RESOLUTION NO.

WHEREAS, our nation, and particularly Black communities, are reeling from police violence, and jurisdictions across the country are considering significant reallocation of police resources; and

WHEREAS, The Austin City Council has in the past tried to reform policing and public safety in countless resolutions, ordinances, budget directions and guidance; and

WHEREAS, Resolution No. 20191205-066, for example, 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 has previously supported policies designed to eliminate 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, police violence continues in this community in the daily interactions directed disproportionately against nonwhite people as they walk through this community; and
WHEREAS, the community of Austin is demanding massive transformation to how communities are protected, as evidenced by the thousands taking to the street and the demands presented to City Council from more than two dozen community organizations calling for change to the leadership at the top of our city's public safety system; 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 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 low-income residents; and

BE IT FURTHER RESOLVED:

The Austin City Council affirms its commitment to reimagining public safety and law enforcement in our community. It is the Council’s stated goal to divest the monetary allocation of resources from the Austin Police Department and invest in alternative forms of community support, emergency response, and violence prevention in regard to public safety. The City Manager is directed to bring forward a baseline budget that:

• Eliminates the sworn positions that the Austin Police Department cannot reasonably fill in FY2020-2021;
• 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 community-led, equity-focused participatory budget process for FY 2022 to decide what Austin’s public safety systems should look like in the future and how funds should be allocated;

• Funds 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, developing and implementing a comprehensive and community-informed community policing standard, COVID-19 relief, social services, education, workforce development, housing stability programs, family violence prevention and family violence sheltering strategies funded through the Austin Public Health or Neighborhood Housing and Community Development Departments, and other preventative actions and alternatives;

• 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 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 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;

- 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 use of force guidelines (e.g., bans the use of chokeholds, requires de-escalation, restricts shooting at moving vehicles, exhausts all other reasonable means before shooting either lethal or less lethal munitions, etc.); as well as guidelines in the following areas, including but not limited to, 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; that will eliminate unjustifiable and reckless police violence and disproportionalities in policing;

- Funds an independent audit of all disciplinary records held by the Austin Police Department, along with providing recommendations on external 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, to ensure the full implementation of an alternative response to 911 calls related to mental health;
Version 2

- 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;

- Accepts donations for the distribution of Naloxone and provides training in its use to ensure that officers save lives when confronted with drug overdose situations;

- Includes an investment of funds into community-based 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, back-pay and benefits for officers who successfully appeal indefinite suspensions, litigation and fees, and 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: ____________, 2020

ATTEST: ________________________

Jannette S. Goodall
City Clerk