

## Nominations - Scope of Works: APD Investigation I Dispatch Equity & Optimization Efficiency Study

Bourenane, Patricia <Patricia.Bourenane@austintexas.gov>

Tue 1/28/2020 2:28 PM

To: Scruggs, Ed - BC <bc-Ed.Scruggs@austintexas.gov>; Webber, Rebecca - BC <bc-Rebecca.Webber@austintexas.gov>  
Cc: Muscadin, Farah <Farah.Muscadin@austintexas.gov>; Jackson, Janet <Janet.Jackson@ausps.org>; DVincent, Erin <Erin.DVincent@austintexas.gov>

Good afternoon,

I hope this email finds you well. My name is Patricia Bourenane and I'm Assistant City Manager Rey Arellano's new assistant. I look forward to meeting you.

The City Manager's Office, along with the Office of Police Oversight and the Equity Office is in the process of developing a scope of work responsive to elements outlined [Resolution No. 20191205-066](#), for the City to hire a contractor to perform a comprehensive, multi-pronged investigation and evaluation of the Austin Police Department (APD), to the extent of which forms of systemic racism and discrimination are present in the protocols, practices, and behaviors of the police officers of the Austin Police Department (APD).

The resolution directs the team developing the scope for work for the solicitation to gain input from the Public Safety Commission. Similar to how the Public Safety Commission nominated two PSC members to review and provide input on the scope of work for the sexual assault contract, we are seeking two nominations for the APD project.

In addition, the City Manager's Office is working to develop a scope of work for the dispatch equity and optimization efficiency study. During the FY 2019-2020 budget adoption, the City Council approved \$250,000 in one-time funding to hire a contractor to conduct a comprehensive review of the equity and efficiency of Fire and EMS services and review dispatch times, ISO ratings, station locations, and the timeline for bringing on new stations. We are also requesting two nominations from your board for this project to review the draft scope of work.

Would you please share these requests with your board members to solicit interest? Please note the board will need to take formal action to nominate the members willing to serve in these roles.

Please let me know if you have questions. Thank you and greatly appreciate you.

Patricia Bourenane

Assistant to Assistant City Manager Rey Arellano

Austin City Hall – 301 W. 2<sup>nd</sup> Street, Austin, TX 78701

Office (512) 974 6339

[patricia.bourenane@austintexas.gov](mailto:patricia.bourenane@austintexas.gov)

April 12, 2019

Public Safety Commission  
Commission for Women  
301 W. Second St.  
Austin, Texas 78701

**Via email to [joe.silva@austintexas.gov](mailto:joe.silva@austintexas.gov)**

Joe Silva  
City Manager's Office  
301 W. Second St.  
Austin, Texas 78701

**Re: procurement process for the Comprehensive Evaluation of Sexual Assault Investigations**

Dear Joe:

We are writing in our capacity as the spokespersons for the Commission for Women and the Public Safety Commission regarding the procurement process for the "Comprehensive Evaluation of Sexual Assault Investigations". Thank you for facilitating the Commissions' participation in this process.

**Feedback on process forthcoming:**

We intend to write to you separately (by April 26, 2019) with proposed changes to the overall process outlined in your April 8 letter to Rebecca Webber and Flannery Bope.

To assist us in drafting that feedback, will you please clarify your statement that the commissioners who will review the proposed contract "must not have any communication with an entity or individual that may submit a proposal" (emphasis added)?

Our understanding is that participating commissioners must follow the restrictions in Ordinance no. 20180614-056 and the City's Anti-Lobbying and Procurement Rules. We interpret your April 8 prohibition on "any communication" as simply a helpful caution to commissioners that we should know and follow the restrictions in the applicable Ordinance and Rules.

**Feedback on proposed Solicitation no. RFQs 4400 EAD4002:**

The solicitation should be modified to address access and analysis of relevant data that is in the custody of the Travis County District Attorney. As stated in (1) your presentations to our commissions in March and April 2019, (2) the April 1, 2019 *Response to Questions from the Public Safety Commission and the*

Commission for Women,<sup>1</sup> and (3) District Attorney Margaret Moore's January 29, 2019 letter to Mayor Steve Adler and Councilmember Alison Alter,<sup>2</sup> the District Attorney fully supports this process.

We understand that negotiations with the District Attorney over access to data in her custody may delay the release of the solicitation by 4-6 weeks. We believe the delay is warranted in order to gain access to data that is critically important to the success of this evaluation.

### 1.0 Purpose

The Purpose should focus more on the ultimate goal of the evaluation which is to reform and improve how sexual assault reports are processed. While current practices are an integral part of this project, the Purpose should focus less on the "how".

proposed edits:

The purpose of this contract is to improve system responses for survivors of sexual assaults such that justice is best ensured by recommending necessary improvements and reforms ~~undertake a comprehensive evaluation of~~ how sexual assaults that are reported to the Austin Police Department are investigated and processed, including why a significant number of reported cases do not proceed to prosecution within the criminal justice system ~~and produce a final report that will include recommendations relevant to the entire life cycle of sexual assault cases in order to improve system responses for survivors of sexual assaults such that justice is best ensured.~~

### 3.0 Contractor Qualifications

At paragraph 3.3, "conflict of interest" should be defined. The definition should include entities that are currently under contract to research/evaluate relevant APD policies regarding sexual assault investigations because that analysis should be examined as part of this contract. For example, the Institute on Domestic Violence & Sexual Assault at UT and the Quattrone Center for the Fair Administration of Justice at Penn Law are currently engaged in evaluations of APD's policies and therefore may be conflicted out from conducting this evaluation.

We suggest an additional paragraph 3.4 stating that qualified contractors will have specialized experience in reviewing governmental agencies for bias based on gender, race, disability, and LGBTQ status. In other words, we want to ensure that the entity chosen for this contract has a proven track record of conducting the kind of review described at paragraph 4.3.3.

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<sup>1</sup> Memo from J. Silva to Public Safety Commission and Women's Commission (April 1, 2019), *available at* <http://www.austintexas.gov/edims/document.cfm?id=317176>:

**Is the District Attorney aware of the resolution and will they agree to fully participate?**

The Travis County D.A. is not only aware of the resolution, but wrote a letter in support, which is attached. The D.A.'s Office will certainly participate to the extent possible without impacting pending litigation or investigations.

<sup>2</sup> Letter from M. Moore to S. Adler, A. Alter (Jan. 29, 2019), *available at* <http://www.austintexas.gov/edims/document.cfm?id=317176>:

I write in support of your and Chief Manley's call for a review of the handling of sexual assault cases by the Austin Police Department. I am committed, like you, to ensuring our very best efforts in meeting both the needs of the survivors of sexual assaults and the demands of our criminal justice responsibilities.

#### **4.0 Contractors Responsibilities**

Paragraph 4.1 requires examination of at least 200 sexual assault cases or 50% of sexual assault cases (whichever is greater) for each of seven years. Paragraph 4.3.1 requires interviews with sexual assault survivors. The solicitation should explicitly state that a survivor's choice not to speak to the evaluators would not preclude that particular case from inclusion in the 200/50%.

Along those same lines, the entities that apply for this contract should be required to state in their proposals the number of files that they will review in order to select the 200/50%. For instance, will the contractor review *all* case files in a particular year in order to select the best 200/50% for this project? Or will a contractor only review 250 files or only review 75% of the files in any given year in order to select the files for this project? Getting this information upfront could avoid cost overruns down the road.

Thank you for your consideration and we look forward to working with you throughout this process.

Sincerely,

Rebecca Webber, Public Safety Commission  
Rebecca Bernhardt, Public Safety Commission  
Rebecca Gonzales, Public Safety Commission  
Amanda Lewis, Commission for Women

April 26, 2019

Public Safety Commission  
Commission for Women  
301 W. Second St.  
Austin, Texas 78701

**Via email to [joe.silva@austintexas.gov](mailto:joe.silva@austintexas.gov)**

Joe Silva  
City Manager's Office  
301 W. Second St.  
Austin, Texas 78701

**Re: procurement process for the Comprehensive Evaluation of Sexual Assault Investigations**

Dear Joe:

We are writing in our capacity as the spokespersons for the Commission for Women and the Public Safety Commission regarding the procurement process for the "Comprehensive Evaluation of Sexual Assault Investigations". Thank you for continuing to facilitate the Commissions' participation in this process.

We write in response to your April 8, 2019 correspondence regarding the role of the Public Safety Commission and Commission for Women in the procurement process. You proposed that the Public Safety Commission and Commission for Women would each designate a single commissioner to participate in development of the contract with the finalist.

We respectfully propose that the Public Safety Commission and Commission for Women will each designate two commissioners and a third alternate commissioner to participate in selection of the finalist and development of the contract with the finalist. Our proposal is in keeping with the intent of the January 31, 2019 Council resolution requiring the comprehensive evaluation.

Part of the purpose for this evaluation—and for our participation in the procurement process—is to rebuild community trust and to improve transparency. While the City's anti-lobbying and procurement rules do not allow for full transparency and full public input into the procurement process here, our participation serves as a kind of proxy for the public-at-large.

By way of example, the resolution calls for maintenance of public trust and engagement with the public and stakeholders:

**WHEREAS, one of the core responsibilities of the municipal government and the local police department in dealing with sexual assault is to maintain public trust by ensuring that survivors receive justice and to help their healing process by being careful not to retraumatize them, all while ensuring due process; NOW**

...

The selected entity will have a demonstrated commitment to engage with the public, governmental stakeholders, and non-governmental stakeholders in the process of evaluating a governmental agency's response to public health and public safety issues.

The resolution also calls for transparency regarding the results of evaluation:

The written report shall be posted in a prominent place on the City's website.

...

The report shall be delivered and presented by the third-party entity conducting the evaluation to the Public Safety Commission and the Commission for Women at the next scheduled meeting or at a special-called meeting of those commissions. Any other commission may receive a formal presentation by the Office of the City Manager as mutually scheduled.

Finally, the resolution directs that the recommendations arising out of the comprehensive evaluation should include ways to improve collaboration with the community and transparency:

- The establishment of a collaborative community process with inclusion of the City of Austin Commission for Women and Public Safety Commissions (and other City of Austin commissions as recommended), and local subject matter experts and entities that work directly with sexual assault survivors to provide periodic and ongoing policy recommendations for policy makers and the City Manager that could be used to guide efforts to improve system responses for survivors of sexual assault;
- Recommendations to improve transparency and the ongoing sharing of data and findings to the Council and the public; and

We believe that our proposal—which will allow for participation by the Public Safety Commission and Commission for Women in the entire procurement process—reflects Council's goals for this comprehensive evaluation.

Thank you for your consideration.

Sincerely,

Rebecca Webber, Public Safety Commission

Rebecca Bernhardt, Public Safety Commission

Rebecca Gonzales, Public Safety Commission

Amanda Lewis, Commission for Women

Dyana Limon-Mercado, Commission for Women

May 31, 2019

Public Safety Commission  
Commission for Women  
301 W. Second St.  
Austin, Texas 78701

**Via email to [joe.silva@austintexas.gov](mailto:joe.silva@austintexas.gov)**

Joe Silva  
City Manager's Office  
301 W. Second St.  
Austin, Texas 78701

**Re: procurement process for the Comprehensive Evaluation of Sexual Assault Investigations**

Dear Mr. Silva:

We are writing in our capacity as the spokespersons for the Commission for Women and the Public Safety Commission regarding the procurement process for the sexual assault investigations evaluation. As you know, we requested the opportunity to provide feedback and suggested edits to the Evaluation Matrix that will be used by the Evaluation Committee to vet the five applicants. You wrote us on May 24, 2019 that "there is no latitude" to incorporate our suggestions and edits into the Evaluation Matrix itself. You did not provide the proposed Evaluation Matrix to us. Instead, you offered us the opportunity to give "more details and specific examples" regarding each of the RFQ criteria in a separate document that would be "provided to the members of the evaluation committee for their use as they review and evaluate the proposals".

We have decided not to accept your offer to provide more details in a separate document. We do not understand what weight will be given to our separate document. We cannot reconcile the fact that there is "no latitude" for us to help define and illustrate the evaluation criteria with your implication that our feedback will be taken into consideration during the evaluation. In other words, it is not clear to us whether our historical knowledge and expertise regarding the relevant issues is welcome or not.

Instead of providing the separate document, we hereby request the opportunity to meet with the Evaluation Committee to explain the events and frame the issues that led up to the January 31, 2019 Council resolution ordering that this process to take place.

More importantly, we hereby express our high level of concern that none of the nine "Subject Matter Experts" listed in Exhibit A to the January 31, 2019 Council resolution ("Known Subject Matter Experts Who May Meet Resolution Criteria") responded to the RFQ.

# Exhibit A: Known Subject Matter Experts Who May Meet Resolution Criteria

- National Sexual Violence Resource Center
- End Violence Against Women International
- Quattrone Center for the Fair Administration of Justice.
- Ann Munch
- Ann Burgess
- Tom Trembley
- Ujima
- Praxis International
- Women's Law Project

## City of Austin Purchasing Office – Log of Offers Received

Solicitation Number: **RFQS 4400 EAD4002** 5/14/19  
 Reported Sexual Assault Comprehensive Evaluation

IFB Disclaimer: The information contained on the following bid sheets are for information only and does not constitute actual award/execution of a contract.

RFP/RFQS Disclaimer: The contents of a proposal shall remain confidential until a contract is awarded. This log of offers is for information purposes only and does not constitute actual award/execution of a contract.

For more information, you may contact the Purchasing Office by:  
 Phone – 512-974-2500  
 Email – [Purchase@austintexas.gov](mailto:Purchase@austintexas.gov)  
 Physical Address – 124 W. 8<sup>th</sup> St., Third floor, Austin, TX 78701  
 Hours of Operation – Monday-Friday 7:45 a.m. to 4:45 p.m.

Vendor Name (on sealed offer)	Rec'd By	Date & Time Received	No Bid	Vendor Name (opening)	Bid Read @ opening
1. <u>Urban Institute</u>	<u>VR</u>	<u>5/13/19 @ 8:18am</u>	<input type="checkbox"/>	_____	<input type="checkbox"/>
2. <u>Police Exec Research Forum</u>	<u>VR</u>	<u>5/13/19 @ 8:28am</u>	<input type="checkbox"/>	_____	<input type="checkbox"/>
3. <u>Joanne Archambault</u>	<u>VR</u>	<u>5/13/19 @ 10:20am</u>	<input type="checkbox"/>	_____	<input type="checkbox"/>
4. <u>Police Foundation</u>	<u>VR</u>	<u>5/14/19 @ 8:33am</u>	<input type="checkbox"/>	_____	<input type="checkbox"/>
5. <u>The Integrity Group</u>	<u>NJ</u>	<u>5/14/19 @ 10:34am</u>	<input type="checkbox"/>	_____	<input type="checkbox"/>

We respectfully request that the Purchasing Office immediately contract with an outside Technical Advisor that is one of the nine "Subject Matter Experts" from the Council Resolution to help oversee this process. In addition, we respectfully suggest that if all selection criteria are not met by current applicants, that the RFQ be reopened for four to six weeks with the guidance of a Technical Advisor.

Thank you again for your consideration and courtesies throughout this process.

Sincerely,  
 Amanda Lewis, Commission for Women  
 Rebecca Webber, Public Safety Commission  
 Rebecca Bernhardt, Public Safety Commission  
 Dyana Limon-Mercado, Commission for Women

Sarah Tober, Commission for Women

Julia Cuba Lewis, Commission for Women