

RESOLUTION NO. 20200611-095

WHEREAS, Black Lives Matter; NOW, THEREFORE,

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

The Council directs the City Manager to ensure the City's policies and policing policies conform to the policy directives and goals of the Council as stated in this Resolution, with an acknowledgement that this is not an exhaustive list and will require future additions:

1. Use of Tear Gas: It is the stated policy of the City that police use of tear gas is strictly prohibited.

2. Use of Force: It is the stated policy of the City that:
 - Use of deadly force against individuals, including persons fleeing (in vehicle or on foot), shall be limited to situations where necessary for self-defense or defense of others against an imminent deadly threat or threat of serious bodily injury, and either there were no other reasonable alternatives to prevent serious injury, or death or all reasonable alternatives have been exhausted;

 - Use of impact munitions on crowds or on those exercising their First Amendment rights is strictly prohibited;

 - Use of beanbag rounds, rubber bullets and other munitions, tasers, and other implements of less-than lethal force shall be limited to instances where a person poses an imminent threat of death or serious bodily harm, and either there were no other reasonable

alternatives to prevent serious injury or death, or all reasonable alternatives have been exhausted;

- Use of force shall incorporate de-escalation tactics in all circumstances, and the response shall be proportionate to the seriousness of the offense and the threat of harm presented; and
- Austin Police Department General Orders (General Orders) requiring officers to intervene to stop improper or excessive uses of force by their fellow officers should be appropriately enforced. The City Manager shall annually report to Council aggregate data reflecting: (1) the number of investigations into officers' alleged violation of the General Orders relating to use of force; and (2) the number of investigations into officers' alleged violation of General Orders creating a duty to intervene to stop excessive force. In connection with this report, the City Manager, along with the Office of Police Oversight, shall provide appropriate recommendations to Council.

The City Manager shall direct the Office of Police Oversight to research and issue recommendations for amendments to the General Orders on how to better define what constitutes "resistance" and alternative tactics and tools that can be used by officers to prevent the need for lethal or less lethal munitions, including a review of police techniques used in countries that use unarmed patrol forces.

Review and revision of the General Orders to implement this policy directive shall be conducted in an open process that is facilitated by the Office of Police Oversight and includes feedback from

community groups. The City Manager shall ensure that revisions to such General Orders incorporate comprehensive reporting of uses of force and use of force threats. The Office of Police Oversight should be allocated the necessary funding to facilitate this process.

3. Chokehold Use: It is the stated policy of the City that the use of chokeholds and strangleholds -- broadly defined to include all maneuvers that involve choking, holding the neck, or cutting off blood flow in the neck -- is strictly prohibited as a policing tactic.

4. Military Equipment: It is the stated policy of the City that the use, stockpile, and purchase of military equipment shall be reduced to the greatest extent possible. Equipment described by their manufacturer or owner as “military-grade,” “military surplus,” “military tested,” or any similar language indicating such equipment is intended for military use shall not be purchased or accepted by the City without prior approval, either on a case-by-case basis or as an approval for a particular type of equipment in general. Any contract that includes military equipment must clearly state that it includes such equipment in the posting language of the item brought to Council. The Council directs the City Manager to inventory all existing military equipment and report to Council with recommendations for items that can be properly disposed or returned if required. This policy applies to any and all equipment acquired by the Austin Police Department (APD) through the U.S. Department of Defense’s Law Enforcement Support Office (known as the 1033 Program), or any similar program.

5. No-Knock Warrants: It is the stated policy of the City that the use of no-knock warrants should be restricted, that a sufficient deadly threat or threat of serious bodily injury must exist and no reasonable alternatives exist to justify any such warrant being sought and executed, and that a process be in place for the reporting of the execution of such warrants. In reviewing the General Orders relevant to no-knock warrants, the City Manager is directed to evaluate policies restricting no-knock warrants that have been adopted by other large cities that exemplify the City's policy as stated in this Resolution, and any City policy should include comprehensive reporting on any and all raids including the reasoning for and result of each.

6. Facial Recognition: It is the stated policy of the City that neither facial recognition technology designed or used to identify members of the public, nor information obtained from such facial recognition technology, shall be used by the City for criminal investigation purposes, law enforcement, or surveillance purposes, nor shall such technology be allowed to be used by private corporations on City property—such a policy applies across City operations. If such information is obtained by the City inadvertently, or if APD determines that the gathering of such information or use of such technology is necessary due to imminent threat or danger, it must be approved by the City Manager and promptly reported to the Council and public with full details about the purpose of such use, how long information will be retained, who information is shared with, and protections for the public. Purchases of such technology must be approved by the Council. As this policy relates to the Austin Airport, the City should comply with all federal rules and requirements,

but the City should minimize and eliminate discretionary use of facial recognition technology to the greatest extent possible under those rules and requirements, and update any policies, plans, or procedures to meet this intent to the greatest extent possible.

7. Acoustic Devices: Use of acoustic devices that can function as weapons, such as long range acoustic devices and sound cannons, shall only be used for communication purposes at safe decibel and frequency levels, and use as a sonic weapon is prohibited.

All changes to the General Orders made pursuant to this Resolution must be reported back to the Council and relevant Council committees for feedback before they are implemented.

BE IT FURTHER RESOLVED:

The City Manager is directed to delay the cadet class for APD currently scheduled to start in July 2020 until the majority of the Council agrees that the curriculum for future cadet classes meets the goals of Resolution No. 20191205-066 and allows the class to be conducted.

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