



## COMMISSION RECOMMENDATION

### AFRICAN AMERICAN RESOURCE ADVISORY COMMISSION

Recommendation Number: 20200504-03ai: Concerning Austin Police Department's Response to Resistance Policy

**WHEREAS**, the African American Resource Advisory Commission (the "Commission") is authorized by Austin City Code § 2-1-101 to advise the City Council on issues related to the quality of life for the City's African American community; and

**WHEREAS**, the Commission is specifically authorized to recommend programs designed to alleviate any inequities that may confront African Americans in social, economic, and vocational pursuits, including (1) health care; (2) housing, including affordable housing, home ownership, and homelessness; (3) entertainment opportunities for professionals and students; (4) employment; and (5) cultural venues, including museums, theaters, art galleries, and music venues; and

While the Austin Police Department values its core philosophy, as outlined in the Austin Police Department's General Orders, which states... "The protection of life is the primary core value and guiding principle of the Austin Police Department. As such, all employees will strive to preserve human life while recognizing that duty may require the use of deadly force, as a last resort, after other reasonable alternatives have failed or been determined impractical. The department's basic goal is to protect life, property, and to preserve the peace..." We once again see flaws in this philosophy continuing to repeat with deadly consequences toward African Americans and Latinos/Hispanics at alarming rates; and

The death of Mike Ramos on April 24th, 2020, after an altercation with the Austin Police Department, undermines the "core APD values" when encountering African American and Latino/Hispanic civilians. Such deadly disproportionate encounters on African Americans and Latinos/Hispanics are alarming and continue to erode the trust and respect within these communities with the Austin Police Department. The 2018 Austin Police Department Racial Profiling Report, presented at the February 2019 African American Resource Advisory Commission meeting, disproportionately displayed motor vehicle stops and searches for African Americans and Latinos/Hispanics. The data further showed that African Americans, who have the lowest population within the Austin City limits, motor vehicle stops, searches and convictions by hits continued to increase despite the decline in population numbers relative to that of Latinos/Hispanics; and

In 2005, after racist comments were heard being made by Austin Police Officers after an African American establishment was damaged by fire, emotions and heated discussions

brought national attention to the City. In addition, an Austin NAACP report card graded the city harshly in the category of Police and Safety. As a result, the African American Quality of Life Initiative was born. In 2006 this initiative gave birth to the African American Resource Advisory Commission and became a City Ordinance. To improve Police and Community relations, a City team comprised of police officers, employees and a community team led by the Austin NAACP, the Nation of Islam and retired APD Captain Louie White, produced the first joint policy on emphasizing less lethal options in situations that required use of force; and

The policy evolved and was enhanced by an Austin Police Department program referred to as G.A.P. or Guidance Advisory Program. Unfortunately, African Americans and Latinos/Hispanics continued to bear the brunt of force. In 2007, after the death of Kevin Brown, the Department of Justice agreed to launch an investigation into the Austin Police Department. In December 2008, the Department of Justice notified the City of Austin that while the investigation did not find Constitutional violations based on willful intent, they did find deficiencies that could lead to violations. The Department of Justice issued a technical assistance letter to the City that resulted in 152 recommendations and a new policy based on “Minimum Force Necessary” and Response to Resistance; and

This issue and critical discussion have continued through **5 mayors, 4 police Chiefs, 3 District Attorneys** and a **new City Charter 10-1** system; and

As an advisory body to the City Council, the African American Resource Advisory Commission has a unique responsibility to ensure that this current issue is viewed from a comprehensive perspective. In that context, it is critical that instructions and expectations are conveyed in the Austin Police Academy that promote cultural diversity, cultural competency and re-examination of its General Orders in sections 200, 202 and 206; and

**Whereas**, the African American Resource Advisory Commission was created to advise the Austin City Council on disparate impact issues affecting the African American Community; and

**Whereas**, Police and community relations continue to be a major source of tension, division and mistrust among African Americans when interacting with police; and

**Whereas**, excessive force tactics continue to fuel mistrust and frustration despite policies that emphasize less lethal options and de-escalation; and

**Whereas**, inherently dangerous tactics like firing into moving vehicles are still occurring despite policies that advise against such tactics; and

**Whereas**, these policy directives in the Austin Police Department’s General Orders are often ambiguous, subjective and contradictory; and

**Whereas**, policy changes often are amended based on leadership changes and are not maintained now; and

**Therefore, be it resolved** that the Austin City Council should modify tactics adopted in the Austin Police Department's General Orders Policy of Response to Resistance, GO section 200 and Fire Arm Discharge Situations, GO section 202, and

**Therefore, be it resolved** that the Austin City Council must ensure that the Police Academy is culturally diverse and representative of the population that cadets will serve as future Police Officers, and examine and emphasize de-escalation training during academy training and subsequent training follow up courses for active Austin Police Department officers and GO section 206 Controlled Devices and Techniques, and

**Therefore, be it further resolved** that the Austin City Council recognize that cultural diversity is the basis for cultural competency and fair treatment of all ethnic and racial groups.

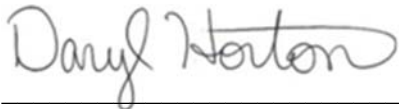
Date of Approval: May 4, 2020

Record of the vote: 7 – In favor (Commissioners Daryl Horton, Miriam Conner, Nelson Linder, Greg Smith, Elaina Fowler, Rashida Wright, and Cherelle VanBrakle) 1 - Not in favor (Commissioner Clifford Gillard)

Abstain: (Commissioner Dr. Chiquita Eugene)

Absent: (Commissioners Volma Overton, III, Elton Randal, Ellen Sweets, Aaliyah Nobles, and Tam Hawkins)

I affirm this recommendation was approved by the African American Resource Advisory Commission.



Daryl Horton, AARAC Chair

May 4, 2020

Date