



FREEDOM CITY POLICIES

In June 2018, Austin City Council enacted two linked local resolutions, the **Freedom City Policies**, that address problems facing immigrants and communities of color in the city.

What do Freedom City Policies do?

Resolution 73 aims to reduce the number of needless arrests for low level offenses and mitigate racial disparities associated with those arrests. It addresses when officers must give you a citation to appear in court in the future, versus making an arrest. If you are stopped for an offense where the law allows officers to issue a citation ("citation-eligible offenses"), an officer cannot decide to arrest you for whatever reason they want. Under this resolution, an officer must give you a citation and release you, unless certain circumstances are present.

Resolution 74 aims to protect the constitutional rights of the immigrant community in Austin in the wake of the anti-immigrant state law SB 4. The resolution requires police officers to advise everyone of their right to remain silent before inquiring about immigration status, and to complete a report explaining the reason for the inquiry. Resolution 74 also requires that the Austin Police Department track and publicize its assistance to ICE.

Which offenses are considered citation-eligible offenses?

All Class C Misdemeanors (fine-only offenses), such as:

- Traffic violations (e.g. Speeding, Driving without a License, etc.)
- Disorderly Conduct
- Possession of Drug-related Paraphernalia
- Petty Theft (less than \$100 worth of property)
- And others - please consult with a criminal defense attorney for a full list.

Certain Class A & B Misdemeanors, including:

- Possession of up to 4 ounces of marijuana
- Criminal mischief, with damage up to \$750
- Theft of up to \$750 in property
- Theft of up to \$750 in services
- Driving while license invalid
- Graffiti
- Contraband in a correctional facility



What are my rights under Freedom City Policies?

If you are accused of a citation-eligible offense by the Austin Police Department, an officer should issue you a citation and release you, rather than arresting you and taking you to the police station or county jail, unless:

1. You are under the age of 17 (you will be treated as a juvenile if you are under 17);
2. You demand to be taken before a judge immediately;
3. You have an outstanding warrant out for your arrest;
4. You are publicly intoxicated;
5. You are a threat to the safety of yourself and those around you;
6. You are unable to present sufficient identification;
7. You live outside of Travis and Hays Counties.

An officer must accept any type(s) of identification which establishes your county of residence, regardless of whether it contains your photo. You may present various forms of identification to demonstrate your county of residence, including a driver's license, state or federally issued ID, student ID, church ID, utility bill, etc.

Officers must also advise you of your right to remain silent before inquiring about your immigration status. An officer cannot pressure you into answering.

What details should I look for if I am stopped by Austin police?

- Ask for the officer's full name and badge number. Record that information and give it to a family member or friend. Note the date, time and location where you were stopped.
- If you are asked about your immigration status, note whether the officer reminded you of your right to remain silent BEFORE asking you about your immigration status.
- Record the circumstances of the stop or arrest. Give details about what happened, the way the officer treated you, and why. For example:
 - Did the officer read you your rights?
 - Did the officer coerce you into giving them information?
 - Did the officer force you to present a specific form of ID or reject ID that should have been accepted?
 - Did the officer arrest you, even though you were accused of committing a citation-eligible offense only? Why do you think the officer arrested you?
 - Did the officer use any offensive terms or names with you?

What should I do if an Austin police officer violates my rights?

- File a complaint with the Office of Police Oversight (OPO) online at www.atxpoliceoversight.org, by calling the complaint line at (512) 972-2676, by email at policeoversight@austintexas.gov, or in person at their office. OPO has interpreters if you do not speak English. You may file a complaint anonymously.
- If you need help making a complaint, please call Grassroot Leadership's community defense hotline at 512-270-1515 for assistance.



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