impacts of the COVID-19 pandemic began to be felt in Austin by the middle of March, 2020. Like many cities, Austin began to experience large protests and social unrest in late May. At this time, it is not possible to determine how much of the change in crime is due to these very unusual circumstances.

	2015	2016	2017	2018	2019	2020
Grand Total	689	972	980	1002	1052	1546
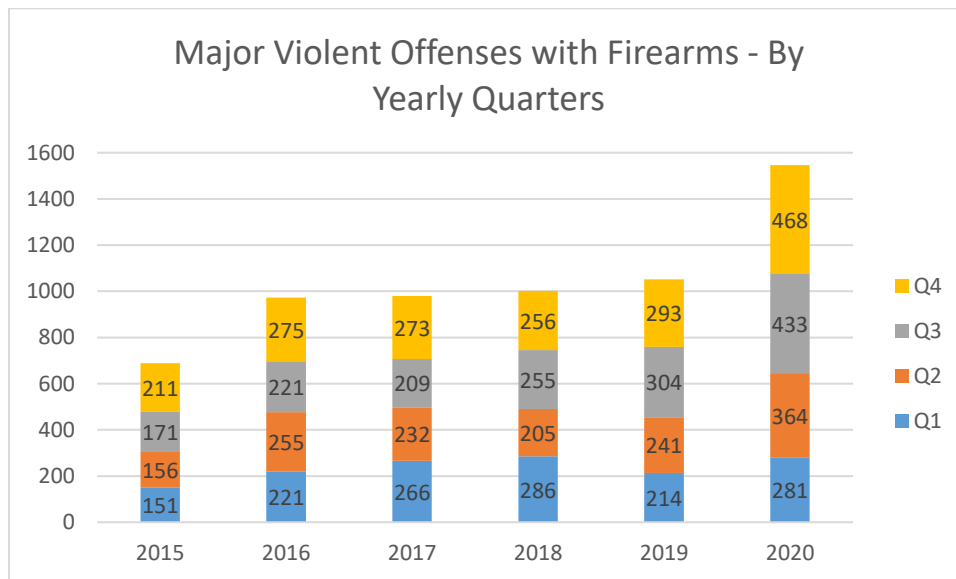
Robbery and Aggravated Assault Non-Family Violence (a sub-set of all Aggravated Assaults in which family violence was not a component) continued as the offenses with the highest numbers.

When viewing 2020 numbers for Murder, Robbery and Aggravated Assault Non-Family Violence (Non-FV) against prior years, Murder started the year out higher than the past five years and continued that trend throughout 2020. Robbery numbers were about average through April but then began to increase. The total for 2020 was slightly above the total for 2018, previously the highest year in this time period. Aggravated Assault Non-Family Violence numbers started off slightly higher than all of the previous five

years and continued to accelerate throughout 2020, ending the year much higher than any of the past five years. The total for 2020 was 825 cases. The next highest year was 2019 with 488 cases.
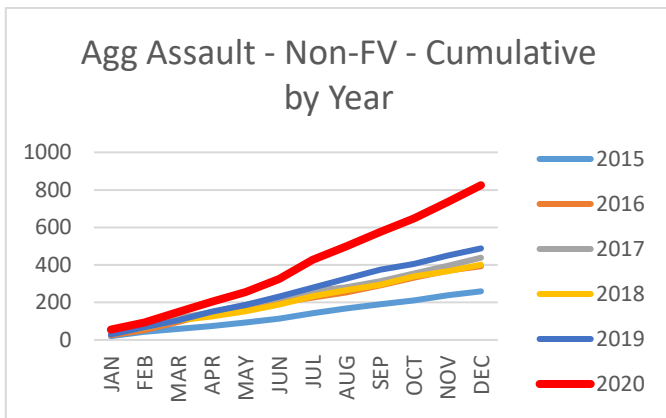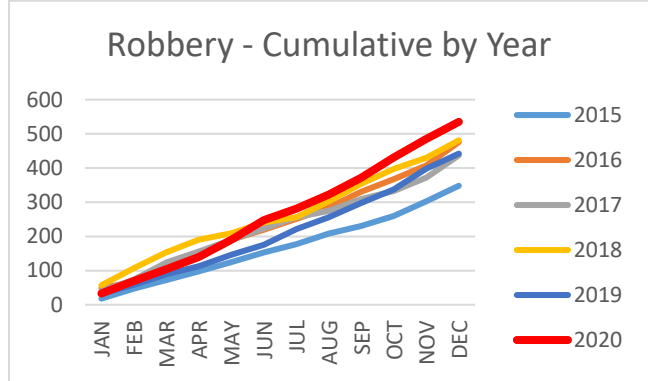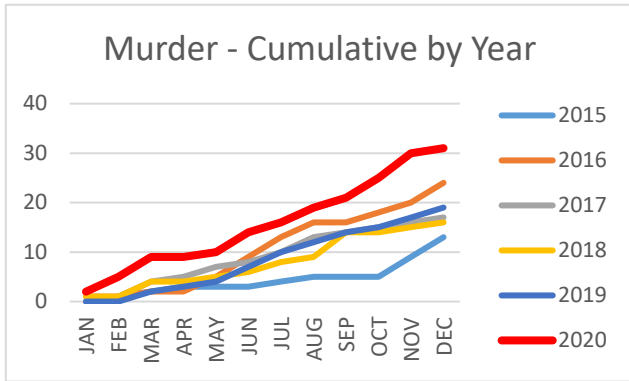
Now we transition to look at specific gun offenses. The offenses analyzed include Unlawful Carrying of a Gun (UCW), Possession of Firearm by Felon (PFF), and Disorderly Conduct – Gun offenses (DOC). The totals for the first, second and third quarters of 2020 were higher than the quarterly totals for any of the previous years, and this pattern continued for the fourth quarter.

	2015	2016	2017	2018	2019	2020
Grand Total	503	566	678	679	824	1110

Specific Firearm Offenses (UCW, PFF, DOC) - By Years/Quarters

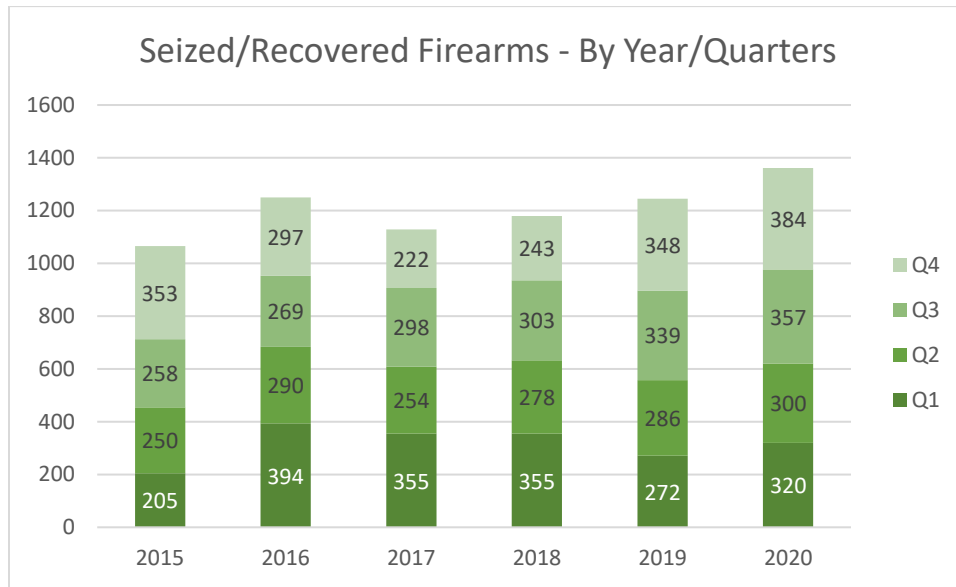| Year	Q1	Q2	Q3	Q4
2015	118	128	122	135
2016	155	138	123	150
2017	199	145	174	160
2018	191	154	183	151
2019	175	200	220	229
2020	254	269	278	309
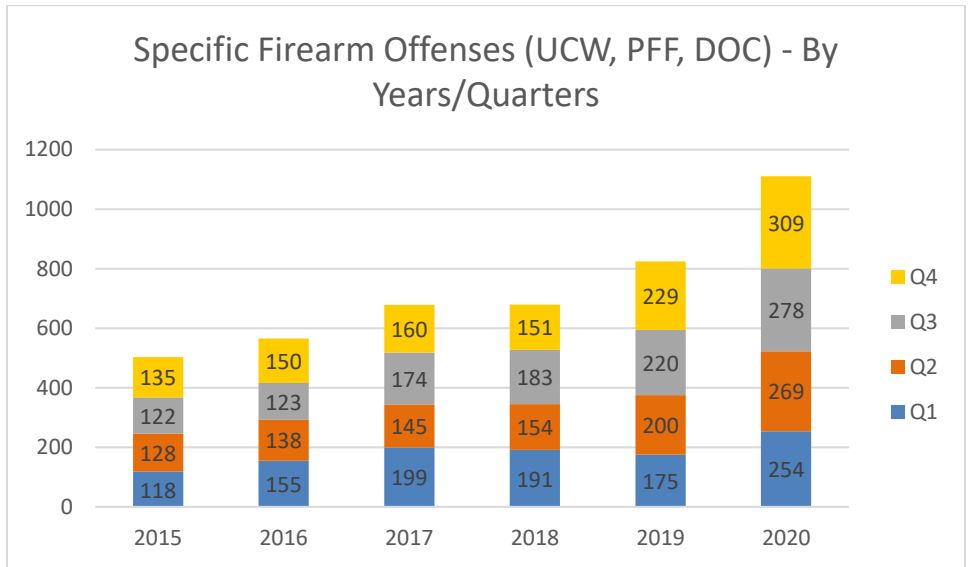
To understand how criminals may acquire guns, we now look at the data for lost/stolen firearms. The total number of firearms stolen or lost through the end of the third quarter of 2020 was comparable to the same period in 2019 but higher than the third quarter totals for all the other years. Two hundred and ninety-four guns were stolen/lost during the third quarter of 2020, but the year-end total for 2020 was slightly lower than 2019.

	2015	2016	2017	2018	2019	2020
Grand Total	864	788	761	965	1041	1016

Lost/Stolen Firearms - By Year/Quarters

| Year	Q1	Q2	Q3	Q4
2015	183	174	219	288
2016	166	254	146	222
2017	215	197	154	195
2018	180	229	249	307
2019	232	262	261	286
2020	241	197	294	284
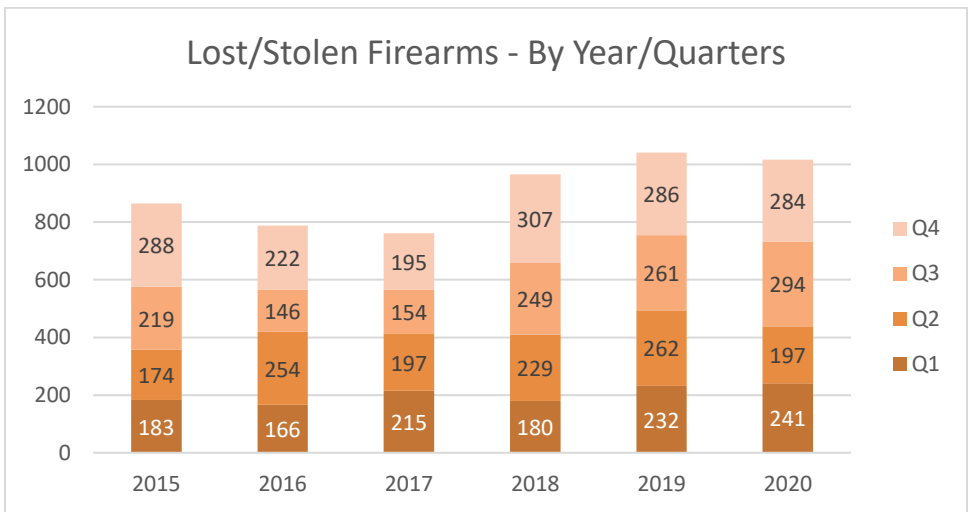
Next, we look at the number of seized/recovered firearms. Not all seized/recovered guns are stolen, but at least for a while, these guns were not on the street to be used in violent ways. The overall number of seized/recovered firearms for 2020 was slightly higher than the total for any of the previous years.

	2015	2016	2017	2018	2019	2020
Grand Total	1066	1250	1129	1179	1245	1361

Seized/Recovered Firearms - By Year/Quarters

Year	Q1	Q2	Q3	Q4
2015	205	250	258	353
2016	394	290	269	297
2017	355	254	298	222
2018	355	278	303	243
2019	272	286	339	348
2020	320	300	357	384

Incidents of Domestic Violence Involving a Firearm

The numbers of domestic/family violence (FV) instances involving firearms is much lower than the numbers for Robbery and Aggravated Assault Non-Family Violence but still concerning. The first quarter of 2020 was very similar to the same period in 2019 but then the numbers started to increase, ending the second quarter slightly higher than any of the previous five years. The numbers continued to increase during the third and fourth quarters of 2020.

Agg Assault - FV - Cumulative by Year
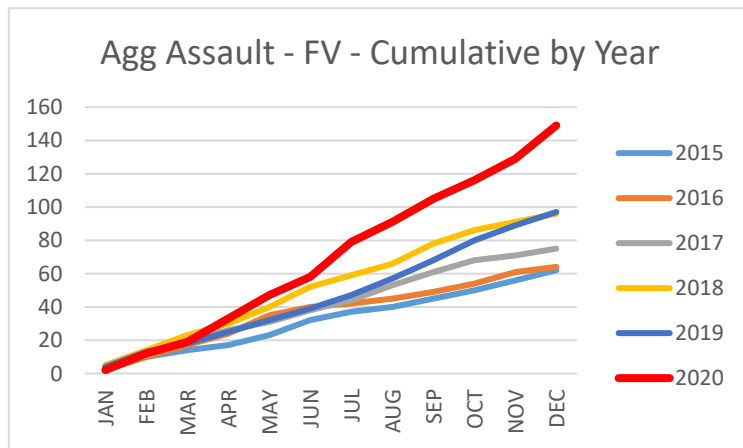
Cumulative						
	2015	2016	2017	2018	2019	2020
JAN	4	2	4	5	4	2
FEB	10	10	11	14	13	12
MAR	14	17	20	23	18	19
APR	17	24	26	30	25	33
MAY	23	35	31	40	32	47
JUN	32	40	38	52	39	58
JUL	37	42	44	59	47	79
AUG	40	45	53	66	57	91
SEP	45	49	61	78	68	105
OCT	50	54	68	86	80	116
NOV	56	61	71	91	89	129
DEC	62	64	75	96	97	149

Geographic Information Concerning the Location of Incidents

Geographic analysis of the major violent crime involving firearms for 2020 indicated several areas of crime concentration. The most concentrated areas are depicted by red with slightly less concentrated areas depicted by orange. Many of the concentrated areas for 2020 are long-standing high crime areas.


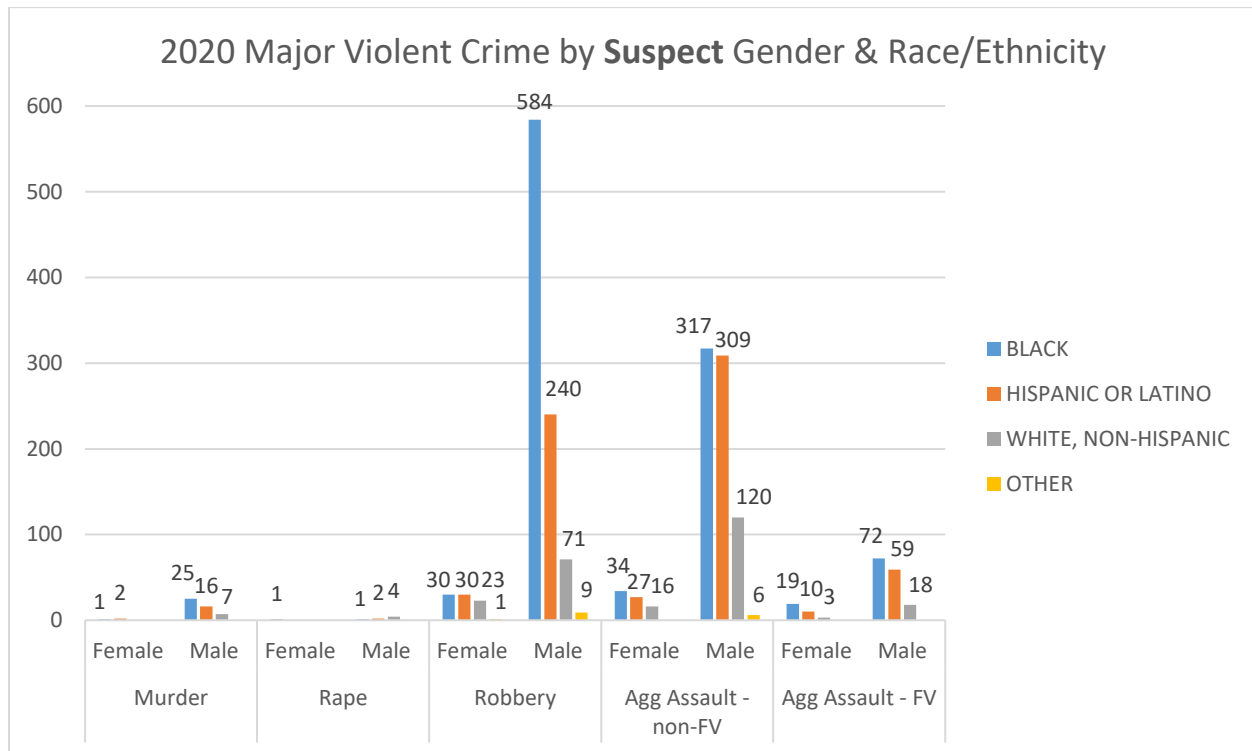Major Violent Offenses Involving Firearm - 2020 Hot Spots
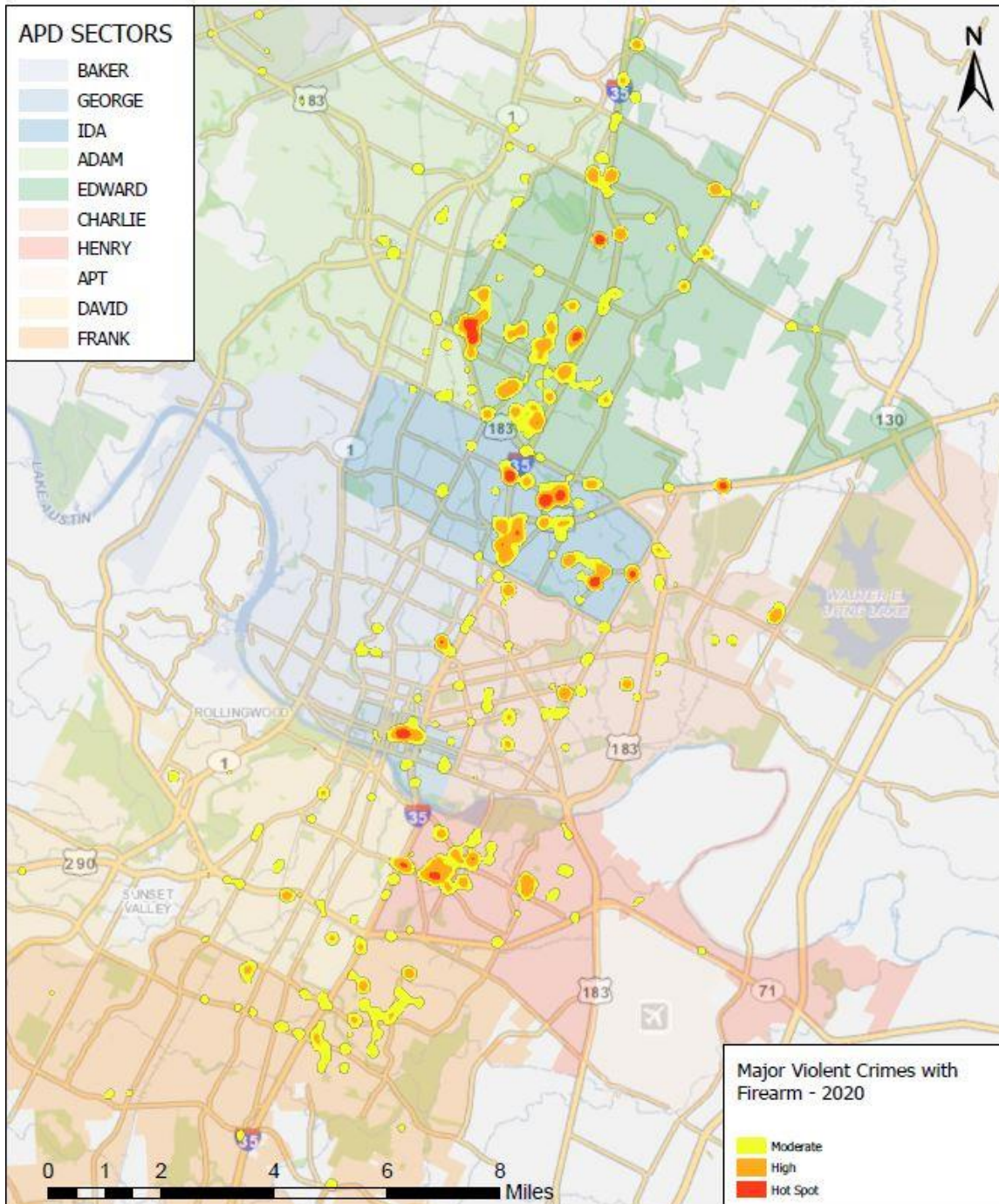
Demographic Information on Individuals Involved

The following charts show the gender and race/ethnicity of the victims and suspects or arrestees of the major violent offenses involving firearms for 2020. Individual graphs are provided for victims and suspects/arrestees. Only those individuals in which both gender and race/ethnicity was available were included in the graphs for simplicity.

Although the totals were different for each time period, the victim breakdown by gender and race/ethnicity in 2020 indicated similar trends when compared to 2018 (results in APD's original gun crime report) and 2019. The most obvious trend was that Hispanic males were much more likely to be the victims of Robbery and Aggravated Assault Non-Family Violence (no family violence component).
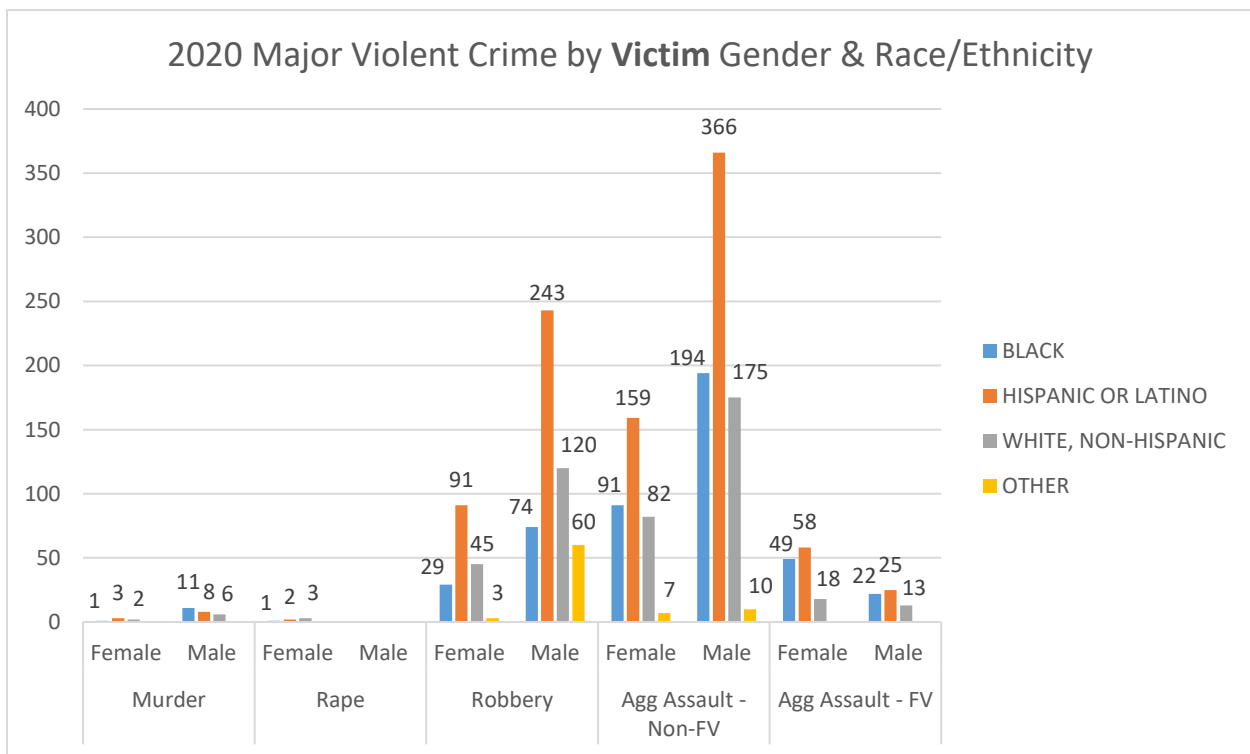
When looking at the demographics for suspects/arrestees, the Robbery trend for 2020 was similar to 2018 and 2019 with Black males much more likely to be the suspect. For Aggravated Assault Non-Family Violence, 2019 showed similar results as 2018 with Hispanic males more often being the suspect, but for 2020, Black males and Hispanic males were equally likely to be the suspects, with the total for Black males only slightly higher than the total for Hispanic males.

2020 Major Violent Crime by **Suspect** Gender & Race/Ethnicity

Legend:
- BLACK
- HISPANIC OR LATINO
- WHITE, NON-HISPANIC
- OTHER

Murder — Female: 1, 2; Male: 25, 16, 7
Rape — Female: 1; Male: 1, 2, 4
Robbery — Female: 30, 30, 23, 1; Male: 584, 240, 71, 9
Agg Assault - non-FV — Female: 34, 27, 16; Male: 317, 309, 120, 6
Agg Assault - FV — Female: 19, 10, 3; Male: 72, 59, 18

Incidents of Gun Violence Committed by Individuals Having a History or an Association to Hate Groups

As noted in the original report to City Council in July 2020, Austin Police Department cannot fulfill this part of the resolution based on the following reasons. In the United States, hate speech enjoys substantial protection under the First Amendment. Under current First Amendment jurisprudence, hate speech can only be criminalized when it directly incites imminent criminal activity or consists of specific threats of violence targeted against a person or group. *Brandenburg v Ohio* (1969) is considered an iconic ruling in that it established the standard for hate speech and "imminent lawless action."[1]

There is not one comprehensive definition of "hate group", but several organizations such as ADL and Southern Poverty Law Center have working definitions. The Southern Poverty Law Center defines a hate group as an organization that – based on its official statements or principles, the statements of its leaders, or its activities – has beliefs or practices that attack or malign an entire class of people, typically for their immutable characteristics.[2]

Federal regulation 28 CFR Part 23 states under its "Operating Principles" that: A project shall not collect or maintain criminal intelligence information about the political, religious or social views, associations, or activities of any individual or any group, association, corporation, business, partnership, or other organization unless such information directly relates to criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.[3]

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[1] Justia US Supreme Court, https://supreme.justia.com/cases/federal/us/395/444/, accessed June 19, 2020
[2] Southern Poverty Law Center, https://www.splcenter.org/20200318/frequently-asked-questions-about-hate-groups#hate%20group, accessed June 17, 2020
[3] Office of Justice Programs, https://it.ojp.gov/documents/28cfr_part_23.pdf, accessed July 19, 2020

Texas state law does require law enforcement agencies to track intelligence related to criminal street gangs and the membership of such gangs. Although not necessarily considered hate groups, the "signature" of some criminal street gangs may include beliefs and/or practices that attack or malign minorities or other classes of people. The APD Gang Suppression Unit is responsible for criminal investigations involving gang members and maintaining documentation in the Records Management System, which also includes entering a gang member's information into the statewide database, TXGang.

A hate crime is a traditional offense like murder, arson, or vandalism with an added element of bias. The FBI has defined a hate crime as a "criminal offense against a person or property motivated in whole or in part by an offender's bias against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity."[4]

Due to the protected status of hate speech and statutes prohibiting the collection of intelligence information about hate groups, Austin PD does not document or track people whose only actions are to voice beliefs or opinions that might be considered hate speech by others or who are members of groups that might be considered hate groups. But once a hate crime has been committed, APD investigates it as we would any other type of crime.

Since we do not track membership in hate groups, we do not have a way to determine how many gun violence offenders are also members of such a group. Therefore, it is not possible to provide the number of incidents of gun violence committed by individuals affiliated with these groups.

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[4] Federal Bureau of Investigation, https://www.fbi.gov/investigate/civil-rights/hate-crimes, accessed June 17, 2020