

20 **WHEREAS**, the Council passed Resolution No. 20150507-027 to develop a
21 tool for use in evaluating the policies and practices of each City department and
22 their impact on equity, with a goal of informing the budgeting and policymaking
23 processes to relieve racial and socioeconomic inequities; and

24 **WHEREAS**, the Council passed Resolution Nos. 20180614-073 and
25 20180614-074, the “Freedom City” resolutions, to seek reporting on and to
26 encourage the elimination of racial disparities in discretionary arrests and other law
27 enforcement actions; and

28 **WHEREAS**, the Council passed Resolution No. 20191205-066 to evaluate
29 and investigate contributing factors in reported patterns of bigotry and racial
30 discrimination within Austin Police Department (“APD”); and

31 **WHEREAS**, the Council passed Resolution No. 20180322-047, which
32 called for improved metrics relating to policing, including the percent reduction in
33 use of force and deadly force, the percent of officers with a history of misconduct
34 and the percent with no history of misconduct, the number of police misconduct
35 complaints, and others; and

36 **WHEREAS**, the Council passed Resolution No. 20171214-060 developing
37 evaluative metrics and goals for the municipal court to address racial and systemic
38 inequities in the municipal judicial system; and

39 **WHEREAS**, the Council has considered and adopted numerous other
40 policies to eliminate racial disparities and improve equity across our community,
41 including Resolution Nos. 20200521-097, 20200409-081, 20200409-076,
42 20200409-030, 20200123-059, 20191205-062 just in the last few months; and

43 **WHEREAS**, the Council adopted Strategic Direction 2023 (“SD23”) in
44 March, 2018, as a strategic planning framework to guide City policymaking and
45 operations during the period 2018 to 2023 through indicators and metrics to track
46 progress toward six outcomes and strategies to achieve them; and

47 **WHEREAS**, the Equity Office has developed a dashboard to disseminate
48 information and track progress on the implementation of the Equity Assessment
49 Tool created in response to Council Resolution No. 20150507-027, rolling out
50 implementation across City departments in three phases; and

51 **WHEREAS**, the Office of Performance Management and other departments
52 continue work toward making data transparent and accessible to City staff and the
53 public, as well as tools useful to facilitate analysis and implementation of improved
54 policies and practices; and

55 **WHEREAS**, in January, 2020, the Equity Office, the Innovation Office, and
56 the Office of Police Oversight released a Joint Analysis of APD Racial Profiling
57 Data, which compared the race of drivers involved in APD traffic stops compared
58 to the racial composition of Austin, and found that Black and Latinx drivers are

59 disproportionately more likely to be pulled over by an APD officer, and those
60 drivers are more likely to face a citation, search, or arrest when stopped; and

61 **WHEREAS**, the Joint Analysis of APD Racial Profiling Data measures the
62 same contributing factors as SD23 metric S.D.1.a. (difference between the
63 percentage of citations, warnings, field observations, and arrests that result from
64 motor vehicles stops involving individuals of a particular race compared to the
65 percentage of that race in the City of Austin) under indicator D. (the Fair
66 Administration of Justice) in the Safety strategic outcome area, and may serve as a
67 baseline analysis against which progress toward eliminating racial disparities can
68 be measured; and

69 **WHEREAS**, an independent investigation of APD released in April, 2020,
70 found reports of racist and sexist behavior, a “very high level of fear of retaliation”
71 for making such reports, and a pervasive “quiet resistance” that poses a challenge
72 to investigations of misconduct, and a degree of discretion in the application of
73 internal policies that allowed for inconsistent accountability and disciplinary
74 practices; and

75 **WHEREAS**, while progress toward reform was made in the Meet and
76 Confer Agreement between the City of Austin and the Austin Police Association
77 (“the police contract”) authorized in November, 2018, the police contract still
78 imposes limits on accountability and oversight, including the “180-day rule,” under

79 which APD officers subject to the Contract may not face disciplinary action or
80 remedy resulting from civilian oversight more than 180 days after the date of the
81 action or incident under review, consistent with the baseline established in Local
82 Government Code Chapter 143; and

83 **WHEREAS**, studies have raised concerns about the frequency and severity
84 of the use of force by Austin Police Department officers, and the racial disparities
85 of use-of-force incidents; and

86 **WHEREAS**, every use-of-force incident and every officer-involved injury
87 or death must be followed with appropriate investigation and reporting to
88 understand how to prevent any such incidents from occurring again; and

89 **WHEREAS**, the Council commits to take action on the reports and analyses
90 prepared by City staff, adopting applicable recommendations and reforming policy
91 in pursuit of racial justice; **NOW, THEREFORE**,

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

93 The Council establishes the following racial justice-related policy goals for
94 the Safety outcome of Strategic Direction 2023:

- 95 1. Zero racial disparity in motor vehicle stops;
- 96 2. Zero racial disparity in citations and arrests resulting from motor vehicle
97 stops by 2023;
- 98 3. Zero use-of-force incidents per year by 2023; and

99 4. Zero deaths at the hands of APD officers per year by 2023.

100 **BE IT FURTHER RESOLVED:**

101 The Joint Analysis on APD Racial Profiling Data released by the Office of
102 Police Oversight, the Equity Office, and the Innovation Office, in January 2020,
103 shall serve as a baseline measurement of metric S.D.1.a., against which the
104 disparity between the percentage of citations, warnings, field observations, and
105 arrests that result from motor vehicle stops involving individuals of a particular
106 race compared to the percentage of that race will be measured.

107 Additional reports to be released by the Office of Police Oversight will serve
108 as the baseline analysis against which the goals of zero use-of-force incidents and
109 officer-involved deaths can be measured. Where these baseline analyses are not yet
110 produced, the City Manager will work with the Office of Police Oversight to
111 develop a baseline analysis or advise on the appropriate analysis to use as a
112 benchmark.

113 **BE IT FURTHER RESOLVED:**

114 APD will work with the Office of Police Oversight on implementing
115 remedial strategies consistent with SD23 to achieve these goals and will provide
116 quarterly updates on the strategies implemented and progress expected and
117 achieved to the relevant Council committee(s) and relevant community boards and
118 commissions. Strategies employed should draw from best practices and campaigns

119 designed to reduce and eliminate use-of-force incidents, such as 8 Can't Wait and
120 Campaign Zero, which focus on developing use-of-force policies that require
121 comprehensive reporting and alternatives to force, and reduce the use of military-
122 grade equipment and tactics. Should this work require additional staffing or
123 resources for the Office of Police Oversight, the City Manager will return to
124 Council with appropriate budget amendments in the current Fiscal Year and
125 appropriate proposals in future Fiscal Year proposed budgets.

126 The Office of Police Oversight, the Equity Office, and the Innovation Office
127 will provide recommendations to Council for additional metrics, improvements on
128 existing metrics and reporting, data collection methods, or other analytical
129 improvements to maintain the highest quality and accuracy of the analysis of
130 progress toward this goal. Such recommendations may include, but are not limited
131 to, self-reporting of race by those with whom APD officers interact, templates for
132 regular data reporting, and any needed collaboration or training to improve data
133 collection.

134 **BE IT FURTHER RESOLVED:**

135 The City Manager will hold APD and other relevant departments
136 accountable to the goals set in this resolution by making information transparently
137 available about progress toward achieving these goals. This information shall be

138 used in performance evaluations of certain personnel, including the Chief of Police
139 and the Assistant City Manager over the Safety outcome area.

140 For the purposes of accountability and compliance with the goals set in this
141 resolution, the Office of Police Oversight shall create, maintain, and publish a
142 publicly available list of all officers with a non-confidential or publicly available
143 history of misconduct, discriminatory or racist comments or behavior, or making
144 false statements. This list shall be regularly updated and sent to the heads of each
145 prosecuting entity that regularly works with Austin Police Department officers to
146 prosecute cases. The list shall also prominently display an explanation of what
147 information is included and what information cannot be included because it is
148 considered confidential. The City Manager shall also direct labor relations staff to
149 include the need for expanding the information available for such a list in the
150 future police contract discussions and negotiations.

151 The Council may also use updates about the progress toward the goals
152 defined in this resolution and other related information during budget discussions,
153 performance reviews of the City Manager, and future negotiations of the police
154 contract. To facilitate these considerations, the City Manager will provide quarterly
155 written updates on this progress as back-up documentation for any Council agenda
156 item related to a performance review of the City Manager, for the ordinance

157 adopting the City’s annual budget, on APD budget amendments, and on any
158 agenda items related to the police contract.

159 **BE IT FURTHER RESOLVED:**

160 All changes to General Orders must be reported back to the Council and
161 relevant Council committees as they are implemented.

162 **BE IT FURTHER RESOLVED:**

163 The Council seeks to set similar goals of zero racial disparity and increased
164 racial justice related to other metrics in the Safety outcome of SD23, as well as the
165 Health and Environment, Culture and Lifelong Learning, Economic Opportunity
166 and Affordability, Mobility, and Government that Works for All strategic
167 outcomes.

168 The City Manager shall work with the Equity Office, the Innovation Office,
169 and other staff as appropriate, to assess SD23 indicators and metrics with respect to
170 racial justice and develop benchmarks or baseline analyses against which SD23
171 strategies can be measured and appropriate goals developed. The lead offices will
172 coordinate with the Office of Performance Management to incorporate the results
173 of the assessment. Staff may seek to partner with external analysts and experts
174 where appropriate.

175 Baseline measures and benchmarks should focus on outcomes, indicators,
176 and metrics that can inform both departmental-level decisions about improving

177 service to Austin residents and improving the quality of life for City of Austin
178 employees and contractors, as well as policy decisions to protect and support
179 historically marginalized communities, and communities of color in particular.

180 This work should include recommendations to better capture the impact of
181 systemic racism and recommendations to mitigate racial disparities in particular
182 areas of concern, including health outcomes like maternal mortality and life
183 expectancy, food access, interactions with law enforcement and the criminal justice
184 system, and economic opportunity, homelessness, housing, displacement,
185 economic mobility among others. Staff should consider the scope of data and
186 analyses required, using data currently collected where appropriate, but also
187 recommending improvements to data collection and analytical methods.
188 Consideration of both outcome-measurement data and broad-sample survey data
189 will be given so a fuller picture of disparities and remedies may be realized.

190 The City Manager will update the Council on progress and interim
191 recommendations by October 31, 2020, and full recommendations will be
192 presented to the Council and incorporated into updates to the City's strategic
193 direction following SD23.

194 **BE IT FURTHER RESOLVED:**

195 The Council directs the City Manager to provide a detailed update and lead a
196 discussion at a Council Work Session on the progress of implementing strategies

197 outlined in SD23 by no later than October 31, 2020. This update should include
198 progress on the dashboard of metrics and indicators, analysis of the alignment of
199 strategies with policies implemented since SD23 adoption, and recommendations
200 to prioritize strategies that have been less thoroughly addressed since the adoption
201 of the Strategic Direction.

202 Any recommendations brought to the Council by the City Manager shall be
203 informed by the work of Quality-of-Life boards and commissions, relevant task
204 forces, including the Mayor’s Task Force on Institutional Racism and Systemic
205 Inequities, and other stakeholders.

206

207 **ADOPTED:** _____, 2020

ATTEST: _____

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Jannette S. Goodall
City Clerk