



**PUBLIC SAFETY COMMISSION
MINUTES**

**REGULAR MEETING
Monday, August 1, 2016**

The Public Safety Commission convened a regular meeting on Monday, August 1, 2016 at City Hall, 301 West 2nd Street in Austin, Texas.

Chair Rebecca Webber called the Board Meeting to order at 4:00p.m.

Board Members in Attendance:

Rebecca Webber, Chair	William Worsham
Daniela Nunez, Vice Chair	Kim Rossmo
Ed Scruggs	Rebecca Gonzales
Preston, Tyree	Brian Haley
Michael Levy	Sam Holt

Board Members not in Attendance:

Emmanuel Loo

Staff in Attendance:

Brian Manley, Chief of Staff, Austin Police Department
Jasper Brown, Chief of Staff, Austin/Travis County Emergency Medical Services
Brian Tanzola, Assistant Chief, Austin Fire Department

1. APPROVAL OF MINUTES

- The minutes for the special called meeting on 07/05/2016 were approved with the edits noted from Vice-Chair Nunez; change **Rundberg Team to Restore Rundberg Team** and edit **Sheppard to Shepard**. Commissioner Haley motioned for approval of the minutes and Commissioner Holt second. **The minutes were approved with a unanimous vote.**

2. CITIZEN COMMUNICATIONS –

- There were three citizens signed up to speak during Citizen Communication and four citizens signed up to speak on specific agenda items. Prior to the citizens being called Chair Webber called for Commissioner Scruggs to recognize Officer Paul Billy Speed who was killed fifty years ago today. **Commissioner Scruggs**, Yes, thank you, today I attended the 50th year anniversary ceremony of the UT Tower shootings on campus. Most of you are familiar with the story of the tragic shootings at UT on that day. Officer Speed was the first officer on the scene and he was shot and killed. There were a total of 17 lives lost and 40 people were injured on this date. Officer Speed was a husband and father of a 4month old son at the time he was killed. We the citizens of Austin owe a great debt of gratitude to Officer Speed and his family.

Officers Houston McCoy and Ray Martinez went to the top of the tower and Officer Martinez took out the shooter. The citizens of Austin owe tremendous gratitude to these officers. When we think back during this time there was no emergency medical services and the community band together and borrowed hearse from local funeral homes to assist in transporting passengers to the hospitals. This was an event that changed the city forever and many lives were saved because of the bravery of many individuals. **Chair Webber** thanked Commissioner Scruggs for his comments and moved to call **Carlos Leon** to begin Citizen Communication. Mr. Leon spoke on two personal encounters with Austin Police Department and the disrespect he felt when told by a white male cop that he had no rights. Mr. Leon stated he supports the law and strongly feel that Austin Police should and need to follow the law, not violate human rights. **Amanda Lewis, Commission for Women** – spoke on the sexual assault back log issue and asked for the Public Safety Commission’s support in their attempt to gain more funding in this year’s budget for the forensic lab. She mentioned they (Commission for Women) are concerned about the backlog cases, but currently they are mainly concerned with current cases that are not being processed. Ms. Lewis asked for a recommendation from the Public Safety Commission to assist them in their efforts to convince council to allocate funding for the lab. **Commissioner Rossmo** advised Ms. Lewis that the Public Safety Commission is aware of the problem with the DNA Lab and it is one of the pending agenda items for the board to take a look at possibly on the September 2016 agenda. In addition, there is a motion being made by the International Association of Chief of Police about addressing the problems of a DNA backlog and the sexual assault cases. Ms. Lewis thanked Commissioner Rossmo for that information/update. **Chair Webber:** commented she agreed this issue (DNA Backlog) should be on the September 2016 meeting agenda and asked Ms. Lewis to get in touch with her concerning the resolution from the Commission for Women. **Anna DeFritas** - was the last citizen signed up to speak. She mentioned she was attending in an individual capacity but was also as a mother and member of the Commission for Women. I want to share how we came to want to make progress on this issue. We were looking at the backlog of rape cases in Austin which is the 2,700-3,000 numbers that dates back to 1990 that we are all familiar with. It is was not only the result of looking at that number as being an issue we realized we don’t have a process to test DNA evidence from sexual assaults as it stands today. That is why we are starting here as a point of entry to start by asking the Public Safety Commission to assist us in our efforts. There are a lot of points of entry to start working for/towards an improved forensics lab but this (coming to PSC board) seemed like the most obvious one. I also want to let you know that in addition to working with Greg Casar’s office, Commander Wright is very interested and open to working with advocates like myself to come to some agreement on the next steps to take. Ultimately this is a violent crime that is reported two times a day in Austin, and I don’t know of any other crime where we would find it acceptable to not make progress. So, I would like to have the difficult conversations and coordinate where possible. I am grateful for this Commission’s time and Austin Police Department. **Chair Webber** – Chief Manley I don’t want to put you on the spot, but there were some stop gap measures in place and did you want to discuss? Chief Manley, yes I will be real brief. We are out outsourcing the priority cases the ones that need to be addressed immediately. While we work though the issues with the lab. I think everyone is aware we have had to shut down the lab while we do some retraining; based on some changes the federal government implemented on how you calculate the rates. I won’t go beyond that because we could get into science that I am not qualified to talk about. We do expect our lab to be up and running by year’s end and we have put in some stop gap measures for the interim period.

3. TRAVIS COUNTY EMERGENCY SERVICE DISTRICT #4 UPDATE - Commissioner Levy

Tom Dodds, Chief of Staff, Austin Fire Department– Good afternoon everyone, we have been working on a project contract for services on EMSD4, Austin Fire Department and City of Austin. Chief Bailey wanted to come and present to you a status update. I want to emphasize this is not a final report. The presentation is truly an update of the work that has been done up to this point. This document was given to the City Manager’s Office, who reviewed the document and asked for clarification on a few points, and for us to include the financials before it is presented to the Public Safety Committee. This presentation is strictly an update. **Chief David Bailey**, introduced himself and started his presentation with a recent 12 month timeline starting with December 2015 – August 1, 2016. He shared a little background on why citizens want the merger and mainly it is because the area has become an island with very poor response times. This is what happens when annexation occurs and chips away at the surrounding areas. It results in inadequate levels of service and inevitability will get worse Chief Bailey addressed what would happen under the terms of the contract and shared the number of stakeholders and subcommittees that had been involved in the decision making for possible merger with Austin Fire Department. Benefits of the contract for Austin Fire Department and Emergency Services District 4 were presented to the board for consideration. The closing of the presentation included discussing the outstanding items of the hiring and training recommendations and the financials. Going forward **Chief Bailey** commented they would need recommendations, resolutions and commitments. He opened up for questions. **Chair Webber** – made a motion for approval of the draft resolution on the merger of City of Austin Fire Department and the Travis County emergency Service District 4 Fire Department and opened up for discussions. **Bob Nicks** commented there is a financial gap of the contract and I think it is a shared responsibility that both entities should work on. He offered to answers any questions the board may have for him. The financial issues should be done very soon. There are two financial meetings in the coming weeks. **Commissioner Haley**: are there any other ESDs that are going to be coming along in this similar situation in the next couple of years? **Chief Dodds** responded that each ESD is always looked at in a individual basis. A couple of years ago we did look at ESD6 at Lake Travis and tried a similar type of meeting/merger but that didn’t prove successful. At this point we are not looking at others. **Bob Nicks**: ESD4 is a little bit different in that all the stakeholders are lined up and want to do it (merge/interlocal agreement). **Commissioner Levy**: all surveys of citizens have shown they recognized the efficiencies when you have an Interlocal Agreement. There are other areas we should be looking at like Southeast Travis County who lost most of their tax base due to the race tracks. The idea of county wide fire services is something that I think we should be considering/heading in that direction. I do think Chair we should be looking at something far broader thinking county wide just like public health has done. How can we work more efficiently? **Commissioner Tyree**: Why do we have different bases for training or experience base? **Chief Bailey**: I would start off by saying that the baseline certification training is exactly the same. However the City of Austin Fire Department has additional training. They (City of Austin) want to make sure they are getting the same quality of a candidate/employee from ESD4. We (ESD4 Fire Fighters) saw a ten week academy to make sure, and they (ESD4 Fire Fighters) now know that the Austin way is not so bad. **Chief Dodds**: That is accurate, years ago we had a lateral class to come in and do the same training. **Bob Nicks**: City of Austin Fire Department, we have a high standard and are proud of our training. The Texas Commission of Fire Fighters sets the minimum standards

for fire fighter training and found that Austin far far exceeds the minimum standards. **Commissioner Scruggs:** Could you explain your tax rate and how big is your funding gap? **Chief Bailey:** ESD is funded through ad valorem property taxes. State law puts a cap on that 10cents per 100 dollar evaluation. We earn about 1.8 million per year from the property tax. In addition to the ESD can go out and pass an election to receive a 2% sales tax if Cap Metro or somebody else hasn't already got it (the 2%). Our total budget is about 3.5 million a year. Unlike a city budget anything we don't spend we are able to carry over. Example: when I need a new firetruck I have to save to purchase one. That is what the carry over funds help me to buy. We carry forward a small contingency plan to offset the future costs. **Commissioner Scruggs:** What are the plans for full annexation? Are they giving you any notice? Will you be fully annexed in five years anyway? **Chief Bailey:** We will never be able to answer that concretely, but history shows what happens is your leftover pockets are not desirable or they would have already gotten them. **Commissioner Scruggs:** Any plan could be that you would turn over most of your collected revenue to the City of Austin? **Chief Bailey:** Right now we would turn over about 98.5 % of everything we collect. **Commissioner Scruggs:** Is there anything in State Law that would preclude you at that point from just dissolving the ESD? **Chief Bailey:** The biggest thing is that state law says if you dissolve an ESD you have to sell all of the assets and give the money back to the taxpayers, which could be very difficult considering we have been buying and selling for 25 years. Usually dissolving an ESD is in the case of bankruptcy. **Bob Nicks:** To dissolve an Emergency Service District you would lose the 3.5 million to make the deal work. **Chief Bailey:** ESDs are only 20-25 year old animal and I'm not sure how you turn them off. **Chair Webber:** Let's bring one of our speakers on this item.

Speakers on Item #3

Andrew Garcia, President of Travis County Fire Fighter Association – Spoke In Favor of the merger

Peter Torgrimson, President of ESD Board – Spoke In Favor of the merger

Linda Bailey – Board Member of Glenn Lake, Austin Neighborhood Council –Spoke In Favor of the merger

Commission Worsham: Is closure of 401 & 407 a possibility? **Chief Dodds:** In all of our discussions 401 & 407 would remain active fire stations. **Chair Webber:** Looking for a second on passing the draft resolution. **Commissioner Worsham** commented we are recommending that they (City of Austin/Council) partially fund, and then fully fund something that we don't know the price of. Discussion over the suggested language to be added to the resolution ended with **Commissioner Haley's** suggestion of "Be it further resolved upon the final agreement of the financial liability that Chief Tanzola or designee notify the Public Safety Commission. **Chief Tanzola:** responded that shouldn't be a problem. **Chair Webber** motioned earlier for a vote on this resolution and asked if there is a second. **Commissioner Levy** second.

Vote-Unanimous (10 Board Members voting & Commissioner Loo Absent) Resolution passed.

4. GREATER AUSTIN CRIME COMMISSION - Commissioner Rossmo

Presenters: David Roche, President of Greater Austin Crime Commission & Dr. Michael L. Lauderdale,

Chair Webber thanked Mr. Roche and Dr. Lauderdale for coming today. **David Roche** began speaking about this time last year the Chief of Police had forwarded a request for manpower of 82 new officers to the City Manager. The request was forwarded to the new Council and was approved for 47 new officers for our city. Five hundred body cameras were approved and a funded to be done for 200 thousand of taxpayers monies; to bring in a consultant from out of town to tell us how to properly staff our police department. How many officers we need for our city. The consultant who ended up being hired was Dr. Richard Brady. Dr. Brady owns Matrix Consulting out of California. He came to Austin in April and May of 2016 to conduct the study. I am wondering where is this study. I am counting on this study to tell us if we are properly staffing our police force. We are in the budget process and I would like to see the study.

Commissioner Rossmo – Would you please refresh our memory on the Matrix study? I thought the Matrix study was more on community engagement policing. How much does it overlap in terms of the manpower issue? I know there is some connection and maybe you could explain that. **Mr. Roche:** Sure and I think Dr. Lauderdale can explain it better than I. Dr. Lauderdale will go into your question in depth. I'm here because I'm concerned, and when I spoke with Dr. Brady a few days ago he said in all of the cities he has ever consulted/studied he has never seen a city with as small /less community engagement time as we (Austin citizens) do. In my terms that means we have the most thinly manned police force he has ever seen. I understand he will be in Austin around August 17, 2016 and I hope he will answer all of your questions. I would like to see the City Council properly size our police force. Chief requested 101 officers for this budget cycle and we found out he got 33. That's a third of what he had asked for. Folks if we keep going in this direction we will be just like the Transportation Department in that we will never be able to catch up. The cost will be too great. With five cops being murdered in Dallas, TX and other cops murdered in other cities there has never been a more dangerous time to be a police officer in Austin, TX. With that I will close my remarks. **Chair Webber:** Thank you Mr. Roche; Dr. Lauderdale **Dr. Lauderdale:** Introduced himself and elaborated on the reason he and Mr. Roche are presenting to the board today. This study that Dr. Brady has done was preceded by two reports with one being done by Dr. Burman and myself two years ago. **Commissioner Rossmo:** To be clear the first study you mentioned was the one Greater Austin Crime Commission came to speak to us about was last year? **Dr. Lauderdale:** that was the second study. The first study was PERF (Police Executive Research Forum) study and was presented around 2011. Both of those studies were looking at the issue of how many police officers in total do we need. David and I are here to encourage you all to be our proxies to encourage the city council to increase the number of police officers for our city. I would like to provide some detail on how many officers are needed for City of Austin. **Commissioner Levy** – the PERF study recommended 250 officers at that time. **Dr. Lauderdale-** that is correct. **Commissioner Levy** -The goal of that study was to say how

many officers we need. They came back with the number of 250, because the council was running on a percentage of the population. **Dr. Lauderdale** – you are exactly right and many cities were doing that then. They wanted two officers per thousand in the population. What we are looking at and still trying to establish is how many officers do we need? Part of what we are looking at is community policing. **Commissioner Levy** –What we hear is the Brady report is going to recommend somewhere between 100-200 officer. Is that what you guys hear? **Mr. Roche**- No sir, he is recommending 33, a third of what the chief asked for. Oh Dr. Brady’s report, I don’t have his number. The PERF (Police Executive Research Forum) study was asking for 277 at the time of their study, It was 277 officers over next five years and next year will be the fifth year and we are 100 short right now of that 277. Dr. Lauderdale continued with his presentation and commented that currently they are looking at more factors/details of police organization/department and what officers do. His presentation begins:

- How Many Police Officers Does Austin Need?
- What do Police Officers Do?
- Structure and Personnel Assignment in Policing
- Measures of Number of Officers Needed
- What is Officer “Engagement Time”?
- Austin Crisis-Available Police
- Current Officer engagement Time – Austin
- APD Patrol Community Engagement Time Goals and Needed Officers
- How Many Officers Are Needed Each Year?
- Austin’s Future

At the end of the presentation **Chair Webber** asked Commissioner Rossmo if he had comments. **Chair Rossmo** commented to be honest Chair, I was hoping to get a presentation on the methodology that Greater Austin Crime Commission used a year ago. I thought that would be helpful to our budget working group. I believe the presentation (methodology) is on the GACC website. Is that correct Dr. Lauderdale? Yes. Dr. Rossmo – I would like to ask Chief Manley does he know when the Matrix report will be available? **Chief Manley** responded the report has gone to City Manager and the council should be seeing it soon. **Commissioner Rossmo** – I just wonder sometimes if City Council is pulling numbers out of the air. I would be concerned if they make a decision without ever reading the report that they had commissioned. Sir, (addressing David Roche) I didn’t answer your question. My first thought is that I am happy to leave things up to the budget working group. I just hadn’t heard from them, but we are going to hear from them tonight? **Chair Webber** – yes, they have passed out a three page item. There is a lot of overlapping with this issue. **Chair Rossmo**- one more thing, your focus here is on sworn officers and there clearly is a need for more civilians’ staff in Violent Crimes and Property Crimes units, DNA Analysis, so that police officers are in the right place at the right time doing the right activities. **Dr. Lauderdale** – What I have done is focus on sworn officers and even more focus on officers on patrol. You are right there is a much bigger picture to focus on. What I’ve done is to focus on the officers and majors of activity. The recommendation I make and I think Brady is going to say is we want 35% engagement time. **Commissioner Rossmo** – So if I could summarize for the sake of everyone the proposed increase by City Council doesn’t even match the one proposed per 200 and ratio that has been followed in the past and does not even take into account the rapid growth of Austin. Nor the increase of Special

events that have been showing up in Austin, and the need for specialized expertise of certain civilians that are required on certain jobs.

Chair Webber called for speakers on this item:

Kenneth Casaday, President of Austin Police Association – first thing I want to mention is we lost Sargent Craig Hutchinson last week to a murder and I’ve spoken with Jaime Balengia, and we (APA) are throwing in 10,000 dollars to help with the investigation of who murdered Craig Hutchinson and bring that person to justice. Main reason I am here today is to discuss the dangerous times we are currently living in and seeking your assistance with several things. There are four requests

1. Police Body Armor- what we (APD Officers) currently have no longer works adequately.

2. Bullet Proof Car Doors on police vehicles

3. Need Additional Police Officers – Studies have shown we need more police officers. How many more studies have to be done before someone will take action? Its’ a waste of taxpayers dollars to pay for a study and no action taken at the end of the study.

4. Recommendation from City Manager to withhold 11million dollars of pre-approved salaries and for officer positions. We need those monies to pay for overtime due to the shortage of officers.

There were questions and comments from board members (Holt, Scruggs, Tyree) on this request for support from the Public Safety Commission as well as Dr. Lauderdale’s presentation. **Ken Casaday** commented we (APA) are in agreement with the Greater Austin Crime Commission. Commissioner Levy commented the board should draft a resolution in support of adequate body armor and protective armor. **Commissioner Rossmo** reminded him there was already a motion on the table to be dealt with coming from the budget working group, and suggested doing a separate motion. **Chair Webber** called for Item #5 – Budget Update

5. Public Safety Commission Budget Working Group – Commissioner Scruggs, Worsham, Tyree, Nunez and Haley

Commissioner Worsham commented the budget workings group was tasked with the goal to bring a list of things that relate budget for/to this council. We discussed highpoints of things we might want to raise. Last week we got access to the City of Austin budget and that allowed us to see some different things and to put some context to the resolution language that we ultimately wanted to put forward that the whole group could work with. I see this more as a brainstorm list that we may want to par down and what to focus on that we think are most important to send forward to council. So there are possible some things on here that need to be removed; this is not a consensus list of the committee. I don’t want to present the resolution at the end of the document as a committee endorsed resolution. There are other subjects that came up during our meetings and the other members of the working group can certainly speak for themselves. He then read the complete list and draft resolution to the board members. Each board member had a copy of the list to reference.

At the end of reading he commented that maybe some of the other committee members would like to weigh in on the draft. **Commissioner Nunez responded yes, I would like to add to #3 last page, “add the word current”.** **Commissioner Worsham** – asked her if “current rape kits and backlog” would be acceptable to her and Commission Nunez accepted. **Commissioner Levy:** This represents an enormous amount of work. I think for it to be a more effective resolution it need to be more surgical. It mixes budget issue with policy issues. I think you are trying to focus on budget with this. What is the primary goal, budget or policy? **Commissioner Worsham** – responded, what we recognized in the committee that this incremental budget process we go through from summer to summer is effective at the margins maybe, but at one point do we as a group want to weigh in on something bigger than changing at the margins. If we are talking about FTE’s or just moving things around? We can choose if it’s bigger things we want to weigh in on. We are laying this out for you to review, accept, delete, etc.. **Commissioner Levy** – you know Rebecca said as Chair we need to focus on budget in a precise way, put together a working group. Kim (Dr. Rossmo) has said for 3 or 4 years there needs to be a business case presented by each department for increases in the budget, new programs and so forth. I just think that the work you all put together would be more effective with a resolution that is far more surgical without the policy statements. Because if it is budget issues you want to focus on (pause) I don’t want to call it a kitchen sink because that’s not fair, but I think we have too much in here that goes all across the board. **Commissioner Worsham** – I think we should just get into the document and work on it, remove some things. It makes sense and I would like to get into it. **Commissioner Rossmo** asked, when do we have to say something to council? **Webber** - Well we could say something next time we meet. **Commissioner Nunez** – I think this is really our last time to work together as a full group before Council Budget Work Sessions begin in August. **Webber** – Well is anyone interested in combing this down to the four points on the last page? **Commissioner Rossmo** – I had some other concerns. First of all we are not responsible for Municipal Court. **Worsham** – I saw it listed under the Public Safety Budget for 2016. **Rossmo** – I think the numbers are a little misleading because it does not take in to account per capita rate adjustments. **Rossmo** can we get consent on the first three. **Commissioner Scruggs** – had comments and concerns over the staffing (FTVs) were not included in the resolution especially since that had been the hot topic of discussion and request from Greater Austin Crime Commission. **Webber** I voted for this first three. **Rossmo**- I think it might be too late for use to try and bring this item back. Maybe we could add something in this resolution as #4 to address the staffing piece. **Webber** wrote the amended language “**Ensure that personnel growth at the public safety agencies – at a minimum—matches growth in the City of Austin and surrounding areas and the changing nature of the City**”.

Vote – Unanimous (10 Board Members voting & Commissioner Loo Absent)

Commissioner Levy motioned for a recommendation to Council to direct the City Manager to:

Provide immediate funding to the Austin Police Department for ballistic vests that are rifle rated and for appropriate shielding for police patrol vehicles.

Motion was second by **Commissioner Scruggs**

Vote: Unanimous (10 Board Members voting & Commissioner Loo Absent)

Adjournment: 6:20pm