



**PUBLIC SAFETY COMMISSION  
MINUTES**

**SPECIAL CALLED MEETING  
Tuesday, March 7, 2017**

**The Public Safety Commission convened a special called meeting on Tuesday, March 7, 2017 at City Hall, 301 West 2<sup>nd</sup> Street in Austin, Texas.**

**Vice Chair Daniela Nunez called the Board Meeting to order at 4:00p.m.  
Vice Chair welcomed new board member Noel Landuyt**

**Board Members in Attendance:**

Rebecca Webber, Chair	Ed Scruggs
Daniela Nunez, Vice Chair	Kim Rossmo
Michael Levy	Rebecca Gonzales
Noel Landuyt	

**Board Members not in Attendance:**

Emmanuel Loo    Preston Tyree  
Sam Holt  
Brian Haley

**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 February 6, 2017 were approved. Commissioner Gonzales motioned for approval of the minutes and Commissioner Webber second. **The minutes were approved with a unanimous vote.**

**2. CITIZEN COMMUNICATIONS – one citizen signed up to speak**

- **Carlos Leon** – spoke concerning his complaint against Cap Metro Board, Austin Police Department, and Cap Metro Security for violating his rights by banning him for six months from Cap Metro Headquarters

**3. Briefing on Sexual Assault Pyramid and Staffing of Sex Crimes Unit – Commissioner Rossmo and Webber’s Item**

- Joe Chacon, Assistant Chief, Austin Police Department presented

**Dr. Rossmo** offered an introduction on why he was interested in hearing a briefing on Sexual Assault Pyramid. We are curious as to the overall processing of sexual assault cases/kits. We know not every sex crime gets reported, not every sex crime gets solved or gets prosecuted etc... We thought it to be helpful to see data for Austin on what is referred to as a sexual assault pyramid; where at the base of the pyramid you have all offenses and top all convictions/or incarcerations. **Chair Webber** commented her portion of it is about staffing at the adult Sex Crime Unit and the other concern is closing the backlog of cases. Whether or not the unit has adequate investigators and counselors for the number of new crimes and those crimes that come back after DNA has been processed

**Commissioner Rossmo** – good point, we were hoping to do this to find out where there may be weakness or a lack of resources in the system, not just at the police department level but also at the prosecution level of all trial stages. That might give us some idea about where we can argue for extra personnel.

Assistant Chief Chacon begin the presentation with a Power Point explaining why and how the data was compiled to present to the board.

- Request from Public Safety commission to conduct an analysis of APD’s Sex Crimes Investigations
- Attempt to determine if there were any gaps in investigations, and identification of areas for improvement
- Attempt to have more successful resolutions to Sex Crimes Investigations
- Data was examined from first quarter of 2015 (Jan-Mar)
- Data was selected from this time period in order to have allowed the investigative, forensic and judicial process time to run its course

Assistant Chief Chacon made reference to the National Crime Victims of survey from 2015 that was included in the handouts to board members that 1 out of 3 rapes are actually reported to the police. In the data for 2015,113 cases actually were reported to Austin Police. Every case that comes in gets investigated as fully as we can investigate the case. Sometimes when the victims decide she doesn’t want to pursue the case, the APD detectives still work the case. Per AC Chacon, the reason we continue to work the case is because sometimes about two months later the victim may come back and say “I’ve changed my mind and I want to pursue the case”. By detectives continuing to work the case no time was lost on investigating. AC Chacon continued to present status on the 113 cases that were reported to Austin Police Department in 2015:

- **Clearance Codes for 113 sexual assault cases were presented/explained to the board members**
  - o Cleared by Arrest - 10
  - o Cleared Exceptionally- 49
  - o Open- 1
  - o Suspended (Not Clear)- 40
  - o Suspended –Pending DNA - 12
  - o Suspended – pending Prosecutorial Review -1

Additional information/explanation was provided on the different categories for the 113 cases reported: **Suspended (Not Clear) reasons were provided:**

- Victim unwilling to cooperate
- Victim is unable to cooperate
- Pending additional leads
- The same breakdown was presented for the remaining categories/reasons for the 113 cases.

There were questions and comments from the board members on main reasons/factors that could hinder timely prosecutions or more prosecutions overall. Could the speed of processing or delays in how long a case gets to trial lead to more victims not wanting to pursue the case? Assistant Chief Chacon responded there wasn't one main reason but all the factors mentioned play a part in the victims' decision to engage in the case.

There was discussion on DNA analysis and the performance since 2016, and how DNA testing has assisted with getting convictions in sexual assault cases reported.

Assistant Chacon discussed

- Days Between Reported and Lab Submission
- Cases Cleared by Arrest – there were 10 cases
- Reasons Why Sexual Assault Cases Often Do Not Result in Prosecution
- Sexual Assault Investigations
  - o Begun Center for Violence Prevention Research and Education
- Sexual Assault Kit pilot Research Project – 2016
  - o Original 243 sexual assault kits tested for presence of DNA, and submitted to CODIS

Assistant Chief Chacon elaborated on the numbers and percentages of cases solved, cases that hit rate on DNA, the remaining cases and reasons they have not been solved due to no matches in CODIS or not enough DNA sample to upload to CODIS.

The board continued with discussion from information presented and asked specific questions to which AC Chacon answered.

#### **4. Update on CodeNEXT Boards and Commissions Forum – Commissioner Nunez's Item**

**Commissioner Nunez's Report:** I attend the Land Code Development Advisory group meeting over the weekend to learn about CodeNEXT and the land code development.

- Public Safety Commission's concerns about wildfire protection was shared with the Land Advisory group
- They (Land Code Advisory Group) notified me they are working closely with Justin Jones of Austin Fire Department to include the wildfire protection standards into the new code.
- Steve Hopkins with City of Austin Department of Development Services is working to infuse wildfire protection standards in sub-divisions
- Work to improve the line of sight for Public Safety Vehicles is included in the plan
- Final date to provide feedback to be included in the **June 2017** report is **May 15, 2017**
- The feedback would be part of the overall process for adopting new code.
- The new code adoption dates are **September 20, 2017** and **April 20, 2018**
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**Commissioner Nunez:** I will follow up with Commissioner Tyree who mentioned he was interested in working on land development code with Assistant Chief Bob Nicks and others for the CodeNEXT. Are there any questions? There were no questions from the Public Safety Commission board.

## **5. Update on APD policies regarding transgender and gender-nonconforming individuals – Commissioner Nunez’s Item**

**Commissioner Nunez** – this update is in response to our Public Safety meeting in May 2016 where we talked about getting the City Manager to evaluate policies and improve how the department identifies transgender and gender-nonconforming individuals. This happened after the death and murder of Monica Loera in my neighborhood and I just really think it is timely that we talk about these protections and improvements while our state is launching assaults on people that are transgender. I relinquish the floor to Sgt. Michael Crumrine with Austin Police Department.

Sgt. Crumrine introduced himself to the board and thanked them for the opportunity to bring them up to date on the City Council Resolution #20160505-027 concerning APD’s evaluation of its policies and training to improve how transgender and gender-nonconforming individuals are identified by APD in its internal and external communications.

- January 22, 2016, Monica Loera is murdered in North Austin
- Austin Police Department misidentifies Monica as David in its public documents and news releases
- The misidentification caused for a delay of neighbors and community members being made aware of Monica’s death.

As a result of the community’s response to the misidentification of Monica Loera, the city council voted on May 5, 2016 for a resolution directing the City Manager to evaluate new policies and training to potentially improve how transgender and gender non-conforming individuals are identified by the Austin Police Department in its internal and external communications. The results were to be submitted to council by August 4, 2016.

Sgt. Crumrine shared the list of stakeholders who were invited to participate on recommendations to improve identification all victims of crime. Some of the stakeholders were

- TENT (Transgender Education Network of Texas)
- Office of the Police Monitor
- Officer of the Community Liaison
- Anti-Defamation League
- Travis County District and County Attorney’s Office and City of Austin Legal Division
- Human Rights Commission
- Hate Crimes Task Force
- Lesbian and Gay Peace Officers Association and others

Committee’s recommendation

- Victim Neutral Affidavit
- Austin Police Department would conduct training to educate officers about the transgender and gender-nonconforming community so officers’ interactions with the community continue to be in line with the Vision Statement of being trusted and respected by all segments of Austin’s Diverse Community. The training would also incorporate educating officers on how to identify transgender and gender-nonconforming individuals in our internal and external documents

Implementation Timeline for training

- Currently working with APD Training Academy to develop department-wide training
- The roll out date is mid –to – late March 2017
- Once officers and detectives have been trained, affidavit use will begin in April 2017

## **6. Distracted Driving Ordinance – Commissioner Nunez’s Item**

Scott Johnson, Citizen/Safety Advocate, was invited to come and present. Scott mentioned that he has some recommendations to share that he thinks would improve Vision Zero. He also commented that these recommendations were solely his language.

A) Prohibit the use of any mobile communication device while a vehicle is stopped at a traffic light, a stop sign, in traffic or any other time when the vehicle is in "drive", but not in motion. Scott's note: This idea was Recommended by the 2014 COA Distracted Driving Study Group, but was taken out by the former Austin City Council in 2014.

B) Prohibit the use of music headphones (something other than ear buds that cover all/most of the entire diameter of the ear or greater) while operating a motor vehicle and are not designed for 2-way communication.

C) Prohibit anyone in a motor vehicle from sharing any video recording with the driver of the vehicle.

D) Prohibit anyone in a motor vehicle from taking a still photograph or video of other vehicle occupants while the vehicle is in drive.

## **Citizen Signed up to Speak – Mike Myers**

Mr. Myers shared his personal story of his daughter’s death due to a car crash where the other driver was texting while driving. In addition to his personal story he is actively working to improve laws concerning distracted driving. Mr. Myers shared with the board that there is an upcoming hearing at the Texas Legislature on next Thursday (March 9, 2017) concerning a “distracted driving bill” and he will be speaking in favor of the bill.

## **7. Future Agenda Items**

- **Sex Crimes Unit Follow up**
  - o **Discussion on staffing**
  - o **Timeline for DNA kit processing**
  - o **Training cost for all officers working on sexual assault**
  - o **How is Victim Services funded (information needed so we will know how to go about recommending additional funding for this department if needed during budget review)**
  
- **Update on DNA Lab**
  - o **Backlog**
  - o **Study and current state of the lab**
  
- **HOST update on homeless outreach**

**Adjourn @ 6pm**

