

RESOLUTION NO. 20200611-096

WHEREAS, The Austin City Council has articulated a new strategic direction for policing and public safety in countless resolutions, ordinances, budget directions and guidance; and

WHEREAS, Resolution No. 20191205-066 directed the City Manager to investigate and improve the very inner workings of the Austin Police Department, including training protocols, practices, and officer behaviors; and

WHEREAS, the City of Austin supports policies that reduce the unnecessary use of force by police, enhance implicit-bias and de-escalation training, expand civilian oversight of the Austin Police Department, and improve relations between police and those they serve; and

WHEREAS, recent police action showed that sworn officers of the Austin Police Department fired rubber bullets, bean bag rounds and tear gas into crowds and sent unarmed protesters to the hospital; and

WHEREAS, more than two dozen community leaders presented a letter to City Council demanding that the leadership at the top of our city's public safety system be replaced with individuals who support and are willing to enact the reforms passed by City Council; and

WHEREAS, the elected members of City Council have no confidence that current Austin Police Department leadership intends to implement the policy and

culture changes required to end the disproportionate impact of police violence on Black Americans, Latinx Americans, other nonwhite ethnic communities, and returning and low-income residents; and

WHEREAS, the measures that current Austin Police Department leadership have been willing to implement are inadequate, and resemble the same flawed police training and command expectations that have existed in the past; and

WHEREAS, Austin's 911 system, managed by the Austin Police Department, continues to send armed police to address problems that would be better met with an alternative response; and

WHEREAS, for Fiscal Year 2020 Council budgeted for the implementation of a program of alternatives for first response to mental health crisis calls, and from December 16, 2019 to June 4, 2020 of 23,333 calls for service with a mental health component, 291 were transferred to a Crisis Center Counselor, indicating the need for continued development of additional alternatives and the resources to do so; and

WHEREAS, the COVID-19 global pandemic requires us to carefully reconsider how the City allocates FY2021 funds in order to address the needs of disparately impacted residents; and

WHEREAS, the greater Austin area has lost 100,000 jobs during the COVID-19 global pandemic and closures, and the Austin City Council actively

supports the need to edify budget spending priorities to address this regional socioeconomic crisis; and

WHEREAS, the FY 2020-2021 budget is scheduled to be adopted in August 2020; and

WHEREAS, the budget for the Austin Police Department is the City's single largest General Fund expenditure, comprising approximately 40% of the City of Austin's General Fund budget, leaving fewer resources available for other public safety strategies that could better serve our community's needs and long-term goals; and

WHEREAS, according to the U.S. Department of Justice's Bureau of Justice Statistics, public expenditure on policing in the United States more than quadrupled between 1982 and 2006, with no clear correlation between increased spending and lower violent crime rates; and

WHEREAS, a Prison Policy Initiative 2017 report explicated that local governments nationwide spend approximately \$13.6 billion on incarceration and over-criminalization; and

WHEREAS, the budget is a reflection of the City of Austin's morals, overarching vision, and strategic direction; and

WHEREAS, starting in FY16, the Council set a goal of increasing spending on social service contracts to better align with community needs; and

WHEREAS, the City Charter grants Council final authority over budget decisions; **NOW, THEREFORE**,

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

The Austin City Council affirms its commitment to reimagining public safety and law enforcement in our community.

BE IT FURTHER RESOLVED:

The City Manager is directed to bring forward a baseline budget that:

- Includes no additional sworn police staff positions;
- Eliminates the sworn positions that the Austin Police Department cannot reasonably fill in FY2020-2021 and reallocates those unused funds to alternative public safety and public health strategies such as, but not limited to, training and standards for trauma-informed responses, substance abuse, mental health responses, victims services counselors, a comprehensive and community informed community policing standard, COVID-19 relief, social services, housing stability programs, family violence prevention and family violence sheltering strategies funded through the Austin Public Health or Neighborhood Housing and Community Development Departments, housing-focused case management for individuals experiencing homelessness, human trafficking prevention, and other preventative actions and alternatives;

- Explores options for reallocating positions and roles currently assigned to the Austin Police Department that could be managed by other departments, including but not limited to Code Enforcement, Austin Transportation Department, Austin Public Health, Austin Fire Department, and Parks and Recreation Department;
- Explores options for reallocating positions and roles to new city units and departments not currently reflected in our existing organizational structure including but not limited to an Office of Violence Prevention as other major cities have created;
- Explores options for reallocating positions and roles currently assigned to the Austin Police Department that could be managed by other outside partner entities, including but not limited to CAPCOG, constable precincts, or non-profit organizations.
- Does not include any additional funding for militarized equipment, including but not limited to:
 - Tear gas
 - Rubber bullets
 - Bean bag rounds
- Includes funding for a process to rewrite the Austin Police Department's General Orders, in collaboration with Offices that may provide policy

guidance that aligns with the equity and oversight policy direction from Council, such as the Office of Police Oversight, using national best practices and community input for the implementation of new guidelines in the following areas, including but not limited to: use of force, de-escalation, search and seizure, body worn camera and dashboard camera, discipline matrix, comprehensive on duty reporting requirements, language and courtesy, bias, and mental health response;

- Funds an audit of all disciplinary records held by the Austin Police Department, along with providing recommendations on staffing needed to build data systems designed to measure and track the implementation of new force guidelines and equity outcomes and recommendations to establish practices that use a scoring mechanism for disproportional behavior to identify at-risk officers, assign appropriate interventions, and use in the determination of promotions;
- Sets aside reserve funds, in collaboration with Offices such as the Office of Police Oversight and the Equity Office, to implement forthcoming recommendations from APD-related audits, evaluations, memos and reports, including but not limited to Council Resolutions 20190131-77 and 20191205-66, cadet training curriculum from the Office of Police Oversight, and the Joint Report: Analysis of APD Racial Profiling Data;

- Increases staffing for mental health first response, such as Community Health Paramedics, EMCOT, and the Homelessness Outreach Street Team (HOST), to ensure the full implementation of an alternative response to 911 calls related to mental health;
- Provides funding required to implement at full scale the First Responder Mental Health Calls for Service program outlined in the 2019 Meadows Institute Report, to include funding for mental health clinicians, call center training and support, equipment and technology, project management and implementation support. Funding shall reflect at least the amount in the City Manager's budget proposed for FY 2021 for this program in the FY 2020 budget documents;
- Exempts victim services and sex crimes unit from cuts unless those FTEs are transferred to another City department or to a newly created department;
- Funds for the distribution of Naloxone and training in its use to ensure that officers save lives when confronted with drug overdose situations;
- Includes funds for the expansion of programs to reduce or eliminate arrests for low-level, non-violent offenses by substituting alternatives to arrest and incarceration, including harm reduction strategies, when the underlying issues can be better addressed with services and health care;

- Includes additional funding for the Office of Police Oversight and the Equity Office that enables the departments to sufficiently perform their missions and fulfill Council directives, including funding for additional FTEs; and
- Establishes and funds an audit of the costs incurred by the City in expenditures related to suspected and/or confirmed officer misconduct, including but not limited to paid administrative leave, replacement compensation and overtime, litigation and fees, settlements and payouts.

BE IT FURTHER RESOLVED:

The City Manager is directed to explore and propose ways to structure the FY2021 Austin Police Department budget using outcomes-based budgeting and zero-based budgeting frameworks.

BE IT FURTHER RESOLVED:

The City Manager is directed to review all grants received by the Austin Police Department to determine if those funds and initiatives align with and advance Council's affirmed vision for department policies and practices.

BE IT FURTHER RESOLVED:

The City Manager is directed to report back to Council and relevant Council Committees all changes made to the Austin Police Department General Orders.

ADOPTED: June 11, 2020

ATTEST: _____
Jannette S. Goodall
City Clerk