



**PUBLIC SAFETY COMMISSION
MINUTES**

**REGULAR MEETING
Tuesday, September 5, 2017**

The Public Safety Commission convened a meeting Tuesday, September 5, 2017 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	Ed Scruggs
Daniela Nunez, Vice Chair	Kim Rossmo
Rebecca Gonzales	Noel Landuyt
Preston Tyree	Vanessa Perez
Carol Lee	

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 August 7, 2017 meeting were approved. Commissioner Rossmo motioned for approval of the minutes and Commissioner Lee second. **The minutes were approved with a unanimous vote (9 approved 0 disapprove).**

2. CITIZEN COMMUNICATIONS – four citizens signed up to speak

- **Carlos Leon** – spoke on Capital Metro bus drivers who are anti Capital Metro’s policy and procedures in the way they treat/serve the riders.
- **Casey Peng** – to speak on **Item #7 EMS Interlocal with Travis County**
- **Robert Abbott** – to speak on **Item #7** “
- **Josh Davids** - to speak on **Item #7** “

3. Grant List for Austin Police Department –Commissioners Webber

- **Kyran Fitzgerald, Grants Manager, Austin Police Department**

Commissioner Webber commented- this item is an overview of the grant list for the Austin Police Department and Kyran Fitzgerald is here to present on this item. Kyran commented that she puts together annually an updated list of Austin Police Department grants and presents to the board for their review and to answer any questions they may have. Questions from board members:

- Has there been any impact on possible reduction to the grants based on current administration or change of focus? (Rossmo)
 - o Currently we have seen no change in the applying for grants based on the new administration, however if we were to experience some changes we wouldn't really see changes until Spring 2018 maybe.
- What was the impact of the Rundberg grant mainly for the people who live in District 4? What did the grant do to help those residents? (Nunez)
 - o Most of the impact was in the three hotspots, but we (APD), didn't do the analysis/evaluation of this grant, UT did the evaluation. I can refer you to three reports from U.T. if interested.
- Are there ongoing costs for the City of Austin after the grant money has been spent (i.e. maintenance of equipment, hiring/recruiting of personnel)? (Lee)
 - o Yes, the City of Austin is prepared for ongoing cost after a grant has ended (i.e. maintenance of equipment, retaining personnel)
- Are there any grants pending to address DNA backlog reductions? (Scruggs)
 - o There is one pending grant for DNA backlog, but it is a highly competitive grant and I am not real certain we will be awarded that one.
- Are we still submitting grants or is there a deadline? (Scruggs)
 - o There is no deadline for submitting grants; it is an ongoing process as new grants are always being issued.
- How is the immigration laws/SB4 impacting the grants we have received? Are we losing money from federal or state government? (Webber)
 - o No money has been taken away from our grants at this time.
- Are there any grants that we might not be eligible for?
 - o No I haven't seen any at this time that we (Austin Police Department) would be ineligible for.

4. Update on City of Austin Homeless Population Agenda item from August 7, 2017- map of calls for service – Commissioner Rossmo

Commissioner Webber asked Commissioner Rossmo if he would introduce this item and explain the reason for the request of updated data on citywide calls for service and the impact to City of Austin. **Commissioner Rossmo** - Several years ago there was a map provided to the commissioners and he wanted to see an update of that map/data to get a better picture of the homeless population and where they are concentrated. **Commissioner Rossmo** continued the number of calls had almost tripled from 2007 to 2016. There was discussion and **Commissioner Gay** commented that they could see why APD has a demand for more CIT (Crisis Intervention Team) Officers based on the calls for EDP (Emotionally Disturbed Persons). Several observations were made by Commissioners with the most obvious comment being the ARCH is still the concentrated population of homeless people in downtown area. Some of the shifting of the hot spots for the homeless can be seen as far away as Ben White and Slaughter Lane (South Austin). **Commissioner Rossmo** commented he can draw the conclusion that we (Austin) don't have a migration problem in Austin, but he is not clear or understand how the numbers tripled. **Commissioner Landuyt** asked if EDPs had always been recorded or if APD were somehow just getting better at coding things. **Commissioner Webber** - asked any idea of how many of the calls did not involve the homeless? **AC Gay** responded - we can't distinguish between whether the call was a homeless person or not on EDP (Emotionally Distributed Person) calls. AC Gay is going to provide the PSC board additional breakdown of the data/maps.

5. Violent Crime Statistics – Commissioner Scruggs

Chair Webber welcomed Chief Manley back to the Public Safety Commission meetings and invited him to begin his presentation/update. **Chief Manley** begins his comments on violent crime statistics from 2012 – 2016 showing an increase of violent crime by 11%. Charts were distributed that contained graphs/data on violent crimes by categories (murder, rape, robbery and aggravated assault) within the City of Austin over the last five years. Currently in 2017 statistics show a trend of there being more solving of crimes. At the end of July 2017 year to date there is a 3% increase in violent crimes. **Chief Manley** highlighted some of the successes of APD to combat violent crime, solve robberies and prosecute robbery under the first Federal Hobbs Act in recent years. **Commissioner Scruggs** asked Chief Manley, given all of the data presented today how safe are we for a city our size? **Chief Manley** responded – Austin is safe in comparison to major cities across the country. We are fortunate in that we are regularly included as one of the top five cities when it comes to combating/controlling violent crime. **Commissioner Scruggs** – I recalled during 1991 when crime was much worse in Austin than it is today. **Chief Manley** responded with an explanation– yes even as far as 1985 when the city had 52 homicides crime was very high and a great majority of the high crime rate then was due to the crack epidemic and lots of gang activity. There were additional questions from board members:

How many additional FTEs (fulltime employees) have APD received the last few years, and what are they projected to get in the current budget? (**Webber**)

- Currently the budget is still under discussion. The City Manager submitted a budget that doesn't include funds for Austin Police Department, but includes a 5 million dollar funding for the council to use at their discretion for public safety areas/priorities. Last year we were given 10 officers, a corporal and a sergeant, however we were not give the funding for these positions. This year we are

requesting the funding to actually fund those positions that we were given last year. I can send you an update on what we have received over the past 3-4 years. (Chief Manley)

If we were to staff to the number of officers in the Matrix Report what would that number look like? (Tyree)

- The Matrix Report put us at approximately 400 officers behind. (Manley)

How many officers retire each year? (Tyree)

- 4-5 officers retire monthly and I estimate we lose between 48-60 officers per year. (Manley)

Commissioner Rossmo - commented the APD clearance rate is very good/very high compared to national averages. He encouraged Chief Manley to track the clearance rate and keep council informed, because one his concerns are on the investigation side of the police force if the capacity starts to erode because of lack of resources.

6. Policy Recommendation to Council regarding Juvenile Curfew – Commissioner Nunez

Presenters: Brian Manley, Chief of Police, Austin Police Department and Morgan Craven, Director, School –to-Prison Pipeline; Texas Appleseed Member, City of Austin-Juvenile Curfew Ordinance Stakeholder Group

Commissioner Nunez began the discussion of Juvenile Curfew Ordinance item and her reasons for requesting the item for the September agenda.. The ordinance was originally introduced in the early 1990s with a curfew time of 11pm to 6am daily. If youth under the age of 17 were found in violation of the curfew they were issued a citation (Class C misdemeanor) which included some fines. The current ordinance penalizes the youth and cause long term negative and costly impact to their lives. We should be connecting these youth to social services that could actually help their lives. She commented that APD’s research shows that this ordinance has had a disproportionate impact on youth of color. Over the summer of 2017 the Austin city council voted to end the daytime curfew and revisit the nighttime curfew ordinance prior to October 1, 2017 when the ordinance is scheduled to expire. Commissioner Nunez shared her recommendation concerning the juvenile curfew ordinance with the PSC board. Commissioner Nunez’s recommendation explains and outlines the current ordinance and includes 3 recommendations to council for change.

Chief Manley – discussed the council meeting in June 2017 when APD presented the Juvenile Curfew item to council as they are required to do every three years to discuss what the curfew has accomplished. During the presentation to council there was discussion on the

demographics of where most citations occurred and the number of citations issued. After much council discussion on the data and enforcement from APD over the last three years, the council decided not to go forward with the daytime curfew ordinance. There was a change to the nighttime curfew as follows:

- 1st offense officers would give a warning for first offense and take the youth home to a responsible adult
- 2nd offense would be the same process
- 3rd offense is when police officers would actually issue a citation.

Since these changes were made in June 2017, officers would only begin searching June 2017 when researching for any former offenses of curfew violations. Based on data and lack of data, we (APD) are going to do a better job of reviewing and collecting data. Chief Manley announced Austin Police Department is not going forward with the nighttime curfew ordinance.

Morgan Craven commented that she agrees with everything Commissioner Nunez stated earlier concerning the impact of Juvenile Curfew violations/citations on youth in poor communities and people of color; mainly the negative impact on their future. Morgan reiterated the financial impact of the 500.00 fine on poor families. She answered questions and provided three handouts prior to the meeting. Questions from board members:

- Who authored the report on Austin Juvenile Curfew Ordinance? (**Lee**)
 - o Texas Appleseed compiled the report with data from Austin Police Department and the Municipal Court (**Craven**)
- What would you consider West Austin? This report looks like no tickets were issued in West Austin, and there are approximately six school districts in West Austin (**Lee**)
 - o The maps we used are from Austin Police Department (**Craven**) You are correct that all of West Austin is not AISD (**AC Gay**)
- Are there tickets no longer issued for truancy? (**Lee**)
 - o Yes, truancy was decriminalized at the state level during the 84th legislative session in 2015. (**Craven**)
- If night time curfew is not continued, how does this impact the downtown entertainment district and West Campus? I am remembering the young lady who was killed by a juvenile on West Campus. (**Scruggs**)
 - o APD officers will still have the capacity to protect and arrest. There is the “Terry Stop” is used whenever officers suspect criminal activity is occurring. (**Chief Manley**)

- What happens if a youth can't pay the 500.00 fine? Are they subject to a warrant being issued for their arrest?
 - o Once they turn 17yrs old, yes. (**Craven**)
- Any plans by APD to follow up and review in about a year to see what the impact of doing away with the night time curfew would be? (**Rossmo**)
 - o Yes, we may review the impact before a year. (**Chief Manley**)

Commissioner Webber seconded Commissioner Nunez's motion for a vote on her recommendation. **Commissioner Scruggs** commented he was voting for in support of the recommendation, but did have some concerns about no curfew in the entertainment district and West Campus. **Commissioner Landuyt** – could we get that as a future agenda item to maybe revisit this in about a year? Commissioner Webber – yes, absolutely



BOARD/COMMISSION RECOMMENDATION

Public Safety Commission

Recommendation Number: 20170905-006:City of Austin Juvenile Curfew Ordinance

Recommendation to the Austin City Council Regarding Juvenile Curfew

Motion Daniela Nunez

Seconded by: Rebecca Webber

WHEREAS, juveniles in Austin who are charged with class C misdemeanors for violating the Juvenile Curfew Ordinance must appear in municipal court, face fines of up to \$500 plus court costs, and will incur a criminal record if convicted; and

WHEREAS, research has shown that criminal charges threaten a student's ability to succeed in school and compromise higher education, housing, and employment prospects; and

WHEREAS, fines and fees associated with Class C misdemeanor charges can present significant challenges to families; and

WHEREAS, children of color are over-represented in police and court interactions; and

WHEREAS, effective interventions that ensure the safety and success of children must address the underlying causes of curfew violations, rather than merely punish youth; and

WHEREAS, juveniles may receive curfew citations for a host of complex reasons, including school, personal and family factors, which can include poverty, parental neglect, homelessness, addiction, mental health issues, bullying, negative school environments, or failure to identify learning disabilities; and

WHEREAS, perceived age and other personal characteristics are controversial and potentially

unconstitutional methods of determining probable cause; and

WHEREAS, if any person, regardless of age, commits a crime during day or night hours, that person can be arrested and charged for that crime; and

WHEREAS, criminal charges filed for violations of the Juvenile Curfew Ordinance result in children being introduced into the criminal justice system; and

WHEREAS, the public safety, educational attainment, and economic prosperity of all Austinites is hindered when children are introduced into the criminal justice system rather than offered assistance for the challenges they face;

BE IT RESOLVED THAT the Austin Public Safety Commission recommends the following actions to Austin City Council regarding the juvenile curfew:

1. End the juvenile curfew ordinance [or specifically night time curfew] because of its disproportionate and negative impact on youth of color.
2. In addition, we should extend the work group that was formed to propose non-criminal options to keep children and youth safe, and involve young people in that process.
3. Further, the Public Safety Commission should work to shift how the City of Austin treats young people by moving from a punitive approach to a supportive approach.

Date of Approval: September 5, 2017

Record of the vote: (Unanimous 9-0 vote, 2 absent Commissioners Haley and Holt)

Attest: *Janet Jackson*

(Staff or board member can sign)

7. EMS Interlocal with Travis County – Commissioner Webber

Presenters: Dr. Christopher Ziebell, MC – Dell Medical School – University of Texas- Austin
Jasper Brow, Chief of Staff, Austin Travis County Emergency Medical Services
Dr. Mark Escott, EMS System Medical Director

Commissioner Webber – begin the discussion by stating that this topic has not been before the PSC for a while and that probably only she and Commissioner Rossmo have heard this presentation in the past. She asked COS Jasper Brown for a very high level explanation of the interlocal agreement and why it exists. There are questions that need to be answered for us like; why City of Austin should be concerned about this agreement both financially and if City of Austin residents needed to call an ambulance they need to know what to expect. She asked board members to remember we have no jurisdiction over what the county does, but we are here to make recommendations to council only. COS Jasper Brown was the first speaker.

COS, Brown commented the interlocal was created five years ago between the City of Austin and Travis County. We looked at the interlocal and what the cost were and tried to restate the interlocal for the 2014 fiscal year didn't make the timeline. This year we are able to restate the agreement which would incorporate all three years and then any changes we are going to make this year. What is in the packet (blue folders) is the original interlocal restated that goes all the way back to 2014. There are performance based agreements in the interlocal agreement. Some are operational, calls we run, our performance time on the calls and our overall performance, along with clinical performance measures and billing performance measures. There are no penalties if we don't make some of the performance based agreement, but these are measures we would come back and review to improve trying to show good faith efforts in our (City of Austin) performance. All of our performance measurements are listed on the City of Austin website for the public to view anytime from wherever they have access. This year's interlocal comes to fourteen million seven hundred thousand, this is less than last year. The lower cost is not because of services provided, but rather Travis County is lowering their budget on the cost of coming to us (City of Austin). Also some of the ESD are starting their own ambulance service, i.e. ESD #2. Some of the impact of the ESD #2 starting their own ambulance service is the closing of EMS #20 and #36 in Pflugerville. COS, Brown shared additional information on two types of aid (mutual and auto) that will be discussed in the future interlocal agreements.

Tony Marquardt, President of the EMS Employee Association was asked to speak next by Chair Webber. Mr. Marquardt commented that we are going to have to have some type of agreement by November 1, 2017 and it sounds like the mutual aid is the best agreement. We want to make sure we have the resources that were funded. I would like to ask today is for the Public Safety Commission to first focus on clinical care concerns with arrangements we will have to make with the two ESDs regarding oversight. Mr. Marquardt had two questions for the commission:

1. What is our population's health needs?
2. How will our EMS pick up impact the main population with these diseases of heart attack, stroke, and heart disease? If we are centered on taking care of people, I think we are in the best position.

Dr. Ziebell –commented his overall perspective on the interlocal agreement. However before moving into discussion he recognized the incredible work by this community in response to the devastation caused by Hurricane Harvey. This coordinated effort transcends city and county boundaries and is evidence that we can unite for a common cause. He distributed a three page document to the board with his thoughts on the new direction of ESDs and the interlocal agreement with City of Austin. **Dr. Mark Escott** - stated he shared a lot of the same concerns as Dr. Escott over the constituency of service from ESD and City of Austin. His concern was for all chosen leaders to work together in order to make sure that we understand what is best practice for all.

Citizens signed up to speak:

1. Casey Peng

2. Robert Abbott

3. Josh Davids

John Davids , County Executive with Travis County spoke in support of the ESDs having their own Medical Directors. The ESDs have expressed to me that they are looking for the same things you just heard from City of Austin and Travis County and that is that we not have fragmentation.

Robert Abbott, Fire Chief with Lake Travis commented that he was in attendance as a resource only today, and to answer questions.

Casey Peng commented he was in support of the interlocal.

Question from **Commissioner Webber**; How does the medical direction affect the operational side of things?

Casey Peng – responded I don't see why we can't come together. They (Travis County & City of Austin) can sync and help one another. I don't see any reason why they can't have a collaborative relationship and not a subordinate relationship.

Webber- Is there a place for standard medical direction?

Peng – yes

Dr. Ziebell – yes, and I have a concern that we get this done, because we have one Medical Director who lives in Dallas and is over ESD 11 and has never shown up to any of the joint meetings.

Brown – I think the medical direction needs to be more of a regional approach because of all the various counties that use our hospitals.

Future Agenda Items:

Juvenile Curfew Review in one year (Scruggs)

DNA Work Group from District Attorney's Office (Nunez)

Brief Update on APD's Ford vehicles (Scruggs)

Update on the City of Austin & Travis County Sobriety Center -(Rossmo)

Public Safety Employees participation in developing policy/plans like Pedestrian Safety

Action Plan (Lee)

Map by district where Public Safety employees live (Lee)

Follow up on EMS Interlocal Agreement (Gonzales)

Update on APD Body Cameras (Nunez)

Adjourn @ 6pm