



**PUBLIC SAFETY COMMISSION
MINUTES**

**REGULAR MEETING
Monday, February 6, 2017**

The Public Safety Commission convened a regular meeting on Monday, February 6, 2017 at City Hall, 301 West 2nd Street in Austin, Texas.

Vice Chair Daniela Nunez called the Board Meeting to order at 4:00p.m.

Board Members in Attendance:

Daniela Nunez, Vice Chair
Ed Scruggs
Preston Tyree
Michael Levy
Sam Holt

William Worsham
Rebecca Gonzales
Brian Haley
Kim Rossmo

Board Members not in Attendance:

Emmanuel Loo
Rebecca Webber

Staff in Attendance:

Troy Gay, Assistant Chief, Austin Police Department
Jasper Brown, Chief of Staff, Austin/Travis County Emergency Medical Services
Richard Davis, Assistant Chief, Austin Fire Department

1. APPROVAL OF MINUTES

- The minutes for the meeting on January 3, 2017 were approved. Commissioner Gonzales motioned for approval of the minutes and Commissioner Tyree second. **The minutes were approved with a unanimous vote.**

2. CITIZEN COMMUNICATIONS – two speakers signed up to speak

- **Carlos Leon** – spoke on his January 8, 2017 incident with Austin Police Department and the retaliation he is receiving because he is standing up for what is right.
- **Linda Bailey** – spoke on the recent rezoning of FM 2222 pass the 360 bridge and described this area unsafe prior to the rezoning and currently the area is even more unsafe because of the rezoning. She is asking the Public Safety Commission “where do we (neighborhood residents) go when we know we have an unsafe driveway”?

3. Update on DNA Kit Backlog – Commissioner Nunez’s Item

- Troy Gay, Assistant Chief, Austin Police Department presented

Commissioner Nunez began the discussion by commenting she has asked Austin Police Department to provide sexual assault related DNA evidence backlog numbers at private labs, DPS, or other laboratories and a timeline when sexual assault DNA backlog will be eliminated.

Assistant Chief, Troy Gay introduced Commander Michael Eveleth and Detective Jay Swann who would present on the update on DNA Kit backlog.

Commander Eveleth and Detective Swann began with a Power Point presentation that addressed:

- Sexual Assault Kit Outsourcing Overview
 - o Signature Science
 - o SWIFS
 - o DPS
 - o FBI
 - o Sorenson (DANY)
 - o BODE (Through DPS)

An APD DNA Backlog chart showed the number of backlog cases breakdown by homicide, robbery, assault, burglary, and theft along with miscellaneous category. The sexual assault category has the largest number (3, 294) of backlog cases.

Moving Forward:

- Sorenson will continue working for Austin Police Department
- SWIFS are over capacity and will no longer be working for Austin Police Department
- Signature Science we are in the process of finalizing the contract now and that will start off with them working 30 cases a month. In approximately two months after the contract begins they will add capacity up to 60 cases per month.

Questions from the board members:

- Does contract language state that they have to provide a medical examiner to come in and testify when necessary?
 - o Yes
- What is the number of cases pending total?
- How many cases pending before lab closed last summer?
- What does Signature Science charge for a DNA analysis?
 - o \$625.00(comparable fee to the other places)
- Does Austin Police Department have any idea of the total cost here as a result of the closure of the DNA lab?
- How does APD pick the cases that go for testing? Is it by age?
- Did we ever ask what the oldest case in the backlog is?
- Define cases for DANY grant?
 - o Cases that are at least twelve months old
- Is there a timeline for when DPS are returning the cases?
- What is the timeline for when sexual assault DNA cases will be eliminated?
 - o That will be dependent on the labs we are contracting with moving forward
- Who processes the blood from DWI draws?
 - o Austin Police Department lab processes the DWI draws

4. Update on Expert Review of Crime Lab – Commissioner Nunez

A memo from Assistant City Manager Rey Arellano - "Update Regarding activities to address APD DNA Lab Audit Recommendations" was shared with all of the Public Safety commissioners. The memo addressed the projected date of March 23, 2017 to be able to bring an agreement for an expert consultant services to address the recommendations of the Texas Forensic Science Commission's (TFSC) Final Audit Report for Austin Police Department, Forensic Services Division DNA Section as well as an interlocal agreement with Travis County. Commissioner Nunez asked what is the timeline to have the report on a look back and look forward completed? Assistant Chief Gay - we are looking to have them both back within a six months' timeframe.

Commissioner Rossmo- the MCCA (Major Cities Chiefs Association) asked APD to complete an analysis on the forensic lab. Could you get us a copy of that report before the next meeting? Is APD still committed to using one consultant to produce both reports (look back and look forward)? Chief Gay – yes, the stakeholders group believes one contract will suffice for both.

Discussion continued on the implications of damage to the budget. This will cost millions of dollars that did not have to be spent. This is costing the taxpayers. There should have been a red flag on the hiring of a person, and then later going back to review his transcript and deciding to have that person sit around getting paid while City of Austin figures out what to do with him. This just smells and at the end of the day we want to know what is this going to cost. Commissioner Scruggs asked that consultant team who performs the look back work include very experienced forensic auditors on their team that completes/writes the report. A copy of the Scope of Work for the consultant was offered to the PSC board. Commissioner Worsham asked who wrote the Scope of Work. Assistant Chief Gay – responded, a combination of all the stakeholders/working group wrote the Scope of Work.

5. BRIEFING on DNA LAB FREEZER – Commissioner Scruggs

Commissioner Scruggs thanked the board for having this item on the agenda. He commented on the freezer being down for more than a week and the temperature being out of the normal range but the alarm didn't sound due to a software error/malfunction. It would be useful to get a rundown of how this happened? What steps are being taken since then to rectify the problem? These are the types of questions that will come from the consultant when they perform the look back.

Commander Eveleth presented on this topic:

- Photos to show exactly what the freezer looks like
- Freezer 5 is the only freezer that housed evidence
- Monitor system called Andover (sends out two pages a day)
- Added another system called Reno to assist with sending the pages
- Backup Cooling Unit (this will now turn on automatically if the first unit fails)
- Contents of Freezer % on March 14, 2016 was 4272 cases and 98.5% were already previously analyzed and 1.5% (65) still need DNA work and are part of current backlog

Since the freezer failure:

- 13 cases from F5 have been outsourced for DNA testing
- 4 different laboratories utilized
- No quality issues reported

6. Fire-related Public Safety issues in draft Land Development Code – Commissioner Webber
Presenting – Richard Davis, Assistant Chief, Austin Fire Department and Bob Nicks,
President, Austin Firefighters Association

Commissioner Nunez opened the discussion by stating “we want to understand the wildfire risks in our planning code that the City of Austin is currently undergoing”

Presentation by Justice Jones, Austin Fire Department Division Manager

- Managing for Growth, Health Landscapes and Wildfire Risk Reduction in Austin
- National Priorities for Community Planning & Coordination
- The CPAW Process in Austin
 - Comprehensive Document Review
 - WUI Planning Audit
 - Final Recommendations
- Leadership Intent
- Map It – Improve understanding of WUI risk

Recommendations:

- o Define the wildland-urban interface
- o Develop a spatial risk assessment that clearly delineates risk levels
- o Assess and communicate the economic and social risks of wildfire

Align

Address wildland fire and wildfire in Austin’s plans.

- o Use wildfire risk information to inform future planning efforts

- Codify

Improve land use tools to reduce wildfire risk

Recommendations:

Adopt a WUI Code

Revise land development regulations to address wildfire risk reduction

Update the zoning map to direct growth toward safe areas

- Capacity Building

- o Make the system work for Austin

o Recommendations –

- Develop an implementation action table
- Improve coordination, capacity, and outreach

- Progress to Date

- o Wildfire Evacuation Plan- Final Draft Completed
- o Interdepartmental Agreements – Fire Management Planning, Vegetation Mgmt, Austin Water Utilities and Parks and Recreations Department
- o Staff Stakeholder WUI Code Information Session 7/6/16
- o Green Building Voluntary Compliance-Integrated wildfire mitigation into residential rating guide

- Priority Next Steps

- o Develop capacity to map Austin’s Wildland Urban Interface footprint
- o Revise existing Wildland Urban Interface language to align with Austin’s risk and needs

- Evaluate staff capacity and resources need to adoption and enforcement Wildland Urban Interface Code

7. CodeNEXT Advisory Group – Commissioner Webber’s Item

Commissioner Nunez informed the board that the Public Safety Departments have been asked to weigh in on the CodeNEXT draft, and per Commissioner Webber maybe we could form a working group to address/work on comments/feedback to respond to CodeNEXT. The first deadline to submit feedback is June 7, 2017 and the second draft of CodeNEXT will be on August 2017.

Commissioner Nunez motioned to form a working group and Commissioner Tyree second the motion. She asked for volunteers to be on the working group. Commissioner Tyree was the only volunteer at this time for the working group. Commissioner Rossmo commented – I’d be happy to make a resolution that we support the resolution of the city council.

8. Future Agenda Items;

- Update ESD4 & AFD Contract (Council has voted on this item) (Webber)
- Update/Progress on Community Policing Recommendation from the MATRIX (Nunez)
- Briefing from Austin Fire Department on Robotics Emergency Deployment Team (Nunez)
- Diversity Working Group – March 2017
- Visitor’s Impact Report – April 2017 –
- Vehicles failing to stop for emergency vehicles (Rebecca Webber, Citizen Scott Johnson)
- 1-1 Discussion with Assistant Chief Gay on Firearms at City Hall – (Scruggs) – Spring 2017
- Staffing of Sexual Assault Unit w/investigators and counselors – (Webber)
- Internal Investigations within Austin Police Department (Levy)

Adjournment – 6pm