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**RESOLUTION NO.**

**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 their white counterparts during traffic stops despite similar “hit rates”, including in 2018 where 6 percent of traffic stops of white drivers resulted in a police searches compared to 14 percent for Latino drivers and 17 percent for Black drivers; and

**WHEREAS**, APD data provided per Resolution No. 20180614-073 (one of the Freedom City Resolutions) showed that in 2017 APD police officers made discretionary arrests of Black people at more than twice the rate of either white or Latino residents; and

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

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

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

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

35           **WHEREAS**, as of March 2019, nearly 40 percent of the 140th Austin Police  
36 Department cadet class had dropped out; and

37           **WHEREAS**, an anonymous whistle-blower has recently accused an Assistant  
38 Chief of the Austin Police Department of using racist epithets and derogatory terms,

39 including “negro” and “nigger,” to refer to specific Black elected officials and sworn  
40 officers of the Austin Police Department; and

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

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

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

54 **WHEREAS**, the Austin Police Department presented a training plan during the  
55 City of Austin FY19-20 budget deliberations indicating its intention to graduate almost  
56 200 new cadets in Academy classes scheduled to start in February 2020; and

57 **WHEREAS**, patterns and specific incidents of discrimination and bigotry in the  
58 Austin Police Department erode the public trust, which is necessary to effectively

59 enforcing the law and maintaining public safety, and so the Council finds it imperative to  
60 understand the full extent of bigotry and systemic racism and discrimination within APD,  
61 and consider reforms to APD's policies, protocols, and training curriculum; **NOW,**  
62 **THEREFORE,**

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

64 The Council supports the investigation initiated by the City Manager into the  
65 allegations against a former APD Assistant Chief. The City Manager is directed to  
66 provide an update and resulting findings to Council by January 23, 2020.

67 **BE IT FURTHER RESOLVED:**

68 Effective on January 23, 2020, the City Manager is directed to undertake a  
69 comprehensive, multi-pronged investigation and evaluation of the extent to which forms  
70 of bigotry and discrimination are present in the protocols, practices, and behaviors of the  
71 officers of the Austin Police Department. To the extent to which they are present, this  
72 investigation and evaluation shall document the impacts these individual and systemic  
73 biases have had on hiring, professional ranking, and treatment of personnel within APD,  
74 as well as police interactions with people of color and other marginalized groups in  
75 Austin.

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

- 78 1. Officer and supervisor communications, including all public posts on social media  
79 platforms that are available to the investigator, City email, and text messages and  
80 instant message communications on City devices within the last 5 years;
- 81 2. Training materials, course/section descriptions and duration, and description of  
82 any other procedures (e.g. detailed descriptions of scenarios) administered to cadet  
83 classes and to active officers related to training on communication strategies,  
84 cultural competency, acknowledging and addressing bias, use of force, de-  
85 escalation, search, pro-active policing, mental health response, protocols for non-  
86 English speaking subjects, protocols for disabled subjects, recognizing resistance,  
87 and their evaluation protocols;
- 88 3. Course/section descriptions and duration of all other coursework required at the  
89 cadet academy and their evaluation protocols;

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

95 Investigation into the following areas of focus should begin concurrently:

- 96 4. The degree to which the APD is adhering to state and federal law with regard to  
97 racial discrimination in employment;

- 98 5. All use-of-force incident reports from June 2019 to November 2019, analyzing  
99 them by location, charges, if any, the outcome of each incident, and demographic  
100 information including race, ethnicity, and language spoken;
- 101 6. Aggregate data on every recorded interaction from June 2019 to November 2019  
102 with a member of the public, including type of interaction and its outcome (search,  
103 arrest with charges, citation with charges) and an evaluation on whether there are  
104 racial and/or ethnic or other disparities in searches, arrests, charges and citations;
- 105 7. Complaints and disciplinary action taken against officers accused of bias and/or  
106 discrimination;
- 107 8. The number of sustained complaints of bias against officers and leadership,  
108 including those that did not result in disciplinary action, including, but not limited  
109 to, lack of disciplinary action due to the 180-day rule.

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

114 **BE IT FURTHER RESOLVED:**

115 The independent investigation and examination shall be conducted by an  
116 independent third party with substantial experience in the evaluation and investigation of  
117 police misconduct, bias, and claims in employment law and Title VII violations, as well

118 as in assessing systemic conditions that engender civil rights violations, including both  
119 organizational decision-making and greater policy-making rules and patterns. The City  
120 Manager shall develop the scope of work and qualifications for the solicitation of the  
121 evaluating entity with input from the Joint Inclusion Committee, the Public Safety  
122 Commission, and community organizations that advocate for racial justice, equity, and  
123 criminal justice reform as allowable by the City's purchasing rules. The City Manager  
124 shall determine the appropriate funding sources when recommending the contract for  
125 Council approval.

126 **BE IT FURTHER RESOLVED:**

127 The City Manager is also directed to collaborate with the Equity Office and the  
128 Office of Police Oversight in a joint oversight capacity in regard to the selection and  
129 supervision of the independent investigating entity, to the extent allowed by the City's  
130 procurement policies.

131 **BE IT FURTHER RESOLVED:**

132 The City Manager is directed to ensure that the scope of work for the selected third-  
133 party investigator will require written reports, including at least one interim report issued  
134 no later than December 7, 2020, and a final report issued upon conclusion of the  
135 investigation. The final report, as well as interim reports that may be required or  
136 otherwise warranted, shall detail any patterns of systemic racism and racist behavior  
137 within the Austin Police Department and within the City's oversight of and policy-

138 making with respect to APD. The final report and any interim reports should include  
139 recommendations for steps to any remedy problematic behaviors and policies, including  
140 recommendations that address any systemic patterns and conditions that foster a culture  
141 in which racism and other discrimination is acceptable. The final report will be issued no  
142 later than December 6, 2021.

143 **BE IT FURTHER RESOLVED:**

144 Separately from other investigations, the City Manager shall initiate an audit of the  
145 Austin Police Department's hiring protocols to assess opportunities to better screen  
146 qualified candidates. Additionally, the City Manager shall audit training protocols and  
147 procedures for the cadet academy and sworn officers to understand the extent to which  
148 the training materials currently used foster bias in policing. The City Manager is directed  
149 to update or revise training materials for APD to the extent necessary to remedy any  
150 findings from the audit. This process should be as public as possible, ensuring that the  
151 public has access to view training materials on the topics of bias, racism, and cultural  
152 competency in policing. The audit is to be completed and reported on no later than June  
153 1, 2020.

154 The City Manager shall ensure that no new cadet classes may be initiated until this  
155 audit is completed and new training materials, if any, are implemented, in order to resume  
156 cadet classes no later than September 2020.



158 **BE IT FURTHER RESOLVED:**

159 The City Manager shall issue biannual updates on the progress of the independent  
160 third-party investigation, to include relevant updates on the solicitation process and  
161 anticipated timelines for the investigation to proceed.

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164 **ADOPTED:** \_\_\_\_\_, 2019

164 **ATTEST:** \_\_\_\_\_

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Jannette S. Goodall  
City Clerk

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