RESOLUTION NO.

WHEREAS, for over 23 years, the Downtown Austin Community Court (DACC) has provided justice diversion, community services, and homeless services; and

WHEREAS, as a diversionary court, DACC uses alternative forms of adjudication by providing connections to services and helping people in their journeys out of homelessness; and

WHEREAS, DACC's Intensive Case Management (ICM) program aims to end homelessness by providing comprehensive, long-term services to individuals experiencing homelessness, and prioritizes using an evidence-based model of wraparound interventions to help individuals that are served achieve long-term stability and improve their quality of life; and

WHEREAS, DACC's Walk-in Case Management services provide access to social services, basic needs, and linkages to physical health, mental health, and substance misuse services; and

WHEREAS, any individual experiencing homelessness in the community can engage in DACC's homeless services, including ICM and Walk-in Case Management services, without requiring any criminal justice involvement; and

WHEREAS, DACC's approach to case management access serves as a diversion from criminal justice involvement by meeting people's needs before situations escalate to involve law enforcement; and

WHEREAS, the waitlist for DACC's ICM program currently includes 262 individuals, and on average over the last several years, DACC has consistently had

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a waitlist of between 200-300 people wanting to engage in housing-focused ICM services; and

WHEREAS, the demand for Walk-in Case Management services has significantly increased without any corresponding increase in resources, with an average of 36 service requests fulfilled daily in 2020 (prior to COVID-19), 43 service requests fulfilled daily in 2021, 44 service requests fulfilled daily in 2022, and 59 service requests fulfilled daily in 2023; and

WHEREAS, in March 2023, DACC implemented a Clinical Diversion Program (CDP), which dedicates clinical case managers as part of a formal program to connect people coming through the court system to DACC's case management services and social service continuum with more equitable access to services and reduced wait times for defendants and court processes; and

WHEREAS, CDP aims to improve connection to case management and social services, while also improving appearance and case completion rates at DACC; and

WHEREAS, CDP is a necessary enhancement to DACC's court and homeless services, which was developed after a year of stakeholder engagement to address an unmet need, and has increased the workload and demand for DACC's clinical case managers without additional resources; and

WHEREAS, severe weather events and public health emergencies often disproportionately and significantly impact individuals experiencing homelessness; and

WHEREAS, DACC has been a critical partner in the City's emergency response system, including assistance with establishment, coordination, and

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operations of the protective lodging facilities during COVID-19 which helped unhoused individuals isolate safely, managing operations at the City's embarkation hubs for cold weather shelter operations the last two years, and providing services during other emergency responses such as providing assistance with services at warming centers during Winter Storm Uri; and

WHEREAS, ensuring that DACC has optimal staffing levels helps provide the resources and flexibility needed to help with future emergency response operations; and

WHEREAS, cases that are processed at DACC are Class C misdemeanors, excluding traffic, Code, and environmental offenses, that are issued within DACC's current three-neighborhood Geographic Service Area (GSA) including downtown, the area west of the University of Texas campus, and parts of east Austin; and

WHEREAS, upon passage of Proposition B in May 2021 and the Statewide camping ban, cases issued citywide related to these regulations have been processed at DACC to help connect individuals to services; and

WHEREAS, in Spring 2022, following a request from the DACC Advisory Board, DACC embarked on an operational analysis and stakeholder engagement process to determine the effectiveness of DACC's current GSA and adjudicated cases policy, and explore whether alternative structures could potentially better serve the community; and

WHEREAS, in September 2022, a "Stakeholder Engagement Report, For the Downtown Austin Community Court Geographic Service Area and Adjudicated Cases Analysis" (Report) with the results from the operational analysis and stakeholder engagement process was finalized; and

WHEREAS, the Report categorized detailed analysis of stakeholder input into eight themes, including Access to Resources; DACC's Role in the Community; Equity, Fairness, and Inclusivity; Information, Education, and Understanding; Resource Availability; Responses to Potential DACC Changes; System and Processes; and Other/General Comments; and

WHEREAS, the theme in the Report related to Access to Resources found, "The educational component of the engagement opportunities outlined the benefits DACC provides to the community alternative sentencing and connections to social service assistance among them. In survey and in conversation, stakeholders wondered why some people in Austin were able to access these benefits while others weren't, based on the part of town where an ordinance violation occurs. If an expansion of DACC's GSA is considered, it would provide access to DACC's benefits for a greater number of people;" and

WHEREAS, the theme in the Report related to Equity, Fairness, and Inclusivity found, "Participants made note of concepts such as inclusivity, racial equity, segregation, underserved areas of Austin, and stigma against people experiencing homelessness. A frequently repeated insight in this theme emphasized the need for DACC's GSA and other policies to emphasize inclusivity as it related to geography, race, economic status, and student status. They also cited the need for the City of Austin, and Austin's homelessness response system, to continue working toward equitable practices and policies;" and

WHEREAS, the Report includes insights from participants, including this excerpt in the Equity, Fairness and Inclusivity theme, "If DACC only serves some parts of Austin, people will continue to be excluded from accessing its benefits.

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Increased equity could be achieved if DACC services are available to all community members;" and

WHEREAS, the previous insight in the Report continues, "In stakeholder engagement meetings, this topic was contextualized by the fact that DACC's services addressing homelessness are available to everyone in Austin (not just those within the current GSA), but connection to those services without case adjudication is a challenge (also addressed in the System and Processes theme), and DACC's current case management waitlist presents another barrier (also addressed in the Resource availability theme);" and

WHEREAS, additional stakeholder feedback in the Report included, "Stakeholders focused on the need for an equitable approach in all public services. Insights regarding expansion of the GSA said that the entire Austin community should be served by DACC, and could be served in a variety of creative ways;" and

WHEREAS, under the theme of Resource Availability in the Report, "Stakeholders talked about general considerations of funding allocated to DACC, what resources would be required to take on additional cases, and concerns about DACC's service levels changing due to an increase in court defendants/case management clients. When appropriate, DACC leadership described DACC's ongoing priority of responsible scaling to maintain current quality and intensity of services;" and

WHEREAS, insights from participants in the Resource Availability theme in the Report included that, "In discussions where expansion of the GSA was considered, stakeholders noted that, with a waitlist that includes hundreds of people, the current demand for services exceeds service capacity," and, "As DACC

works to understand stakeholder priorities around services, equity, access, and other considerations, ties to needed resources will need to be an ongoing part of the conversation;" and

WHEREAS, key takeaways identified in the report included that, "Expanding DACC's GSA to other parts of Austin is supported by 93 percent of participants that chose to express their preference," and, "Stakeholders were supportive of DACC's expansion in GSA and social service provision, with several stakeholders expressing that caveat that they would support expansion only if it was supported with adequate available resources. More than 40 individual stakeholder references to geographic or service expansion directly emphasized the resources needed to maintain quality service levels;" and

WHEREAS, the Report notes that, "Stakeholders expressed desire for elements such as access and equity to be prioritized in upcoming decision-making or recommendations regarding DACC's GSA and adjudicated cases, with particular attention to the current exclusion of DACC's benefits for people outside of the current GSA boundaries. Access to Resources was referenced 152 times by stakeholders, and equity was referenced 72 times;" and

WHEREAS, one option explored for expanding DACC's jurisdiction was for, "DACC to Maintain Adjudication of Prop B/Statewide Camping Ban Violations Citywide; Expand Adjudication of Current Charge Codes (other Class C misdemeanors) to Other Parts of Austin on a Needs-Based Timeline," which would include DACC's top 10 case types: public intoxication, disorderly conduct, possession of drug paraphernalia, sit/lie violations, consuming alcohol in a public place, pedestrian in the roadway, human waste, littering, simple assault by contact, and misdemeanor theft C, less than $100; and

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WHEREAS, expanding DACC's jurisdiction to include DACC's top 10 case types citywide would provide more equitable access to DACC's case management and social service supports for Austin residents, aligning with stakeholder recommendations regarding equity and service access; and

WHEREAS, expansion of DACC's GSA and/or types of cases adjudicated could provide opportunities to explore mobile and/or alternative court sites to better serve the public and pursue creative solutions to enhance DACC services from a customer service standpoint and cost effectiveness standpoint; and

WHEREAS, DACC's judicial operations are governed by Chapter 2-10, Article 4 of the City Code; and

WHEREAS, changes to DACC's GSA and/or types of cases adjudicated would likely require an ordinance to amend Chapter 2-10, Article 4 of the City Code; and

WHEREAS, exploration of changes to Chapter 2-10, Article 4 of the City Code should include consultation with DACC's Presiding Judge and Court Administrator to ensure all operational impacts are considered and community benefits are maximized; and

WHEREAS, the Downtown Austin Community Court (DACC) Advisory Board advises DACC on policy and operational issues and advises City Council about the operations and policies of the Court, as outlined in Section 2-1-131 of the City Code; and

WHEREAS, the DACC Advisory Board passed recommendations for the Fiscal Year (FY) 2021-22 and 2022-23 budget process to add 12 case management

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positions, along with an additional vehicle and corresponding social service dollars per case manager; and

WHEREAS, no additional case management positions were approved in FY 2021-22 or 2022-23; and

WHEREAS, on March 24, 2023, the DACC Advisory Board passed Recommendation 20230324-005 (Recommendation), recommending additional case management staff (among other budget recommendations) for the third consecutive year; and

WHEREAS, the specific item in the Recommendation for case management staff requests, "$676,600 of ongoing funding to augment DACC's Intensive Case Management capacity by adding two clinical case manager FTEs and programmatic funding to continue connecting clients to housing;" and

WHEREAS, the description included for these additional resources in the Recommendation states, "Funds for two additional permanent Case Manager positions, along with an additional vehicle and corresponding social service dollars per case manager. On average over the last several years, DACC has consistently had a waitlist of between 200-300 people wanting to engage in housing-focused Intensive Case Management services. DACC's five-year plan is to expand staff sustainably each year to address this need over time;" and

WHEREAS, the Austin community does not have sufficient mental health and substance misuse services available to meet the demand for these services, particularly for unhoused individuals; and

WHEREAS, investing in additional clinical case management staff and related program expenses for DACC directly increases the community's capacity

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to provide mental health and substance misuse services for individuals experiencing homelessness; and

WHEREAS, based on the extensive stakeholder engagement in the Report, access to service and DACC's approach to equity would be improved if DACC's GSA and/or types of cases adjudicated were expanded; and

WHEREAS, DACC needs additional case management staff and resources to meet the ongoing ICM waitlist and increase in demand for Walk-in Case Management services, and resource needs should also be addressed in any expansion to DACC's GSA and/or types of cases adjudicated; **NOW, THEREFORE,**

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

The City Council directs the City Manager to initiate amendments to City Code, Chapter 2-10, Article 4 to expand DACC's jurisdiction to allow DACC to adjudicate certain Class C misdemeanors occurring within the city limits without the downtown Geographical Service Area limitation stated in Section 2-10-32(A). The Class C misdemeanors that DACC would be allowed to adjudicate citywide could include Texas Penal Code, Section 48.05 (Prohibited Camping) and DACC's top 10 case types:

- Public Intoxication
- Disorderly Conduct
- Possession of Drug Paraphernalia
- Sit/Lie violations
- Consuming Alcohol in a Public Place
- Pedestrian in the Roadway
- Human Waste

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- Littering
- Simple Assault by Contact
- Misdemeanor Theft C - Less than $100

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to utilize the research and stakeholder feedback in the *Stakeholder Engagement Report: For the Downtown Austin Community Court Geographic Service Area and Adjudicated Cases Analysis* when planning the expansion of DACC's Geographic Service Area and/or types of cases adjudicated, with an emphasis on equity and improving access to services;

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to consult with the Presiding Judges, Court Clerk, and Court Administrator of the Austin Municipal Court and DACC when initiating amendments to Chapter 2-10, Article 4 of the City Code to achieve citywide expansion of the Geographic Service Area and/or types of cases adjudicated at DACC; and

BE IT FURTHER RESOLVED:

The City Council directs the City Manager to identify financial resources to support DACC's role as an integral part of Austin's homelessness response system by identifying potential ongoing funding sources for consideration during the Fiscal Year 2023-24 Budget of at least $676,600 to augment DACC's Intensive Case Management capacity by adding two clinical case manager fulltime employees and programmatic funding to continue connecting individuals experiencing homelessness to housing; and

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BE IT FURTHER RESOLVED:

The City Council directs the City Manager to consider additional investments in case management and program resources for DACC in future budget cycles to ensure that DACC can equitably provide the level and quality of services needed in the community.

ADOPTED: _____, 2023 **ATTEST:** _____
Myrna Rios
City Clerk

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