

# Public Safety Committee Meeting Transcript –4/27/2015

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>> Hello, everyone. I want to welcome you to the public safety committee. My name is don Zimmerman. I'm the careful. I have councilmember Greg Casar as our vice chair. We have here councilmember pool and councilmember Houston. So thank you, everyone, for being here. We have first on the agenda approval of the minutes, looks like that's typo here. There was some minutes posted. Were you able to see those? We had some minutes. Is there a motion to approve the minutes from the last meeting? So moved, any objections? Okay. We'll consider the minutes approved. Just a note on the minutes, I think we had a staff prepare -- I prepared some draft minutes, but we had staff do it, so we're going to go with the staff minutes. Okay. We're at item number 2, staff briefing, public testimony, and discussion of process and calendar timeline for naming a new permanent clerk for replacing municipal clerk Rebecca stark, including acting support clerk to act until a permanent clerk is hired. This is left over from March 23rd, I'm sorry. Where's our other one? Well, at any rate, when I find that, we're going to go ahead and hear from city staff. We've asked them to come and give us an update on the calendar and where we are and the information that's been received from stakeholders. Mr. Washington, thank you for coming. So can we -- can we do 15 minutes, then we'll open it up for questions? Will that work? >> [Inaudible] >> Zimmerman: Thank you. Appreciate that. Where's our timer? >> Okay. Good afternoon. Mark Washington, human resources director here today to provide an update on the municipal court clerk recruitment process and specifically the stakeholder

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engagement process that allows us to get feedback on the preferred qualifications and things that would help us as a city to hire the ideal candidate. So today what we'd like to do is provide an update on stakeholder feedback thus far, and then obtain some direction from the committee after staff briefing and after your subsequent stakeholders provide public testimony and comments, and then get affirmation on the revised timeline and next step, since this somewhat has amended the timeline that we previously presented just by way of review, I'd like to provide an overview of the hiring process and I'll use this illustration. And step 1, back in March, we had presentations both to the city council in closed session, speaking to interim replacement for the municipal court clerks and we also had a public presentation here at the public safety committee meeting in which we talked about a process, and we've outlined a draft timeline at that point. Today, April 27th, what we hope to do, as I mentioned earlier, is to get feedback on what stakeholders are provided in terms of profiling on are revising the specifications for the qualifications for the ideal candidate. Once we complete that profile process, our next steps 3, 4, and 5 are to begin the marketing or advertising process, interview process, and hopefully on-board candidates. So real briefly, what I will do is give an overview of the persons that have been consulted on far. We asked representatives

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from the following groups to provide feedback. In some instances we had multiple persons, but other instances we had a person that represented the department, and so we spoke with the presiding judge from the municipal court judges on behalf of all the judges. We asked a representative from the prosecutor's office, from the law department. We've also spoken with personnel from Austin police department and municipal court clerk management staff, and multiple managers participate in that process. And also we solicited feedback from some of you on the public safety committee. I think we've also invited other members from the law community to be here, and you'll hear from some of them shortly. So real briefly, I'll ask Rob Crane, our talent and acquisition manager, to give us an overview of the stakeholder feedback. I'll also ask Sonya if she could pass out the details of the specific comments that were shared by each group, but in the essence of time, since we don't have a lot of time, I won't go over all the details. You'll have those specifically to reference, but I will ask Mr. Crane to provide an overview of some of the comments, and you can have the details in front of you as he speaks. >> Good afternoon. So these are the seven questions that were asked of all of the stakeholders, and for which you have detailed responses. Because there is a lot of information, we thought it would be useful to give you some general comments that will help to kind of give

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you a sense of feedback while you look at the detail. The seven -- the six questions covered the areas that we typically look at when we're creating a profile for a position, and allow us to get more specific than we might find in the general job description. The first question here, which is on page 6 of your handout there, includes many of the things that you would expect to find for a job like this in terms of key responsibilities. It talks about the administrative role, okay. It talks about the areas relating to processing, collection of fees, and coordinating dockets. It also talks about areas related to management for the role. There were a number of comments related to position and where it should report, reporting to the judge. There was a lot of discussion related and feedback related to closely reviewing and working with judiciary and good relationships there, and also a number of comments related to technology. On page 7 you'll find the ideal qualifications briefly highlighted here. Obviously, experience in managing a municipal court is important, but there was a number of comments made varying in terms of the length of experience required to do that effectively. Someone suggested four to six, up to ten years was commented on. And of course the biggest issue is not necessarily the type of court or kind of court but the volume of activity, and a high-volume court is absolutely and clearly the one that we have to deal with here in Austin, so that was mentioned. There's a question around what size city would drive that kind of volume, but the issue is really volume. And also comments around the need for the person to possibly be certified as a court clerk, but definitely to have experience and knowledge of Texas legislature and also there was some concern or comments around whether the person needed to be an attorney. If you look at page 8, there's discussion regarding

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management characteristics -- I'm sorry, slide 8. There are a number of comments around initiatives, and looking at new ways of doing things. There were comments related to the openness of the individual in terms of communication, style, and those things. One of the things that we do to help make this part of the profile clearer, we typically listed in terms of competencies, so on slide 9, we've taken those comments and put them into a little bit different format. And one of the things that you'll find here is there are some general themes that are fairly consistent, such things as vision, which came up in terms of innovation, forward-thinking, outside the box thinker, those kinds of things. Leadership, team player, team builder, being able to work effectively with employees and being motivational in that regard. A business acumen, related to whether or not the person is calm under pressure, savvy in political dealings, and diplomatic. Just general open management style, communication and style being open, as well as transparent, and having a good sense of humor. We got some really good feedback in terms of the management style and competencies. Then on slide 10, you'll see the issues and challenges. These were really focused a lot on areas associated with the current structure, both for the court and for the city. Comments related to the fact that we have a new council. The issue of case management was particularly highlighted by a number of different groups, both from case management standpoint, as well as from technology, and then comments regarding the building and the space issues

that the court is facing. We did not have a summary of the question for -- the information from question 5. It's really incorporated in

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other questions since it asks about any other comments you'd like to make. But for question 6 related to recruitment resources, resources, some were given. This is on slide number 11, and there were, of course, various opinions on that, and we do look at other sources as well, but if this committee had other suggestions, we would also include those. So, in general, that's not an exhaustive list of everything you'll see there, but hopefully it gives you a good overview of what you might find. >> Zimmerman: Thank you, rod. So just highlighting some of the next steps, you'll hear again other comments from other stakeholders and citizens about the profile. We're happy to take all that into consideration and get some feedback and direction from the committee on what should be considered in a final recruitment brochure and description. It is for the sake of discussions, we've proposed some milestone dates, and hopefully by may 11th, thereby, or if there's -- if there's a special called meeting to have it finalized in public, or we just get direction from the committee, we could finalize as soon as may 11th and again formal recruiting and advertising by that of may, with the hope of announcing the opportunity for at least a 30-day period and have candidates to review and screen. In June, I believe the next meeting in June is the them, or tentatively, unless the committee is not going to meet in the month of June, and identify some of the top candidates. Then we would work with the committee on scheduling the process for interviewing top candidates in the month of July or August with a final selection now in the month of August. So as you can see, the time frame has shifted a couple

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of months based on more extensive and deliberate stakeholder engagement in terms of profiling in job. That concludes our presentation. We're happy to answer any questions if there are any. >> Houston: Thank you. Am I on? Well, thank you. Thank you, Mr. Washington. I have a question, and perhaps I didn't see it, but there's nothing in here about working with diversity staff. Is that -- is that something there that I didn't see? Because I think it's imperative that whoever serves in this position has the ability to work with a diverse staff, as well as the public that comes in. >> Yeah. That is a good point in terms of being inclusive to both community, as well as the workforce. And I will have to defer to the staff to see if there was specific comments from stakeholders that were mentioned by that. Okay. Yes, there was some comments from the Austin police department that mentioned cultural competency. But that's in a detailed packet on page 3. But not in the powerpoint presentation. So I think that's a good point. We'll make sure that -- >> Houston: Thank you. Please make sure that's in there, someone who respects

diversity and culturally competent, both staff and community. >> Zimmerman: Okay. Thank you, Mr. Washington. Is there any other questions? I have one really quick question before you go. We had talked really briefly about the local government code, chapter 30, that section 9 where it was titled clerk and other personnel, and under point -- the section C, it says the clerk and other

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court personnel perform their duties under the direction and control of the presiding judge. There was that section, and then section D says the governing body shall, by ordinance, provide for the hiring, direction, supervision, and removal of the personnel authorized in the annual budget for the clerk's office. And so for -- when you were looking at your requirements and what have you, did you look -- what are the ordinances that you saw that refer to this that we have now? We do have ordinances. >> Sure. Sure. Because of conversations we had with you, then subsequently in the stakeholder feedback, there was some discussion about governance and having the position report to the presiding judge. We did confer with the law department and I believe Mr. Crawford is here today to speak on those matters. >> Zimmerman: Thick. >> Zimmerman: Terrific. >> That would be my cue. Good afternoon, council. How can we help you with this? >> Zimmerman: Well, the question was, it says the governing body shall by ordinance provide for hiring, direction, et cetera. Could you point me to what existing ordinances we have in the city that would be pertinent to this section? I'm reading section 30. Local government code section 30.00009, section D. >> D. >> I think the placement of both the clerk and the staff are done in two ways. The clerk himself or herself is appointed by council ordinance, and there were ordinances in place for the placement of our last municipal court clerk. The staffing in the clerk's office is handled under the budget ordinance. It's part -- and we would consider that the budget ordinance would be the actual council directive that would approve the --

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sort of the reextension of retention of the municipal staff, municipal court clerk staff for that budget cycle. Other than that, to our knowledge, there are not specific ordinances that are directed to those issues. >> Zimmerman: Okay. That makes sense. Sounds like that ordinance could then be done years, along with the budget. We can lay out anything that we thought would be in compliance with the law. We could just do it on an annual basis in the budget. >> Yes, sir. Absolutely. >> Zimmerman: That makes sense. Thank you. >> And by the way, just for the record, I'm Lee Crawford with the city law department. >> Zimmerman: Thank you, Mr. Crawford. I think if there's no objection, we had invited judge statman. Judge statman, if you'd please -- if you could talk for about 15 minutes or so, from the municipal judges' point of view on this thank you. >> Good afternoon. I'm judge statman, and I have a powerpoint that I

was intending to present with downtown Austin community court judge coffee, as well as the chief prosecutor Bianca Benson. I would ask your indulgence to go a little longer than 15 minutes. The reason is, the three of us sought stakeholder input from our respective departments. And in comparing notes, we found out our notes were essentially the same. We're trying to give you one big presentation to spare you from having to hear the same thing, essentially, the exact thing three times. I'm going to begin with a historical perspective, just to give you the lay of the land as to what's been going on in court. The recently retired municipal court clerk was employed in that position since the year 2000. She announced her retirement in March of this year and high volume turnover in the rank and file of court management over the last two years, left court without a clear succession plan.

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Prior to Ms. Stark, there were? Institutionalized divisions in court. She inserted the scenario. This was not her doing. >> Zimmerman: I'm sorry, judge statman, could you move a little closer to the microphone? >> Is that better? I have a very wimpy little voice. So the clerk inherited the scenario where the then presiding judge and prior court clerks, the relationship had deteriorated to the point where they were, at times, only communicate by written memorandum. Previous court clerks had appropriated the position of a department manager controlling all of court and marginalizing the judiciary, and this seems to be the impotence of the conflict. Although it has improved greatly, there's still an uneasy distribution of responsibilities and information. As I mentioned, we're mention representing three stakeholders. First, the judiciary, there are eight full-time judges, 12 substitute judges, and two legal secretaries. The clerk is responsible for carrying out the orders of the judges and also the actions of the clerk directly impact the court's ability to hear and resolve cases in a legally proper and dignified manner. The next stakeholder it downtown Austin community court or dacc. Dacc has one full-time judge and 24 full-time employees. Dacc has shared technology with us, also budget items, court service officers, and they utilize the same pool of substitute judges as municipal court. The two courts also collaborate on various types of trials. And finally, there are the assistant city attorneys or the municipal court prosecutors, more commonly known to us. Thereto one chief

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prosecutor, nine assistant and two secretaries. They prosecute class C misdemeanors and cover an average of 50 dockets per week. These include bench trials, jury trials, and pretrial hearings. At this point I'm going to turn this over to Ms. Benson who's going to give you an overview of the statutes that apply to the clerk position. >> Good evening. Bianca Benson with the law department, serving as the chief prosecutor. I'm just going to review briefly some of the -- the government code that

councilmember Zimmerman alluded to earlier. There's two relevant sections in the government code here. One relates to all clerks of the court, and then the second one is just for Austin. That section is entitled to be for Austin. In government code section 30, it gives a brief description of what a clerk of the court would do, and you can see the description there, it's in basically an administrative function of handling the records of a case, handling -- issuing processes, and handling the administrative part of a criminal case. Other than what is mentioned in this section of the government code as to what a clerk of the court does, there's no other real description of the specifics. So when we want to look -- see what a clerk of the court does for a criminal case, we look to Travis county as sort of an analogy or an example of what they do, as they handle the class C misdemeanors just like we do through the J.P. Courts. So looking at their website, you can see a description here in red of what they feel the clerk of the court, for a class C misdemeanor charge would do. That description makes a lot of sense as to what -- exactly what we do over at municipal court. I believe you have the slides in front of you so I won't read them to you. A crucial piece of this part of the government code talks about who is actually sort of in charge of the court. As you can see, the critical language is that the clerk of the court performs the duties under the direction

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and control of the presiding judge, who, of course, in this case is judge statman, who you just heard from. So although council, of course, by charter appoints the clerk of the court, the work done by the clerk of the court is performed under the direction of the presiding judge. I mentioned there was part of the government code that was unique to Austin, and you have that piece before you in terms of what just for Austin it does it doesn't really go into much difference, other than the major one, but again, this is a piece that you'll need to know just for Austin. And I believe -- judge statman, did you want to take over at this point? Or is this -- judge coffee is going to take over at this point. If there are any questions about the government code proceeding, provisions I talked about, I can take them now or at the end. >> All right. Mr. Chairman and councilmembers, I'm Michael coffee. I'm the judge at the downtown Austin community court. Judge statman asked me here today to try to go over some of the concerns that we have at this point, the issues that we have, that we believe have sort of been constitutionalized at the court. She alluded to that earlier. We're not trying to point fingers. What we're trying to do is give you an idea of where we are in the hopes that that might give you better -- >> Zimmerman: I'm clerks I'm sorry, judge coffee could you move closer to the mic, too? >> A better idea what type of person could come in to the court to make it a better place. That could be anything from a short-term person to come in and clean up with those type of skills, or a long-term person, if they have those abilities to do that. So that's what the point of this is, not to try to go

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after anybody on it. So you've got some of these structures that judge statman has set up and put in this. I don't want to read these to you, either. I'd like to go over some examples of how this affects people in real life, and that's what I think, can sort of bring some of this to life for you. And to begin with, I want to look at the -- sort of the management in the way it's been running for an extended period of time at our court. And I think what I would say is that our corporate culture could be better. It could be healthier than it is. It's been run very much with sort of a micromanagement from the top down, a very rigid structure. People at lower levels are afraid -- I'd say afraid might be a tough word -- feel like they need to go up higher to get answers to questions. They're unwilling or reluctant to make decisions on their own because of what's happened when they did in the past. I guess we don't believe that's a real positive way to deal with this. The other thing that is -- was a very strong thing we got -- most of this input comes from the full-time judges, from employees that are currently working at the court, or employees that used to work at the court. The other big -- another big thing, I guess I should say, is there there was a structure in the past that allowed the clerks to have sort of a path to -- a career path, a ladder, that they could step up. And it was changed to where clerks are more equal at this point, and they get cross-trained, which is great, they can do different things, but the training and experience they don't perceive as being recognized or rewarded when they do that. And between that and this --

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sort of this high-end micromanagement, top-down information flow, information comes to them in written form, which is good because they have it in writing, but it doesn't give them the chance to add input and to ask questions and to give feedback easily. There are some structures set up to give feedback, but I guess they don't -- the feeling is that they're not used and they're not paid attention to when they do that. And as a result, I think they don't feel valued as employees in many cases. And we have a high turnover, as a result of that. Sometimes that's been -- we've been told that's because we have such good people that other departments are hiring them away, and maybe that's true. And it may be very well in some cases. And sometimes it may be begging the question, why would they want to leave if it's so great here, though, that -- maybe there's more to it than just other departments like them because they're so good. So the goal of this one would be to try to improve -- we would like the clerk to be able to help improve the culture at the court, and how the employees feel, and make them more productive to the benefit of both themselves and to the court. Let's see if I can do this. The second big area that we looked at is in terms of who's in charge. And you've heard a little bit about this already. In most judicial structures and judicial systems, the judges are at the top of the court, and they do the hiring, they do the reviewing, they do the changes that need to be made in personnel. Municipal courts are sometimes different, and in our charter the legislative branch of government, the city council, hires or



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appoints the municipal clerk. Same thing happens with the executive branch, hiring the court administrator over at community court. And what it does is it sets up sort of a -- who's really the person in charge here? And the judicial branch of government, generally speaking, is the weakest branch of government. If you, as the legislative branch, want the judicial branch to be vibrant and to be effective as a judicial branch of government, rather than as a functioning department of the executive branch, which is more or less what we are at this point, then we need to have the ability to do that. And I think one way to do that is what we had said earlier, is, have the people that you appoint or hire report to the judges that run the courts. That's one way to do it. There are other ways, but that would be one of the things to do. The specific things that have occurred that have created issues of that, we've had situations where clerks have been put in a position -- line clerks, now, as a beginning job at a clerk, have been told by their supervisors to do one thing, and by judges to do another thing. And so they're put in a position of they've got a judge in a court trial telling them to do X, for instance, call a defendant, call an attorney, make copies for them, and their supervisors have told them, you are not to do that; that is not your job. And it puts them in a very awkward position. It's not fair to them. And we need to have a more clear path of who's in charge. So I guess the goal of this one would be -- our goal would be to have it very clear from the city council that the clerk reports to

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the presiding judge, and that the presiding judge is the one that gives the feedback to city council about the clerk's performance and to help in making decisions for future. I think that's what will help change that dynamic. The next issue that we've run into is this sort of institutional holding on to information. It's sometimes difficult to get information out of the municipal court. You would think that a judge working in the court could get information that they needed to try to do their job better. Specific examples I've had are, judge Vasquez has tried to get demographic information about the youth courts, and he finally gave up because it was so hard to try to get that -- the clerk to allow the people that have that information to run the computer models that would allow them to get that information out of. Judge Solomon has been told by line clerks, "I can't get that information for you. You need to talk to your presiding judge, and it needs to come through here." Judge statman has been unable to get budget information that she's tried to get in the past. And it's just not appropriate that judges supposedly running these courts are not able to get that information. So our goal in that would be that information be -- certainly when it's reasonable, freely available to anybody. This is actually information that is public information and available under freedom of information requests, and that the default be, we give information freely, not that we hoard and hide information. So clerks and prosecutors have had an interesting and

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curious -- [beeping.] Sorry. They've had good and bad among them. In most prosecutors' offices, the prosecutors initiate the documents that start a criminal case. Now, our court files close to 300,000 cases a year. That's lots of documents, clerical work that needs to be done. Prosecutors typically have clerks that do that for them and paralegals that review to make sure the information is accurate. Our prosecutor's office is not staffed to do that. They do not have clerks or paralegals to be able to do that, and the manual municipal clerk, as a result, is using municipal clerks to actually file cases. But what's happened over time is, there's a tendency for then those clerks and the managers of those clerks to feel like this is my job, and to start substituting their judgment into what is actually a prosecutor document, rather than just doing what the prosecutors say to do. And when they do that, we end up with lots of errors and lots of cases that have to be dismissed, and then refiled, and it affects people that are coming to court because of the volume that we're doing. It's so much better to get it done right to begin with. And I don't know if the answer is to change the budget for the prosecutors or move some of these clerks over or put them under the control of the prosecutor, even if they're working at municipal court, or what, but that's another issue that is going on that would be helpful, I know for the prosecutors to address. We've had clerks getting involved in how cases get dismissed, and that's really a prosecutor function. The clerks just need to do what the prosecutor says, and if it's wrong, then it's on the prosecutor, not question what the prosecutor is saying and say no, I'm not going to do it this way, or I don't think the law does that, because we don't have clerks that have been lawyers and who understand

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what they're saying when they do that. So I guess the big one in this was that somehow we need the prosecutors to be in charge of their documents. And, again, thanking municipal court for all the help they're giving them right now. I'm not trying to denigrate that. They're doing a great job doing that, we just need to make it real clear that it's the prosecutor's document and not the clerk's document. >> Zimmerman: Okay. Judge coffee, it's very, very good but I've got about eight minutes left for you we've got time certain. >> I've got two more. Two more. One is the clerk as the face of the court. Quick recent example at the last warrant roundup, judge statman found out that the warrant roundup wasn't occurring and when, because she saw it on the news, because she was not consulted with, informed about this press conference that was going on, or invited to participate in it. And the presiding judge should be the face of the court, not the clerk. And the very last thing is just a money issue that we've had with them that I think judge statman also talked about, the substitute judges with community court. It's affected my court administrator some, Pete Valdez. Community court has never been given money

to pay for substitute judge, so he's been having to move money from other funds to pay for that. When we found that out, the budget office directed the clerk to transfer money over to community court. That still hasn't been done. Judge statman has said she'll pay for that until we can get that accomplished. But these are the kinds of things, when the clerk sort of steps out of their lane, we don't have the judges in charge that are occurring. That's all I had. Sorry to be so -- I'm very wordy. >> Zimmerman: Quick question from councilmember pool. Is this for judge coffee? >> Pool: Judge statman might be able to answer it but it was directed to judge

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coffee. You don't have to tell us right now, but do you have or can you get us information on how other cities manage this separation as far as the responsibilities -- >> We can. We can get you some examples. So I'm going to skip ahead to try to get you the information we want. But first is how to fix what is not working. And we have organizational charts. This is our suggestion. Really, the presiding judge should be the person that goes to city council. The judges and presiding judge should manage the courtroom staff. The court clerk should manage operations and support services. That is not insignificant. That is a lot of people. The court clerk, I do not want to denigrate, that is a big, big responsibility. And the center of this, I have a little purple section. That is what I think our motto should be, which is collaboration, delegation and exchange of information. I won't read of all these, but the ones in red are preferred. The ones in black are what we think is necessary. When we get to education, this is in a way that we may be thinking outside the box. Necessary is a degree in business, public administration, or a related field, plus at least five years, maybe more, experience managing a medium to large organization. Preferred would be a licensed attorney. First and foremost, this is a court. And the clerk needs to follow the appropriate laws. It's a little outside the box, but not really, because at the civil district courts, the court administrator is a licensed attorney. And I believe that the current clerk's salary is sufficient enough to attract someone with a law degree. We believe that this person should have functional knowledge of municipal law, public information act, the city code, penal code, code

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of criminal procedure, and human resources and employment law. We also believe that it should be someone with past experience working at either a municipal court or in a court system. A preference for us is someone who has lived in or worked in the Austin area for at least two years. We want someone who is invested in Austin, not just someone who thinks we're really cool and wants to move here. If they're not someone that has been here, we would prefer someone who has familiarity with Austin and its rapidly changing demographics. This equals the rapidly changing needs and demands. We believe

that this person should have, amongst other things, a strong knowledge of the ethics that apply to this position, as well as the community expectations. And, finally, this kind of gets us back around to the management style. And you see I've got that word team, and I keep harping on this and you've heard us harp on team, team, team. This candidate needs to have the ability to work as a team with the presiding judge, the judiciary, the chief prosecutor, and the court staff. We need someone who is committed to fostering transparency, someone willing to educate our employees and delegate duties, someone who is willing to personally get to know the strengths and weaknesses of staff and to manage accordingly. Finally, someone who can understand the needs of employees that have families, illnesses, and other situations that might require special accommodation. There is more to being a manager than simply enforcing policy. We are a relatively small city department, and our biggest asset is our employees. They deserve to be treated with care, with concern, and with respect. Thank you for giving us this

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opportunity to present our thoughts and ideas. We are available to answer any questions that you may have. >> Houston: Thank you so much, judge statman, and the rest of the folks that contributed to the -- kind of the briefing. A couple of things. It sounds like the -- there's been a pretty dysfunctional relationship in the municipal court system, not just for the immediate past, but prior to that, so this is kind of a longstanding kind of issue. And I'm hopeful that now that human resources has heard some of the concerns, that when we interview potential candidates, that can be talked about in a way that's not directed toward a person or a thing. So this, to me, is a management issue, and I see us trying to change it through adoption of ordinances and changing perhaps the way the city has functioned. I don't know if somebody can tell me when was this -- the way we currently operate, when was this codified? >> It wasn't codified. It evolved over several decades, so court clerks and the presiding judge probably has the -- over the years, probably had something to do with this, too. Court clerks assumed more and more management authority at court, eventually becoming a department manager. So they became the head of the department. And, like I said, this predated our most recent court clerk. And it's not codified, it is just how things have evolved. >> Houston: So that is there any way that without a resolution, you could go back and the court clerk could report directly to you? >> I believe so, but it would also -- council would need to make that known, first as we're interviewing, that this is the

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expectation, that court be run this way. And then when we have our meetings formally with the judiciary committee and now public safety committee, that the agendas and et cetera go through the judges or the presiding judge and not simply the court clerk. >> Houston: Okay. Mr. Washington, I see

you standing. Do you have something to add? >> >> Zimmerman: I'm sorry, before we go on, Mr. Washington, I neglected to mention we intend to take public testimony and we have a time certain for public testimony at 6:45. Mr. Jo petronas is over here on the corner. He's signing people in. We have about, what, ten minutes before 5 o'clock, and we've got the body cameras a time certain for 5 o'clock. Just keep that in mind. I think we had one other person from the defense attorney group. Could you come forward for just a second and stand here and let's get you squeezed in here? Go ahead, Mr. Washington, then we'll get to our defense attorney. >> I'll be brief. I agree with judge statman in that it should be clarified prior to the new process, but doing so formally by resolution would provide greater clarity than just assuming judge statman would be able to work that out with whoever the interim person is or the new incumbent. So unless our law department disagrees, I think a resolution would probably be the best vehicle. >> Houston: Okay. One other question, I understand that Houston does it one way and San Antonio does it another, so what are the pros and cons from the way Houston does it and San Antonio does it? >> Houston has the presiding judge is also the court director. And I'm not real familiar with San Antonio, but I believe that they have a strong presiding judge as well. And it seems to be they have avoided this issue with the conflict or, you know, the

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divisions of responsibility. They clearly know who is responsible for what. And I think that that's what's lacking with us, and we can -- I'm sure, between me and Mr. Washington, we can get you more information about those two cities. >> Houston: Thank you. And one last question for the law department. Do chief clerks have some criminal liability that judges don't have? And that's just a question. >> Do they have a criminal liability? >> Houston: Uh-huh. In the work that they do. Is there something that they're held accountable for that perhaps the judges don't have? And of course this is all new to me, and maybe to the rest of us, but -- >> Well, I'll say to the committee that one of the things that we'll be mindful of going forward is that the state laws that both the presiding judge and Mr. Washington have referred to do set out specific requirements that the clerk needs to accomplish and a role for the presiding judge under state law, so we want to make sure, as we're kind of moving forward, that we don't do anything that would inadvertently bump up against those requirements in state law. But there's no parla sort liability, if that's the concern you had, councilmember, for the role of the municipal court clerk. >> Houston: Okay. Thank you. >> Uh-huh. >> Zimmerman: Councilmember Casar I think has a question. >> Casar: Sure. Thank you, both judges and to Ms. Benson for your presentation. Besides the resolution that might clarify our position on how we would like that supervisory relationship to work, to see sort of the improvements that you all would like to see, is there other -- are there other recommendations that you have for this committee for action that council would take to better clarify roles and to improve the sort of structure of the team over there? >> I think that we need to start off with a resolution and just having the support of council in this endeavor will help us. >> Casar: Sorry, let me clarify my question. I mean would that resolution

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entail something other than clarifying the position of the presiding judge in the supervisory hierarchy? Is that the primary change that you think would -- you know, we had some questions about funding for the downtown Austin community court, which we know is so whether or not. Obviously, the role of clerks, when you have less paralegals, et cetera, do you sort of see all of those primarily being addressed on a policy at level, just by this one change, or are there other changes that you would contemplate to make that all work? >> There are some other changes, as far as where community court fits into the structure. And I think judge coffee would better be able to speak to that. In the organizational chart, it's in your packet, the existing organizational chart, you can see that community courts off on one side, the judiciary is off on another, and we're kind of marginalized. So we probably need to reevaluate where community court needs to go on that organizational chart as well. >> Casar: Sure. That sounds like a helpful separate conversation, probably in the linked to the one we're having at present for hiring for this position. Is that -- >> I think so. Yes. >> Casar: Great. Thank you. >> Zimmerman: Any other questions? I'm sorry, could you state your name for us, too? We have -- let's do five minutes here, if you could. >> Absolutely. I'm amber Vasquez Bodie and I'm presiding director of the Austin criminal defense lawyers association. We have about 300 members and most every attorney that practices at every level, from class C all the way through capital, are my members in our organization. And we do have direct contact with basically everyone that passes through our system here in Austin and Travis county, and the people that are most in need. So from the front lines, what we are seeing is this position -- I second everything that judge statman and judge coffee had said, as far as the functionality goes. But I'll say it from a

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practicing attorney standpoint and somebody that ends up helping a lot of folks. The thing that makes municipal court different than, for instance, the county court of law or the district court, is that you are not entitled to an attorney in the class C system. That makes it distinctly different. And so the functionality of being able to get in and do your business is even more important because we're dealing with folks, some who are not literate, some who don't speak the language, and it is crucial that they are able to get in and get the information. Now, another thing from a functional attorney perspective is, most all cases originate with a lot of things filed in municipal court, from protective orders that ban people from going back to their own home, on forward, and you have to go back through that portal, even after the case is filed. In county court you always have to go back through that portal and through those judges to get what you need. Currently -- and I can say this, I've practiced here for almost 13 years, it is extremely difficult to get even basic evidence in a class C case, even figuring out -- I had a

paralegal that had practiced for seven years, and she cannot figure out how to get basic information when coming to work, and that's after going to the courthouse asking people, knowing people. And we are a functioning law office. So I can only imagine how hard it is for non-english speaker that had to take the bus two hours to get there to get basic information. The technology is nonexistent. I don't even know what to say. There is no functional way you can get things. For instance, if someone had done -- had time in jail to take care of a ticket, a municipal ticket, currently the way that it has to happen is, you have to -- if you didn't have termination you would take a bus, literally, to three different points in the city, and would need to figure this out, how you would make this happen, if you don't have an attorney.

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It is -- on behalf of the defense bar, I would ask that we have an active role in helping make this functional. And to that point, I can't fathom someone that doesn't -- isn't familiar with the practice of law trying to run, which is essentially a city law office. That's essentially what it is. And so but it disadvantages the defendants, even more so, at least the prosecutors office there. They can get around the locked door. We're stuck on the other side, along with everyone else. And what it ends up doing is giving officers, other people kind of on the inside, a constant leg up on everything, from search warrants to everything that we need functionally done. And so there's so much discretion at this point with the clerks that I think it's confusing, even for attorneys. Definitely confusing for people that obviously can't afford an attorney, which is the vast majority for class C cases, because that's who we're talking about. But one of the things that I think ends up getting off the radar is, we have so many statutes right now that aggregate class C's that make them jailable offenses, that's yet another reason why it is so crucial that we can stop some of the things at that level in the process, because I think we can avoid many things in the future. Public intoxication is the one that comes to mind because it's what affects the mental health community and a lot of other communities that I work with every day. So making -- making it functional for the least sophisticated in our community, particularly for this job, and having a functional, working knowledge of the law is imperative. I don't see any other way going forward that it could be -- it could be more improved than by having someone that understands not only the legal functions, so when someone asks, what do I file next, where do I go,

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where do I find this information, if you don't have that legal background, quite frankly, you're going to be misled. And that's what's been happening. So we would ask that you definitely take into account the legal knowledge. I think that there's just going to be no substitution for that. And I think simplifying the process and making sure that the clerk understands the community that they're serving is important.

[Beeping.] >> Something is beeping at me so I'll stop. >> Zimmerman: Reappreciate it. Any questions on that? Thank you very much. I hope you will e-mail us and we can follow up on this. This is very, very useful. >> Oh, I will. Thank you so much for inviting me. I appreciate it. >> Zimmerman: We have I guess about two minutes if you have any questions or dements, councilmember Casar. >> Casar: Well, thanks so much for your comments, Ms. Vasquez Bodie. I don't have a question for you, I just wanted to say thanks and point out who it is that we're oftentimes serving at this court and as a stakeholder in this process, I think that, one, we talked about cultural competency, I think you highlight the fact that cultural competency can be a very vague word, but maybe we should just make sure that we are looking for an applicant that is very competent with the cultures and folks that we are so often serving, specifically. And I think judge statman brought that up, that somebody -- somebody who is very familiar with what's going on in Austin, who it is that we're serving on a daily basis and what those challenges very specifically are with folks who may not be literate in their first language, much less if English is their second, for example. >> Zimmerman: Any other comments or questions? Councilmember pool? >> Pool: I just want to thank the judges for taking the time to come today, and Ms. Vasquez-bodie, thank you for your input and also the law department. This has been really helpful to me, and Mr. Washington, to get a sense for the direction we're going in. At first when you were saying it would take a little bit longer, I was

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saying we sort of need to push on this, but I think being intentional and taking the time necessary to find the right person with a good MIX of skills, and I like the outline that you have brought back to us after talking with the stakeholders, and I appreciate staff coming and talking with me to get my input. That was really -- that was good. It helped me to kind of focus on what I would be looking for as well. So I thank you for the presentation. Like forward to working further with all of you all to kind of work through some of the accumulation and evolution over time, and maybe we can more clearly set the path forward on responsibilities as we search out this new person. >> Zimmerman: Thank you, councilmember pool. So we've got maybe one minute. Have you got a quick comment? Go ahead. >> Houston: And I'm fine as long as we add cultural competence and diversity into the job description. >> And I just want to clarify direction to staff. So we heard the public testimony. We've been working with stakeholders. Is it the committee's desire that we finalize a profile and job description, send it to the committee members around the 11th, and then shoot for launching the recruitment mid-may? Or would you prefer us to come back to another committee meeting to review, as a group again, what the final profile looks like? >> Zimmerman: Well, I think one answer to be that if you could have something by the end of the week that incorporates what you've heard here and let us send it out to all the interested parties, either the end of this week or beginning of next week, then we can send it to judge coffee and judge statman, and the defense interest, just to let everybody look at it and if everybody likes it, then we're good to go. >> Absolutely. Also the stakeholder engagement process, as we go through the



interviewing process, we'll make sure that we include, as part of either panel participants or formal stakeholder groups,

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the persons that were represented here today as well as others, so you'll have a feedback along the way as well. >> Zimmerman: And so my recommendation for the committee is that we post it on the council message board, whatever the draft is that you come back to us, we go ahead and post it, and maybe we could get some sub feedback. >> Okay. Thank you. >> Zimmerman: So we could have that from you by next Monday? Would that be okay? A week? >> I think so. >> Zimmerman: Okay. Thanks. >> A process question. Maybe this is as much for you as for Mr. Washington. When you are looking for direction from this committee, would you eventually need direction from the entire council to move forward, or do you feel comfortable with moving forward with just -- >> No, for this part of the committee will need the council upon hire selection. >> I don't want to hold you back or slow you down in this process, but I also want to make sure that we have input from all stakeholders, so if it's all right for you to wait a week as you put something more formal together and do the outreach, then that's fine with me as well. >> Zimmerman: Thank you very much, Mr. Washington. Let's go back to the agenda. We should have a time certain 5 o'clock, and I think we're there, for discussion on the body camera issue. Specifically, we posted a staff briefing, invited testimony and policy discussion regarding police body cameras, including Austin police department's request for proposal and development update. So do we have somebody here that could speak to the rfp development for the body cameras and kind of tell us technically where we are on that? We'd appreciate that. >> Good afternoon, council members, council women, chairman. I'm assistant chief, over the support unit which includes police technology. We have not put out a request for purchase yet. We just did a request for information, and we're still pending the request for

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purchase until we identify funding. >> Zimmerman: I appreciate that. Could you go over -- we'll set ten minutes and kind of get us up to date? >> Sure. Our current capabilities with digital mobile audio/video, we have a hundred percent deployment for all offices out there taking 311/911 calls. We have wireless upload, there's a camera on there, we just manually upload it, the district attorney, county attorney, and you understand municipal court all have access to that video for their prosecution. The body worn cameras, we previously tested over the last several years. The issues have been that it's either too bulky, the upload requirements and speed were very slow, they didn't sync with our current digital management system. The current policies have been drafted for our in-car systems and personally owned body cameras. We have about 25 officers currently right now that have their own personal body

cameras that they purchased. But we do have guidelines to make sure that they issue -- if they have any type of evidence, they'll have to put that on a DVD and submit it to evidence. Requests for information that we just got back had about 17 different vendors that gave us information on their products. So we're currently going through all of those to try and find out, did we get a good information request, and if we need to do anything further on that point. Now, some of the next steps, it's obviously -- the big part is identifying funding. So you have different types. Obviously the possible legislation, several bills are going through the house right now. Some of them are looking at funding. I'll get into that a little bit later. We have grant funding, the jag, which is the justice assistance grant. We have obviously capital improvement projects, then the general fund. The next steps are the development for proposal for purchase. That could take anywhere from one to two months.

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We're going to have to, after we issue that, it's going to be another four to six months when we get them back to sift through it. The test and select is another four to six months, then the deployment is going to be obviously different phases, 12 to 18 months. This is a soft timeline. Now, if council comes back and says we need this done immediately, obviously we're going to work as quickly as we can. Our only concern is, we want to make sure we do it right. We don't want to do something out very hasty, then have it not work to the standards that we would like. The cost infrastructure is essentially the initial roll-out, the deployment is going to cost two million. Over five years it's going to be around a total of seven million. This cost can change with how much cameras are storage, et cetera. The hardware alone we're estimating at 2200000 \$, there's personnel in there that would total seven million. Obviously, perceived benefits of body worn cameras, increased transparency, legitimacy, improved police officer behavior, we believe, through studies, improved citizen behavior. We also believe this would expedite resolutions of complaints and lawsuits because you'll be able to have that video and see exactly what happened. Improved evidence for arrest and prosecution, and then this is a real key one, I think, is using these as training for officers and citizens. I think that would be very helpful. We're also looking at privacy concerns. If you look at are we going to go into a private residence, when will return it off, is it a victim, do they want someone inside their house videotaping when they just called 9-1-1. So we want to make sure these policies deal with all of that you're going to have a possible chilling effect on if people are witnesses to crime and they know that they're going to be on tape, so we're going to have to deal with that part of the policy. Confidential informants, they may not be willing to come up if they know they're

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on tape, so one more thing we're going to have to deal with policy. The security of the video to make sure it's tamper proof, it has metadata, that if you change anything, you delete, or you modify, it's going to show who did that. That's one of our concerns. We want to make sure that's on there. Now, when you look at open records requests, or redactions, let's take one significant event and say it was a homicide. You have ten officers there. You have each of them doing three hours. Well, that's 30 hours of video. In an open records request, that would take an extreme amount of time just to go through and edit, blur out faces, residence ambulates, juveniles, you name it. And we're understaffed currently just for open records requests. So we have to think about those back ends when we're looking at this. We want to also make sure that the supervisors, just like on the dmav audio we have on the vehicles are being audited. We make is your if certain events come out and they classify it -- this is a little bit inside baseball, but if they classify it as a non-event and it's gone over a certain amount of minutes, we want the supervisors to look at that. Typically, an officer opens a door of the vehicle, the camera turns on, they turn it and classify it at a non-event, they're going in to get a drink or something. While if it goes over, say, four minutes, we want the supervisors to find out why this went on for four minutes and they classified it at a non-event. Same thing with body cameras, we want to be able to have that happen. We want to make sure that we have a clear policy on when body cameras should be turned off, when they can be paused, when they can be muted. We want to make sure that we have training initially and reoccurring. We want to make sure that we have training for residential versus public areas, when you're going to tape. Now, some of the pending legislation, senate bill 158 includes language where law enforcement agencies would be required to match 25% of the grant if they're going to take that. There's another one where they'll possibly do 10 million for Texas wide. But if you look at our system alone, probably costing around seven million dollars, obviously ten million spread out through

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the whole state of Texas is not going to amount to a lot for Austin. Now, the current in-car triggers, this is something we've waited for a long time to look at body cameras. The last thing we want is an officer to be in a critical incident and having to take a second to turn that camera on when they should be drawing a gun if the suspect has a gun. Currently we have the emergency lights, siren, driver's door opening, crash sensor if they go over 90 miles per hour, the activation of the body microphone, or manual activation. So when we look at body cameras, some of the things that we really want to make sure happen is, if it has a trigger, if the officer gets out of the car, it turns on. This way, if they have to get into pursuit, as soon as they exit the vehicle, it gets turned on. Now, the really interesting part, we've done a little bit of research, there's only three main studies when it comes to body-worn cameras. I think in the next coming years there's going to be a lot more, especially with all the departments looking at it. But it has some really good, I think, benefits when you look at these researches -- research. Realto, California, the boat worn cameras reduce citizen complaints by almost 60%. Body worn cameras reduced the use of force by over 87%. 2012, the Mesa, Arizona study, 40% decrease in citizen complaints, and you had a 75% decrease in use of force complaints. The 2013 Phoenix, Arizona, study,

body-worn cameras found to have a civilizing effect on citizens, once they were aware they were being recorded, and then citizen complaints decreased 44%. And some of the issues that they came up with, which is what we're looking at, is the data storage, the redaction, and the amount of personnel it took to do that. We had a forum at the electronic frontier foundation. We want to start getting more public input on it. We don't want to do that at the end. And this was a very entering

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forum where we got asked quite a few questions. Debbie Russell was there, several other people. I think they're going to probably end up to speak. I think these things we're going to need to keep doing to make sure we get this right and allay any concerns at the beginning instead of after. But one of the things that was talked about was having a red light on the actual camera to let people know when they're recording. We explained that we obviously don't want any kind of light on an officer, especially for officer safety, so that would be a concern that I would not agree with. And then the other part that got brought up, do we have facial recognition? And we currently don't have that capability. If we would need to do that, we'd have to go to our partners with dps. So that -- the only other thing I would add is, I've been asked several times about the retention schedule of these videos. It would basically mimic the in her car cameras, which I could give them to you if you want. Would you like them? Real quick, it's for non-events which are non-police events, we keep them for 45 days. A police event we keep for 180 days. A citation, like a class C, is 180 days. Arrests for stage L felony is two years. Second and third-degree felony is ten years. Capital felony is 50 years. A dwi is 10. And then when the officer gets on duty, they do a check to make sure the lights and siren are working, the video is working, the audio is working, and we keep that for 45 days. So that's the presentation I have, but I can answer questions as well. >> Zimmerman: Okay. That was excellent. You finished with 30 seconds to go. Fantastic. >> Time management. >> Zimmerman: Any questions, initial questions here? I want to make one maybe comment or question. It sounded like -- I appreciated your remark about how we already have dash cam videos, so we already have retention policies, redaction of stuff, but I think your point here is that once you go to body cameras, there's a multiplication of data, and there's also industry into people's private homes.

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Because we don't drive police cars into somebody's homes. >> People. >> Zimmerman: Typically we don't do that. That would be a bad day if that happens. Is there -- do you have a question? >> Casar: I was just going to mention that I have some comments or questions, but I think that it would be helpful to, you know, get -- to listen to some of the citizen comments on this as well before I ask. I'm going to sit

and listen. >> Zimmerman: That sounds terrific. That was very, very well done. I think that was exactly what we were hoping to get, and I hope you can stay around because we may come back. >> Sure. >> Zimmerman: After we've heard more. So appreciate that. Next we wanted to have our police monitor, Margo Frasier, who's with us here. And thank you, Margo, for coming. And we'd love to hear -- maybe we could do another ten minutes for you? >> I may be able to give you some of your time back, but I don't promise. One of the things I'd say, councilmembers, to understand is that some of these issues are not unique. They really are some of the same issues that we face with the videos that are in the car. And the councilman is absolutely correct, the police car doesn't drive into the person's home, but there are certainly circumstances in which the audio is within the person's home, and so that is already occurring. You know, my position is police monitor, and also kind of using my previous experience, I think there is a great need for us to work towards having body cameras. I think that they add incredible transparency to the issue. I can tell you that we have several cases right now that I sure wish I knew -- I wish I had that officer wearing a body camera so I could have told you what really happened under certain circumstance, as opposed to leaving the public where

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some believe the police version, some believe other people's version, and sometimes we just flat don't know. So I think that there is a great need for them. My suggestion to you is, don't -- for one thing, don't rely on the legislature to fund these things. We had the same thing when they came out with -- where they made the requirement under the racial profiling statute, to have the videos in the cars. They promised great money, and they spent about -- around 60 to 70% of the money on the department of public safety vehicles, as opposed to any vehicles out in the community. So that's -- you know, they're not going to come in and kind of save you. One of my suggestions would be, it's a situation where -- I mean, I think that the police department is working on all the right points, as far as the policy. I think that this is an area that is important enough that they ought to be having a discussion not only with the community, but also with some of the end users. I know one of the concerns is getting freedom of information acts where somebody is all of a sudden going to start asking for every dmap for a particular - or body camera for every -- a particular officer has ever had, so, I mean, there are some of those things that have to be addressed. But I think having some of the various interested parties, whether it be those that are seen at advocates, but also getting the media representatives involved to help craft what this policy is. One of the things I'd say is that this is not an apple that has to be eaten all at once. We concurrently have officers within the Austin police department who have no sort of recording device whatsoever on them. We had that when I -- I've been with the office of police monitor a little over four years. We had that originally --

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motorcycle officers didn't, although they were the officers most often complained on by the public. The police department, when we finally got -- first some of the officers actually began to purchase their own cameras, we got cameras on all those officers, and I think, quite frankly, also with a combination, perhaps, and leadership in that unit, if you look at our reports now, the traffic unit is not even on our radar. Very, very few complaints about them. So I think it can definitely make a difference. For example, we have the officers who work in the downtown entertainment district, where we know that there is a tremendous amount of interaction with the public, sometimes with drunk, unruly, uncooperative people. And the question often is, who was the aggressor, the officer or the individual. But we have nothing on those individuals because they don't have cars there. So I think there are particular areas that we could start with, and we stand ready to work with the police department to help represent the public's interest. >> Zimmerman: Does anyone have any immediate questions on anything that was said? >> I'm not going anywhere. I'll be around. >> Zimmerman: Yeah. I want you to stick around, but could you -- have you looked at any other cities and kind of read up on some best practices? Do you have any comments about what you've studied so far? >> Absolutely. There are -- this is an issue that has come up in a whole lot of cities. I will say that I think there's some cities that, as in reaction to an event, that they have tried perhaps to move too fast, and that they've rushed out, done sole source, and purchased body cameras. I think that this is a huge economic investment, and the technology is literally

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changing at least weekly. And so I think that it's one that we need to be thoughtful about. But that's the thing with most places, where they have -- they wanted to put something in place because of a crisis, and so all of a sudden they stuck body cameras on all officers, and what winds up happening is, without clear guidelines, and in particular sometimes without some of the automatic triggers, then you have an incident, and there's no footage. And then what does the public think? Well, I think kind of rightfully so, the public is suspicious and figures that there's a reason why those officers didn't record. >>

Zimmerman: So it sounds like what you're saying is, you would rather have it done right, deliberately and thoughtfully, instead of having it done quickly. >> I would -- although I would tell you -- I get a little scared when I hear the timeline that's being laid out by the Austin police department. I think that -- I don't think this needs to be a two-year process. And I think that we can -- one of the things that we perhaps can do, I think the policy is the most important thing to get down, and to get it right. And then I think as far as some of the technology, that there -- you know, even taking different areas, and these vendors -- this is a huge -- will be a huge contract for anybody. And one of the things that I know from my experience, what I've seen, is that sometimes when you say to people, I would like 50 of your cameras, because I want to do some tests -- tests of them, so then you have like three months of this one and three months of this one, so you can figure out what is the best product. But I think that there

are particular areas where we need to speed it up some and get something on these officers. >> Pool: I just have a general question, but, Ms. Frasier, you might be able to weigh in, and

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Mr. Duster Hoff. On the writing of the policy documents, who all would you include in that conversation? For instance, would our police monitor be included? It seems like she would be a good person to have sitting at the table with this being drafted. >> Correct. And we work very well with Margo, so I think they would definitely be included. But this is going to have to have a lot of eyes on it. We want to make sure that when we roll this out, it's very comprehensive, and like I said, it's going to have to allay a lot of people's concerns. We don't want people not calling 9-1-1 because they think they might be recorded and they're a victim. We don't want to have somebody victimized twice. So these are things that we're going to make sure we have a lot of eyes on. We're going to take our time. And as far as the rollout, that's a suggested roll-out. Now, like I said, if the city council makes it a mandate, we're going to put as many resources as we need to get it done as quickly and safely and in a manner that -- I think Margo put it best: I don't want to put these out quickly to the point where they haven't been trained, we haven't done the research, we don't have the policy, and then something happens, it's not recorded, and then that's going to start that program off. Very bad. It's going to cost a huge issue of trust between the police department and the citizens that first time where a policy said it should have been, and it wasn't. >> Pool: So it would be useful, I guess, to have maybe a couple of small pilot programs out there with small units, and then as far as the stakeholders that you would include to have the conversation, it would -- it would be a full 360 degrees of people who have completely supported and completely oppose it, and everybody in between, so that we can tease out all of the nuance and the concerns. >> Yeah. In the eff, the forum that we went to, we had a lot of different opinions about for it or against it, and even I think one gentleman said he came in extremely against the program, and didn't want it, and at the end of the forum and after finding out what we were doing and making the research and making sure it was something that everyone could trust, I

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think they changed their mind, and he said that. So -- and just one more thing. The walking B unit is the first unit that we want to put it on there because these officers are having uses of force with large fights. I mean, we're talking 15, 20 people, and it's hard to find out exactly what happened. We do have the halo camera video that's stored, but again, that's not the quality that we would really want. We would want something where it's on the officer and actually shows what happened in that fight, that aggravated assault, whatever it is. That is something we want to capture first. And then it's going to start

to roll out to the other patrol divisions. >> With the downtown unit, one of the things that happens sometimes is that we wind up with some footage, but it's from somebody's telephone. And so often the question is, what happened right before then that caused that person's attention to be drawn to the officer and the individual. And so what gets put out on TV is the end result of things, as opposed to perhaps if there was something before that. And that's still part of the problem you run into with the video cameras, but there really are some legitimate sort of things. You know, I think that there's the concerns, like with some of the victims, there's also some legitimate concerns, quite frankly, that I would suggest among the officers, as far as if they're not handling a police situation and they expect you to have the camera on, and, you know, when they're discussing their kids' soccer game, assuming they have good enough sense to only discuss things that would not paint them in an unfavorable light in the public, but, you know, there really are some legitimate sort of concerns that we have to do. Then also the auditing function, you're talking about increasing greatly the need to audit these tapes,

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quite frankly, because one of the ways thing also did, just with the dmav, is that it often points to behavior that otherwise would not -- the public sometimes will tell us, the reason we didn't call and complain is, well, I knew this camera was running, so somebody is going to watch this camera. I've got news to the public. That's -- that doesn't happen. >> Pool: And then the last thing I would say is that I think in this process -- because I think the public education is a huge component of this, both for what this can do and what it wouldn't do. And all of the variations in between, I would be really supportive of ensuring that we had a lot of public education in what it is that we're talking about possibly doing. >> Absolutely. >> Pool: Before we make the determination. >> Zimmerman: Councilmember Houston. >> Houston: Thank you. Thank you for your presentation. I keep calling you sheriff -- >> That's not an insult to me. >> Houston: You perhaps said this, but what other community stakeholder groups do you usually reach out to to make sure that the policies are sound? Can you name some of those community stakeholders for me? >> A lot of them is going to be the neighborhood associations, the naacp. I mean all these groups that we currently deal with right now, we're going to bring in, just to get their input and make sure that they understand what we're trying to do. We don't want to have to combat something after the policy is out, after the cameras are out. We want to make sure that if people have legitimate concerns, we address them now. So there's definitely going to be a lot of people that we end up getting the input from. And one other benefit is, there's a lot of police departments that are already moving towards this quickly, so we're going to be able to learn from their mistakes. We're going to be able to find out what works for them and what didn't. We're already putting together large agencies' policies, and we're going to start looking at those and see what would fit for Austin and what wouldn't.

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>> Okay. Thank you. >> Zimmerman: One quick thing to, a does it seem reasonable to everyone that it could be possible or a goal to set for the next fiscal year, not 2016, but 2017 fiscal year, would be a reasonable place no budget for camera technology? >> Yes, sir, I think so. >> Zimmerman: That's reasonable? Okay. Any other question? >> Casar: I have a question. We posted this about the request for proposal, which would be searching for the best vendor to serve the city, but then we've also mostly discussed today sort of the policies that I think the police department and council would work on, together with the community, on how we handle victims, privacy issues, the policy for when officers have to have the cameras on or not. Talk to me about the orders of those. Should we be working on those sorts of issues first, before we choose a vendor, or is or vendor selection process -- would that inform what kind of policies it is we need to come up with? I guess I just want to know how we can be most helpful as a council, what we should be talking to the community about and if it's the vendor selection process first or these policies next, or if they happen at the same time, or how that would work. >> Once we identify funding, if it ends up being 2017, then we would start doing the policy now. But like I said, we're in the process right now of bringing in all these different policies from different agencies that are using them. So it's going to, I think, take some meetings with stakeholders, it's going to be what works and what doesn't, but that can happen at the same time, or before the rfp. We can mimic the digital video policy we have now in the car cameras and edit that to make sure that when they're away, what's the privacy concerns? When should you record? When are you going to be able to say, okay, this is an officer discretion, I know this person usually has good information for me, and they don't want to do it on camera. So they're going to have to be some areas where they're going to be able to have that discretion. But I think just like Margo talked about, we need to have those triggers on there. So the immediate incidents, where they don't have time to do it, they're going to make sure that as soon as they get out of the.

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>> Casar: Well, members of the committee, it seems to me then that it might make sense for us to have as much of that ironed out as possible before we have funding so that we don't end up finding all this men and having to go through a deliberation. That's something I'm interested in working on in this community, tackling those questions and if what our staff might need eventually maybe from the full council is our commitment that this is something we're interested in working on so that the police department can feel they're doing the right thing, talking to folks across the country about what the practices are, and we can have that debate in this committee and have those policies set up so once we get the right vendor we're ready to go. >> Zimmerman: To be clear this is our first meeting, not the last one. This is our first meeting on the subject. If we could hear from Debbie Russell, I believe she's here. If I could put the clock on for five minutes. We have a few more people. Again, anybody that wants to testify, Joe patronis is up in front and you can see him to get signed in for public comment. We have

public comment time certain at 6:45. >> Hi, Debbie Russell, American civil liberties union, five minutes for policy, let's do this. Okay. So the aclu has actually come around a bit on this matter, about a year and a half ago -- three or four years ago they were like, I don't know about body cameras had. Is this more proliferation of surveillance from the state. Year and a half ago they wrote policy recommendation that's basically were have them on all the time, of course we didn't have the technology yet to have that battery power. We're almost there, actually, to do that for an 8-hour shift. They have since, after seeing more reports in the -- and the few pieces of research officer dusterhoff talked about they

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have come around to essentially matching on the policy recommendations, perfs, exec research form. If you put those side by side you'll see on the front end, 95% they match. So that is any -- we can go through, sorry, the couple of things up front that, you know, this is an art. This is a long process. By the same token I was on the public safety task force in 200588. We have been talking about it for a while. Let's get it right but we don't really need to drag it out too much longer. So of course they do have more potential for invasion of privacy, hence the concerns. And that we of course want them to work. We have every hope that they will work the way that they're intended and promised and are showing in the few studies right now that have those great Numbers. We can -- is this my thing? All right. And that would be that. Awesome. So we can really get a lot of extra accountability here, which is the goal, and I think we can contain the risks to privacy if we do this right. I'm just going to keep saying that over and over. So the risks. This is the -- when to record piece. Both aclu and per agree any time there's an initiation -- call for service or call by other Leos, law enforcement, between an officer and another member of the public, stop, frisk, searches, consensual searches, raiding a house. We don't want them every time they're in a house to have it on

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but the actual -- they don't drive cars through houses but sometimes they do drive tanks into the houses. So those kind of things definitely need to be recorded. So the just couple other little things about the policy. It needs to say the camera has to stay on until the actual close of the encounter, until there's some resolution do it. Possible exceptions -- oops. Possible exceptions here, this is something we need to really work together on. Cis, undercovers, there's a lot of valuable information that can be used later in a coral, court of law even if just the judge saw it, you can still protect privacy but sometimes you lose your case if you can't persues that CI or his or her testimony. So those things are possible exceptions. Into the policies, officer discretion. The problem with officer discretion every time we see any kind of technology or anything, they -- a lot of times they stress on the side of not doing it

when they should or doing it when they shouldn't. So I think we really need to bear down and get a little bit more specific on these recs and so they understand what the expectations are and what they're going to be held accountable to. Then consent. So, again, some of these people, witnesses, crime victims, domestic crime victims may not want to be recorded but they also may want to be recorded. It shouldn't be the officer's decision. It should be their decision. So the officers should be asking. And if they say yes, then that consent should be recorded or, you know, in written form if not on the video.

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So as you've heard, we're starting off with a trial group of officers. That doesn't take too much money and, you know, shouldn't take two years, honestly. We can start off with a portion of detach if nothing else. You may not know bicycle cops have no recording devices, audio -- >> Zimmerman: Any objection to three more minutes? Okay. >> I'll wrap it up. And then, you know, specific requirements if they don't turn on the camera, have to put in the report, articulate clearly why that happened. And then that needs to be flagged for disciplinary review. Every time a recording doesn't take place, it needs to be looked at and just double-checked that they did the right thing according to policy. Require the officer -- officer informs the subject they're recording unless unsafe to do. We heard about the red lights, I capitulated on that last week. Another idea also being used is the badges just above the camera that basically say possible recording or what not. Download and storage. Both organizations make the same recommendations. You heard them -- APD discuss with you a lot of that stuff is already actually in place with the dash cams so that's good. Again, I think we can work over the next six months, nine months before we nail down any policy on really making sure that that policy is good before they emulate it for this. One thing that -- should be in there that's not know is that any subject of recording should have access to it no matter what. That's it. The police monitor's office should also have access. They have a hard time validating any clients because of that. And you heard about some personal privately owned body

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cams on the force right now. Actually per, the police, recommend not doing that so I want to throw that out there. An additional recommendation I want to bring to you guys today and we're just working on this from an ACLU standpoint, not unthrid of but a third-party entity, thatting the court, police officer's office, not a vendor, somebody who profits off it like the red light cameras but in fact per doesn't have a problem, they've made policy recommendations in accordance to this and that that would actually help, again, the next piece, did oops? Did I not -- independent third-party agency. The next piece, which is very important, officers not viewing this video until they've made their initial statement and written

their report. They'll tell you that's, you know, not something they're going to put in policy. They're going to fight you on that but this is important. California actually just passed this law, they saw how important it was. Again, not all of the per executives disagree with this idea. Some actually think this is good. It's hypocritical when they say our officers should look at the video but the suspects can't look at the video before they have to make their statement to us. It's got to be one way or the other. So that's another important piece. But the last very, very, very important piece, discipline. [Buzzer sounding] >> Zimmerman: Go ahead and finish the slide, thanks. >> The thought is -- the research we have seen, the adherence with the policies that -- the few policies that are in place around the country, are as low as 30%. We've seen it with teasers, with the dashboard cameras before they were automated. When there's discretion, again, the compliance is not good. You've got to have that supervisor review, have to have the auditing and without this, this whole thing is meaningless.

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The public stress is going to be blown and I put the tech up there, it's just we have -- what they're looking at right now, Panasonic looks like it has the best, latest and greatest all that good stuff, and they should make sure that they're easily updatable technologies so we don't have to buy all new equipment if we get all that automation coming in. This last place I borrowed from Andrew buttonel. Thank you very much. Thanks. >> Zimmerman: Thank you, Ms. Russell. Any questions right now? Okay. Thank you. Stick around. Like we said we're just getting started on this. I think our next is Nelson Lender here? Could you please come forward. Appreciate you being here, Mr. Lender. Could we do five minutes for you? >> Sure. President of nacp, thank you for your time, councilmember Zimmerman, Houston, pool and caws. This is a very important topic, and it's very easy to get lost in the details. Naacp, we're worried about people and the number of lives based on poor policing. Despite the technology issue, let's not forget about the importance of holding police officers accountable. That's why we're here, why this conversation is taking a national perspective. Let me share this with you. Recall back in 2002 I recall having the same conversation about dash cam videos. At that time we didn't have them in cars, folks weren't turning them on so we didn't have evidence. Technology is great, but we're worried about trust and integrity and accountability so that's where we are. Having said that I want to share something with you, that the department of justice last year made a recommendation about a system that would be perfect for these situations. It's based on a national perspective, and it's called the on-call system. What it does is primarily, number one, has the best technology. It was designed by first

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responders. So that system gives you automatic coverage, best quality. It does gps notification, live streaming to your command center so the officers and it's been stride all over the country. Think about two years, that kind of bothers me a little because these are urgent issues. Given the fact it's already in place around the country, given Austin's Texas' budget and representation, I don't think it takes two years. If doj says here's the best practice, why can't we fast forward this whole process? I am concerned about the technology. I love to talk about it, but the reality is we're talking about lives. Where folks are lost their lives and there's some very bad practices. Having said that, back to you guys, we can't shift the responsibility because no matter what kind of system we have, guess what? You're going to have to hold people accountable. One of our concerns is look at the whole country, we're not holding law enforcement accountable. That's why there's lack of public trust. While this is hell you, if you guys can do injure job a little more seriously in terms of holding people accountable we'll appreciate that. In the final analysis we have things record, something bad has happened most of the time me. We want to prevent the instances by saying we want a uniform standard of how we duct ourselves as law enforcement in the streets. There's a danger, we forget about that. I want to remind people I love the conversation but bottom line is until you treat people like human beings and hold officers accountable, no technology is going to solve this problem. It will help us see things, I can tell you having worked 15 cases personally, I love that but I'd much rather have police officers treat people as human beings so we don't have to have this conversation. Once somebody is hurt or killed we can't bring them back. As a warning, please focus on your responsibilities, what police officers should be doing, which is having the best training, the best accountability possible. Once we do that, then -- I'm just saying don't forget about

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the people that people around this country are tired of being treated as third class citizens all over this nation. The system is not working. So if city council, commissioners court, da's office, everybody has a job to play this this process and don't forget about your role in terms of making sure people understand that you do respect their rights because in reality, when it's the police officer versus the citizen, it's a very imperfect I am balanced system. That's the real problem. Again, as a final recommendation, doj has made this recommendation all over the country. I don't know why we need two carriers to decide this is what we need to be doing. We had this conversation three years ago. So I want to encourage you to fast forward this process, you know, don't be a lone ranger. Tis take the best data possible and get this thing going. I think I probably finished before my time is up. >> Zimmerman: You have a minute left. >> Okay. Final comment. [Laughter] >> Naacp all over the country is recommending one system. I think it's important to have a uniform system. I really think we have that all over the country. If you've got a uniform system it solves a lot of problems. The doj has already vetted this process. Use them because they're the mediator in these situations. I just want to add that again as a final point. >> Zimmerman: Okay. Councilmember pool has got a question here. >> Sure. >> Pool: Thank you, Mr. Lender, and I'm hoping and I think that officer dusterhoft, I think I got your rank wrong. I'm sorry -- indicated that naacp would be involved in the stakeholder process, and so y'all would be willing to participate in whatever

the conversations were on the development of the policy? >> We've been involved for a long time and we plan to do so but I want to say to your question, that's not really my biggest concern. I mean, think about stakeholder process. Oftentimes things have already been decided. I'm saying again from my standpoint, this is needed as fast as possible and I'm saying there needs to be urgency because you have low

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credibility. We're seeing too much now basic bureaucracy in this process. It's not that complicated. The president of the United States said look here's over \$200 million. So you've got help out there it let's use those resources to do this as fast as possible. >> Pool: We have to make sure that when we put in the application that we get -- we do it right so we get chosen and then the other side of it is making sure that the community understands what it is we're trying to do and so -- >> I think the community is going to be okay, frankly, I think they want relief. Other thing, quickly, if you can take the on-call system yourself and do a budget request. It's very easy to do. The technology is not that expensive compared to what some have said. Again, I want to make sure from my standpoint this is about trust, integrity, saving lives and balance in the justice system. So there is an urgency and I encourage you to move forward as fast as possible. >> Pool: I appreciate your saying it's about the people. I absolutely agree. It is about the people. >> Thank you. >> Zimmerman: Councilmember Casar. >> Casar: Mr. Lender, thank you for bringing us back to the point of not getting stuck in the technicalities. The blessing in this city I see is we have a police department supportive of this, community that seems very supportive, the police monitor being supportive. And so it seems that now we just have to get through some of those last details. I wouldn't call the large gap in funding a detail but certainly some of the policy areas that were mentioned are things this council does have to grapple. So sorry that we went a little bit into the nitty-gritty before hitting on the issue that I think it seems to me across this city and across lots of cities in the country, we're ready to work on this, which is exciting that we don't have to get over that hump. We'll do our best to keep our eye on that goal while trying to sort out sort of the -- what it takes for us to do the implementation, which will involve bureaucracy because we are the government. >> If I may say one more the to what you said also, keep in mind

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when we think about recordings, it's often about fatal or critical incidences. But in this city right now there's a lot of racial profiling. Look at the annual reports, African-Americans, 8% of the population, always the highest of those being stopped. Things like that, that's what I'm talking about. Even on that level there's a urgency to address that because we report it, but we don't really seem to be addressing

it. I'm saying that comes from you. I love the cameras but once again that's a reality right now. So there's urgency that folks are being stopped too much based on who they are. By the way, my dad always said if you minimize [indiscernible] You minimize conflict. >> Casar: And I think that the message is heard loud and clear that body cameras are just one step the city can take to improving community relationships with our police department but that there's a lot more that we can do, and I think that this committee is dedicated to doing some of that -- those things on the public safety side and there's a lot we need to do on the economic opportunity end of things, on, you know, funding equity at the city. There's lots of other things we can do and I don't think anybody thinks this is going to be a panacea, but some of the statistics brought up about reductions in citizen complaints and use of force I think are impressive. It's a big step. I appreciate those statistics being brought up and I'll be encouraging the committee to look into ways that we can work on this with all due speed. >> Thank you. >> Zimmerman: Hang on a second. Any other questions I've got one question for you. >> Sure. >> Zimmerman: Quickly on the point of accountability, I've floated the idea with some members on council and in public. Do you think in the accountability question, would there be an advantage of moving the police monitor's function so it would report directly to council and so that subpoena power to get video records, say we have the new body cameras and we have new evidence, would that be helpful, do you think, in the accountability area? >> Given the imbalance and citizens versus police relations

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we need as much as possible. Certainly if you're going to give subpoena power I'm for it 1000%. >> Zimmerman: Thank you very much. >> Thank you. >> Zimmerman: We have one more invited, Antonio Buller of the peaceful streets. Five minutes, Antonio and a few minutes for questions after that. >> Thank you. First I want to commend y'all for taking seriously the need for increased police accountability. I think most believe body cams are necessary for increased police accountability. At the same time, and I support police. I support the body cams. At the same time I want to urge you not to quickly implement policies and tools that will ultimately have a marginal, negligible or even negative effect or impact on accountability while subsequently providing police with tools to use against the innocent. In short we may be very weary of humptying policies and tools that give the illusion of police accountability while allowing them to abuse people even more. There's lots of issues to discuss, costs, privacy, I won't touch then. I ask two critical questions. Who will the cameras benefit and what are the potential negative consequences of these cameras? Let's consider how dash cams are used as a guide for how body cams, used. Most of us know when a dash cam captures a critical incident where a cop commits a crime or abuses someone the dash cam malfunctions, disappears, or it's suppressed. It's suppressed from the media or it's suppressed and/or from the defense attorneys. In my case, the media was never given the -- so most of you though what my case was. In my days the media was never given the dash cams ever, including on the charges that were dropped, and my defense attorney didn't get my dash cams until two years nine months after the accident. So there's a big disparity in power right there. What happens when the dash cam captures a member of the

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community commit ING crime or actually doing wrong? Oftentimes that gets leaked to the media and that person is tried and -- in the courts with that information, and in the courts of public opinion. And then let's also consider how APD approaches us filming them as a guide for how body cams might be used. They've systematically tried to chill the act of people filming police in this town. They've harassed people, physically intimidated and arrested people and maliciously prosecute people. They've also actually issued a training memorandum on thousand arrest people filming police officers released in 2012 and I can share that with you all if you want. That just goes to highlight that not all video is equal in the eyes of APD. The video that they control is a lot more important to them than the video that they don't control. So I just want to suggest four safeguards that we can use to make the body cams an actual tool for police accountable and actually make the city safer. The first safeguard is police must not be able to turn off body cams ever when interacting with the public. I'm going to give you for incidents and I hope this doesn't take too much time to drive this point home. In June of 12, a Daytona Beach officer turned off his body camera before he knocked out the front teeth of a -Year-old during an arrest. In April 2014 a police unplugged his body camera before shooting and killing a 19-year-old woman. In August of 2014 a New Orleans police officer turned off her body camera right before she shot a 126-year-old man in the forehead and this past month an alconcerning can I police officer turned off a body camera before beating a homeless man at the the hotel. Witnesses said he repeatedly asked who's the man enemy the homeless man responded you're the CHAN they turned the video

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camera back on and said we're going live. The number one thing is they must not be able to turn the body cams off. Second thing is there maybe severe penalties for those that do turn them off. Just saying they can isn't enough. They should automatically be suspended if their body camera turns off during any citizen interaction. They should treat it just like the military treats equipment. Even if it's not their fault, if they don't do the proper maintain, don't make sure it's on, they get punished. Same thing with police officers, they should have some sort of reprimand or suspension if if it's during a -- it should be a zero tolerance policy and at the same time a critical investigation needs to be launched immediately. And that shouldn't emanate from the police. It should come from the prosecutors. The third point I want to agree with Debbie Russell on this whole hart heartedly. Police officers should not be allowed to review the body cams before they write their affidavits, not Ar country criminal&not in defense of an official complaint, okay? I don't want to go back to my point, but I will, my personal situation, a police officer wrote his affidavit a day after my initial incident. Four days later, a cell phone video came out. Only because that cell phone video came out after he wrote his affidavit did we have a situation where he



was caught misrepresenting himself. If you'll let me add a last point. >> Zimmerman: Go ahead, yeah. >> The access to the body cameras absolutely positively cannot be controlled by the police. It has to be controlled by a third party. It has to be automatically uploaded to a third-party server and defense attorneys and people who are defending themselves and select members of the public who have a right and a need to know need to have as much access to those videos as the police officers do when they're going after someone, when they're

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prosecuting someone, when they're writing up their affidavits. If we have this disparity, what we have is we give them a tool that they can use to prevent police accountability, wherein we believe that we're actually ensuring police accountability. Thank you. >> Zimmerman: Thank you, Mr. Buller. If you can hang on. Any questions or comments? Appreciate that very much. I hope you'll stay around. Would you agree that the time line reasonable on trying to get a good solution in within a year? To have something working by next year? >> I definitely believe it's doable. The technology is there. Of course technology is going to evolve, but the technology is there. And I want it to happen. The quicker the better, but we have to have safeguards and protections to make sure the police don't treat this like dash cams or they don't treat it like people filming in the streets. >> Zimmerman: Again for people you may not know you served in Iraq, you were combat duty? >> Right. So in the military, in the military, we are expected to maintain, you know, our equipment and if our equipment goes down, it doesn't matter what the excuse is. We get punished for it. Police officers need to be held to the same standard because as Mr. Lender pointed out, people are dying, people are being abused and we need to Anne this in as quickly as possible. It's a problem across our country and here in Austin but if there's any city in the country that can really take this issue on and really push back against police abuse it's Austin, Texas. >> Zimmerman: Let me say something quickly about the technology because I've worked with a lot of electronic devices and computer systems. They're generally very, very reliable. The problem is sometimes things do break. >> Right. >> Zimmerman: And it's just devilish to distinguish between something that legitimately malfunction and an excuse for something that was really there, oh, it didn't work. >> Right. >> Zimmerman: There's a hood binge. It's very hard to tell the difference. That's a bring problem for us as policymakers. >> I think if it's not during a clinical incident, if it's not

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during a use of force, then it should be a training issue, it should be a disciplinary issue. But if it happens during a use of force and seems to disproportionately happen during a use of force incident, it should be a no tolerance policy. The officers in Texas are the safest of any major city and are also the highest paid.

With that high pay and that relative safety should come higher responsibility as well. >> Zimmerman: Thank you, Mr. Buller. Thank you very much. >> Thank you. >> Zimmerman: We are at 5:58 any comments or notes to make for the record? So we're about two minutes away from our time certain event of what we have on the agenda, staff briefing invited testimony and policy discussion regarding the reclassification of the Austin fire department, firefighter positions and its effect on the wildfire position. If it's -- sorry? We have a speaker, sorry. Mr. Patronis, any other speakers coming up or anybody on this particular item? >> [Off mic] >> Zimmerman: I guess we can take one. We have a couple minutes. >> [Off mic] >> Mayor Adler: Is Monica here? There's Monica. Could you come forward please? Thank you. Body cam snaz okay. Thank you. >> Hello, how are y'all today. >> Zimmerman: Thank you very much for coming. We'll put the timer at three minutes. >> I just wanted to really echo some of what has been spoken today. I'm a part of the public, and I feel there is a great need, urgent need to get these body cameras out and on officers. The distrust is very high. Every day I'm watching more

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innocent or people being shot in the back by police officers and the distrust is unbearable. I don't believe it should take two years. From my understanding, APD did a trial back here in 2012 with the pilot program. So I'm not really understanding the delay in that. As part of the public, we want to see action. And I did a little research on that on-call system that the doj is recommending and I think that would be a really good system to use. So I just wanted to also talk about implicit bias. I think we should recommend that all police officers take mandatory courses in implicit bias. I think that is part of the disparity, the shootings and all of that happening now. So these are some things that I would like to see go forward with the city council. >> Zimmerman: Thank you. Thank you very much. Any questions? Okay. Ms. Houston. >> Houston: I have one. As a member of the community, would you be willing to work on this committee that they're going to be holding to try to get the policies in place before the body cams are rolled out? >> I wouldn't -- I would be glad to work with that, but like the acl lady that just spoke, she had some real good corners, but so far as privacy, like she said with victims, a lot of victims want to be on camera, you know? So just like when you make a telephone call, they say this phone call maybe recorded. Same thing. Ask your person, would you -- do you mind this being recorded if

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you're -- victim? I think a lot has been in place to delay. It seems like delay after delay. Of the community, we're tired of the delays. We want to see some action. >> Houston: Thank you. >> You're welcome. >> Zimmerman: Thank you so much for coming. Okay, if there's no objection we move ahead

to our last item. Yes, Mr. Mr. Casar one more? We have one more? On body cameras? Is there one more? >> [Off mic] >> Zimmerman: Since they're here, let's go ahead and do it since they're here. >> Hello, chairman Zimmerman, councilmembers, my name is Andrew bucknal. I live in district 1, excited to be here for the first time to address my representative, ora Houston. Good to see you. Thank you for having me. I'm here to talk to support of the body cameras. A resolution was passed at my neighborhood association, the martin Luther king neighborhood association, made by Dr. Delco and I take that on to the Austin neighborhoods council, where it got broad-based support. I'm not going to read the whole resolution but did want do share the therefore, be it resolved that the Austin neighborhoods council does hereby recognize in support of the ongoing efforts to obtain, require, the use of body cameras by active duty police officers of the Austin police department, it be furnishing resolved the Austin neighborhood council hereby requests the city of Austin city council provide all necessary support to the Austin chief of police, provide and concur use of automatically activated body cameras with audio by all active duty officers of the department. So I know that going through this process we have the support of naacp, aclu, Apa, ANC, even the Austin police association, Apa. So with all of these

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alphabetical soups we've got a broad base of support to move forward. I support with a relative of Rodney reed a couple days ago and he told me he had hope and could see that things were changing. When we have more accountability, when we have more transparency we can build more trust between the community and police department. We want to protect people's privacy, in particular thinking about violence against women, protecting minors, making sure their identity is safe which they're involved with crime, people receiving medical services is also not open for release if if we make the policy too complicated you can turn the camera off here, you have to turn it off here, turn it on here, we're going to set up our officers to be in noncompliance with that policy. I think we need to be clear and also look at it's not just when you record the data but it's what we do with the data, what data we download into the system, what we don't, then last we release. So I just think it's really important that we do be thoughtful in this process and try to move forward as quickly as possible and remember this is not a panacea, one of the whereas in this resolution was steps must be taken to begin a larger process of dialogue for procedural -- so we have a lot of work to do before us to build trust but there's a lot of will behind is this and I appreciate your support and giving us the time to address this issue. Thank you. >> Zimmerman: Thank you, Mr. Buck dnol. Any oxygens someone else to testify on body cameras? Okay. All right. Mr. Casar. >> Casar: If I might make a final point, I think that I'll be bringing forward to this committee in oncoming months other initiatives where we can continue to build trust between our community and our police force and build legitimacy sort of within the police department and the view of the citizens of our districts the issue of

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immigration enforcement in our jails, in my district in particular is leading to some of those divisions, which I think we need to close that gap. We're getting mobile walking beats in the rundberg area, which I've heard are improving that trust and there's a difference sort of in the public safety world between normative compliance with the laws and sort of more obedience based license, which usually is when you have stricter enforcement but nor normative compliance happens when there is feeling in the community that the police and the police force that we hire here are legitimate and acting in the best interests of the community and whatever we can do to bring about that kind of compliance I think will see the kind of reductions in crime we've seen in other parts of the country. So I'm really looking forward to body cams being a part of that but we know it's just a piece of the puzzle. I know we have a lot of great officers supportive of this. I spend the weekend with two officers in my district and I couldn't think of better representatives for our city than those two men and I think this is something I'd like to see, you know, maybe on the -- agenda and when APD can bring back what kinds of policy they'd like to see from the council so they can feel more comfortable moving forward. >> Zimmerman: Thank you. Do we have one more speaker on body cameras that you have? You have three minutes, please. >> Timer start now? Hello. My name is Ila waters. Thank you so much for this opportunity to share my story. This is my very first time to speak publicly about this so please be kind. I'm here to support body cameras for all law enforcement officers. I'm a native texan and now call Austin my home. I'm an event and project coordinator and have had the opportunity to work in some amazing places with some amazing people. Many of those are in law

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enforcement at every level, including I've worked for the white house events office as a press site coordinator and also worked for Gibson guitars for many years where I managed the national guitar town project and then I had the opportunity to come to Austin and assist don pits who now works for the city with launching the Austin guitar town project right outside here in your front yard. I'm also a survivor of police brutality. On January 5, 2011, a taught unit broke into my home based on a false police report that should have never been issued and had actually been dismissed four months prior to this beautybrutal attack. I was arrested, assaulted and injured, as well as my friend who I am eternally grateful was there that day. He's a decorated army combat medic survived two tours in Iraq back in 2004 and two of. He was broughtially assaulted and sustained broken bones in this attack yet never arrested. Not one of these officers was wearing a body camera. Upon their entry into think home I was body slammed against a wall by two swat officers who handcuffed me, then they body slammed me against the opposite wall, then I was thrown to the floor, face down, where one of them jumped on my back and the other one on the back of my legs and proceeded to continue to assault me, despite me being handcuffed and completely incapacitated and scared. Not one of the other four officers who

entered my home that day was wearing a body camera. Not one. They had no right to be there, yet because there was no accountability, there were no cameras, it was our word against

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theirs. Not only was this raid and brutal attack unwarranted and clearly illegal, it was not documented. We immediately filed formal complaints and were met with resistance at every turn in the law enforcement community, the da's office, who authorized this raid and brutal attack based on this dismissed false police report and every criminal attorney who didn't have the courage to go up against this incredibly corrupt system. I say all this. [Buzzer sounding] >> I'm grateful to be able to share my story because during this process these officers not only lied about what happened, they lied under oath, three separate times. They lied in the police report. They lied in the internal affairs investigation. And they lied in front of a judge at the grand jury. They were of course cleared of all wrongdoing. And to say that this has had -- not just a personal effect on me, a professional one, a financial one is -- it has changed my life forever. >> Zimmerman: Sounds like a galvanizing experience. >> I wouldn't wish this on anyone except for those who put me through it. And I fully support body cameras. It keeps everyone accountable. It is safe for everyone involved, including law enforcement. >> Zimmerman: Okay. >> There is simply no excuse and no reason for not having them. >> Zimmerman: Thank you for that testimony. Thank you very much. >> Thank you. >> Zimmerman: Okay. With that are we ready to move to our third agenda item? We have, again-- I guess we'd like to start with the staff briefing from AFD. Thank you for being here. If we could set the time for 15

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minutes and then we'd like to hear from afa's bob nix for 15 minutes after that and that should take to us 6:45. >> Councilmembers, allergies, excuse me. My name is Tom Dodds, chief of staff of the Austin fire department and I want to thank y'all for allowing us to be here today. This wildfire submission an important one and the classification ordinance that came about was 9/10 addressed at other things but part of it did impact the wildfire section and I know that was a concern for you and if you look tow back we've got former and current members of our wildfire section, like you mentioned our neighborhood association is here. One thing all of these people have in common along with AFD management is wildfire is an important mission we all care about. We all have the same goals and all want to see the best possible outcome. How we get there, we do differ in opinion at times and the classification ordinance did lead us to a little difference of opinion but we did listen to you, and we listened to our labor association, and other employees of the organization who suppressed concerns that we were not adequately supporting our wildfire section. So our new division chief, palmer buck, came on board and

he was tasked with taking an immediate look at our wildfire section and doing an assessment and seeing what we needed to do to adequately support this section and come up with a plan to move this section forward. So at this point what I would like to do is call chief buck up here so he can go through a series of slides and explain to you what the wildfire mission is and how the section as currently staffed and structured is going to address the issues that we face before us. Chief buck? >> Thank you, sir.

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Councilmembers. My name is palmer buck and I've been reassigned to the wildfire division all of three weeks. The wildfire division came into fruition or existence about two years ago in March of 2013. As part of our ongoing efforts post the 2011 labor day fires and the fire season that was 2011. We participate and try to use our guiding star -- the wildfire national cohesive plan and what is our role in that strategy? It's resource for integrating our wild land urban considerations into cultural awareness and values. In other words trying to bring the prevention and mitigation efforts to our community because it is, as it says at the bottom of the slide, no one has the capability to do it all. We have to do this as a participative with our communities and our government. The new division structure with me in the lead as division chief we have two captains and lieutenants as divided into mitigation efforts like land management and in the management efforts that does a lot of the community outreach. In addition, we have the civilian justice Jones, acting program manager, and works with our communities, fire adaptive communities program, and participates in a myriad of different committees working in our community involvement. We also have a part-time gis specialist, and we are bringing on board next week our fire adaptive communities coordinator who will do a lot of our community outreach. Currently our burn boss position to facilitate with burns is vacant but our hopes is that job will be posted next week. What have we done? The biggest thing that we have

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participated in is this huge document in getting this created. This is the austin/travis county community wildfire protection plan it's a roadmap to where we want to get to. This embodies a cohesive strategy I talked about earlier and serves as our springboard for transforming our communities at rescue into fire adapted communities. It comes from -- accomplishments in 2015 added for more firewise communities in Austin, bringing a total to ten in the city and a total of 22 in Travis county. We lead in Travis county, the state, and nationally recognized communities, and the city of Austin leads the state in nationally recognized communities. In 2015 as part of our mitigation efforts, we've done over a mile 7,400 linear feet, shaded fuel break, 33 feet wide. Lot of manual neighbor to help with fire breaks. Also removed 30 tons of biomass from project areas. We were primary participants in. We've also assisted other agencies

on several projects. We just moved into a new facility in far south Austin Brodie lane and consolidated within last week all of our wildfire staff into one location. As part of the wildfire protection plan we've adopted the rating system, we're the first county in Texas to adopt that, it's utilizing smoky and signs to bring our citizens and partners into understanding what the fire danger is high. We've also over the course of the division's existence had all of our operational personnel trained in the 13190 class. This is a training program standardized by the national wildfire coordinating group for wild land fire fighting. We've increased tremendously our ability to fight land fires with fire apparatus and personal

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protective gear. We've worked on preattack planning for communities and wild land areas, also just completed the first part of our evacuation plans as we work towards and with our ready, set, go program. We wanted to let everybody know we have zero tolerance for wild land fire related fatalities and continue finally we are piloting a fire detection system called fire watch utilizing cam extras sensors in various parts of Travis county to notify us as early as possible with we have a start. Up me. For us we want to continue our community outreach increasing the number of firewise neighborhoods, we want to continue to work towards the adoption in Austin of the wild land urban interface codes, very quickly we want to complete the national fire rating danger sign project, have signs at all of our fire stations and use those for people to understand what the fire danger is that day and, again, get everybody thinking safety. Finally we want to maintain and expand the fuels mitigation program and partner with various land managers. Then, again, wildfire is everyone's fight. We all have a role and we want everybody to participate. >> Zimmerman: Councilmember Houston has a question. >> Yes, ma'am. >> Houston: Thank you so much for the presentation. Can you tell me the ten firewise communities in the city? >> I can have somebody that will tell you that and I also can send you our spreadsheet with those. Yes, ma'am. >> Houston: Can you just give me an idea of where they're located? The ten? >> Predominantly they're located on the western side of the city, where we have several issues with our firewise communities making sure with -- that that particular land and topography. We also though want to make sure that we are inclusive of

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everybody. We're nationally recognized for setting up our ready, set, go program in Spanish as well. We don't want to be exclusive of anybody and, again, when a fire starts everybody is going to be affected. >> Houston: And I appreciate that. But just so that you know and everybody else in the fire department knows, that we have a lot of land in eastern Travis -- eastern Austin. >> Yes, ma'am. >> Houston: So we would like to have some of that benefit of that how to become a firewise community as well. >>

Absolutely. >> Zimmerman: Thank you. I believe Mr. Dodds, did you have something else to adhere? >> Yeah. Just a couple things real quick. Two of the biggest concerns that were expressed by the council were that we would not have adequate supervision. And because of that, we consolidated the wildfire function all in one location and chief buck is actually geographically located with them to provide that supervision do fill in that perceived gap. The other thing was that we had lost a significant civilian expertise in Jim linardis. I won't argue with that about he was without peers in the organization and Crete across the country. Hard act to follow, absolutely. With justice Jones, we believe we have got an asset and a talent that brings tremendous quality to our organization. One of chief buck's challenges is to make sure that we get justice Jones placed in the exact right position to best benefit this wildfire mission. So those were two of the things that were directly expressed as concerns, and I wanted to let you know that we are addressing both of those. >> Zimmerman: Is there any comments or questions so far? Okay. So before you go, one of the objections I've been raising is that it looks like the plans make a lot of sense, the plans

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are pretty thorough. But we're not implementing the plans. We have a tremendous amount of acreage of wild lands and, you know, fuel that's been building up over the decades and the concern is we plan and plan and plan and then we don't implement the plans. Over the states I went and looked at some of the fire breaks that were cut, there was a fire break cut up on the hill at juster estates around a tennis court, nice bunch of work there. Immediately adjacent to the tennis court was somebody's residence, and the cedar trees were almost touching the person's home. And I looked and thought what sense does this make? We protected the tennis court but the person's home had cedar trees right into their backyard. So my concern is that there's -- we're just not implementing what's been planned. How would you respond to that? >> Well, we continue to work to implement the plan, as we spoke about. However, we have to be cognizant of the fact that we have to live within the framework of the rules, regulations about what we can and can't do on people's private land. We are very grateful when we can get access to the lands to be able to do some things, but sometimes we can't get on -- >> Zimmerman: I'm sorry. >> You're shaking your head sir. >> Zimmerman: I'm sorry, I completely misstated I guess what I'm saying. The problem is when we have bcp property controlled by government that borders someone's private property, the bcp property is unmanaged and there are trees and shrubs and fuel going into somebody's yard. And they aren't allowed, under bureaucratic rules or laws or what have you, they're not allowed to mitigate the risk posed by the bcp that is on their property line. In my neighborhood of canyon creek we have a buffer around

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the B.C. So we have our backyards, fence lines, and then there's the bcp. We've been clear fire breaks for years with our own volunteer labor but we can do that because we own the greenbelt property. >> Yes, sir. >> Zimmerman: If the bcp backed up to our backyards, there's nothing we can do legally, according to the bureaucrats in Austin, but we still have the fire risk literally at our backdoor. So that's the concern I keep raising here. >> Yes, sir. And, again, I think you've underscored the issue. We have to work within the rules and regulations that are out there. That's why we work together to come up with a plan and a roadmap when continue to try to work with all the various entities that are involved in this to make sure that we can do the best job that we can. >> And we hope that as we build further relationships that we'll build better understanding of the challenges like you just described and get some more ability to address some of those issues. >> Houston: Councilmember. >> Zimmerman: Councilmember Houston. >> Houston: We have no fire breaks in eastern part of this district. So y'all at least have some fire breaks. We have seeder and we have no fire breaks because it's all focused on the western edges of the community rather than trying to do some in each part of the city, where there are fire -- wildfire dangers. >> Zimmerman: Okay. Sorry, go ahead, councilmember pool. >> Pool: To councilmember Houston's point, which is a good one -- like to see what work the -- if you could explain what work the fire department does in the communities where the education could be brought over to those communities where it hasn't happened. >> Sure. >> Pool: There's better information. >> If you'd allow me I'd like to bring up justice Jones who chairs our wildfire coalition and let you know where we are with that as we continue to try to engage all of our communities. >> Thank you, council. To speak directly to the -- your

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question about program expansion into areas that hasn't historically been implemented, one of the things that we're very excited about with the completion of our community wildfire protection plan is it gave us a much more accurate perception what have the overall risk was to Austin and Travis county as a whole. And the picture it paints is it's two different types of fire environments. On the western side, your frequency is going to be much lower but when fires occur they're going to be under extreme conditions, potentially very intense. On the eastern side of the county we have the potential for grass fires every year after the winter freeze and the grass cures out, very fast moving grass fires that can quickly reach structures. So the threat is real countywide. It's a different nature of thread and I'm very much looking forward to our expanding our program to really meet the needs of our diverse culture and the reflection of the communities that are at risk across the county and as was mentioned, we were tagged because of that concern with developing the first pilot outreach program for Spanish speakers, one of a predominant populations at risk across the county as an inception point for initiating that dialogue moving the ball forward. >> Houston: Thank you. We're looking forward to that engagement with our communities as well. Thank you. >> Yes, ma'am. >> Pool: And I also might say that north of 183 in part of my district, district 7, there may be some interest by folks up there as well. I'm going to have a town hall on may 16 at 10:00 in the morning at St. Albert the great catholic church, and y'all are

welcome to be there and talk with the constituents who are coming and talk a little bit about our fire education program. That would be really great to have y'all there. >> That's great. We'd love to join you and like to let everybody know an effort to empower our citizens, we have

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a symposium planned may 2 that's a 1-stop shopping for residents interested in learning about their role in the fight against wildfire season at the JJ Pick Center. >> Houston: Thank you. You were with us early this morning and here you are back again late this evening. I'd be happy to talk with you about how to move that into a community because the people in district 1, there's no buses to get us to JJ Pick, so it's about how do we engage the community where they are. And so I'll be happy to talk with you about that after we're finished. >> Thank you. >> Pool: If you could send information to all of us about the event and then there may be other councilmembers as well as councilmember Houston that would like to have some additional information brought into the districts so that would be a good place to start. >> Absolutely. We look forward to working with each of the councilmembers and their new districts. >> Pool: Thank you. >> Zimmerman: Thank you very much. We've also asked Bob Nix of the AFA to come. One of the things that came out in the discussion that council had about reorganizing, reclassifying, I spoke up and thought that the wildfire division was being cut and less attention being paid but I was assured by the fire department -- by the chief that actually it was being strengthened. I think also there was part of the discussion was we had a diversity opportunity in promoting -- in promotions in the fire department. So we've asked Bob Nix to give us a brief presentation on that. So we'll have 15 minutes for Mr. Nix. >> You know I stood up in front of this body, different council, couple years ago when we started structuring and the association tried to get this wildland division, what I hear asked tonight are exactly the right questions. What I said to council back then

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is this section should be judged on how much fuel we mitigate and we're behind. Now, we do have to build bandwidth, we do have to do all those things, but I do see also some loss of focus. I hope we'll be refocused with this next team, but I think you need to continue to ask those same questions. How many sticks of fuel we've mitigated, how many pounds, how many acres. That needs to be a metric by which we judge this division. We can't just be talking about, you know, marketing programs, which are important, but it can't be just that. It has to be something more than that, and I hope it will turn into that. I have a different type of presentation than probably most people would think I'm going to give. Because I'm not going to talk so much about the function of the wildland division and what this reclassification did to it. I'm pretty disappointed and frustrated that we had historic opportunity to

diversify our upper ranks and it was lost, it was lost because I believe faulty information was given to council, the policymakers, I think there's arguments of urgency made and arguments of neutral budgets made that shoehorned this away from the budget process and away from the strict scrutiny of council. And the result was a very lily white proposal list with almost no diversity and we have three, and the reason I passed out these promotional lists to you, for two reasons. One is there's a lot of confusion what a promotion list is, and so in the highlighted names in yellow are three highly tenured, highly respected officers in our department that are ripe for promotions. Ripe for appointments to the command staff. Mark Sims, Frank Alvarez and Joe Lamone. Because of the urgency or I would say the faulty urgency that was put true, we lost a higher opportunity -- there's never been a time in my career where we have such highly tenured officers for high level

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appointments and this was disregarded, it was not explained to council. In fact I believe council had the impression there's diversity down the list and that we can't use the appointment list after the CBA is signed until a year. And so these impressions were not articulated at least very well with the chief, so I want to go into that a little bit. So during this -- the reclass was faulty or less than accurate information provided to the council and the urgency of the reclass request, the budget impact of this request, when the collective bargaining agreement can be used once approved to appoint division chiefs, is there further diversity down the promotional list that will likely be promoted because of the reclass. I think what was totally not articulated at all is what happens to the diversity of the command staff when this occurs the way it did? And I think these are very germane issues that the policymakers need to make the right decision. And so who you I possibly play this video? Do you that for me? >> There is a sense of urgency here. We have [indiscernible] lists that will be expiring and once those promotional lists expire we do not have -- currently have a process in place that replaces those lists in their -- and there are no tests currently scheduled. We're working on that right now. So we would not be able to fill any of those -- fill any of those positions and individuals that are on the list are -- would not get promoted. >> So the chief talks about there's not a process to recreate the list. She did correct herself in the May 2 meeting, it was very brief, didn't really explain fully what the correction was

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but all of the new promotion lists had been scheduled at the time of that meeting. They were alluding to the fact none of them were scheduled and we had to create a process. A new captain's test has been administered. Since you guys have approved it it's been expired and retooled. The test has already been given to the captains. Austin fire department has been promoting over these lists for 60 years. It's

nothing new, nothing urgent. It's the way we do business for 60 years. The frequency promotion list, a new one ends, new one begins on either a year basis or when a -- on contract every two years. Again, this can be planned well in advance. You have a year to plan. There's month urgency. Every year somebody dies at the top of the list so making a point somebody might die at the top of a list is kind of a red herring argument because there's always somebody that dies on the top of the list. There's somebody that died after the reclass on the top of this list. And there's nothing new or urgent about any of this. The the DC list is the only list that would expire, expire by may 19, and that would allow the chief to appoint anybody without a process, without having to design a 90 day process like she alludes to. After may 19, I know we're in a wrinkle right now with cba but we're hoping to get through that, once it's signed and through chief has carte Blanche to appoint on that day and after may 19 she can appoint anybody, including these highly tenured senior officers that are high on the list. Could you -- so what's the budget basket of the reclass? He let's explore that a little bit because one of the arguments was -- hold on a second if you could. One of the arguments is that it's cost neutral, it's certainly just a administrative imperative so there's no reason for budgets to be concerned. It's a legalistic argument, you have to go get it approved. But then of course if there actually was a budget impact this year, next year, that's another matter, I think councilmember Zimmerman made that point several times at the

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dais. Can you start the video, please? >> Little bit of criticism, the department has already management top heavy. Obviously you would disagree with that because we're adding more upper management, but -- and there's a lot of opinions on this, [indiscernible] Expert opinion, there's some people that are saying they think the wildfire department would actually lose focus if this reorganization happened but I'd like to get the expert voices to come in and talk to that. >> So let me address some of those comments. First of all, we are not really adding a number of management. We're take the battalion chief, which is a manager, and we're turning in a into the division chief and we have a manager that left the department and so one left, which is the civilian manager, and making one of those a uniform. So technically we're not increasing the number of management in the department. It's not like we're becoming top heavy. >> This is a chart I did of all the reclasses since chief Kerr has been in this department, and in 2008 is the year before she was here, which there were five people in the command staff. With this last reclass we now have 13 people in the command staff. I think by any metric that would be getting top heavy. She did differentiate between battalion chief positions and executive team positions in her discussion. We've increased our command staff under chief Kerr 62.5%. And I think in the yellow you can see multiple times where we used firefighters, breaking down firefighter ranks and councilmember ora you asked about this, are retake away firefighter ranks some we're taking away six this time but there's five other times we took away firefighters to fund top-level positions so, yes, it is an issue. And I do think it really makes

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the case that, you know, the command staff is a little top heavy. Even without the last two, to make arguments that we can't manage the department, really the department hasn't grown. It is had one station in the works before chief Kerr came and added firefighters for the sefra grant, to prevention but really the percentage of the department has changed very little over tenure and the command staff has grown 62.5%. You can start the video -- hold on -- yeah, start the video. >> Thank you, chief, thank you fob being here today. I'm not a subject matter expert like councilmember Garza but I do have some questions. What is the financial implication? Is this financial neutral? >> This is -- for the next six months it is -- the rest of this fiscal year it's financial -- actually neutral. It's a negative of about \$41,000 and then in the next year, for the total year, the cost is about 42.7000 dollar dollars. >> Let's explore. The chief states this reclass actually saves \$47,000 in fiscal year '15 and states the cost next year is about \$42,000 in its entirety. This is a spreadsheet the fire department gave me to look at, and I went through it and I'm agreeable with most of the Numbers. Numbers in yellow I have a little bit of issue with but it's within \$10,000, not worth squabbling over. What's in the box very lower part I want you to pay attention, \$70,000 cost there. Okay? And this is the list they gave you during -- I think they gave it to you during the discussion, showing that \$41,000 savings and the \$42,000 extra expense for next year. Okay? So if we accept the chief's

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math, if we don't squabble over the areas in yell lockers okay, she states there's a savings of \$41,000. However, she's not accounting for that \$70,000 vehicle and equipment expense. Which now it's not cost neutral. Now it's a budget item, okay? So we're still only talking about an additional cost of fy15 of \$36,000, almost. Thousand dollars, but she also doesn't show the offset in overtime costs when you promote these firefighters, take them off fire trucks, move them to staff as drivers, there's a significant, significant cost in overtime. You can't show a savings in their salary and not show the offsetting cost of overtime when they're not filling those rigs, we're paying overtime every shift. So every single shift they'd be taking the most expensive person off the list and that cost wouldn't be accrued. Conservatively, and I'm figuring \$30 an hour and probably \$40 an hour would probably be a better figure, maybe even higher, that's an additional \$211,000 just in this fiscal year alone. And so that brings us up to almost \$250,000 extra cost, which I think would trigger the scrutiny of the council as a budget item. And this is just my math real quick, nobody really cares, but it's all there. I try to show it if you guys want to see it. Basically it's all there. I even take out 20% of the shifts if the firefighter works, sick, on vacation, might even be a little more conservative but that number I use is a low-end number, very conservative. So using the same math above, what would be the cost for next year? And I'm not even talking about the other ten or 12 firefighters, the chief through her tenure had broken down and

increased our command staff ranks. I'm just talking about the six from this last cycle. This makes the increase

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\$462,000, not \$42,000, as said. Again, we front loaded that money into this budget. And I think it was -- I think the decision makers did it with some faulty information. And my overtime costs are here again, which nobody really wants to see, but it's all -- great thing about math is, you know, it adds up. And so, again, I'm showing you just the yellow -- areas this yellow. We had one from '09, 5 firefighters minus 2009 again, another six minus 2009, another one in 2011. This adds to significant Numbers of firefighters. Remember right now in an overtime period every single firefighter that's gone they would cover a third of the shifts 80% of the time and you'd be eliminating those overtime costs. Okay. So during the reclass, you know, I didn't -- I'm going to go into these items, really the meat of our discussion. Collective bargaining agreement can be used by the fire chief to appoint division chiefs. There was doesesome discussion -- there -- captain of DC and the DC list so of course very confusing to a new council not understanding how these things work. There seemed to be some alluding to well this reclass may not get a slotted diversity but there's diversity further down the list, and what is the overall effect on the command staff in the lower ranks? You can click on the one on the left please. So here's some of the council impressions I got for some clips on diversity down the list. >> And in reality as well, [indiscernible]

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[Inaudible] >> And so I couldn't hear it really well but what she's saying is, generally speak, diversity is further down the list and there seems to be some indication that there is diversity down this list so I'm going to support this. Well, you've got the list in front of you. Beautiful thing about the promotion, you can see who's down the list and you could have created what would happen a month before you did the reclass, as far as diversity is going to be captured. If you click on the other one, please. >> [Inaudible] >> Nothing about having minorities moving up the ladder. When I talked to the rank and file, one of the biggest concerns was that, you know, we don't have as many minorities in the ranks, in the management [indiscernible] And this would give them a great opportunity. >> So it's important, imperative that we have diversity. There's some impression by several councilmembers there was diversity down the list, and that's not corrected at the dais by the department head. If you can click on I think it's the last video. >> I just wanted to mention to councilmember Gallo that I think we're really happy to get that update on the [indiscernible] Public safety committee, just linking that program [indiscernible] Councilmember Houston had suggested and I will not support the motion on the floor. At first I thought it might be

prudent to wait so that hopefully we could have a collective bargaining agreement [indiscernible] Process but once I understood from our chief that this promotional list is going to be [indiscernible] Not apply until next year, I'm

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[indiscernible] Support the motion as presented to the [indiscernible] Thank you. >> I was actually driving to a collective bargaining caucus and heard that on the accrue right-of-way and I called councilmember Casar and explained to him the other list it's a year in effect but not for the appointment and that was the one he really was asking about, when can we appoint on the list once a wba is signed. Again, it wasn't corrected. That incorrect impression on faulty information was left standing and it got us where we are today, and it's kind of frustrating. So what would be -- what is the effect if we appointed two division chiefs instead of -- appointed them when the cba is signed? So what if we -- what if we appointed two division chiefs after the cba is approved. The highlighted yellow names on the list I gave are you people within our organization, highly tenured, highly respected, and ripe for appointment process. And we did it after the may 19 date, before August 18. So we have a pretty good period of time when the chief could act. What would happen? What would be the effect on the list? And we took two of those two high-ranking officers and appointed them that would have made the third one no matter how it worked out as long as it's before August 18, one would have been made a bc and other two could have been made division chief. This is a policy decision, maybe it's no not the decision the chief or council would want to make. My point is the policymakers need the right information so they can make those decisions. So what was the effect the day that you guys approved the appointment -- the reclassification? What happened? Let's take a look at the diversity. So we ended up getting an eyeeyian main male on the last part

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of it, this urgent reclassification that resulted in 11 appointments and one person of color. So there's some alluding to the fact that there was diversity further down the list. Let's look further down the list and see what occurs. The beautiful thing about a promotion list is you can see, you know what's down there. This hispanic male popped up there, mark signs, one of the people highly tenured, possible -- I would say a possible appointee so I think that diversity could have been captured anyway. Let's take a look at the rest. So now we're going one further down the list we're at 15, two people of color, and like I pointed out earlier the one is rite ripe for appointment knee. We wouldn't have lost that diversity through an appointment process, perhaps. Let's go down the list begin. This other hispanic male is frank Alvarez, highly tenured, respected officer. He could also be an appointee candidate. We end up -- if you

take out the hispanic males at the top that could be appointed you get one hispanic male out of 19 appointments. And so this was the how -- this is the demographics of our command staff before the reclass. We had 72% white male, one African-American, one hispanic, one female. And after the reclass, we have 77% caucasian male now and we drop down to a smaller percentage in our other minorities because they're just single Numbers. So here's the existing command staff the way it looks today. The yellow -- red highlights are chief Kerr appointees. [Buzzer sounding] >> So what would it look like if we appointed instead of going through the promotional process? We would have dropped caucasian

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white males of 61, and increased our hispanics for the first time ever in our department to 23% in the command staff. So this shows it side by side, 77%, 61, and then the 7% to 23%. This is a historic opportunity we missed here. Again, I'm not a policy maker, it's not my decision. But when I was driving, listening to the radio and heard information being given I thought was faulty information I thought I should come forward and let you guys know. Ora, this is just threw together today because I was looking at the tapes and you were asking about the consent decree. We were allowed to hire 90 people but the department only elected to hire 75 and the reason it took them 150 people to fire 15 because it had been so long since the lists were out if we were going to go to 90 we'd need 15 more so let's look at the diversity, 30 down the list, this is a list the doj says we can use, it's there and we know the diversity, we can see it, peel it, read it right on the list. The next 30 positions is very diverse. 16.6% African-American. 36.6% hispanic. And that's some budget sheets. But, again, you know, I started thinking about this more and I was looking at the tapes and listening to ora talk about it. It got my curiosity, so I looked further down the list and ran the Numbers. There's some really good diversity right down the list. Maybe the department knows something I don't know. They don't share all these things with me, but it appears it's there, ready to go, and approved to use. Now, this is the wildfire division wildland division before the reclass and I'm not going to go through a lot of analysis about whether this harmed the division or helped the division. On the fire left-hand side you see wildland assistant director

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who had a total salary cost of \$177,000 a year. Right underneath you had you had justice Jones, probably around \$80,000 a year with total budget costs. The plan entails basically justice do both those jobs. It doesn't make any sense. He's doing the firewise stuff. That's a full-time job. Lenardos was doing the cwpp and some of the higher level work and I think justice is capable of that work and move up there and do a fine John. My point is he can't do both jobs. That's the position we put ourselves in. The association did something really, really odd. We advocated for civilian positions, not uniforms, when we



built this thing. We did it because we knew the expertise was needed and we've taken a good part of the expertise away. The burn boss position, one of the Numbers I have a problem with on the budget sheets that get them so close to budget the burn boss position has been vacant for months and is not even posted. One of the captain positions, they put somebody on paper, I think they corrected this now but somebody on paper for months that is on long-term disability. So it seems like in my -- my concern is the division is not getting the attention it needs. I think this reclass does harm in functional ways, I think we lost a historic opportunity on policymakers to make our command staff more diverse, and I wish I had a magic wand could wave it and take it all away. Once you do that reclass it's locked in by law and cannot be changed. So I think that councilmember Zimmerman particularly you were a hound dog and we need more due diligence, intend to the committee, we need to really do the deep dive and I don't think that chief Kerr is alone. I've seen other department heads dodge the questions, create urgencies that aren't really urgency, I think some department heads look at this council as a

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rookie council and you can be fooled and I think we need to hold everybody, speak to the fire -- everybody's feet to the fire and make sure all the facts are out before this occurs. I put no blame on council. I think it's the responsibility of the person standing here to provide good information. My information can be verified. I'd be happy to give you the presentation. >> Zimmerman: Thank you, Mr. Nix. We've run over here. >> Sorry about that. >> Zimmerman: Are we at -- so I'm showing 6:55 here. Any questions on anything we've had so far here? Okay. >> Houston: I just want to say thank you for bringing all of this to our attention. >> Thank you. >> Zimmerman: Councilmember Casar. >> Casar: Yeah I certainly would like to echo that. I think that, you know, after reviewing the information and the tapes I know that my questions weren't perfectly clear, but I will make sure to keep on doing my due diligence to understand -- to make my questions as clear as possible and to really understand the answers being given because it is my hope that we can diversify the upper ranks of as many departments as possible and if a collective bargaining agreement can indeed do that and we don't have to wait a year that gives us even more reason to make sure that, you know, all of our associations are working well with our management to chief collective bargaining agreements so I'll be touching back with the chief and with Mr. Nix about where the confusion was on that particular issue. >> Zimmerman: Thank you, Mr. Casar. Looks like, Mr. Dodge, you had something to say. Can I ask are there any speakers? Do we have any -- so we have two speakers can we go ahead and hear from them right now? Thank you. Randy? Okay. Then who follows that? Okay. >> Good afternoon, chairman, committee members. My name is Randy Moreno, retired Austin firefighter for 31 years, also serving on the public safety commission currently. Our term will be ending in a

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couple months. I brought this concern up to several of the councilmembers about the disbanding I will call of the wildfire division. We worked very hard for over two carriers to get that vision up and the concerns that we had at the time or my concerns at the time were the [indiscernible] Of that division and I think it proved to a point that when you don't have institutional presence, uniform presence, you stand the ability -- the risk of losing someone with those kind of expertise. When they started to LE organize it, I felt that the reason wasn't adequate and just. So that's where I brought those concerns up to the council. On the other note, also, I also served as the president of the Austin hispanic firefighters association for over ten years. I served on several bargaining committees during that time on behalf of local 975, and many of those bargaining sessions that we had had to do with diversity. Most importantly, the opportunity for diversity. And it seems to me that that's been lost. It's been lost on command staff, it's been lost on city management. And for over 30 years of my career, that's been one of the issues that I've had to deal with as a firefighter. We've had to deal with the collective bargaining agreements, we dealt with the spectre of consent decree. My biggest concern with the ask the decree was what does it have as far as promotion opportunities? The biggest difficulties that we had advocating for diversity in the Austin fire department was not the opportunity to get into the fire department. It was mostly in the area of advancement. And it seems we've lost that urgency. There's firefighters that want

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to become firefighters. There's community members that want to be firefighters and we do a great job in identifying them and working with them. At the same time we also work to build an agreement that those concerns of -- standards are set. And we've worked many years to institute a confidence within our department and our community that those individuals will be coming into the fire department were going to be the best. At the same time, we still have firefighters that are in the ranks that are working very hard and are eligible for consideration for promotions. I would leave this one question in the administration of the fire chief currently, I would like to see what Numbers she's really done as far as advancing opportunities for minorities. Thank you. >> Zimmerman: Thank you very much. We -- just a reminder, we're in our public comment section of our meeting so Mr. Patrones is in the front, you can sign in with the form. Anybody can speak on any agenda item or anything else that's not on the agenda. You're welcome to come speak. Sign in with Mr. Patrones. Is there another group -- there's another meeting that's going to happen after ours is that correct? Can somebody inform us on that? >> Don't worry them. >> Mayor Adler: Go ahead. >> My name is Jim [indiscernible], I'm an engineer. I've known don a long time. He's right on target, folks. We've got a problem here where the city has prevented land owners, property owners from exciting their rights to get rid of certain trees and I'm talking about the protection ordinances specifically for cedar trees. Everybody knows that Cedars are

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like gasoline on a stick. And so what you've got to do is get rid of them. If I was king I'd go down to the jail and say anybody want early release time, come cut Cedars all day. But they say, well, what about the environment? Look up the ranch in Johnson City, that man clearly proved that Cedars are not beneficial to the land or to the wildlife. He took terrible land and turned it into very productive land, biodiversity. Now, I talked a lot -- to a lot of the people at Barton springs protection people, I said, you know, that withhold Barton creek would be flourishing if you got rid of the Cedars. And he said, well, Cedars are trees too. You know, so what happens you get the city staff, the trees are, he comes and whines to the council we've got to protect all these trees. Over in Westlake the cops pulled their guns on a man clearing Cedars from this is land. That's unforgivable. You've got property rights. If you don't want the Cedars you ought to be able to get rid of them. Anyway, just a moment. That does it. We came here to talk about -- I came for something else, but Zimmerman said, look, you've got some nonsensical rules preventing people from getting rid of cedar trees and then we get a death by powerpoint about how many more people we need to staff these positions. Really what you need is to change the policy, rescind the tree ordinance as it affects Cedars and let the citizens take care of their own concerns without having to get a permit to cut down a 4-inch diameter tree. These people can do their job. We can live in safety and be comfortable about it. Thank you.

[7:02:06 PM]

That's all. >> Zimmerman: Thank you, Mr. [Indiscernible]. I believe that includes -- we're at about 7:02 anybody else to come before? >> Is there anyone else? >> Zimmerman: Is there anyone? Okay, if there's no objection, our meeting of the public safety is adjourned at 7:02 P.M. Thank you. Sorry? >> I want to address another issue. >> Zimmerman: I think we're kind of being kicked out of the room. Go ahead if you've got one more -- looks like one more speaker and then we'll adjourn. >> I have a comment against -- there are two houses. I'm a native born and raised east austinite. And there are two houses that they're talking about demolishing in east Austin. One is at 2007 -- >> Zimmerman: I think you're in the next meeting coming up. >> Oh, okay. >> Zimmerman: We're going to go ahead and adjourn. Thank you very much. >> All right.