

RESOLUTION NO.

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WHEREAS, the City of Austin is committed to undoing its racist past and combatting and denouncing racism in present-day Austin; and

WHEREAS, the City of Austin acknowledges that the history of bigotry and discrimination has contributed to racially disparate outcomes in policing and policy; and

WHEREAS, the Center for Policing Equity found in 2016 that the Austin Police Department (APD) was more likely to use force in communities where more African-Americans and Latinos live, and when force was used, APD was more likely to use more severe force in communities where African-Americans and Latinos live, even after controlling for factors such as community crime and poverty rates; and

WHEREAS, the APD's state-mandated racial profiling reports consistently show that Black and Latino drivers are more than twice as likely to be searched ~~than~~as their white counterparts during traffic stops despite similar "hit rates", including in 2018 where ~~6-percent~~6% of traffic stops of white drivers resulted in a police searches compared to ~~14-percent~~14% for Latino drivers and ~~17-percent~~17% for Black drivers; and

WHEREAS, APD data provided per Council Resolution No. 20180614-073 (one of the Freedom City Resolutions) showed that in 2017 APD police officers made

20 discretionary arrests of Black people at more than twice the rate of either white or Latino
21 residents; and

22 ———**WHEREAS**, that same 2017 data also showed Black and Latino residents
23 accounted for just under 75-percent⁰/₁₀₀ of those discretionary arrests for driving with an
24 invalid license, although the two groups combine to make up less than 45-percent⁰/₁₀₀ of
25 Austin's population; and

26 ———**WHEREAS**, that same 2017 data also showed that one out of three
27 discretionary arrests for misdemeanor marijuana possession involved a Black resident
28 even though less than one in ten Austinites is Black, though usage rates of marijuana are
29 similar across racial groups; and

30 ———~~**WHEREAS**, subsequent quarterly reports made pursuant to Council Resolution~~
31 ~~No. 20180614-073 show a persistent pattern in which Black people continue to comprise~~
32 ~~a disproportionately high percentage of APD's discretionary arrests; and~~

33 ———**WHEREAS**, per the quarterly report for Council Resolution No. 20180614-
34 073, issued by APD on May 3, 2019, Black people still composed 27-percent⁰/₁₀₀comprised
35 32% of persons arrested by APD for offenses eligible for citation, which, proportionally,
36 amounts to more than three times Austin's Black population; and

37 ———~~**WHEREAS**, as of March 2019, nearly 40 percent of the 140th Austin Police~~
38 ~~Department cadet class had dropped out; and~~

39 ——**WHEREAS**, an anonymous whistle-blower has recently accused an
40 Assistant Chief of the Austin Police Department of using racist epithets and derogatory
41 terms, including “negro” and “nigger,” to refer to specific Black elected officials and
42 sworn officers of the Austin Police Department; and

43 ——**WHEREAS**, following the public release of the anonymous complaint and
44 subsequent resignation of the Assistant Chief named in the complaint, City Manager
45 announced on November 7, 2019 that a third-party investigation into the allegations that
46 the use of racial slurs and epithets lasted over a period of many years with the knowledge
47 of other leadership at APD; and

48 ——**WHEREAS**, the Mayor’s Task Force on Institutional Racism and Systemic
49 Inequity recommends that the City of Austin create protocols to ensure the cultural
50 competency of all personnel, and that the City of Austin’s law enforcement agencies
51 engage in continuous diversity and inclusion training, with special attention to implicit
52 bias training; and

53 ——**WHEREAS**, in 2018, the Office of Police Oversight was created to augment
54 accountability and transparency at APD, and that the department could benefit from
55 expanded ~~insight~~access and resources; and

56 ——**WHEREAS**, the Austin Police Department presented a training plan during
57 the City of Austin ~~FY19~~FY2019-20 budget deliberations indicating its intention to

58 graduate almost 200 new cadets in Academy classes scheduled to start in February 2020;
59 and

60 WHEREAS, attrition rates in recent cadet classes exceeded expectations in
61 at least the last five cadet classes , reaching as high as 49%, suggesting that there exist
62 issues with recruitment and cadet preparedness; and

63 WHEREAS, while assessment center panels were recommended as a method to
64 counter the potential bias in written exams for promotion of APD officers, there are
65 concerns that the system does not accomplish this goal and in fact may have the opposite
66 impact; and

67 **WHEREAS,** patterns and specific incidents of discrimination and bigotry in the
68 Austin Police Department erode the public trust, which is necessary to effectively
69 ~~enfore~~enforce the law, solve crimes, and ~~maintaining~~maintain public safety, and so the
70 Council finds it imperative to understand the full extent of bigotry and systemic racism
71 and discrimination within APD, and consider reforms to APD's policies, protocols, and
72 training curriculum; **NOW, THEREFORE,**

73 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

74 —The Council supports the investigation initiated by the City Manager into the
75 allegations against a former APD Assistant Chief. The City Manager is directed to provide
76 an update and publicize resulting findings to Council by January 23, 2020.

77 **BE IT FURTHER RESOLVED:**

78 ———Effective on January 23, 2020, the City Manager is directed to
79 ~~undertake~~initiate a comprehensive, multi-pronged investigation and evaluation of the
80 extent to which forms of bigotry and discrimination are present in the protocols, practices,
81 and behaviors of the officers of the Austin Police Department. To the extent to which they
82 are present, this investigation and evaluation shall document the impacts these individual
83 and systemic biases have had on hiring, professional ranking, and treatment of personnel
84 within APD, as well as police interactions with people of color and other marginalized
85 groups in Austin.

86 ———The investigation should begin with an immediate focus on patterns of
87 prejudiced behavior and institutionalized bigotry in the following high-priority areas:

- 88 1. Officer and supervisor communications, including all public posts on social media
89 platforms that are available to the investigator, City email, and text messages and
90 instant message communications on City devices within the last 5 years; and
91 ~~1. Training materials, course/section descriptions and duration, and description of any~~
92 ~~other procedures (e.g. detailed descriptions of scenarios) administered to cadet~~
93 ~~classes and to active officers related to training on communication strategies,~~
94 ~~cultural competency, acknowledging and addressing bias, use of force, de-~~
95 ~~escalation, search, pro-active policing, mental health response, protocols for non-~~

English speaking subjects, protocols for disabled subjects, recognizing resistance,
and their evaluation protocols;

1. ~~Course/section descriptions and duration of all other coursework required at the
cadet academy and their evaluation protocols;~~

2. ~~Recruitment practices and protocols, efforts to ensure ethnic and gender
diversity and inclusion in recruitment, and assessment of academic resources
available to cadets.~~

Investigation of these high-priority areas of focus should result in an interim report that
includes analysis of expressed behavior and patterns, and any immediate
recommendations for reform presented publicly to the Council no later than December 7,
2020. ~~Recommendations in these high-priority areas should include recommendations for
new training materials administered to cadet classes, if necessary.~~

—Investigation into and analysis of the following areas of focus should begin
concurrently:

2.3. ~~The degree to which the APD is adhering to~~ APD's compliance with state
and federal law with regard to racial and sex discrimination in employment;

4. The basis for the weighting of assessment center panel scores in the professional
ranking and promotion of APD officers, including the degree to which the use of
assessment centers counters potential bias or disparate impact in the promotion

process, if at all, and best practices for the transparency and use of assessment centers in ranking, and the appropriate weights for promotion consideration at each officer level;

3.5. All use-of-force incident reports from June 2019 to November 2019, analyzing them by location, any resulting charges, if any, the outcome of each incident, and demographic information including race, ethnicity, and language spoken of all persons involved;

4.6. Aggregate data on every recorded interaction from June 2019 to November 2019 with any member of the public, including type of interaction and its outcome (search, arrest with charges, citation with charges) and an evaluation on whether there are racial and/or ethnic or other disparities in searches, arrests, charges and citations;

7.
~~5.~~ Complaints and disciplinary action taken made against officers and executives accused of bias and/or discrimination;

~~6.7.~~ The number of sustained complaints of bias against officers and leadership, including those complaints that did not result in disciplinary action, including, but not limited to, lack of and the reason that no disciplinary action due to the 180-day rule, was taken in each case, for the last 10 years; and

133 8. Incidents leading to lawsuits for alleged police misconduct, and analysis of
134 the outcomes and subsequent settlements of those lawsuits, including the amount
135 of each settlement, over the last 10 years.

136 The evaluating entity will issue a final report no later than December 6, 2021, that
137 details any patterns of systemic racism, racist behavior, and other forms of discrimination
138 found in all of the above areas of focus, to include recommendations to remedy and
139 prevent ~~continued~~ patterns of bias.

140 **BE IT FURTHER RESOLVED:**

141 —The independent investigation and examination shall be conducted by an
142 independent third party with substantial experience in the evaluation and investigation of
143 police misconduct, bias, and claims in employment law and Title VII violations, as well
144 as in assessing systemic conditions that engender civil rights violations, including both
145 organizational decision-making and greater policy-making rules and patterns.-

146 The City Manager shall develop the scope of work and qualifications for the
147 solicitation of the evaluating entity with input from the Joint Inclusion Committee, the
148 Public Safety Commission, and community organizations that advocate for racial justice,
149 equity, and criminal justice reform as allowable by the City's purchasing rules. The City
150 Manager shall determine the appropriate funding sources when recommending the
151 contract for Council approval.

152 ~~**BE IT FURTHER RESOLVED:**~~

153 _____ The City Manager is also directed to collaborate with the Equity Office and
154 the Office of Police Oversight in a joint oversight capacity ~~in regard to~~ regarding the
155 selection and supervision of the independent investigating entity, to the extent allowed by
156 the City's procurement policies.

157 **BE IT FURTHER RESOLVED:**

158 Separately from the independent third-party investigation that is to be completed
159 no later than December 6, 2021, the City Manager shall initiate an audit of Austin Police
160 Department's training materials, course/section descriptions and duration, and description
161 of any other procedures (e.g. detailed descriptions of scenarios) administered to cadet
162 classes and to active officers related to training on communication strategies, cultural
163 competency, acknowledging and addressing bias, use of force, de-escalation, search,
164 proactive policing, mental health response, protocols for non-English speaking persons ,
165 protocols for disabled persons , recognizing resistance and the rules and procedures that
166 define resistance and their evaluation protocols, as well as the course/section content and
167 duration of all other coursework required at the cadet academy and their evaluation
168 protocols. The City Manager may work with and incorporate results from any review of
169 APD hiring and training protocols that has been conducted or is being conducted by the
170 APD's training specialist, the Equity Office, or the Office of Police Oversight.

171 **BE IT FURTHER RESOLVED:**

172 ——— The City Manager is directed to ensure that the scope of work for the selected third-
173 party investigator will require written reports, including at least one interim report issued
174 no later than December 7, 2020, and a final report issued upon conclusion of the
175 investigation. The final report, as well as interim reports that may be required or otherwise
176 warranted, shall detail any patterns of systemic racism and racist behavior within the
177 Austin Police Department and within the City's oversight of and policy making with
178 respect to APD. The final report and any interim reports should include recommendations
179 for steps to any remedy problematic behaviors and policies, including recommendations
180 that address any systemic patterns and conditions that foster a culture in which racism and
181 other discrimination is acceptable. The final report will be issued no later than December
182 6, 2021.

183 **~~BE IT FURTHER RESOLVED:~~**

184 ——— Separately from other investigations, the City Manager shall initiate an audit
185 of the Austin Police Department's hiring protocols to assess opportunities to better screen
186 qualified candidates. Additionally, the City Manager shall audit training protocols and
187 procedures for the cadet academy and sworn officers to understand the extent to which
188 the training materials currently used foster bias in policing. The City Manager is directed
189 to update or revise training materials for APD to the extent necessary to remedy any
190 findings from the audit. This process should be as publicly transparent as possible, ensuring
191 that the public has access to view training materials on the topics of bias, racism, and

cultural competency in policing. The audit is to be completed and reported ~~on~~ to Council
no later than June 1, 2020.

—The During this process, the City Manager will track and report on the
following milestones:

- Training conducted at the Austin Police Academy related to reducing bias,
increasing de-escalation, reducing racial disparities in use of force and severity of
force, reducing racial disparities in discretionary searches, and improving
communication with all individuals regardless of language, ethnicity, sexual
orientation, gender identity or disability;
- Recruiting and retention and practices and procedures with a focus on whether
those practices and procedures could be improved to retain ethnic and gender
diversity in cadet classes, and whether those practices and procedures, including
the use of disqualification codes for cadets, have a disparate effect or impact based
on race, ethnicity, national origin, sex, religion, sexual orientation, or gender
identity, etc.
- Current training priorities based on hours on each topic and the overall balance of
training with a focus on whether training should be re-balanced to reduce bias,
increase use of de-escalation techniques, and improve culturally effective
communication, and trauma-informed policing;

- Cadet training scenarios with a focus on reviewing whether the scenarios teach officers to use all strategies to de-escalate and communicate effectively in the situations statistically most likely to occur on their shifts;
- Identify police academies that have successfully revised training resulting in reduced force incidents and improved communication with diverse communities, including police Academies in Cambridge, Washington (Washington State Criminal Justice Training Commission) and Minneapolis, Minnesota and conduct site visits and review training reforms; and
- Improvements in training should be finalized with the input and participation of community groups representing those disproportionately affected by policing, including those representing non-white residents and populations, non-English speaking residents and populations, LGTBQIA+ residents and populations, and residents and persons with disabilities.

Following the start of the cadet class scheduled to begin in February 2020, the City Manager shall ensure that no new cadet classes ~~may~~are to be initiated until this audit is completed, revisions to the curricula per the milestones above and new training materials, if ~~any~~necessary, are implemented, in order to resume cadet classes no later than September 2020. When classes resume, space will be made available for an independent party to audit classes and instruction.

230 **BE IT FURTHER RESOLVED:**

231 **BE IT FURTHER RESOLVED:**

232 _____The City Manager shall issue biannual updates on the progress of the
233 independent third-party investigation, to include relevant updates on the solicitation
234 process and anticipated timelines for the investigation to proceed.

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