



**PUBLIC SAFETY COMMISSION
MINUTES**

**REGULAR MEETING
Tuesday, September 6, 2016**

The Public Safety Commission convened a regular meeting on Tuesday, September 6, 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:

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|---------------------------|------------------|
| 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 meeting on 08/01/2016 were approved. Commissioner Haley motioned for approval of the minutes and Commissioner Gonzales second. **The minutes were approved with a unanimous vote.** Prior to the approval of the minutes, Chair Webber paused to recognize the loss of Austin Senior Police Officer, Amir Abdul-Khaliq. Our hearts and thoughts go out to his family and colleagues, per Chair Webber.

2. CITIZEN COMMUNICATIONS –

- There was one citizen signed up to speak during Citizen Communication and one citizens signed up to speak on a specific agenda items. Carlos Leon spoke on his experience with being denied entrance to county court because of a pocket knife that he described as being legal (not over five inches long). Mr. Leon passed a copy (to all board members) of the letter he received from County Judge Sarah Eckhardt addressing the rules of the court that all citizens are to abide by in order to participate in the public forum.

3. DNA LAB UPDATE – requested by Commissioner Rossmo The request for DNA update was prompted by several articles in the newspaper/s on the closure of the DNA Lab. In addition to questions on what went wrong, we (board’s members) would like to know why the lab was eventually closed so the City of Austin won’t go through a closure again in the future. Lastly what is the impact on rape kits and critical evidence? Speaker on this topic were:

- **Emily LeBlanc, Senior Director of Community Advocacy, SAFE Alliance**
- **Amanda Lewis, Community Organizer, SAFE and Commission for Women Board**
- **Ana DeFrates, Commission for Women**
- **Troy Gay, Assistant Chief, Austin Police Department**

Assistant Chief Gay commented on recent staffing changes at the lab: citing the retirement of the Forensics Director, Ed Harris in March of 2016 and moving Commander Nick Wright into that position. Initially there were questions to Assistant Chief Gay from **Commissioner Rossmo**, asking him to address what went wrong and could he speak to scientific issues with Austin Police Department Forensic Lab. **Assistant Chief Gay**, we shut down the lab based on a recommendation from the Major Cities Chief Association in order to move forward with the new methodology. Currently cases are going to the Department of Public Safety for testing until we get the APD lab reopened. An audit of the lab was performed in May 2016 by the Texas Forensic Science Commission. We do not believe there has been any cases that were impacted negatively. We were cited during the audit for using outdated practices. We are always encouraged to use the latest and best practices in our labs and are working towards upgrades and restructuring. Austin Police Department is hoping to reopen the DNA lab in February 2017. DPS is currently sitting down with us and created a lengthy training plan that would allow us to move in several different modules in the DNA world. We receive about 90 cases per month and a DNA analyst can only process 10cases a month. We are hoping to hire more analysts and have put in a request to council. We did ask for funding in this year’s recent Budget Hearings and are going to spend 500,000 towards an improved forensic lab. We currently have a backlog of a little over 1500 cases between 45% all have a sexual assault component. There is a budget concept asking council for funding (500,000) to assist with processing the 1500 backlog cases.

Emily LeBlanc – commented we (SAFE) are faced daily with survivors that we have to tell we are not sure how long it will take for a prosecutor to file charges if charges are files. Of 700 assaults reported, 12 were prosecuted. Now we have to tell the sexual assault survivors that we are not sure if their case will be prosecuted. **Anna Rodriguez DeFrates**- I just wanna be sure we are talking about the same backlog when we say 3,000 or 1500. Ms. DeFrates commented that she had spoken in front of city council to support two amendments introduced by Council Member Casar: one for 1.4 million for backlog and to add four additional staff and one supervisor in APD Forensic lab and funding to assist with reducing the backlog cases. Ms. DeFrates asked for assistance to identify the public oversight group, because she felt APD had not made this backlog issue a top priority. In early 2013 she states APD saw these cases doubling and did not address the issue more aggressively. **Commissioner Levy** – In terms of an oversight group that would be us. We have responsibility for the Fusion Center and APD, and he asked if the Commission for Women would want to join the resolution he is introducing. **Amanda Lewis** – we need to be clear what our resolution states, and we are asking that the backlog will be clear in four years and that we will be able to have kits processed within 60days. We do have some expectations and I don’t know if you want to add/include those or not. **Chair Webber** – I think that it makes sense to amend what you proposed with those specific items. **Commissioner Levy**- no I think 60days is a long time I think it should be 3-4weeks. If they can’t do it within 3-4weeks it should be sent to an outside lab. Farming out should be considered as a safety net.

Emily LeBlanc – I think it is a good resolution but if this body is responsible for the oversight of the police I think it is important to take a deeper look more broadly at what is wrong with the process. How are these cases handled and prosecuted; we need to be looking at every little step in the process.

An improved lab and turnaround time on sexual assault kits without DA prosecution won't move the needle one little bit. **Commissioner Rossmo** – I have an idea, was wondering how frequently the labs are audited? **Commander Wright** – the labs are audited bi-annually by an outside source and internal audits are every other year. **Rossmo**- I think there should be an analysis of time lags involved for processing and then report this publicly. I mean they can't tell the Austin City Council how to spend their money, but if the information is out there to show the comparison to other cities I think it helps for them to know what is going on with the backlogs and shows comparisons. **Webber** – on that note I would like to bring down Mr. **Kent. Auschutz**, a former Assistant District Attorney and Public Safety Commissioner. Currently he is a practicing defense attorney who signed up to speak on this subject (DNA) backlog. Mr. Auschutz disturbed a handout from Texas Criminal Defense Lawyers Association conference. The presentation was by Nicole Casarez, topic Houston Crime Lab. According to Mr. Auschutz the City of Houston experienced the exact same challenges in their crime labs as Austin and what steps they (City of Houston) took to address/solve the problem. List of problems below:

- In 2000 a disgruntled employee to leave the lab stating the problems within, some supervisors left and next experienced 30 plus years employees started retiring and the city was losing that experience.
- Ultimately the lab shut down for inadequate protocols
- In 2012 City of Houston, Mayor and Chief of Police worked together. They utilized a section in the transportation code of the State of Texas and created an independent interlocal, Houston Forensics Science Center that is completely independent of Houston Police department.

At the end of Mr. Auschutz 's presentation there were questions/comments from **Commissioner Scruggs** concerning the Austin forensic lab. His main concern was either there were bad audits or some negligence going on for there to be disagreement with federal standards. In the private sector the lab would have been shut down immediately according to his experience. **Commissioner Scruggs** – whether or not the negligence was intentional or unintentionally I don't know; the idea of restructuring the APD Crime Lab sounds unavoidable. We need an investigation of how this happened with the Austin crime lab.

A resolution was introduced by Commissioner Levy:

BOARD/COMMISSION RECOMMENDATION
Public Safety Commission

Recommendation Number: 20160906-003 Recommendation to City Council Regarding Austin Police Department DNA Lab

BE IT RESOLVED THAT the Austin Public Safety Commission recommends the following actions to Austin City Council regarding the APD DNA lab:

1. Allocate one-time funds of \$5.6 million to APD in the FY 2017 budget for the purpose of erasing the backlog of untested cases;
2. Allocate yearly funds of \$1.4 million beginning in the FY 2017 budget for the purpose of employing an additional lab supervisor and seven additional analysts;
3. Require that the lab test all cases within 4 weeks of collection of evidence and if that is not possible, require that the evidence be out-sourced for testing; and

4. Require that the lab operate without a backlog.

Date of approval: September 6, 2016

Record of the vote: Unanimous (10 members present and 1 absent)

4. MATRIX REPORT – Commissioner Daniela Nunez commented on what the board and community is listening/looking to hear from the summary/findings of the report. We (the community) are looking for the performance to be measurable and transparent. There are 61 specific recommendations for community policing, including leadership and management. Possibly rewriting the mission statement so that it is clear that the department is conducting business in a way that is consistent with community policing and problem solving; and the need to hear a broader support of the community policing within the department. We want to hear recommendations of what need to change within the department moving forward to be sure Austin Police Department provides a clear definition and plan for community policing. Especially District 4, I find there is a lot of fuzziness of what community policing means when it comes to the departments. I believe we need something specific, measurable, attainable, and realistic and time bound for our goals and execution plans. The public deserves a seat at the table to make sure this works, and we need some evidence that community policing is going to enhance public safety within Austin and help to repair some of the broken relationships that we have video footage of with the way some of the officers have acted with people of color in this community. I look forward to hearing where do we go from here. **Commissioner Levy** – you left out a key element of the recommendation and that is that the community policing is impossible without more officers.

Dr. Richard Brady, President Matrix Consulting Group- Mr. Brady thanked Commissioner Nunez for a good summary and begins his presentation. He commented there are a lot of recommendations in the report as well to APD on suggestions to make good things they are already doing better. We started out with a Scope of Work and one of the points was to look at all aspect of Community Policing. How did we do that?

- Ride along with police officers on duty
- Conducted interviews
- Anonymous Surveys were conducted
- Input from the City Council and City Manager
- Community focus meetings
- Met with neighborhood groups and Downtown Austin Alliance, Greater Austin Crime Commission
- Community Surveys (in English, Spanish and Vietnamese)

In the final analysis – there are a lot of good things in this Austin Police Department. Community Forum is offered by the Commanders to hear from the community. Department are really making effort in recruiting to meet the needs of the different communities. Dr. Brady commented that in spite of all the good things Austin Police Department is currently doing, there is really not a string to tie them together. Some suggestions were:

- Police Department needs to be more transparent to all sectors of the City of Austin
- Currently don't have the resources in the fields to make community policing work well in all areas.

Commissioner Nunez – Please explain our view of why Restore Rundberg is a good example of Community Policing working Mr. Brady – We didn't reanalyze the Restore Rundberg data. We talked to the department executive over the program at UT, and we talked to the community. Nunez – Transparency has been an issue would you mind providing a definition. Brady – Transparency is a coherent set of strategies to find and proactively address problems transparent to the community. We say don't just accept the definition we have given, because some parts of the city may not accept that definition. There was much discussion on transparency on both sides. To become transparent takes time and effort. The traditional efforts, methods of

providing law enforcement services are no longer effective anymore. A new definition has to be one that requires openness, definition and enactment. Rossmo – commented there are lots of definitions for community policing and one in particular written included/listed 10 points to define community policing and where to start. Mr. Brady – responded Yes, that is what the President’s 21st century taskforce has a similar definition. However he commented that you must work with a community before you start a definition. While they call it community policing, it starts with trust and training. Chief Manley was asked if there are plans/actions APD was taking as a result of this report. **Chief Manley** – responded at this point we are still evaluating this report from Dr. Brady and the approach that we are going to put forward. **Commissioner Nunez** asked if Chief Manley was shocked by anything in the Matrix Report. **Chief Manley** – I don’t think anything in this report was shocking. I think we (Austin Police Department) provide community policing but there is always room for improvement. If you take the time to read this report you will see that it is complimentary of a lot of the things we do in community policing. I think the most important part is the front line patrol officers. They are the ones who have the daily contact with citizens. Another important point the reports point out is that there is just not enough time in the day for a field officer to reach out any more than they currently are.

There was discussion of Zero Active Time by Mr. Brady and some suggestions offered. He mentioned in the final analysis you need 66 more officers assuring different strategies. There was some additional discussion with Commissioner Rossmo commenting/questioning: Why do we (Citizens of Austin) keep getting these expensive reports and do nothing /act upon the recommendations. This comment lead to identifying a future agenda item for the next four months to come back to the board with the steps/changes APD has made as a result of the Matrix recommendations.

5. DIVERSITY STATUS OF EMPOLYEEES IN CITY OF AUSTIN PULBIC SAFETY DEPARTMENT

(Postponed to October 3, 2016 meeting)

6. FUTURE AGENDA ITEMS:

- Follow up from APD on implementation of Matrix Report Recommendations – 4-6 months (Jan. 2017)

- Meet the new Medical Director - Chair Webber

- Firearms at City Hall -Commissioner Scruggs

- Status Report on Forensic Lab

- EMS/AFD Consolidation – Commissioner Levy (October 2016)

(draft resolution to be voted on)

-Meeting with reps from Travis County District Attorney’s Office – discussion on process for filing charges of sexual assault – Commissioner Rossmo

7. Adjourn- Commissioner Haley motioned to adjourn