

August 12, 2020

Harper-Madison Budget Rider #1 V2

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FY21 POLICE BUDGET

Resources and departments currently held under APD can better serve our community by being transitioned to other departments, programs, and initiatives within our City. The following are areas of interest my office is looking at for possible reallocation. Further discussion and investigation must be done in regard to these items in order to work through logistical challenges. To create sustainable, lasting change in how our city addresses public safety, I recommend the following:

- 1) Remove the following from "Police Budget" and put into a "Transition Budget" for further evaluation (\$128.82M):

A. Decouple Fund:

- a) Forensics Sciences Services (\$12.79M)
b) Communications (\$17.70M)
c) Support Services (\$14.14M)
d) Strategic Support (\$18.40M)
e) Community Partnerships (\$2.51M)
f) Victims Services* (\$3.17M)
g) Internal Affairs (\$4.53M)
h) Special Investigations Unit (\$1.88M)
i) Special events (\$4.47M)

B. Reimagine Safety Fund

- j) Overtime (est.) (\$3.00M)
k) Mounted Patrol (\$2.18M)
l) Interdiction K-9 Unit (\$1.29M)
m) Explorers (\$0.279M)
n) Traffic Enforcement (\$18.48M)
o) Training (\$10.75M)
p) Recruiting (\$3.55M)
q) Park Police (\$5.89M)
r) Lake Patrol (\$1.45M)
s) Austin Regional Intelligence (\$2.03M)
t) Nuisance Abatement (\$0.312M)

- 2) Only authorize The Manager is precluded from spending of the remaining Police money on the APD budget, including but not limited to the items in the Decouple Fund and Transition budgets the Reimagine Safety Fund for the second six months in the FY21 budget to be adopted by without specific approval of the Council in August 2020 to do so. This will require Council to go through another budget-like process for these items no later than March 2021 to consider public safety spending. We anticipate meeting and moving forward several times as a Council before next March, but this requirement will ensure a deep dive into the budget and a decision timeline at least by that date.

- 3) Empower Deputy City Manager Nuria Rivera-Vandermyde (DCM), working with Police Monitor Farah Muscadin, to work through their process:
 - a) Regarding the Decoupled Fund, these elements could and should come out of APD. The staff is to proceed with these elements being decoupled from APD, but if the staff and community identify unintended negative consequences that cannot be reasonably worked around, we expect staff to come back to Council with that finding.
 - b) Regarding the Reimagine Safety Fund, these functions should receive further review and potentially be separated from or end operations under APD with funding therefor diverted to alternative public safety solutions. Council will need that review to be complete in order to address both whether and how such changes would be accomplished.
 - a)c) Evaluate and recommend, as appropriate, transition, timeline and logistics out of APD of items laid out in the Transition Budget, so that Council is in a position to vote on those items prior to or as part of a mid-year budget authorization in six months;
 - b)d) Evaluate and recommend additional items for Council to consider to achieve a re-imagining of public safety so Council is in a position to vote on those items prior to or as part of the mid-year budget authorization;
 - e)e) Include recommendations on changes to legislation and contract provisions that pose barriers to reimagining public safety
 - d)f) With an established timeline of no longer than six months after the August budget adoption;
 - e)g) With a transparent structure and calendar allowing for public input and involvement;
 - f)h) Adequate resources should be appropriated to complete evaluation and preparation of recommendations before the mid-year budget authorization process. Including but not limited to staff support, research, public engagement and participation, and retention of consultants;
 - g)i) Staff shall report to the public and Council, periodically as appropriate, with a final report issued one month prior to the beginning of the Council's public mid-year budget process.
- 4) Empower Deputy City Manager Nuria Rivera-Vandermyde (DCM), working with Police Monitor Farah Muscadin, to propose transformative change in how our city deals with:
 - a) domestic violence
 - b) mental health intervention
 - c) homelessness
 - d) de-escalation
 - e) special events
 - f) booking and processing
 - g) gun violence
 - h) public safety partnerships with the County
- 5) Issues to be considered without limitation by Deputy City Manager Nuria Rivera-Vandermyde (DCM), and Police Monitor Farah Muscadin:
 - a) Cadet Classes:
 - i) One of the anticipated benefits of reimagining public safety is a decreased need for the number of sworn officers. The cadet classes present a real opportunity to reform police training, create and spread change agents and to improve racial diversity and culture at APD. The Council is supportive of using the full funding from cutting all three classes to invest in other areas of public safety, but we also believe we should not rule out the possibility that one or two of those classes might still yet begin in FY21 depending on factors such as having a revised curriculum successfully completed and an appropriate recruitment program available. Considerations could be given to factors including attrition rates, pension impacts, and funding that might become available (from federally designated police funding or otherwise). Future decisions on cadet classes should also take into account modified force requirements as we learn how many police positions are needed as this reimagining work is realized and results in changes in anticipated needs for sworn officers.
 - i)ii) It is the will of the council to realize true cultural change in our police department. There is no confidence that the current academy curriculum is maximized to help deliver that change. ~~With the appropriate training, graduates of the academy present an opportunity to have agents of cultural change and increased diversity in our police force.~~

- ~~ii)~~iii) The feasibility of specialty concentration classes, such as providing 500 hours only on mental health intervention;
- ~~iii)~~iv) A timeline for the implementation of new and appropriate curriculum and instructors based off the recommendations from the community-led review of the audit directed by Resolution No. 20191205-066 and other related reports; and
- ~~iv)~~v) The Academy moving to a civilian led program.

b) Professional Standards:

- i) Logistics of moving Internal Affairs (IA) out of the Police Department;
- ii) On-going Training and Discipline once officers are in the field; and
- iii) Development of predictive models to help ensure officers receive the continued training and support they need to be successful.

c) Burglar Alarms:

- i) Currently, law enforcement officers spend a considerable portion of their time responding to burglar alarms; however, over 95% of all burglar alarm incidents could be considered “false alarms” where the incident disposition is false alarm, cancelled incident, or no report. It is rare that police response to a burglar alarm incident results in apprehending someone in progress of committing a crime.
- ii) Officers spend a combined average of 25 hours and 20 minutes each day responding to burglar alarms. Reducing these types of incidents – which largely reflect false alarms – would result in tremendous time and resource saving for law enforcement officers in Austin.
- iii) The State has preempted the city and has established false alarm fees. In a consecutive 12-month period: No charge for the first 3 false burglar alarms, \$50.00 fee for false burglar alarm 4 and 5, \$75.00 fee for false burglar alarm 6 and 7, and \$100.00 fee for 8 or more false burglar alarms. These fees are below the cost of responding.
- iv) What additional measures can the City implement to reduce the amount of officer time officers spent on burglar alarm response?

d) Staffing:

Generally, in order to make substantial cuts to the police budget and achieve savings that can be spent on other initiatives, it will require a reduction in the number of sworn officers. 78% of the FY21 police budget is dedicated to salaries. The City of Austin has worked hard to not fire its workers; however, this reduction could be achieved in a variety of ways. Assessment for recommendations on reducing the amount of the budget dedicated to salaries should explore the following, but is not limited to:

- v) Natural attrition without replacement;
- vi) Facilitating the logistics of reducing workforce by off-loading workload that could be done by civilian workforce
- vii) Removing officers with excessive use of force histories through independent review
- viii) The Council is comfortable with the City Manager being able to manage the FY21 operations of the department with the proposed overtime reductions based on what has been presented to us thus far. If circumstances change, and overtime is needed to avoid an impact to the public safety of this City, we would anticipate the City Manager returning to Council for any indicated action, as he has done in the past.

b) Police Headquarters:

Moving police from its present headquarters has been long discussed, as the building is old and has significant deferred maintenance. Our city employees deserve and should have better. In a developing downtown and adjacent to the Waterloo Greenway, this location may well have a higher and better use. We should consider:

- i) relocating
- ii) selling
- iii) alternatively using the present police department headquarters location

6) The Austin Police Department has spent an average of 2.36 million of the General Fund on liability each year since 2015. APD's five year total of 11.8 million accounts for 41% of all liability reserve fund expenditures. ~~I suggest we limit this amount to \$600,000 of general funds, which is approximately 25% of their average expenditures. This would ensure that any costs of liability and compensation, exceeding that amount, in cases involving civilians will be drawn from the budget of the Austin Police Department. (potential savings of \$1.75 million annually, based on the 5 year trend). Additionally, I direct staff to come back with options regarding how we~~ Staff is directed to come back to Council with options regarding how to fund expenditures related to misconduct outside of general taxpayer funds.

7.) Metrics and Definitions:

- a) A clear articulation of what is meant by “re-imagining” and “transformational change” in policing and public safety should be defined. E.g., elimination of institutional racism and systemic inequities and work to prevent the conditions that increase the likelihood of crime and harm to people and property.
- b) In order to stay accountable, we must articulate actionable and specific key performance indicators and definitions thereof. With the guidance of Austin community members specifically — with prioritization on vulnerable populations historically and presently negatively impacted by police interaction — articulate how we will evaluate what success looks like in the battle against institutional racism. Example metrics include:
 - i) Percentage of community members who feel safe in their communities due to police presence;
 - ii) Percentage of police officers who feel that they have a culturally competent work environment and supervising management structure;
 - iii) Community satisfaction with fairness, civility, concern, and apparent effort from the police department; and
 - iv) The amount of community input to co-create the indicators of success