

RESOLUTION NO. 20200611-050

WHEREAS, racial discrimination in policies, services, and institutions continues to support a web of connected outcomes that disparately impact Black and Latinx and other non-white communities of color, such as poverty, increased food insecurity, increased incarceration, decreased educational attainment, decreased economic mobility, shorter life expectancy, among others, which may last for generations, as well as fewer opportunities to remedy these outcomes and break the cycles that perpetuate them; and

WHEREAS, Black and Latinx and other non-white communities most impacted by racial injustice must be heard and centered in the process of reform, they must not be the only ones to demand change; and

WHEREAS, Austin City Council is committed to repairing the lasting impacts of the City's history of racism, by both reacting to and remedying problematic policies and practices as they arise, and by establishing goals to guide policymaking to come; and

WHEREAS, such short- and long-term reforms and remedies focused on building racial justice must consider the breadth of issues and interactive relationships between policy areas, extending not only into substantive reform, but also into budget and personnel decisions; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED:

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

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

BE IT FURTHER RESOLVED:

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

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

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

BE IT FURTHER RESOLVED:

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

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

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

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

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

BE IT FURTHER RESOLVED:

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

BE IT FURTHER RESOLVED:

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

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

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

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

This work should include recommendations to better capture the impact of systemic racism and recommendations to mitigate racial disparities in particular areas of concern, including health outcomes like maternal mortality and life expectancy, food access, interactions with law enforcement and the criminal justice system, and economic opportunity, homelessness, housing, displacement, economic mobility among others. Staff should consider the scope of data and analyses required, using data currently collected where appropriate, but also recommending improvements to data collection and analytical methods.

Consideration of both outcome-measurement data and broad-sample survey data will be given so a fuller picture of disparities and remedies may be realized.

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

BE IT FURTHER RESOLVED:

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

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

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

ADOPTED: June 11, 2020 **ATTEST:** _____
Jannette S. Goodall
City Clerk