

Judicial Committee Meeting Transcript – 09/03/2019

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>>>> Flannigan: All right. Let's call this meeting of the judicial committee to order. Jimmy Flannigan the chair of the committee. We have mayor pro tem Garza, councilmembers Casar and harper-madison with us today. It's just after 2:00 on September 3rd. Do we have any citizens communication to do today? No? I know we have folks signed up. We'll get to that. Do I have motion to approve the minutes from August 26th. Without objection those minutes are adopted. I do want to take a moment to recognize our municipal court clerk. Why don't you stand up and wave for our awarded the outstanding court clerk award by the Texas municipal court's association. Congratulations. [Applause]. Doing a great job for the

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city and for the court. We'll move now to item number 3. I think chief gay has a presentation if we want to start with that and then we'll take public comment. >> Mayor pro tem and council, chief gay, the Austin police of staff with the Austin police department. I know chief Manley would have wanted to be here, but unfortunately he's been called away to another meeting. I did want to address item 3, which is to discuss thc testing and marijuana enforcement. I don't have a long presentation, but just some comments.

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APD stance is that marijuana is still illegal under both state and federal law. APD has not increased our enforcement efforts, but we continue to either cite and release and/or arrest when it is deemed necessary. APD has been working, and the next topic is the freedom cities policy and an update, but APD has a very robust cite and release, one that has received attention from other members of the state and have modeled some of their policies under ours. We have been doing a little research regarding

some cities and their enforcement effort efforts. Cities that have continued their enforcement no marijuana are lakeway, cedar park, manor, Kyle, hays

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county, pflugerville. And some of the larger cities are San Antonio, Arlington, El Paso and fort Worth. We are aware of two cities that have ceased enforcement activities in regarding to marijuana, and that is the Travis county sheriff's office and the Round Rock police department. APD's stance is that we will continue our enforcement efforts. We believe that a non-enforcement position with no sanctions of violations will not make Austin safer. We believe if there are no enforcement efforts this would increase consumption, which would increase demand and increase supply. This could potentially increase in violent offenses and regarding two drug offenses such as home invasion, robberies and just recently on July 17th of 2019 KXAN, who interviewed

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one of our homicide supervisors said so far in 2019 seven of the city's 18 murders have involved drug deals. He said most all related murders involve marijuana. Also, the city of Austin has a very vibrant entertainment district. We have several outdoor venues to where we believe that the no enforcement with marijuana would have a negative impact on our entertainment district as well as these outdoor venues. In order to the question with regards to where we are with the thc testing is our department has been working diligently with the department of public safety. We have been working with the Texas forensic science commission. We've had conversations with the Dea, who are all looking

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and developing protocols and procedures for the testing of delta 9 thc. This was something that caught everyone somewhat by surprise and so we believe that we'll have answers within six to 12 months northward to the testing for the quantification of thc. We have been in communications with the county attorney's office, who is currently rejecting pom charges, which means not accepting those charges at this time. I want to make sure, and we actually called him this morning to verify to make sure that we would get this right, is by rejecting the charges he is not dismissing the charges. He is just not accepting them at this time. There is a two-year statute of limitations for possession of marijuana.

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Once we understand the time and cost of testing, APD and the county will be in a better position to make decisions regarding future enforcement actions. So that is all my public comment at this time. >> Flannigan: Ed. >> Flannigan: Do y'all have any questions for chief gay at this time? Harper-madison [inaudible]. >> Casar: I might have some, but if there's testimony, that may bring new ones, so I'm happy to wait through. >> Flannigan: Okay. Thank you, chief gay. We may call you back up. Let's do -- there are four chairs up at the front. So I'm going to read off four names. If you all come and sit down and we can go through this pretty quickly. Emily, Paul, Nikita and Bradley. If y'all would take those four chairs. We don't normally take this

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much public comment at a committee meeting so I would really ask you to try and limit your comments as much as possible. Unlike a council meeting we can't 98 this room forever, all night long. There is a public safety commission meeting here at 4:00, so we want to be as expedient as possible as we can through testimony. And I see that every speaker has -- some speakers even have donated time so we will do the same three minutes, two minute for donated, but please don't think you have to use up all that time or repeat everything that everyone has said before. Hopefully we can move through this quickly. Ms. Garrett. >> Thank you, chair members. My name is Emily I'm a senior staff attorney at the defense project. I spoke to you last week about this issue. So on June 10th ahb 1325 went into effect and while marijuana is still illegal as chief gay said, it's completely enforceable at this point because there's

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only one lab in the entire state that can test for thc levels and the district attorney and the county attorney have both said that they will no longer be accepting cases for possession of marijuana. Despite this, the Austin police department is still citing people and even arresting people for possession of marijuana and they're pursuing test accreditation and machines even though when costs lots and lots much money. The machines alone are hundreds of thousands of dollars and it's a tremendous waste of resources especially given we have such a serious backlog for serious crimes as you will hear more today. We have three asks for Austin city council. First we think that the Austin police department should stop citing and arresting people for enforcing possession of marijuana especially since the cases aren't being accepted. It's really a bad waste of resources. And two, we think that city council should commit to not using any resources, committing to not pursuing accreditation, using staff

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resources or buying those expensive machines or any machines to test for thc. This is just not a priority for Austin. And three, to formally change amend policy so they're no longer using the odor of marijuana as justification, probable cause for searches and seizures and attention. I just have -- I passed out a fact sheet with some statistics. I think the first one just goes to the racial disparities of possession of marijuana. Black people in Travis county are 6.5 times as likely to be jailed for possession of marijuana as non-hispanic whites. And so this does affect communities of color a lot more than other groups. 84 percent of all Texans, and this is Texans, not people in Travis county, which I imagine would be much higher, think that marijuana should be decriminalized. There's not a demand for it. It's not a public safety threat. People don't want it criminalized. And despite the possession of marijuana in 2018 was the

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third most common misdemeanor booking in Travis county. You will hear more about the impact of what possession of marijuana enforcement does. One of the things I want to highlight is the impact of having a warrant for possession of marijuana. You cannot go to the dvm, to dps to get your driver's license or get an I had so that really inhibits you from finding housing or employment. Even a short time in jail will lead to really bad consequences for people, especially low income people and immigrants and people of color. And also I just wanted to highlight that people with a possession of marijuana conviction cannot get public benefits. Thank you. [Buzzer sounds] >> Flannigan: Thank you. Mr. Kinsey. >> Hit the button on the thing there. You got T. >> Thank you, mayor pro tem, councilmembers. My name is Paul quincy and I've been practicing criminal law in Austin for the past 17 years. Throughout that time I've seen people being saddled with arrest and criminal records and the wasting of thousands of dollars of taxpayer money on marijuana

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cases that have always been prosecuted with a wink and a nod and today are being summarily rejected by the prosecutor's office. Now we have an opportunity to end the charade once and for all if only APD will choose to go backward rather than forward. In the beginning when I was a prosecutor, the standard plea bargain was to reduce a personal misdemeanor case with a class C with a fine that. Made sense because the county and city would get some money behind it. Later the prosecutors would dismiss the case upon completion of a drug education program. This would take place after the person was arrested and had a criminal arrest record. Then we had the cite and release policy. Then for the past two years we've had a true marijuana diversion program which allows many people to settle their cases without an arrest record. But as of June of this year these cases are being dismissed after they're even -- rejected before they're even filed. Given this trend of ever

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leantient prosecution up to the current policy of no prosecution, it makes less and less sense to provide resources for the enforcement of possession marijuana. The probable cause has been the odor of marijuana under the plain smell doctrine. Simply put, the plain smell of contraband like marijuana justified the search of a person or automobile. Now that the legislature has seen to legalize hemp, the odor of marijuana cannot be used to justify a search on its own. APD agrees with this assessment and has under a training bulletin to its officers to that effect. Despite the bulletin, my colleagues have found that people are still being cited and arrested for pom where the odor was a justification for the search. Conducting a search based on the odor of a legal substance therefore without probable cause after crime is a violation of the person's fourth amendment protection. Because this training bulletin has not been sufficient, this concept should be formalized in APD's policy manual with the attendant sanctions for violating the policy.

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This combined with the fact that it is indistinguishable from hemp to the naked eye, we should not waste time and resources on cases that will be dismissed anyway. Thank you. >> Flannigan: Thank you, Mr. Kinsey. Ms. Vet. You got it. >> Those of you speaking, the light happens up,, not down there. >> Thank you so much. Good afternoon, councilmembers. Thank you for the opportunity to speak. My name is Nikita and I'm here on behave of the safe alliance. We're an Austin based non-profit whose mission it is to stop abuse for everyone. I'm a licensed attorney and the senior director of legal services with the safe alliance. I'm here to request that the city prioritize funding and resources to public safety related programs and services, specifically those that support survivors of violence. The safe alliance serves those who have experienced child abuse, domestic and sexual violence, stalking and human trafficking. Our clients face challenges facing employment needs, housing, employment or even food because it's not safe for them to do so.

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Programs such as the bridge for safety offer direct financial support to victims to try and address this gap. These survivors are working through trauma and trying to regain their self-worth. For our clients who have the added burden of a criminal service charge this access to basic needs and safety becomes that much more difficult. I regularly hear from clients that have low level non-violent misdemeanor charges, including violations of marijuana possession, that are unresolved, either through fines or fees or active warrant due to a failure to appear. Almost every client that I have spoken to said they have not been able to resolve this skew dew to safety concerns, financial indigens or both. Clients who have been arrested even for the lower level misdemeanor offenses regardless of if it results in prosecution is an obstacle for anyone, however for survivors of violence this can be paralyzing in their root towards

safety. The safe alliance does not ask incoming clients about their criminal history. These clients choose to share. For example, clients are worried about their ability to receive medical services

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after a sexual assault for fear that police involvement would lead to their arrest. Clients may be unable to file for divorce or custody of their child because the abuse active party those about the criminal charges. The advocacy community realizes that many are forced into substance abuse by their traffickers as a means of control and we understand that survivors sometimes use these as unhelping coping mechanisms. This can lead to excessive alcohol consumption or even drug use. At safe we offer these services and help them in a healthy way. We want to make Austin a beautiful and Thanksgiving city. To achieving that goal we need our residents to be self-sustaining, successful and able to contribute positively to our community. We cannot ask our residents to do that unless they feel physically safe. We ask that the city continue to prioritize funding and services to those services that results in a safer Austin for everyone. Thank you again for the

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opportunity. >> I am the direct either of the private equity service. We oversee indigent defense for Travis county so when someone is entitled to a court appointed attorney, over 20,000 times a year, one of those attorneys work for us or one of the small private pd's. I could go on all day as many of my colleagues about the individuals and to the larger societal cost of low level drug, but I will limit my comments on just the cost to the criminal justice system here in Travis county reinvestment now today there are over 790 possession of marijuana cases remaining on the Travis county docket. That's disappointment all the efforts you've heard about, despite the lack or stopping cessation of the active enforcement or

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they will be coming to court, engaged in programs and services in order to get their cases dismissed. Travis county will spend considerable money on this in fy18 paid \$227,000 to court appointed attorneys in marijuana cases or the cases that go along with marijuana cases. That excludes any other type of criminal service. Those are for arrests that can marijuana involved only. In fy19 the diversion programs you heard about have reduced that, but still even so far this year Travis county has spent 148,000 on those cases. And to give you an idea of that, Travis county pays \$275 to an attorney to resolve those cases. Some basic math will show you there are still thousands of cases winding their way through the system system. The last thing is the ongoing success and failure, the gap left in the cite and release program. The current cite and

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releases that chief gay has talked about that are tack stacking up and even the current program that allows clients to appear at JP five and have their cases truly diverted depend on those clients having the wherewithal and the ability and the willingness to engage in those programs. Where we come into play these days is when those clients haven't made those court dates, haven't made those appearances or my greatest fear is if at some point in the future, APD and Travis county do move forward with prosecuting these hundreds or thousands of cite and releases that are building up, summonses will go out and for those people who don't understand, are unable to be contacted or unwilling to engage in that, the normal course is to issue warrants. We have thousands of warrants going back decades for marijuana cases in Travis county. [Buzzer sounds] All of those people will be arrested and brought to court at some point in the future unless we do something else. >> Flannigan: Thank you. Thank you to the four of you for speaking.

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The next four are [listing names]. Go ahead and begin, Mr. Crawford. >> I'll be very succinct. First of all, thank you so much for being here today. My name is Cree Crawford. I'm the coo and president of ionization labs and we are simply here to say that if you are looking and the city is going to purchase any testing equipment that we're here as a cost effective and accurate solution and I want to thank the last four people that spoke and I'm going to thank these four people speaking as well from a personal standpoint. We're here and we would like to be considered that position if you choosing to that direction. Thank you. >> Flannigan: Thank you for being succinct,

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Mr. Crawford. Ms. Price. >> Good afternoon, councilmembers, my name is Annette price and I reside in district 10. And I work at grassroots leadership. And I'm here as a concerned community member. I want R I want so share how one arrest will affect a person for rest of their life. When a person is arrested their entire life stops. If they're the bread win four that family, that income stops. They run the risk of losing employment, housing and even being cut off from public benefits, not to mention run the risk of losing childcare childcare. And this conviction will hinder them for the rest of their life as well. APD is still arresting poc's for possession of marijuana. And what are we saying to the community? Now we want to risk some funding that will be wasted on some testing and how are

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we are indicating the money that best serves our community. Allocating. When APD has these arrests, who are they arresting? What does the data show? The data show you that the majority of these arrests are still people of color, that's people of color. We don't want to send that message out in our community that we're going to still arrest folks, African-American people, for low level arrests. Thank you. My name is Jiang with a lien -- Jacqueline Finkle. I'm a resident of district 10 as well. I'm part of the organization for the reform of marijuana laws. I'm going to narrowly stay in my lane. I have a handout that I'm provided for you guys with some recent polling. The first one that you will see there is the UT Texas

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tribune poll from June of 2018. It shows that 84% of Texans support a change in our current marijuana law here in Texas. And it drills down to show you further that 69% of these strongly support decriminalization. If you look at the polling online you can actually look at how it breaks down between different political groups, age groups and through the races as well. Of note, because it does break it down by political party, we know that the democratic platform does have support for reducing penalties, but it's also of note that the Texas govt platform has it also and it supported with 80% of the Republican vote in their state convention. I would also note that the legislators that sit and represent us at the capitol in the Austin area supported, authored and voted for different legislation that would reduce penalties for

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possession. They also have successfully lobbied on these issues over at least the last two election cycles. And if you guys have any questions, my contact information is at the bottom. Please feel free to reach out to me. Thank you. >> Flannigan: Thank you. Is Latrice Cook -- medicines cook, why don't you join us here and you can provide testimony. >> Good afternoon. >> Good afternoon. My name is Latrice Cook, the director and founder of mental center here in Austin and I want to say that I was sitting outside because they wouldn't let us in. And so we were sitting there and I didn't hear my name being called. But I'm sitting here as a person who provides services for people that have previously been incarcerated and their families and I want to say that it is important that we not expend any more funds into anything that has to do with arresting persons for possession of marijuana. It is a waste of resources

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and people that have been incarcerated or people who have not, that the stress of having a warrant over your head automatically can lead to a new offense, which the APD loves to give for evading arrest,

which many people will do in the event they feel like they have a warrant of in nature over their head. And so I sit here as a person who deals with people that have things that are pending like that over it them with the city of Austin that have a sense of paranoia that puts them in harm's way of the possibility of committing a new offense. So I just want to say that there are better ways to spend our resources. There are entities in this community that are trying to help empower and successfully reacclimate people back into our communities. So I think that this is something that I understand APD's position about saying that there could be a possibility of more violence

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in this, that or the other if a person is with marijuana, but that is probably a farce since many people who are in professional positions smoke weed on a regular and consistent basis. So they're not violent and I don't feel like the black -- especially black men who are very much targeted for this particular crime that Christmas having that we really need to look -- that this is something that we really need to look at continuing to enforce at this point. And any people that are currently with warrants, that these warrants should be abolished and allowed for people to start with a clean slate. Thank you. >> Flannigan: Thank you. Our final two speakers are Nick Hudson and Chris Harris Harris. Mr. Hudson, why don't you start. >> Thank you, chair Flannigan and councilmembers. My name is Nick Hudson and I'm history on behalf of the American civil liberties union of Texas.

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I'm just here to ask the members of the committee to do what you can to ensure that we don't waste money on marijuana testing on expensive laboratory equipment and accreditation and training and the staff required to test marijuana for the new legal levels under the law. We wanted to ask to do that for a few reasons. One, we shouldn't use our valuable resources to double down on the failed war on marijuana that targets communities of color. More than one-third of the people arrested for marijuana possession by Austin police department in 2017 were black, despite the fact that only about eight percent of the people in our city are black. And study after study shows similar marijuana usage rates between racial and ethnic groups. Spending money on testing will likely mean that a racially disparate continuation of our laws will continue. Second, there are better things to spend our money on, things like expanding community health paramedics and segging serious crimes and boosting the ems budget

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to allow them to be the primary responders for more mental health calls. Even short jail stays can negatively impact public safety. When someone is arrested starting at the 24 hour mark, we can detect effects of collateral consequences of incarceration that are actually bad for public safety. Recidivism

rates go up once people are released after short jail stays for low level offenses. Failure to appear rates go up once the person is released. A lot of people in jail are barely making it and jail can interrupt employment and education and housing. It can lead to deportation and it can even impact the custody of people's children. So if more people are incarcerated for marijuana possession because we spent the money on testing, there will be more families and communities in Austin that are less stable. For those reasons we wanted to ask that you lead the effort to prevent the

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expenditure on accreditation and testing and these types of things. Thank you. >> Flannigan: Thank you. Mr. Harris. >> Thank you for the opportunity to speak. So you've heard about how popular marijuana decriminalization is as a concept across the entirety of the state of Texas and that obviously does not include specifically Austin where we can be sure that that concept is even more popular. And so I really want to -- I don't want to harp on the opportunity that you all have honestly to do something that's both very popular as well as saves resources here in the community as well as is going to end something that is affect disparately affecting people of color. You heard the chief say that the department is working diligently with agencies to attempt to determine how to resume a testing regime here within our city. All of that is wasted resources. Why is the Austin police department putting man hours, working diligently in order to reassume a testing regime that the test has

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interfered with and basically placed an unfunded mandate upon local governments to resume in order to make something illegal that the vast majority of your constituents do not believe should be criminalized? That is just for the accreditation process. We are not talking about potential investments in new machinery and equipment. Why again, which would the city of Austin to cover up for the state's mistake, invest our very precious local resources, especially given impending revenue caps in enforcement of making something again illegal that the vast majority of your constituents don't believe should be criminalized? When we think about the overall enforcement itself as well we can see the amount of time, effort, energy, not just within our police department, but in our courts and county infrastructure in order to maintain this system of criminalization, which again due to the state's mess-up

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is now something that cannot be enforced and again the majority of your constituents do not believe should be enforced. I strong strongly encourage you to the to invest any time or resources in this regime, the state's mess-up, unfunded mandate. Strongly urge you not to pursue any testing equipment that one sing going to again waste our precious resources to prosecute something or potentially

prosecute something down the line on the folks receiving those tickets now and who may unwittingly become subject to criminal enforcement at a later date. And again when you think about what continued enforcement means in terms of who is actually being enforced against as far as people of color in our community, it's patently unfair as well. And I will say last lay that there is no evidence that decriminalization of all types, leads to any

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increases in criminal activity of any kind, whether violence, whether drug use or drug sales. [Buzzer sounds] So I disagree with their reasons for continued enforcement. [Buzzer sounds] You see our agencies are not enforcing and I encourage to stop normal here. >> Flannigan: Thank you. That brings us back to the four of us. Chief gay probably should come back to the microphone. Questions, thoughts? Who wants to chime in? Greg. >> Casar: Hi, chief. To started with questions around odor, which I think was some of the early testimony, so we have a training bulletin out stating that now with the state law change odor of hemp or marijuana is no longer probable cause for a search. Is that where we are? >> You are correct. We put out a training bulletin that says the odor of marijuana can be used as a building block to -- with

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additional things that would build upon the probable cause, but marijuana alone is not the probable cause, which in the past was. >> Casar: And part of the testimony that we got was that there have been defense attorneys and I think in one case was forwarded to me where it's not clear whether odor of marijuana was a possible cause in and of itself or not. Is there a reason -- what is the reason for having something in a training bulletin versus general orders and is there a process that would be useful for having it in the general orders? >> We can definitely put things in our training orders, but it is something we abide by, which is the officers once they're made of the particular issues we do look into those issues and take the appropriate corrective action as necessary. >> Casar: So what is the difference then of having something in a training bulletin versus in the

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general orders? >> A lot of times we put out specific training bulletins to convictionly get the information out regarding changes in procedures. Even though something may be a general order, we still potentially push out training bulletins, but we do have a general order that says that our officers do have to avoid by their training. >> So your next update of the general order is if things still are where they are with the state law, that might be one of the regular updates that you make. The training bulletin is because this happens quickly, but as you update your general orders as you do regularly this

might be something that you incorporate, but it wouldn't make a difference one way or the other disciplinewise. >> Correct, because we do have to follow our training. But it may be something that we feel necessary to drive the point in a general order. >> Casar: Thank you. I only have a couple more questions for now. One is on the purchase process for testing

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equipment, you said that that's a -- that could be six months out? >> In reference to developing the procedures, I do know that there's equipment out there currently that we're looking into to build in some redundancy for opioid type testing and k2 testing, which is the same type instrument that would be needed for marijuana testing as well. >> So it's not just the machine of the machines, -- purchase of the machines, but also the accreditation process for our own staff to be able to use those machines for this -- for the hemp versus marijuana distinction? >> Correct, the validation studies, yes, sir. >> Casar: So that's what's six to 12 months out would be the making sure we have a -- figure out what the process is for that? >> Absolutely. >> Casar: But the machine purchase itself, what's the timeline? >> We currently do have one machine. Of course, if it goes down today we would not be able to test our opioids or we

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would not be able to test k2, so we always try to build in redundancy. So the current machine that we do have could test for thc, but does require the lengthy validation studies and develop the protocols and procedures for that testing of thc. >> Casar: But currently we aren't using it to test for thc because we don't have the protocols and probably lots of other things that the machine is spending its time testing right now? >> Absolutely. >> Casar: So currently what is happening most likely is somebody receives a citation and the marijuana or hemp is confiscated, is that right? >> Correct. >> Casar: And that citation is then sent to the county who then rejects the charges for now and the person then gets a notification that they should not come to court? >> I would have to validate because the citations go to JP five and those are

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arrested and handled by the county attorney. >> Casar: My understanding really briefly from the JP there is they will send a notification that you hopefully get to let you know not to come, but do -- so my understanding is that these citations are largely then turning into letters telling you not to come to court, but then in some cases you are arrested if it fits within one of the site provisions for our policy for arrest. >> Correct. >> Casar: I had one last question. For confiscation -- when somebody gives you a citation, a police officer gives you the citation, the hemp or marijuana is confiscated, is a sign station or arrest required for that confiscation? >> No, sir. You can take it for either, both the arrest or the citation.

>> Casar: But I'm saying in the case where there is neither citation or arrest, is either citation or arrest required for confiscation? Is one of the two required? >> No, it is not, but it is

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an illegal product so we wouldn't leave it on the street. >> Casar: Right. You would confiscate it one way or the other. >> Right. >> Casar: I imagine there are even cases where an officer confiscates something and then is taken to another call and doesn't even get around to citing someone? >> I would agree with that, yes. >> Harper-madison: Can you pronounce the name of the machine? Spectra [indiscernible]. >> I can't pronounce is either. It's the lcms. >> Harper-madison: That machine, would it be used to make the differentiation between thc and CBD? >> Yes. In reference to thc levels, yes. >> Harper-madison: Okay. And then I'd also like to know whether or not the results from testing would be sufficient evidence for

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cases to be prosecuted? >> Yes, if we did get the quantification, the machine that would allow us to quantify thc, that would be accepted as a lab report that those cases could move forward. >> Harper-madison: Thank you. >> Garza: Do you have the demographic information? I believe it were 627 citations for possession of marijuana, misdemeanor. Do you have the demographics on -- >> I do. For 2018. >> Garza: Yes. >> Of the 627, cite and release, 200 were hispanic or Latino. 228 were black. 122 white. 3 Asian, 4 Middle Eastern and two unknown. >> I have have the break down for 2019 year to date. That is a total of 290 cite and release, 130 hispanic

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arrest Latino, 16 black. 52 white, one Asian, zero Middle Eastern and one unknown. >> Garza: Okay. I'm trying to think of the cost to the city to enforcing something like this. It's my understanding that the police officer has to do like a probable cause affidavit and all kinds of other paperwork. Do you know what -- I guess the percentage of time that an officer during their shift would have to-- would use if they cited somebody for possession of marijuana? , I do not know the particular time, but of course a cite and release is very quick. You do have to confiscate the marijuana, which with cite and release wouldn't take that much time. In reference to, I do have

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the arrest data or an approximate arrest data for 2018 is that there were approximately 1800 arrests for possession of marijuana. I want to note that most of those had multiple charges. There weren't only 300 or a little more than -- there were only 300 or a little more than 300 arrests with a single charge. So of the possession of marijuana charges that we had for 2018, the majority of those had multiple other offenses the person was arrested for. >> Garza: Okay. And then you mentioned the concerns about public safety concerns and that's why the chief of police, we should still be enforcing this and you-- there was a statistic I guess about homicides. Do you know of those seven if any of those -- you said that there was marijuana involved, if any of those were -- of those how many were of less than four ounces? >> I can get that

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information for you. >> Garza: And mentioned that Travis counties are the two jurisdictions that are no longer giving tickets or arresting. Do you know if their violent time crime has increased or crime has increased in those jurisdictions since they're not in enforcing? >> I do not know because it was a recent change. There are dynamics and their city is made up a little bit different. I mean, we definitely have more events, we have an entertainment district, which is a little bit different makeup than what arrest arrest or even -- what Round Rock or even Travis county would have. >> Garza: Sure. I know you can't speak for the chief, but if you know three months down the road we're able to get information that in fact violent crime hasn't increased in these jurisdictions that are no longer enforcing this and if the information presented

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about the Stephen homicides is in fact what -- seven homicides is in fact what didn't have the -- I think the majority of Texans in the country I believe that at least should not be criminalized. Do you think if those are the biggest concerns do you think there is room to change that policy if we no longer have the public safety concerns that we thought maybe were going to be there? >> Absolutely. I think our department always continues to be flexible. I think our juvenile curfew was one that pointed to that is that the evidence pointed that there was not an increase in juvenile crime or victimization, in essence when we did the research it was opposite. We definitely working with the Texas chiefs association and monitoring, but again this is a very recent change. We need to monitor current

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activities as well as activities around the state of Texas, but we definitely would be willing and looking at being very -- I think we are a Progressive department that is always looking to do the best for our community, but ultimately we want our community to be safe. I know that we have acl coming up so we

have concerns, but one thing in regards to testing is that I know there's been comments regarding not wanting to allow us to purchase the equipment is this equipment has to be used also for felony cases. So I mean, those cases are ones that we believe we would want to test and we would want to pursue charges on. So the same equipment would be used whether it was a high level or low level of quantity and the different charges that would be filed. >> Garza: I appreciate you saying that there could be

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flexibility in changes to this policy. So with we go into our budget discussions and tomorrow we'll have some more and we learn about limited resource resources and the need that has been expressed to us as police officers, it is concerning to us have that we have our police officers spending time enforcing something and probable cause affidavits and citing for something that is an issue that many states have decriminalized, many states have reversed their policy on what was considered a crime. And so I look forward to continuing this conversation because I'm really concerned about what it feels like wasted resource time. And I understand from your perspective the public safety aspect of it, but I hope that if data comes to

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us that shows us that this is in fact not creating any more violent crime, then we can revisit this. >> Absolutely. >> Flannigan: So just a couple of things. Talking about crime that is occurring now where there is the presence of marijuana is not sufficient I think for the question at hand because it's not clear, as the mayor pro tem kind of said, that that had anything either to do with the crime or that it wasn't a felony level or felony matter. There's just a lot of complexity especially when you're talking about a number like seven where it's almost not even a statistically relevant number with which to draw conclusions. I'm also curious about the use of the chromatographic mass spectrometer. I'm guessing that's how it's said. >> That's good. >> Flannigan: Whose utilization would be so high that

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that it is only used by APD or should it be something purchased in partnership with the county or -- partnership with the county or maybe a capcog asset if we're testing only amounts above a certain level then maybe this is a regional asset we can share with some of our partners is something I would like to know more about. I do acknowledge that there is more than just THC to be tested, but I'm wondering how much work is there to be done and should we be thinking about it regionally as we think about equipment? And the last question for me, it's my understanding that the cite and release policy has a specific state law provision that says you can only do that if you are -- if you are in the county of your own residence. >> Correct. >> So for Austinites who live in Williamson county, they can be pulled over by an APD officer

in their own city, but because they live in wilco they're going to be treated differently as required by state law, is that right? >> Correct. State law requires that that county set up provisions for cite and release, which Williamson county has not. >> Flannigan: So it would be possible for APD to cite

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and release a Williamson county resident who is cited in Travis county if Williamson county were to sign off on that. >> The offense has to occur in the county. So if it occurs in a Travis county residence, since Austin is part of Williamson county, if somebody was in Williamson county and stopped in Williamson county, currently because Williamson county does not have a cite and release program, they cannot receive a cite. >> Flannigan: So even an APD officer in the city of Austin with an Austin resident in Williamson county can't cite and release? >> Correct. >> Flannigan: Noose a problem -- that's a problem for me. I have a problem that taxpayers in Travis county are treated differently than others in Travis county. It is my understanding that in Round Rock you cannot cite anyway that that would be treated equally across all of our jurisdiction if there was no citation, you

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could still take the material but everyone would be able to be treated the same in a lack of citation scenario. Is that true the way state law is? You can just not do a citation? >> We could take it and write a report, absolutely. >> Flannigan: Okay. So for a number of reasons, at least on my part, both the pragmatic reality of police resources and the costs, balls the fairness of treatment for all of our constituents across our entire jurisdiction, I don't know why we would continue to do cite and release in this case. Just as a time check, we do have another item with speakers and a few more items after that. So hopefully we can go pretty quick. >> Casar: I'll be really fast. Just because some folks who may be watching saw that we authorized the purchase of a liquid crow Matt tow graph mass spectrometer last council meeting, can you just confirm for us really quickly that that is headed to toxology and therefore is not in the drug seizure unit?

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It's not for this purpose. >> You are correct. >>. >> Casar: And that if there were any reason that we wanted to move it over you would have to fly to the state to -- apply to the state to move it over because it's different than the terms of the grant. >> You are correct. >> Casar: And I suspect you would let us know if you were to do that, but I suspect there's a lot to do in toxology right now. >> Absolutely. >> Casar: I think this is still an open conversation and I really appreciate you coming and answering our questions. One thing we didn't get to and I'll skip over is the time it would take to clear the warrants in the cases. I think the testimony about folks having warrants over their heads for that long, whatever

steps the city can take potentially in conjunction with the county to clear those or to figure out the path to getting those dealt with would be really useful and I concur here with my colleagues that if -- that potentially if they're arresting someone for low level possession of

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marijuana for them to potentially spend hours in jail and for the county to say we're not taking those charges and you're free to go, seems like we could be creating more problems and even potentially public safety problems than we're solving. So thank you for this committee meeting and we'll just keep in touch with everybody as we move forward. >> Thank you. >> Flannigan: Thank you, chief gay. >> Do you want me to stay here for the next? >> Flannigan: I think we're going to take testimony. Do you have a presentation first on freedom cities? >> Only if you need it. >> Flannigan: Should we just go to testimony? All right. Let's go ahead and take testimony on item 4 of -- I'll call up just like I did before. So our first four speakers, Emily, Chantal, polly, Juliet. >> I'd like to [inaudible]. >> Flannigan: All right. So Chris Harris, why don't you join us at the table here. >> Why don't you kick us

[2:57:00 PM]

off? >> >> Hello, good afternoon, councilmembers. My name is Chantal and I have been a member or a resident of district 1 for my entire life. I'm here to share concerns about the implementation of freedom cities, specifically resolution 73 regarding citation eligible custody arrests. I myself had my entire life turned upside down due to being in the wrong -- at the wrong place with the wrong person at the wrong time. Arrested for someone else's marijuana and convicted because I didn't have funds for a lawyer. I lost my job in aid as a substitute teacher because of the arrest alone. No income with two daughters depending on me and now additional court fees with no job to pay. I stand today confused as to how just last year a resolution was implemented

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that APD will cite and release pos violations and we are here testifying that the city of Austin not invest money into the equipment for these violations. All money should be used for resources to help individuals in the city of Austin. Not to oppress people of color in Austin because the statistics show we are the only ones being consistency targeted and arrested for low level crimes and now we're here again trying to persuade you to not waste our money on what we just stood here last year and said that APD will be cognizant of citizens' rights to be cited and released. APD officers are still not following the criteria requested by giving justifications for arrests and still destroying people's lives so how are these officers being held accountable for not allowing -- for not following simple requested criteria? We ask

that this report -- that this will be reported to us as well especially with those multiple violations of the policy with the stop of arrests for

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citation eligible offenses will expeditiously alleviate this matter. You guys hold the torch to change the spectrum here in Austin, Texas. Thank you. >> Flannigan: Thank you. You have five minutes since Emily >> Good afternoon, mayor pro tem, councilmembers. My name is holly Kirby, work at grass roots leadership and a resident of district 1. Thank you for taking up these important issues today. I'm here to share concerns about implement of freedom cities regarding the citation eligible custody arrests. In quarter two of this year there were 17 arrests for citation eligible pom. This might strike you as a small or insignificant number but we can't underestimate these impacts have had. Of those 17 arrests all but three were black and brown folks, people of color

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represented 82% of pom arrests when a citation could have been given. When you recall that -- the fact we passed freedom cities to reduce racial disparities and their impact in use of arrests these numbers are incredibly concerning and we believe A.P.D. Must do better. When you look further at the reasons given for these arrests you see some examples of other circumstances approved by a supervisor, no justification given and no supervisor approval documented. Prevent persons from endangering themselves or others, reason that persons or property would likely be imminently endangered and remove the threat of violence. The problem with these reasons given is rather than providing clarification or justification they really only raise more questions and concerns. What are the other circumstances that were approved that would justify an arrest? We believe those should be documented and reported as well.

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How are the police officers linking pot to imminent danger that would necessitate an arrest. There's actually an arrest in the last report for class C smoking within 15 feet of a building and the reason given is imminent danger to persons or property. So I don't understand how that's possible and I think further clarification on how police officers are justifying these arrests is needed in future reports. In addition to the continued stark racial disparities and ambiguous reasons for arrest that are provided in the reports we also have concerns about accountability. So when officers violate this policy, you know, what is the disciplinary action and can we increase transparency around that. We know there have been officers with multiple violations in both of the past two reports, so how are we ensuring that appropriate

measures are taking place to own sure officers are held accountable. We believe this is also missing from the current

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reporting process. The situation we find ourselves in regarding prosecution of marijuana possession and how law enforcement should proceed here I think these freedom cities reports are yet another reason in addition to those voiced earlier that A.P.D. Should stop arresting and citing people for possession of marijuana, arrests continue to false disproportionately on [indiscernible] >> Hi, my name is Julia, I'm the Texas of united we dream. [Indiscernible] With workers defense, grass roots leadership, United Way from Texas with some of y'all's help were able to win freedom cities. We wanted to share some of our concerns about the implementation of freedom city based on the two last reports that we were given. So the -- from the last

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report we had seen at least 1-third of the arrests were actually in violation of freedom cities, which is concerning. And they even say there was no justification, no supervision, approval document just like holly shared and that's one-third. That's one-third of folks that actually could end up in deportation for undocumented immigrant community. The two other concerns there's still a lot of racial profiling. We see a big number of black and Latino folks being arrested or cited when they are disproportionately compared to the actual population of Austin. The last one which is even more concerning because we have seen how A.P.D. Goes to the community and tells our community we are not collaborating with ice. And yet when you see the reports you see clear collaboration with ice. In the reports it shows how there's specifically one case when they had a valid Texas id and the officer

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went far and beyond the means, he contacted ice to check the immigration status of someone. So as community leaders, as people that work with the community every single day, not only letting them know what are their rights under freedom city, something we won and fought for, we're seeing it's very clear there's collaboration with ice and A.P.D. And it's a bit concerning. Yes, we are not happy with the current results or implementation of freedom city and we're committed to continue to enforce it because that's where our community -- majority of our community at united we dream is either documented or undocumented so any interaction with A.P.D. Could literally lead to deportation and not being able to live with their family or community. Thank you. >> Flannigan: Mr. Harrison. >> I'll be really brief. I want to echo everything -- all of the other speaks on this item have said. I do want to recognize that the implementation of freedom cities has -- reduced the number of

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arrests for citable offenses in the hundreds of folks, which is a really good thing. It is likely that in the dozens of folks have avoided deportation on the basis of freedom cities and I don't want to lose the positives that have come from the passage of freedom city. That said, as everyone spoken here, there are continued concerns with implementation and obviously as we see the individual circumstances around each of the enforcement acts as it occurs it does continue to highlight ways in which, again, sort of racial disparities really jump out within law enforcement. I think it goes beyond the, you know, individual officers in a lot of cases to a broader level concerns about policing priorities, patrol practices, what folks are looking for and in what communities and obviously how different communities are policed. So this -- I do want to kind of bring it up to that higher level as well and talk about how there's a lot

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of different concerns that have been raised. We're very committed to continuing this conversation to reduce racial disparities in law enforcement, criminal justice moving forward entirely. >> Flannigan: Thank you. One last speaker. Rebecca Sanchez. Might have left. All right, chief gate, do you want to come back? I think you might have a little bit of update for us. >> I don't know if I particularly have an update. I think that it was a very good overview. I think Chris Harris sort of summed it up, is that we definitely have made a lot of strides. I personally have gone to every one of the monthly meetings for over a year for the freedom city policies working group.

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I think that we are making great strides. First quarter report showed that we reduced arrests from the first quarter this year to last year by 57%. So I do think that we're making efforts in that arena. I do want to address the particular issues that was mentioned in the 84 arrests, that about a third were in violation of our policy. I'm not going to sit here and say that it was not. We have made very robust reporting procedures that was different than past policies of clear documentation, supervisor's approval, which in many of these cases there were about I believe 29 of those cases to where it either -- there was not enough justification and/or a supervisor was not contacted. We have followed up on the 105 from the first quarter,

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and there were more cases, and there were approximately 50 individual officers that received conduct counsellings regarding that. In this particular report that came out, again, I said there was about 29. There were only three incidents that had a officer that violated the policy in quarter one and quarter two, but in looking at the incidents, when that person was counseled was after they had already committed the second violation. So of course that person was counseled. Something that we have done here recently -- and this goes in line with currently our department is undergoing our equity tool for the equity lens, and something that was brought up in those meetings was in reference to critical policies and our comprehensive of those policies and how do we ensure, other than pushing out policies, that our

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officers understand the application of those policies? We just recently, within the last three weeks, we pushed these policies out for a third time, and this time made a comprehensive test to ensure that the officers clearly understood the intention of the policy and any officer that does not pass that test, then that will require a discussion with the supervisor with that employee. We have pressed upon our department the importance of these policies, and we will continually continue to hold our officers accountable for them. >> Flannigan: Thank you. Questions? >> Casar: Chief, first for attending all of those meetings. A lot of meetings, but I've heard people really appreciate the ability to talk. Second thanks for being so transparent with this process. I think it's been a really

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transparent process. Is there goals from the police departments and on how quickly we get to getting a quarterly report where everything is in line? Like, what is the trend line looking like and when do you think we get to a quarterly report where you don't have to counsel so many folks? >> Well, I'm hoping that we quickly get to that here within the next couple quarters. As I said, we just rolled out this additional training, so I'm sure in quarter three, which encompasses about right in the middle of this additional testing, so we may get a few. As you can see we had 50 or so in the first quarter, and now we had 29. So we're moving in the right direction. But, again, these are policies that we have changed at least four times over a very short period of time in sending this information out to our officers. So we do believe that we're moving in the right

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direction. In reference to the resolution 74 that has to do with immigration, we continue to change that policy to ensure that our officers understand the significance of contacting ice. Although you recognize that in sb4 we cannot prevent an officer from contacting ice, but we are trying to -- with the help of our

group is to provide additional direction, something that recently came up was providing information to our officers about the counselors' office in reference to what they could provide. We're about to push out a training bulletin in reference to another resource our officers can use to check the identity of an individual. So this is an additional thing we'll be pushing out to our officers. This report, the second

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quarter, to me provides and really is very, very transparent at our contact with ice. First quarter, it did not include our investigative efforts when we actually contacted ice. And when we looked at the resolution and the intent of that resolution, although it was pertaining to the detention of the individual, we felt like we should report whether the person is detained or not. If our department reaches out to ice, we should include that. That is what we did in the second quarter, and in those seven incidences that were -- one of those were brought up here recently is those were by investigators. Those were investigators that were doing additional follow-up on particular cases of aggravated situations from child abuse to family violence, aggravated assault situations, to improper videoing, someone putting a

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camera in a public bathroom, and then also is someone in possession of a stolen firearm. So our detectives are not even contacting ice unless there are aggravating circumstances to do that, but we, in abundance of providing our detectives additional information, we will be pushing out the information for the counselors office. >> Casar: For example, one of those is to -- somebody shared the story of somebody that was already id'd but going to ice for further identification. Is that part of the direction you're trying to provide, for folks to have multiple options through which to id a person? And do you know in that case why it was if they were already id'd there was the additional id request? >> Investigator -- as you say, we can't prevent someone from contacting ice, but in reading the report is that there was information to believe that the person had information in their background from Mexico so they reached out to get

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additional information. All of us here can have a Texas id or Texas driver's license, but we all may not qualify to have a firearm. So there was additional steps that the investigator felt that they needed to take in reference to ensure that that person could legally possess a firearm. >> Casar: Great. Thank you for all this and hopefully next quarter we get as close to zero of those issues as we can get. >> Thank you. >> Flannigan: Thank you, chief. We'll go ahead and take -- there are two people that signed up for citizens communication. Mr. Crawford, did you need to speak again? Thank you. Carlos Leone, give you three minutes. >> So Carlos Leon, September 3, 2019, to speak what's right. [Speaking non-english

language] First and foremost, gracias for letting me tell you on record you still need to fire city attorneys chase

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reed and Elizabeth Carrie grace for their documented serious professional misconduct for which they should be disbarred and their alleged crimes including felonies for which they should be prosecuted with respect to their cases 852-9140 and 956-9652. Gamileoy dismissed a charge only to refile it as the opposite bogus pedestrian and roadway charge, never written on the citation which never should have been issued. A double jeopardy violation. Immediately before going to trial on the Boeing just charge, gamileoy tried to changing the charge to pedestrian in roadway to denying me due process to defend myself against that new bogus charge. Grace then allegedly lied four times in writing to attorney general paxton to

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try illegally denying me a copy of the cops' dash cam video recording showing me innocent of all the crimes of which I was falsely accused. Also, online municipal court records were tampered with ex post facto. That's a felony. To try changing the time the citation was issued, from late evening to early morning, to try creating a false, opposite, alternate official narrative to match the false, opposite alternate pedestrian and roadway charge, neither of which existed in reality. Also, even after both bogus charges were legally dismissed, the online records system generated a false call for a third trial that also did not exist. Like the state could not handle legally losing and to possibly generate a false warrant for my arrest for not appearing at a trial

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that did not exist. Therefore, y'all need to investigate the municipal court online's record system as well because you cannot have online records being changed like that to mess with our lives. Expect me to provide written evidence-based documentation of all this to all your staffs so you all can read and prepare for your next meeting to take action, to hold the guilty state officials and those responsible accountable for what they said and did and to fix and secure the online municipal court's record system so this criminality and this evil never happens to anyone ever again. [Buzzer sounding] In Jesus' name I pray, amen. Thank you, lord. God bless Texas, the united States of America constitutional law and truth. Above all, [speaking non-english language], god's word. >> Flannigan: On to item

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number 5, the update on municipal court facilities. Who would like to join us for that? Many of us have dug into this topic on our own so I think we can move through very quickly. >> Okay. Got a quick presentation. Alex Gail, interim officer for the office of real estate services. >> Flannigan: The other one. >> Different one I brought mark from our office up here and Mary Jane grub from municipal court to help us through this. Like you said I'll try to get through as far as I can. This is an update on three items from that resolution. One is identifying options to replace and relocate the Austin municipal court. Two, to being recommend

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future use of the current Austin municipal court site and, three, identify options to relocate the downtown Austin community court. Item 1, as you are aware, we did a presentation on this in February of 2019, and we also sent a recent memo out to mayor and council on July of 2019 as well. To follow up with that, council did approve us to move forward with a ten-year lease at 6800 Burleson road as a replacement site for the Austin municipal court. The plan completion and move-in to that leased space is April 2020, which previously when we presented to council in February we had stated was going to be in December of 2019. Third item on there, the north payment center is currently in the Austin police substation, and due to inefficiencies and overcrowding we are

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currently looking for leased space to move that payment center into a new space due to the overcrowding that they currently have in that police substation. And then the fourth bullet point is that the item originally said to look for north and south regional facility. Because we do have that 96,000 square foot lease space down south we have hit pause on looking for a north regional station until about five to seven years and when we'll start looking at a north facility as well as a permanent south facility as well. Wanted to give a little bit of progress on the new municipal court space. Excuse me. The core and she will is approximately 95% completed, the space at Burleson road. All the courtrooms are nearly 100% framed with utilities in place. The interior permits are approved. The exterior plan is 90%

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complete. And also contractors under the general contractor have been released to do their work. Just to note to date over 12,000 working hours worked with zero injuries. I have a few slides here to show just some renderings of what the space looks like that Mary Jane was going to talk to. >> Mary Jane, municipal court -- >> Flannigan: There you go. >> Mary Jane grub, municipal court clerk. What you're

looking at here is a rendering of the court lobby, where all the customers come in and are seen by a court clerk at the windows. So what you're looking at now is the rendering of the courtroom. As you can see there's plenty of room for all trial participants. Reinforced judicial bench. It's got space for two clerks, separate counsel tables, adequate space between the gallery and the

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judicial staff. >> And we do have some additional pictures of the progress if for some reason council did want to see those, but time is of the essence, we saved those until the end in case you wanted to see those. Item 2, the future use of municipal court. In 2012 there was a report that was done, and the analysis gave a building a 68% condition rating. And noted almost 1.7 million deferred maintenance. So we're all aware of the issues that are at the municipal court space on east seventh street. We recently had a report completed by cbre, our Vermont -- development advisory for our administrative occupancy space. Within that report that was built aft 22 analysis, their recommendation was to further study the property with the neighboring A.P.D. Property. And so what we see moving forward is the potential for a ground lease, sale, or redevelopment of that

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property. It is part of the Waterloo greenway. Sorry, took me a second to get that out. Then item 3 is the downtown Austin community court. An update to this, same slide that we presented in February, just updated. But in short to midterm of course council did approve two weeks ago about looking at Faulk as a potential space for the downtown community court among other city uses as well, so we are -- still do currently look at utilizing a city-owned space. We are currently still looking for leased space as well. We've actually had two recent leases that we were looking to bring to council that fell through as of recently over off of east Cesar Chavez, and then in the long-term what we would like to do is acquire a

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build facility colocated with other services in the downtown area. With that that is the update to those three items under the resolution. >> Flannigan: Questions? So just very quickly, I think to be clear what we voted on related to Faulk was for the staff to explore colocating any type of city facilities. Some of us talked about downtown court but I think the item we actually passed was a little broader and I think that might actually work depending on -- we might move something else into the Faulk. The thing we might moved from might be downtown court. Let's be creative with this. Can you just talk about the cause of the delays in the Burleson facility? We went from December 2019 to April 2020. One more. There you go. >> So I will speak to the delay. This is a very complex project that involves multiple stakeholders and

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very different stakeholder groups such as judges, prosecutors, A.P.D., interpreters, and little over 13 operational and support units. So there's a lot of people that have to talk about this. Yolanda, the deputy court clerk and project manager provided by building services, Heidi, the building plans were a little over 200 pages. They had to go through those with a fine tooth comb, correct and revise; discussion on the revisions and go back to the landlord and then come back. We had to review that over 200 pages 5 different times on top of conversing with all the various stakeholders to ensure this is going to be a functional building for the next 10-20 years. It's incumbent upon the court to make sure we get it right the first time and make sure we're creating a building that's going to be sustainable for the next 10-20 years that will support cross-functional work teams and make sure that we're looking at efficiencies and

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productivity. So that takes a little bit of time. The reviewing of the plans was very, very extensive. >> Flannigan: I don't think anybody wants us to get it wrong. I certainly assumed that when staff gives a time line that it's being taken into account that things are complicated. So it's more so the surprise that the time line we were given changed. I think it was the second time that it changed. So knowing that this is complicated I would have assumed you factored that into the time line. So we don't have to belabor it. Please let's hit April 2020. Let's not have this conversation one more time if we can avoid it. If that's good with everyone, then -- go ahead, mayor pro tem. >> Garza: I heard there was discussion about a child care facility and I don't remember where that ended pup -- up? Can you talk about that? >> Flannigan: Here you go. >> Yes, we're currently exploring the facility across the street in building 312. Right now we're designing

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the space. It's going to be approximately 7,500 jete square feet and we're still working on the design. >> Garza: So there will be one? >> We're not hundred percent sure yet. >> Garza: Okay. >> But we're in the process of designing so the goal is to come back to council with a proposal in a couple of months. >> Garza: Okay. >> I know with that there was cost estimates we were waiting on in order to get those over to public health so they could include those into potential budget items as well. >> Public hlth currently is working on responses to questions from councilmembers, and there will be addressing the Chalker facility because that collocation actually will include several other departments. It's not only going to be Chalker facility but it also will be public works, ctm and fleet. >> Garza: So you're saying that public health has --

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I'm just wondering -- if there is an extra cost associated, they have -- they know that and they've added it to their proposed budget? >> They're work on putting those estimates together based on the design specifications. >> If I may. >> Go ahead. >> It's a little bit complicated because the lease is negotiated in a way that includes the component for the standard finish for the Chalker facility but does not include, like, extra planning, you know, the type of material. So there will be some shortfall, and we're still trying to figure out what that shortfall is. >> Garza: Okay. I'd really like that to be successful. So if there's the need to add that into the current budget, please let me know if there's the need. Thank you. >> Flannigan: I think it's fair to say the council expects that to get done so please get that done.

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>> Yes. Thank you. >> Casar: As far as the north payment window, what's the time line that we think we are going to close on that? >> I'm going to let Alex answer that laugh latch I would say we would like to have had it yesterday. >> So we're currently looking for lease space. We have several spaces lined up that I think might be suitable. But we still -- once we find that space we want to take municipal court out there to make sure it is a space that will work for them and then bring that item to council. So with that being said, I would, you know -- if -- I think we were hoping to have something by October 3. We're not going to have that. We don't have an item -- a space lined up to meet that. You know, I would like to say end of october/november before we have something, but we are actively looking for a space to bring an item to council for lease for that space. >> Casar: And are we going to get -- are we looking for about the same amount of

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space? I know we were really cramped up where we were. What's the general outlook on what -- >> I think we're around 7500, 5,000 to 7500 square feet of space. >> Casar: Got it. Thank you. >> Flannigan: Okay. We good? So let's move on to the next item. >> I'm sorry. Dacc has a little bit of information to give you on their facility as well. >> Flannigan: All right. >> If you have a little bit of time. >> Flannigan: Who wants to talk to us about that? >> Good afternoon, Peter Valdez, community court. Aside from what Alex provided you in regards to the plan for looking for a location for us, we only --

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we provided you today with some information that judge coffee had asked us to provide regarding the specifics of what we need in terms of size and configuration. We've also provided you a map of our current jurisdiction and also some employee feedback regarding concerns with the current location. And what they'd like to see in a new facility as well. >> And I think if y'all can look at what we -- front page is sort of a summary page that gives what we have currently, what we're in now. What we would look at as a minimum for a new facility and, if possible, things that we would like to add at the bottom if we had space and ability to do that. There's a lot of things that we could add to the

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homelessness issues that our community is trying to work on right now, given space and some -- little bit of funding to do some of that with. One of the -- there's a number of ones in here. Day programming would be a big one that we could -- if we're in the downtown area, which is what we believe we need to be with our client/defendant focus area, so that they can get to us, we could draw a lot of things you're seeing around the arch in that area away from that and into more productive situations, where we can get them into meetings, aa, therapy, job training. We can do clinics, like getting their driver's license, I.D.S, with support support groups that are around. We would hope to be able to do living documents that many people don't have, some living wills, paos, who to contact if something happens to them and they need medical care.

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I mean, things that are very difficult for people in the circumstances they're living in right now. Depending on the circumstances that we could -- or location that we could get, we could colocate, hopefully get some synergistic things going with, like, the homelessness strategy office that's getting ready to start. There's a diversion program that you all may have heard of that Travis county is looking at right now that would fit very well with us and obviously any low-income or permanent supportive housing would fit very well with us and we could use this type of facility to do all of those things with. Faulk is a great location for us in terms of the legal community and the courts. Most of our clients, I should say, know where it is because it used to be the public library and they would all go there and be around that, so they know where that is. So that works very well for us. And for some day program.

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I believe if my memory is right that's a 14,000 square foot per floor location. We're figuring we need around 11,000 for -- to put our -- all of us together. That would leave us with 3,000 or some square feet to do some day programming. It didn't leave us much to do some of those other ideal things with, but it would be much better than where we are now. If there's any other location in that downtown area

that's close enough to the area where our clients are, we would certainly like to look at that as well. Just appreciate y'all's time and consideration. >> Flannigan: So, I mean, we've talked about this at length at work session so I won't belabor the point but even if it was just for three or four years while the history center worked out what its long-term plan was and brought this back to this council, my understanding is prior at large councils reviewed that more than we have but I don't see any reason we couldn't put the downtown court in there for a couple years while we worked out

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some of the other downtown property questions we know we're all working on but sooner than later. Another reason I think to keep some of the homeless -- some of the funding we're putting into the issue not so specifically encumbered so our new strategy officer might consider this a good way to do that in - - this investment in the short-term. As I said at budget session we need to be in a place we're more willing to address some of these things. There's not enough time to try to figure out everything right only once a year so that's at least what I'm willing to do. >> Casar: Yeah. I agree. Thank you for laying this out for me. This handout is really helpful. I do think if we wound up with a Travis county substance use drop-in center and mental health diversion program that having y'all nearby there would be great. That may still be some time-out if we're having to build a new building or the county is building a new building and releasing it and I hate to have y'all

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stranded in that interim period, not even knowing where it is, we might find out several years from now it's right next to the Faulk. So I think that -- I really do think the idea of having y'all in the bottom of that is something that I want to take a really hard look at. And to -- and if there is the potential that some day we move it somewhere else, I'd be interested in what kind of construction we'd have to do down there so that it could be purposed to something else if we decide that we're going to put you in the innovation district, for example, what that might look like. Alex, I think that's more of a task for you and our folks that do construction to look at, but thank you all for what you do all the time and we're going to try to find you a better home. >> Thank you. We appreciate THA >> Flannigan: Thank you all so much. I did have the chance to take a hard tour of the new facility down on Burleson and I think I had a smile on my face the whole time. Very impressive facility and I think that we're colocating other departments down there is gonna give us

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some economies of scale like for the child care facility. It seems like a pretty strong southern, civic center for a number of our departments. That's really good. All right. Let's go on to our last two items.

Judge and Mary Jane, if y'all will take up item 71st, the compensation. I think the mayor pro tem is gonna leave in a few minutes and I want -- I think it would be good for you to be part of this conversation. >> Thank you, mayor pro tem and councilmembers. It's really hard to go after such dynamic speakers on such a thought provoking topic that we had at the beginning of the meeting. Nonetheless, here I am. I'm very uncomfortable talking about this statistically or stereotypically women don't talk about competition well and I'd rather be getting a filling than talk to you about it, but I'm doing this on behalf of the judges that don't get facetime with you. We don't have an annual

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compensation review like all the other council appointees. We've asked to be included. We've been denied. And I understand. It is a daunting task. There are eight full-time judges and 14 part-time judges, so it would be unwieldy to figure out how to do this either separately or as a group. The last salary review or market study was in 2018, but no input was sought from either me or Ms. Grub. Had we been asked, we could have told H.R. About some things like statutory changes that increased the duties and responsibilities of the judges. This includes the Sandra Bland act and increased educational requirements. Or we could have told them about local changes, including expanded review of personal recognizance bonds also known as our noncash bail system that we

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are an integral part of. In addition, and judge coffee. Close your ears, the downtown Austin community court judge and the overnight magistrate at central book, they have more responsibilities than the other judges. But they are compensated the same. And it is not fair and it has never been fair. Also, would have reminded H.R. That our judges' salaries are not comparable in a market study to other municipal judges in the state. We perform many duties that are done only by district or county judges in other jurisdictions, so we have to have education and expertise that they don't have to have. Basically municipal judges in other cities do various tasks that we do, but none of them do all the tasks that we do. So we're more comparable to county court at law judges. So what I am requesting is that through you we

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establish an annual biannual regular review. If it's not through H.R., then through this committee. And I would ask you to take that up for a future item. >> Flannigan: Thank you, judge. I mean, I think it's a fair conversation to have. I think it would be good to go back and review the relationship with Travis county. Make sure that as we are paying for municipal judges perform what is otherwise a county purpose in other counties that we are appropriately getting reimbursed by our partners just up the street. I think

there's a little bit of a difference between the other council appointees because the judges get four-year terms, and none of our appointees get four-year terms in terms of job stability I think there's kind of a give and take to work on there but I will work with your office to come up with some proposals and we can debate that as a committee at a future item. >> Thank you. >> Flannigan: Thank you for that.

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Do you want to take us through our last item? >> So I just want to highlight some of our community outreach events. Municipal court unfortunately is one of those departments you don't generally hear about unless something bad happens, but we do a lot of good things in the community. Our judges and our staff really go out of their way to make sure that we're addressing the need of the community and the goal is to provide a fair and impartial administration of justice. And to do that you have to think outside the box and have things outside of the actual court building so people can actually get to you during times that are available for them. I'm not going to go through each one of these one by one but the biggest ones are the driver's license recovery clinics, geared towards folks who have their license suspended or surcharges. That program got repealed so we're going to look for

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other outreach events. Amnesty, you know about that, changed from roundup to amnesty. Our youth services departments does a lot of work in the community. They go to a lot of different organizations, including aid and it's usually resource fairs, but we set up tables and provide information on our court services in addition to traffic safety initiatives, really focused on trying to make sure that we're removing barriers for individuals so that they can successfully comply with their court ladies but also educating the community on the importance of safe driving habits to promote public safety everywhere. We do -- every year we do Austin courts and city works. We have a lot of different groups come to municipal court to do court tours. We host mock trials. Some of those groups are elementary schools. We also have high schools and UT law students. Let's see.

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What else? We do a lot of work with a.p.d.'s pals unit. We've been doing a lot of interviews -- working with uni vision doing interviews to reach our hispanic speaking population. Again, Reagan unity and Reagan pta meetings, again, that's getting more involved with aid. Any questions about these? So as we move we're going to look for more opportunities to actually just have what we call walk-in dockets, where people don't have to have an appointment to see a judge in various parts of the city and probably all of the different districts just to make sure it's easier for folks to get to us rather than having to drive all the way to southeast Austin. I know that was a big concern for city council when we picked the

location. >> Flannigan: Thank you, Mary Jane. Other questions? It's great to see this list of community events, and you're right, I don't think people really know/understand the extent

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of the work that the municipal court is doing. But I think it is evidenced at least in the knowledge that we have an award winning municipal court clerk which I think is a pretty cool thing. Councilmember. >> Harper-madison: Not a question, just a comment, just a reminder to use the new name. It's not Reagan anymore. Northeast. Mm-hmm. Northeast early college high school. >> Flannigan: Okay. Thank you so much. >> Harper-madison: Thank you. >> Flannigan: Last item is any future items you'd like to see on an agenda. We'll probably take that off-line. Next meeting is scheduled December 9, and if we have any substantive items then we will be meeting then. With that we are adjourned. [Adjourned]