

Judicial Committee Meeting Transcript – 05/11/2020

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[2:09:18 PM]

>> Flannigan: We're ready. It is 2:09 P.M. We are convening -- I'm convening the meeting of the judicial committee. Councilmember Jimmy Flannigan chair with vice-chair Greg Casar and the mayor pro tem and councilmember harper-madison present virtually. We will jump right in. Our first item on the agenda is approving the minutes from February 10th and from the special called meeting from April 30th. Do I have a motion to approve the minutes? Councilmember harper-madison moves. The mayor pro tem seconds. Without objection those minutes are approved. Also citizens communication was open for sign-up until noon on Friday as was posted on the city website, but no speakers signed up for general citizens communication. Let us move right into item number two, the municipal

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court relocation presentation, and same that our amazing I.T. Staff has Mr. Gale's presentation and that Alex is on the line.

>> I am here. Can you hear me?

>> We can hear you loud and clear.

>> I don't see the presentation. Are you able to see it?

>> We do not see it yet.

>> We don't have a presentation up yet. Would you like that now? Yes, please. It should be called judicial committee presentation. Sorry, it probably wasn't titled. Office of real estate services or municipal court relocation update, but dated 5-11-2020.

>> It is up now.

>> Okay.

[2:11:19 PM]

Sorry, I'm not able to see it on my screen, but I'll just go ahead and --

>> Hold on, I'll go ahead and share it. Hold on just a moment.

>> Flannigan: There we go.

>> Harper-madison: Colleagues, I don't know if you can see it --

>> Flannigan: Not yet. Although I will take this time to remind everyone on the staff line and each other to make sure that you stay muted if you're not speaking. Hopefully we don't have to repeat that over and over and over again throughout the meeting.

>> Garza: But it's funnier when people yell at their kids. Just kidding.

[Laughter].

[2:12:25 PM]

>> Flannigan: Okay. Alex, we can see the presentation now.

>> Okay. I can't see it, but I have my version up in front of me and I'll just go through.

>> Flannigan: Just as a reminder for staff U you are on delay so you won't see it as quickly as we see it. Just make a note of what slide you're on and we'll just synchronize it up.

>> Thank you. Again, so Alex gale, interim director for the real estate services. With me is [indiscernible] As well and we wanted to give this presentation about the update of the municipal court relocation as well as some of the other items related to a resolution passed in 2018, February. The first slide is just council direction, which directed staff to move forward with identifying options, including a lease for the municipal court, develop recommendations for

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the current municipal site and then identify options relocating downtown Austin community court. Moving on the slide number 3, a quick recap of looking for the new space for the Austin municipal court, back in October of 2018 council will approve staff to move forward with a lease agreement, 10 year

lease agreement with an option for 2600 square feet on Burleson road known as the Bergstrom tech center. The planned completion was from March 2nd, 2020. There was plan to be first jury duty on March 23rd, 2020. And we had also been looking for a north payment center to relocate the current police substation, as well as a north regional facility that we've paused on until the lease term at the

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Bergstrom tech location gets further towards ending that life cycle. Next slide 4 is just some -- an update of the progress on the new municipal court space. The occupancy of the space has been delayed due to covid-19. And of course, municipal court staff is on the call as well and can provide some additional updates, but all of the construction has been completed and all of the permitting had been approved. The moving started at the end of February. We did receive the keys in early March, and small groups have been holding operations at the old location until March 18th and then all moving was completed on March 19th, and occupancy is scheduled for the June 1st anticipation

[2:15:30 PM]

of the stay home/work safe orders being ended, but of course, all of those things could change due to the day-to-day fluctuations of the current pandemic. Slide 5, the next slides, are just some pictures of the new facility, so on slide 5 you can see -- if I'm moving too fast let me slow down if you want to take a longer look at the pictures. That is the parking lot and the front of the municipal court. Moving on to slide 6 is the secured parking and entrance of the municipal court site. So there is secured parking for the staff on-site. Slide 7 is an interior shot of the courtroom lobby showing the three courtrooms, entrances from the lobby. A little bit of a waiting

[2:16:31 PM]

area and window intake there. Slide 8 is the interior of courtroom 1 showing the benches as well as the raised judge's bench at the back of the room. Slide 9 is the front entrance, looking back at the front entrance with the payment windows. You can see them numbered on the left-hand side for individuals to make payments at those different pay windows. Slide 10 is the support services work area so you can see it does have the workstations with the mounted monitors and such for the support service staff of the Austin municipal court.

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Slide 11 is a staff breakroom within the facility. You can see a bit of like a raised counter, breakroom tables, as well as refrigerators, vending machines for the staff to utilize for a break room space. Slide 12 is a staff training room. For Austin municipal court to hold trainings for their staff, of course. And then slide 13 is the administrative office space so you can see a little bit of a waiting area, a conference room to the interior as well as different workstations and offices of the administrative staff. So we're really proud of the space and I think municipal court is very proud of the space and of course it has taken a little bit of time to work through once council

[2:18:33 PM]

approved this, but our staff, you know, did a great job on getting this to where we are today and getting the municipal court staff moved in there. Of course, there's some small things that have happened, but we've still -- because it's new, we're still work through a couple of little hiccups as we've gotten into the space, but we're really proud of what our staff working with the municipal court staff and public works and getting everything put together in order to get everybody in into this space. Any questions on that component?

>> Flannigan: I don't have any questions. I don't know if my colleagues have any questions, but it was a long journey to get here, especially when the court was trying to desperately get a new facility. It is exciting and I'm really proud of the work this committee did to make this happen.

[2:19:35 PM]

Unfortunately there are no fancy ribbon cuttings during this time. Hopefully at some point we can do that work. I think at some point in the future or if on a web page somewhere to have photos of what the facility was -- that we left so you can get a sense of just how dire things were in the current court to see how this is better not just for our staff, although it's dramatically better for the staff, but also for the general public that is often not in the best of moods when they have to come to municipal court, but to have a facility that is clean and efficient, can at least provide a little bit of safety and calmness in a difficult moment. So I'm really glad to see this facility come together. Councilmember harper-madison, did you have your hand up?

>> Harper-madison: Thank you, Jimmy. Thank you, chair Flannigan. You said some of the things I was thinking of already because I've seen some of

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the before pictures, and the before and after it's really impactful, especially when we're saying to the community this is something we have to do to make this better for this system and for this process. But I

couldn't help but notice there were no trash cans. And images number 7, 9 and others, like where do people put trash? Sorry, I didn't mean to shut down the show.

[Laughter].

>> Sorry.

>> Alex, this is -- go ahead, Mary Jane.

>> Sorry about that. I was trying to get unmuted. I can't see the presentation, but I did look at it before this so I assume you're talking about in the work areas. Those pictures may be when we first moved in, but all of the desks have trash cans and recycle bins under them now.

>> And this is Alex again. And I know the pictures, you

[2:21:38 PM]

can -- there's one visible in 7 down by courtroom 3, but those are things we can definitely take a look at those things to make sure that there is enough trash cans for what's needed there.

>> Harper-madison: Thank you.

>> Flannigan: All right, Alex, let's keep moving forward. We're on slide 14.

>> All right. Slide 14, so just to circle back on a couple of the other items that council had asked us back in February of 2018. Item 2 was the use of the current municipal court building. We did have a study done in 2012 that put the condition rating at 68% and 1.7 million in deferred maintenance. And we can - - we haven't updated that, but we can only assume that it is, of course, fallen into more additional deferred

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maintenance that needs to be added to that and a worse condition rating. We've basically been -- when I say we, building services working with municipal court trying to kind of band-aid that facility. We did have an updated cbre report completed last year, it and did recommend further study of that property and working with the APD headquarters property is how that site may be envisioned as we move forward, and so there is a potential to do some sort of ground lease redevelopment or sale of the property, and overall because those two sites are located within the waller creek tax increment financing zone, we would want to take those things into consideration how we move forward with that. That being said, this isn't on our -- of course it's on our to-do list as part of

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the cbre report, but we have some other facilities that we have put higher on the right that we want to make sure we capitalize on those as we're working through our facilities plan. Any questions related to that, the current municipal court building? All right, I'll move on to item 3. And of course, you can ask questions at the end as well. So item 3 was downtown Austin community court and looking for a new facility for them, whether it's a lease or purchase. We did consider multiple options when looking for a replacement site. I know when we presented the downtown Austin community court last time we talked about this and I think it was brought up in a work session as well, but we looked at short and midterm options which we are

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currently doing in negotiating a potential lease with an option to purchase on east second street. I think we talked about in a in the last judicial committee update presentation that we gave. And for the long-term what we've been considering is of course a purchase of the lease facility as the long-term option. And then potentially the acquisition for building of a facility to potentially co-locate with other services in the downtown area because downtown Austin community court does have that jurisdiction that they fall in. You know, the things that we've had to take into consideration, of course, are the increased costs to purchase, build and lease. So all those things we've had to be looking at as we look at downtown central business district prices when looking to buy either

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land and build or buy a facility because of the downtown Austin community courts special needs, specific functions that they would need to have, of course, courtrooms and things like that. There isn't typically a site available that we can just take over and it would be ready to be used for that downtown Austin community court. So following on to slide 16 what we've been pursuing is that lease agreement on east second street. It does have a purchase -- we're negotiating an option to purchase that. We have been in multiple meetings, of course, weekly. Staff has been meeting with the landlord on the downtown Austin community court's design requirements. The facility would be all new construction with a modern design. It would be a 10-year -- the

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term of the agreement would be a 10-year triple net lease with a purchase option, but would be a turnkey facility so as part of the lease agreement the landlord would do the full buildout as required by the downtown Austin community court's design requirements. The facility would house up to -- would

have up to 30,000 square feet with all the amenities that you would need. It would be a three-story building with underground parking and of course there would be access to public transportation as well as a city shuttle that we've been working with all these newer facilities that we're bringing on at Ben white and Bergstrom tech, the Brodie oaks location, basically having a city shuttle connecting all of those to city hall and the library and all those other facilities. As well as even with the

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permitting and developer center at the highland mall, ACC. And slide 17 just to give an update of the timeline of what we're looking at, of course we're currently negotiating those lease terms. We're hoping to get to a final design, which would then allow us to understand what the -- what the costs would be. One thing to take into consideration is because this is basically a buildout of the facility, you know, the cost -- we do expect the cost to be -- to reflect that. For this landlord to do that buildout there's going to be costs associated with that and it's going to be, you know, a 10-year lease so there are going to be costs for this lease for them to do the buildout for that. We anticipate hopefully we can get those finalized designs to hopefully get

[2:28:43 PM]

something on the council agenda by the end of June, that we could get in front of council to see if they approve of us moving forward with this new site. We would then execute the lease in July 2020, assuming we do get council's approval in June. The developer/landlord owner would go through their permitting process, get the permitting in August 2020 and they've estimated a 12 to 18-month construction period which puts you out to about February 2022, which a potential move-in in March 2022. So you're almost at a full two years essentially from this presentation. You know, basically 20 months or so or 22 months essentially from this presentation if everything, of course, goes to plan,

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that's what we would be looking at as a potential move-in for downtown Austin community court. And then the last slide of course is just the jurisdiction, which we talked about at the last presentation as well. But with that, that was the end of the presentation and would be open to answer any questions.

>> Flannigan: Alex, on your timeline where you talk about lease negotiations, finalizing design, then getting council approval in June? You know, I know there are still some folks with some reservation, judge Coffey has some reservations about the site. I have some reservations and I know some of my colleagues have. Said before in this committee to find the right location downtown and downtown has higher costs, etcetera. But it does seem like the item -- what is the item

[2:30:45 PM]

that would come to the council meeting in June?

>> So it would be basically not to exceed cost and the terms that we've been able to negotiate to this point or up to that point in June. It's not going to be the actual agreement, but we try to get the agreement at least close to through a term sheet of what the deal might look like and what the costs associated with doing the construction of the fatal and the lease for that 10-year lease would look like. So basically bringing those terms and that not to exceed cost, coming to council and saying what the rca would ask for is approval to negotiate and execute a lease agreement with the own.

[2:31:46 PM]

>>

>> Flannigan: I want to keep talking about this and I want to make sure or judge Goff may be -- Coffey may be talking about this. And that we find ourselves in the situation where the council feels like we have to move forward because so much work has been done already. Councilmember Casar?

>> Casar: Remind me -- so when we discussed the potential at the bottom of the [indiscernible], the latest challenge that we faced was whether or not we could actually incorporate this into the bottom of the building while we were doing construction at the top of the building. Was that the latest major challenge that we face in this discussion or was there a different one? I forget because it feels like so much has happened since then.

>> I agree. That was one of the challenges. The other challenge I think too was the footprint as well, I think the square footage where we've been

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looking for the space. I think -- and of course, I know Pete Valdez and judge Coffey can hop on, but I want to say we were looking at roughly 25,000 square feet for the programmatic things that the downtown Austin count court needed and I think there was a challenge with that first floor of the Faulk to meet that.

>> This is Pete --

>> Yes.

>> Yeah. Our minimum would be 20,000 square feet. Our minimum -- the minimum amount that we would need would be 20,000 square feet.

>> Casar: And the bottom floor of the Faulk is how big?

>> I'd have to go back. I don't want to give you a number and be incorrect. But from my remembering of what we did is that I think it was around a little west than what the programmatic

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requirements were for dacc, as well as just the challenges of putting dacc in there while the construction was going on as well as just some of the push-back that I've just heard. And I know, of course, council can redirect us, but just from the historical commission wanting to use that for the article artifacts and archives of this city.

>> Casar: Sure. In the end we have to arbitrate that. If where we left off, if I remember it right, is that we wanted to see the side by side costs. Because if we can solve the staging issue through additional resources, that might still be much less money than potentially having to build a building entirely from scratch, lease

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it and then long-term look at building another building or leasing another building or deciding to stay there. And if we're just building this new building and deciding we're going to stay there, then we should discuss this as the permanent home for the dacc, not as a short or middle-term thing. So again I feel -- I would really want laid out for us the cost -- the cost of doing it this way compared to the cost of how to fit it into the bottom of the Faulk. Understanding there might be additional costs. We might have to lease some land nearby or lease a parking lot nearby for staging or other things. I just feel like there are way more complication projects that occur all across the city all the time more complicated than figuring out how to retrofit the top and bottom of a building at the same time. So I would want to know, but it seemed to me like there is a cost of having to do this twice as opposed to just once on a city-owned -- there has to be a cost

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savings of it already being our land and a already built building rather than somebody else's land and another building. If we just can't fit that's fine, but if it's a political question of people disagree about where it should be, then we should have all the information in front of us.

>> Flannigan: Councilmember harper-madison.

>> Councilmember Flannigan?

>> Harper-madison: I'm sorry.

>> This is Michael employee. Coffey. My memory is each of the floors are roughly 14,000 square feet, roughly. And right now we're in about 4900 square feet. What the idea we've had is trying to put all of our group together because right now our case managers are having to work at another

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location. It doesn't mean that that has to be. It would create some efficiencies for us to do that. I just wanted to sort of give y'all some additional information about that. My biggest concern, the building that they're talking about on the eastside is wonderful for all of the things that we need, except for the location I think is different. If council is looking at this for responding to different parts of the city that may not make as much difference, but most of the people that we serve are much closer into the downtown area. And are not easily able to move. Now, if we've got a shuttle system going that can pick everybody up and move everybody efficiently, maybe that takes care of that problem. That's something. We talked about in theory a few years ago at a different location and I haven't heard

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that more recently. Anyway, I just wanted to pass that information in councilmember Flannigan and Casar both I think brought up the concerns I had.

>> Casar: And is the downtown Austin community court and having it in the actual downtown area make some sense? So again, Mr. Gale, if -- if we had to look at what does building out 14,000 square feet look like and then leasing out more square feet for case managers or whatever, you know, we could look at all of those cost comparisons. It's just right now it doesn't seem like we're making a decision based on multiple options. And so it's hard to make a judgment.

>> And we can explore looking at that. I think that there will be of course more time because what we'll have to do is go with public works and get an understanding of what those

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costs would be to do that work at the Faulk as well as the timeline for them to go out to bids and have that work completed as well. As far as I know we, real estate, haven't engaged with anybody, I don't think, anybody else has done that work either.

>> Judge Coffey, does that seem worth it for you for us to move into the Faulk instead?

>> Yes, I think it would be worth it. I know real estate has done a lot of work and they've done some great work for us and in looking at this, but I've thought for a long time that the Faulk location or the health south building was another location if that ever became eligible that it would be more ideal of a location. I'm not sure -- I don't have the expertise to know about buildout and cost and

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whether [indiscernible].

>> And of course I know you are all aware and we can take the time to do that, but it just may hurt our negotiations and I understand if that's the direction. But the work we've been doing to this point with this lease, we may have to almost start all over again to go back and do this work on the Faulk to see what the cost and timeline would be for this to be a public works project at Faulk.

>> Flannigan: Councilmember harper-madison, did you have a question?

>> Harper-madison: I think for what it's worth, most of my questions have been answered with the exception of the fact that I always keep coming back to in my mind's eye is it appropriate for us to assume that the

[2:41:02 PM]

downtown city center is the place to house downtown community court, places like the arch, etcetera. I mean, I still keep finding myself in this place where I just wonder if for the long-term greater good of, one, what it is that we hope to execute by way of having these systems in place and proximity to the downtown city center. I always wonder if this is where we need to keep focusing our attention or if we need to be thinking in another direction, why, how, what would be the best interest? But I think some of my other questions have already been answered. Thank you very much.

>> Flannigan: Okay. I think that's probably enough on that. We have some pretty heavy agenda items and I want us to make sure that we have enough time to fully talk about those. Thank you, judge Coffey, Alex, for being on the call. I think for my committees on

[2:42:03 PM]

this downtown count court topic, I have heard staff say both we can look at that and if we look at it it's going to disrupt all this other stuff that we're doing. So if it's something we're serious about, we better

bring an ifc to a council meeting because it seems clear that staff's not going to do it on their own. That staff feels that they've been directed to go a certain direction.

>> Casar: We could recommend something on this item, but- or we could bring an ifc.

>> Flannigan: I think there are still too many items to make a recommendation, but let's put that on our list for the committee members for offline work. Let's move on to item number 3. Chief Manley, chief gay, this is our briefing and update on the racial disparity response to the report on racial profiling data.

>> Good afternoon. Can you hear me?

>> Flannigan: Yes.

[2:43:04 PM]

>> Okay. If it meets your needs, I was going to go through our response to the 14 recommendations made in the racial profiling report as outlined in the memorandum that I believe each of you received earlier today, is that correct?

>> Flannigan: Yes. I'm seeing head nods from my colleagues. Mayor pro tem?

>> Garza: I had a quick -- the memo is dated April 23rd but we just got it. Were you resending it or it was not in fact sent until this morning?

>> I believe there was some confusion. You all received a couple of memorandums from me. One being the clarification on some of the search data that came up in our last meeting where we identified the percentage of arrests from Travis county stops that were a result of an arrest. And so I think back and forth between my department and cmo and we were talking about the memos being sent.

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>> There was maybe some communication issues that there were two memos and not one, so that may have led to part of this delay.

>> Garza: Okay.

>> Flannigan: Chief, just for the sake of time, hit the highlights, but I'm sure there are going to be questions.

>> Sure. Absolutely. I'll just jump there. Obviously you can read and I don't want to just read to you, but on recommendation 2, I would just highlight that working in this area of proportionality is nothing new to the department. We in fact did partner with center for policing equity back in 2016 and have been both looking at and talking about this and addressing it since that time, but the joint report did take our data to the next level and as we stated at our last meeting, we want to continue to advance that work

and push this data further to hopefully fill in more of the blanks and answer more of the questions like the

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other memo that you all received that identified the search data did for us. I think it's important that the outcomes of many of our activities do result in disparity and we are committed to doing away with that disparity, especially that that is the result of officer discretion. In other words, officers are making choices that are leading to the disproportion nationalities. So I know it's been important to hear that commitment and we are committed to doing that. On number 5, just to stay on track, when we look at future reporting, we as a department have to stay at the state mandate and we'll continue to do that. I expect to the opo will continue to work with both the equity office and the office of innovation to produce a report similar to the one last year. And we're going to look for opportunities to collaborate with them if those opportunities exist, but we also want to look at groups

[2:46:08 PM]

that do this type of analysis, but to a much deeper level. And to that end I've actually shared some reports that were conducted by a research firm with the equity office here in Austin. I've shared some reports that I think would be beneficial for us that they did on a few other police departments, one of which actually found disproportion nationality and one that did not. So ha they're experienced in this area and they take the data to a much deeper level than even the joint report did. I think that would be beneficial. Looking at item 6, we do require officers to document the individual's race and gender in our documentation. So that was not an issue. The other recommendations, we do think that oversight tools are very important and that we should look to expand on the tools that we have right now so that we can do an early identification of officers who may be at risk or

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biased-based behaviors and we will continue to work to identify what that solution may look like and what might be out there that we could use. There's a couple of items here on bias testing. We've brought bias-based training into the police department, the fair and impartial police training, and we continue to offer that type of training for officers. We expect everyone that comes in to the police department to have biased as we all do. What we want to make sure is that they are aware of their biases and that we have trained them to the best of our ability to not only be aware of them, but to ensure that none of their actions are based upon them. So that is something that we're continuing to focus on. That kind of feeds into item number 10 where we look at flagging officers that may be set for

intervention. We do have a gap system here at the department that tracks certain parts of officer conduct with that goal of early

[2:48:11 PM]

identification, and I think that there are improvements that we are looking at to hopefully enhance that system so that we could be better at predicting this. But we do currently have a guidance advisory program that tracks among other things officer's use of force incidents and complaint data so that we would get an early identification in those areas. And then on top of that our supervisors do random audits of all of our officers' work, their body worn cameras and in-car cameras. So to that end too we would suspect that we would be proactive in identifying officers. I think item number 11, to identify bias-based countering policies, methods, standard operating procedures, we are regularly looking at our policies and trying to ensure we're implementing best practices. I think this one also aligns with your resolution item 66 that we're continuing to address as we work towards

[2:49:12 PM]

holding the future police academy classes. And I think it also aligns with something I'm looking to do as a result of the at a time item report and bringing in outside consultant who has significant experience in the area of bias within a large state organization is where this person worked. And kind of tackling some of the issues that we have here. And we are again working with the equity office on that part of the project and putting that in place. Recommendation 12, the comprehensive racial history of policing curricula in the training academy, chief of staff Troy Gay did a lot of work with this request the equity holders and that is ready to go and almost implemented with the next cadet class as it is finally completed. The last two items here, we remain committed to working with equity office and office of police oversight when we look at our training and our curricula in these areas, and trying to garner

[2:50:13 PM]

their expertise and guidance as we select what we would move forward in these critical areas. And we are committed to providing additional training in this area as either we identify or identify in partnership with police oversight in the equity office and again working to include that in our annual strategic plans for training when we look at the various trainings that we've put our officers through each year. So that was about as quick as I can go through kind of the highlights of how we're addressing the recommendations. And I will stop at that point and respond to any questions that you may have.

>> Flannigan: Colleagues, do you have any questions? Councilmember harper-madison.

>> Harper-madison: Just a question. In having that real brief but I feel like very comprehensive approach to addressing some of issues of

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concern or consideration for me, I will find myself back at this place of I guess of Friday, a press day where nothing got picked up, we got dropped three bottom shells by way of pd. And so I just -- I have some questions and some concerns about what it is that I'll be delivering folks throughout the course of the week in terms of responding to questions. One of them that I still don't have a good answer to in my mind's eye and I'm hoping that while we have the opportunity to speak to our chief, how am I supposed to respond to this question about, like you just brought up, the question about training, modules and particular consideration around what things we need to make certain that our cadets are leaving with. This question good deescalation keeps coming up. And this may not be the appropriate time to ask the question, but I feel like you brought it up, right.

[2:52:18 PM]

If I'm able forget that question answered and in response to the community that keeps asking me, you know, at what point do we have a real comprehensive conversation around deescalation training.

>> So I guess maybe at the highest level, and I don't really think this is going to necessarily answer your question, but maybe it's something that leads us to a better offline discussion and a back and forth where I can make sure I'm answering it more specifically, but deescalation is something that we have trained in the police department for decades, it's just never necessarily been called deescalation and it is for lack of a better term, it's the buzz word in the industry and all of that. We've taught this for decades. It's just now much more structured and organized. I know the questions are with where does it show up in the academy? Is it interwoven in different parts of the -- interwoven in different parts of the academy. I can work offline with you

[2:53:18 PM]

to give you a better idea of how we integrate deescalation throughout the academy training.

>> Yes, I think given the sort of limited access for you to be -- being able to respond to that question very directly, yes, that's a really good start to a long conversation is what I suspect.

>> Okay. I will have my staff start putting together something that just kind of outlines out deescalation is woven throughout the training.

>> Harper-madison: I would look forward to that very much if for some other reason we can't really talk about it a whole bunch, but recognizing that like the case with Mike Ramos, that started with the deployment of a non-lethal round. I'm getting very specific questions from the community on why that happened so either here or another place I would love to be able to respond to the community about how and why that happened and why that was appropriate.

[2:54:18 PM]

So I really along forward to the continuation of the conversation. Thank you, chief.

>> Sure. And just to set expectations, what I will be talking about is the training and the expectation, but not the actual case because that case, as you are well aware, is under many investigations right now.

>> Harper-madison: Yes, of course, thank you.

>> Any other questions? Mayor pro tem?

>> Garza: So under recommendation 3, the responses, additional data analysis is necessary to determine how officer discretion, procedures and societal factors contribute to these disproportion nationalities. So does that -- does that mean that there is going to be -- what does that mean?

>> Sure. So some of the outcomes are driven by officer discretion. When officers are faced with

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a situation and they have a choice, do I do a or B? We want to understand are we creating disproportion nationality in those circumstances where we're making the decision? But we don't decide when we get a 911 call, we don't decide how many 911 calls may come from one part of our community versus another part of our community and therefore impact the numbers of interactions and therefore the potential numbers of outcomes. And so what we're saying there and our commitment is we absolutely want to see the disproportion nationality go to show, did you we want to do the work to identify. And as I've mentioned I've shared two studies with the equity office on just a consulting firm that I'm aware of that does this signed of work, went into two different police departments looking specifically at their traffic stop data to understand designation proportionalities and what causes them. And in one department they found problems and in the

[2:56:19 PM]

other department they found there were causative factors outside that caused it. The joint report gave a lot more than what we had been giving in our standard statement data report. We want to take it to the next level to dig into that.

>> Garza: So does that say guidance to happen? Because that's not what the memo says. It says if there is going to be additional -- it doesn't say if there is going to be additional analysis.

>> Right. My intention is to make that happen. What I'm doing now is gathering the base information so I can put forth a recommendation. This may be a large enough project that it would have to go through a competitive bid process. So that's where we're at right now after having had the opportunity to digest these reports as well as to look at what's out there in this area. There are groups like perf and groups like that to do some kind of work regularly,

[2:57:20 PM]

but we want to make sure we've looked at who has worked specifically on this stuff with traffic stop data. So my intent, mayor pro tem, is to make that happen. I just -- I don't have the authority. Potentially we might be before you asking for a contract or something, but right now we're in the stages of identifying what that would look like.

>> Garza: Okay. Other, looking for my questions. Will we also know what the reasons for the stops? I don't think those are -- that is part of the information given, is that right?

>> Do you mean like what the violation was? Was it speeding versus stop sign versus defective taillights?

>> Garza: Yes.

>> Yes. Let me look and see whether the data we have now -- I know we don't have that at the highest level now, but let me see if the data in the way we have it is if we

[2:58:21 PM]

are able to produce that and then if not obviously what it's going to take to be able to produce that. As you know we're a data driven department and the more data the better we can fill in the blanks. I am not certain that we have it no that granular level right now.

>> Garza: Has there been any cost estimates on the racial equity training for all APD employees?

>> So

>> So there's not been --

>> Garza: Including civilian personnel?

>> Oh, okay. So we've not looked at this point to bring anything new in as far as we've identified, this is what we want to bring in and then we establish cost. What we've done right now is we've built, first of all, that history of course that will be taught in the cadet class so all of our new officers understand the history of police departments and communities, and we continue

[2:59:21 PM]

to teach fair and impartial police training to all cadets that our in-service employees went through, we put the team through undoing racism training, and the entire training through beyond diversity training, the leadership of our training academy, and they currently are building a beyond-diversity program that will be rolled out to all cadets as well. So there's a lot of work being done on this, but I don't have a specific group right now that we're looking to bring in from the outside with an established cost.

>> Garza: Is there a plan to -- so the data analysis folks, are they civilian or are they sworn staff?

>> My data analysis team are civilians.

>> Garza: Are they given any of the training? The equity? The racial equity training?

>> They don't go through the training that the cadets went

[3:00:22 PM]

through. I'll have to check. Some of our civilian leaders joined us in some of these trainings that we've gone through along the way, but I'd have to get a list, I want to be specific to your question, so I follow up

-- so I will follow up with you on that one.

>> Garza: Okay. I just think that would be helpful to people that are compiling the information, sometimes it adds a level of context that helps in reporting information.

>> And if I may, just to that point, I agree and we are actually in the process right now of hiring a chief data officer in the department, and this will be someone at an executive level position, basically, a high level position that will have a tremendous amount of experience in this area of data and data analysis so that we -- that we do the most and the best that we can with the data that we have. And I hear what you are saying, is making sure that they have that racial equity lens as well.

>> Garza: Yes. Okay.

[3:01:22 PM]

And where are we in contracting with the outside entity to analyze department procedures and practices that was a part of councilmember harper-madison's resolution?

>> This is for resolution 66?

>> Garza: I don't remember the number. You were going to hire an outside entity to analyze department procedures and practices.

>> Yes. I think that one was 66, and it was related to the upcoming cadet class and all of that. I've got the procedure with all of the work that's being done with both internal and external stakeholders on video reviews and the like, and I will follow up with you. I'll have to speak to the assistant city manager to see where we're at on actually that outside contract to bring somebody in.

>> Garza: Okay. My last question is, of the -- what was it, 13-14

[3:02:24 PM]

recommendations, which of those do you think you'll either have the data available or the -- I mean, kind of the answer, so to speak, but I know not every recommendation response is really an answer, so to speak, but do you know which of those recommendations will be in a place where there's a full response before the next cadet class starts?

>> Um...yeah, you're right, some of them -- some of them are just -- are acknowledgments, and we acknowledge things so there's not a lot of work that needs to be done there. The reports that I'm talking about, these external deeper dives into the data, obviously those would not be completed before a July class, given the amount of work that would go into doing that type. The training on item number 12, racial history policing, that is done, it's ready to go.

[3:03:33 PM]

And the developing trainings, like, ongoing trainings on racial equity and the like, that is an ongoing effort, so that's not one that would be complete at any point, we would always be looking for opportunities, either on our own or in conjunction with the equity office and office

[inaudible] For that.

>> Garza: All right. Thank you.

>> You're welcome.

>> And I can give a quick update on the resolution state of Texas question that the mayor pro tem asked?

>> Flannigan: All right.

>> So again, we're pretty much finalized on the scope of work of issuing a solicitation, what we would call a request for qualification statement, and we anticipate sending that out to you in may.

>> Flannigan: So the request for qualifications is going to be sent out in may, if I think I heard you correctly?

>> That is correct, yes.

[3:04:34 PM]

>> Flannigan: Okay. So that's, like, may as in a month from right now?

>> Yes, but later on this month. Two weeks --

>> Flannigan: Yeah. Ray, your audio is pretty garbled so I know some of us are struggling, but probably simpler to say in the next couple of weeks rather than in the month of may. I would say at least for my part on this, it is going to be very important for me, and I know for the rest of us, that this not just be a report that acknowledges challenges or that acknowledges work that should be done, but that we're actually getting this work done. And I know, chief, that you agree with us on that, and so I think you should expect to see this committee continue to put this on our agenda and hope to see some very clear, concrete progress on these items as we move forward.

>> Absolutely.

>> Flannigan: Councilmember Casar?

>> Casar: Chief, thank you for being here today.

[3:05:37 PM]

Do we know who would be teaching the race and history and policing course?

>> I will get back with you. It's going to be, obviously, members of my squad out of the training academy that will be the instructors on this topic. And I'll check to see the extent -- I know we're bringing in community members to assist teaching the academy as part of our cultural competence, but I don't believe it's in this topic area, but let me confirm that.

>> Flannigan: You're back on mute --

>> Casar: Thank you. My last comment here, I know you have a lot going on, but when we have one of these items coming up, if it's possible to have the memo the night beforehand to review would make it easier for us to make this time really productive, and then really highlighting on those recommendations which ones you agree with entirely, which ones you generally agree with, but

[3:06:39 PM]

modify some motivation to or disagree with would be helpful just because, like the mayor pro tem, when I was reading through them, it seems like you generally agree, and I really appreciate that, but it's hard for me to tell sometimes from the memo where the difference might be from the report's recommendations and what actions you'll be taking so we'll follow up on that just to make sure we're really clear. I know you have a lot going on, but it's much easier at these meetings to review it beforehand.

>> Absolutely. If I may go back to the previous question, I actually have a little bit more feedback, that we will, in fact, have outside -- we'll have both community member, as well as our own Dr. Villanueva, the person that we've hired in the academy, teaching on the racial history of policing course.

>> Flannigan: Mayor pro tem?

>> Garza: Just to pig ridership -- just to piggyback

[3:07:39 PM]

on councilmember Casar's comments, my staff called, when the memo literally came in, and we were kind of planning to prepare for this judicial meeting at that point, and then it just -- you know, it's important that as we're talking about issues and timelines and when someone got some information and how it was used and blah, blah, blah, it just makes it seem that we've received this on April 23rd, when, in fact -- and that's the clarity I was trying to understand. I wanted to make sure I wasn't wrongly saying this memo is dated wrong because it's not the date that -- our judicial committee -- I want to clear that up -- we did not receive that memo until today and it's dated April 23rd. I don't know if there's a convey to correct that at this point, but we can ask more informed questions if we have the information sooner. And I too understand you have a

[3:08:40 PM]

lot going on. Thank you.

>> Flannigan: Let's go ahead and move on to the next item, which is also for chief Manley and chief gay about body camera policy.

>> Certainly. So -- and this is the critical incident, the public release of the videos, and this policy has now been signed into effect, and the policy, as you all well know, is the product of a lot of, I guess, engagement and work with both community stakeholders, along with internal members of the department, and then the public safety commission has played a role as well. Initially, we were supposed to bring this policy back to the public safety commission one more time prior to it going into

effect. However, when all of the covid restrictions and some delayed meetings, we didn't want to delay the policy unnecessarily, and given that I accepted, I believe, all but one of the

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recommendations that were last given to us by the work groups, we felt like it was appropriate to sign it into place, and then we will be going before the public safety commission at their June meeting with this policy to show them the accomplishments and what the policy outlines. But if you would like, I can give you a highlight really quick of the policy as it is in place right now, if you'd like me to go over it.

>> Flannigan: I would appreciate that. I had -- I saw the memo, but the memo was unclear what the policy would be, so if you could do that, please.

>> Certainly. So this policy establishes the procedures and the criteria by which we will do video releases for critical incidents. We first off define critical incidents so that it's understood when we will be utilizing this process, officer-involved shootings, to include unintentional discharges as well that are in the course of duty, not on the firing range or anything like that, but those. Any use of force that result in death or serious bodily injury.

[3:10:41 PM]

And then all deaths while an arrest or detainee is in the custody of the police department. Then any other encounter where I, as the chief, feel it's important to do. So just to show how comprehensive it is, those are the instances in which we will look to do these video releases. We've set the timeline on this at 60 days. The goal will be to get these videos produced and out within 60 days of the incident. And if I do not think we're going to meet the 60-day deadline, then at the 45th day, I will we

-- will be putting out an explanation for why I don't think we'll be able to meet that deadline and I'll touch here in a minute on some of the reasons why we might not be able to do a release within that timeline. This covers multiple video sources, the body-worn camera, in-car camera, as well as third-party videos that we might come in possession of during the investigation, such as business or personal residence security footage. So it includes all of that.

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And we obviously have to withhold any video if there is a -- a law or a court order that allows its release. The expectation is we will release these unless we're prohibited by court orders or law in any of these cases. We also have a section that identifies protecting the identity of those involved to the extent that we can, especially if we have witnesses or the person on whom force is used, or juveniles especially, we

will be making sure that we either blur the image, change the voices, whatever we need to do to handle that without compromising the depiction of the event itself. We do have a section here that allows for a delayed release, and a delayed release would be if it was necessary to protect the safety of someone who was involved, if it's necessary to protect the integrity of the investigation, or the constitutional rights or any

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confidential sources or any other investigative techniques. Also requires us to make notifications of all of those who might have an interest prior to its release, the goal being within 48 hours prior to its release, and that would be not only to the officers involved but to the person on whom force was used, if that person is deceased, to their family member, if they are represented by attorneys, then the notice would go to the attorney, or if it is a juvenile, then the notice would go to the legal guardians. So that is the policy in a nutshell. Again, the goal is that these videos be released within 60 days. We're following kind of the template that we've seen used in other large departments, most notably Los Angeles, to where they get these videos out on their critical incidents regularly, and it's meant to educate and inform the community on what happened, provide them with the video that we can that depicts what happens, and then

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anything that we think might be educational, as councilmember harper-madison mentioned earlier ,the use of a shotgun, in this most recent incident, it was used, we would have a section that talks about that weapon, what it does, its purpose, and our policies. That's where it stands. Again, it has been signed into effect and it is part of our policy now.

>> Flannigan: Any questions? Councilmember harper-madison.

>> Harper-madison: I'm sorry, I think I actually was second to Delia. I'll defer to her, then I do have a question afterward.

>> Flannigan: All right. Mayor pro tem.

>> Garza: So do we have a copy of that new policy? Is that public information now?

>> It is, and I can make sure we get a copy of that over to you.

[3:14:47 PM]

>> Garza: Okay. And then we heard some concerns about how the discipline matrix, general order, I believe, is 903, and we -- we effectively -- there's a reduction in the penalty for violating the body cam policy. Can you speak to that?

>> Sure. So our matrix has different levels of violations. The violation we're talking about is the accidental. If an officer intentionally does not activate their camera or intentionally turns off their camera, those are different violations. This is, I turned my camera off when I went into the bathroom and I forgot to turn it back on or I forgot to turn it on when I was out of my vehicle and it wasn't on and someone came up and we again. These are unintentionals.

[3:15:48 PM]

What we've done in the matrix, the initial version, was to have the policy mirror how we had been handling these out in the field, out in the various commands across the city, and the initial version, I will tell you, was enrollment, and when the office of applies oversight brought that up to us, we did, in fact, make a change and we now have a policy that the first occurrence -- again, if it's these minor ones where we believe it truly was accidental, there will be a counseling with the officer, and then the second one it would move into that oral counseling realm, and then if there were to be a third, that's when it becomes written or above. All of these are subject to aggravating or mitigating circumstances that could change that discipline in either direction as really are all of the violations, not only in the matrix, but in the department. So that is how we're handling it. This links also to some of the changes that are in policy 902, and again, we continue to work with the police monitor on this

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issue and we're on a timeline now to work through some of our changes to 902 that the opo wants and that we want. The purpose of what we're doing right now, in the past, if an officer had a minor policy violation out in the field, the supervisor may just handle that, and then it would never necessarily make itself into our tracking system. It would be in that supervisor's file that they counseled this officer on this date for this issue, and then if that officer transferred to another shift or that supervisor transferred, there's no guarantee that that would ever be maintained in an area where we would come across that again. So we've now updated our policy that would require all of these, even the most minor violations, will now get an ia number and will go into our tracking system so that both us and the police monitor are aware of all of these things that previously they were not aware of because it was not in the system, and then this will allow us to better track and make sure that we are providing

[3:17:50 PM]

Progressive discipline, and as I said specific to your question on body-worn camera, what we have now is the policy to where, again, unless there's aggravating or mitigating circumstances, the first violation would be that conduct counseling with the immediate supervisor. Second one would be that oral counseling. And then the third would be written or above it.

>> Garza: But each of those is documented? So there's documentation that they got the first one, in their file? Is that right?

>> There will be now under this new process that we've put in place. In the past, there likely would have been documentation, but it might have been in that sergeant's file out in one of the substations, not centralized in internal affairs with the police oversight where both teams have access to the data.

>> Garza: So even though written and oral is just, I guess, a type of, I guess -- I don't know,

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degree of reprimand, but whether it's written or oral, an oral reprimand is documented in the file.

>> Yes.

>> Garza: Is that correct?

>> Yes. It is.

>> Garza: Okay. And then was there -- can you talk about the process for changing the -- like as far as community stakeholders involved in the updates to 303 and 304?

>> 303 and 304 -- are you -- are you meaning 902 and 903?

>> I have them as 30 -- is 303 the current A.P.D. Body-worn cam policy?

>> Oh, I'm sorry. Okay. Well, the discipline matrix that we did not go to necessarily community meetings on the discipline matrix itself. What we did is we worked on looking at the past history and what discipline has been in those

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cases, and again, tried to make sure our policy was reflective of that because we felt it was appropriate. And then we, again by the changes we made to policy 902, even that first minor violation of an inadvertent misuse or non-use of the camera will be documented in the system.

>> Garza: And so for 303 and 304, what was the community stakeholder process involved in that up? Update?>> Comments or questions I'll have to check and find out. Chief of staff gay is the one that does most of the work directly with community groups through both freedom cities work group, as well as

some other, and I don't want to misspeak and not give you accurate information, so I will provide that to you offline as far as the input that they had to this process.

>> Garza: Okay. And then lastly -- I'm sorry, I'm now going back to 903. You're saying that the opo is

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aligned with the 903 changes now?

>> No. I'm not saying that the opo agrees with that.

>> Garza: Oh.

>> So these are discussions that we're still having with the city manager's office as well, as far as where we're at with both 902 and 903. We've had, I think, productive discussions, and we are on a timeline with the police monitor right now, where over the next roughly -- I think we have five weeks left, we're on a time schedule where we are meeting and talking about the policies as well as any areas of disagreement so that we can work towards agreement, and in those areas where we cannot, then we will be discussing it with the city manager's office.

>> Garza: Okay. Thank you.

>> You're welcome.

>> Flannigan: Member councilmember harper-madison, did you have another question?

>> Harper-madison: Actually, we're very important, mayor pro tem answered some of my questions

[3:21:55 PM]

by way of her questions. I do have a few additional ones as a result of responses to these questions, including just by way of terminology, I just want to make certain that I'm clear. One of the things I heard was, minor policy violation. I just want to make certain that that's not a matter of personal discretion, that there's some description somewhere that clarifies what is constituted as a minor policy violation. And I assume that that's the case but I just want to be sure.

>> Yes, it is defined in policy and we can provide you with a copy so you have the exact definition of what "Minor" is.

>> Harper-madison: Awesome. That's great. And one of the other things you said, which sounds good to me, like the application of the word sounds great, but I don't know what it means, you said Progressive discipline? I'm not sure what that means.

>> So that means a reoccurrence of the same or similar conduct receives the next level of discipline and the next level of

[3:22:56 PM]

discipline. In other words, if you inadvertently did not turn on your camera after a bathroom break, and then you get a conduct counseling, then three months later or five months later, you do the same thing again, it's not to be a conduct counseling again, it's to be Progressive, and so that would move into the oral counseling realm. And so it just shows that subsequent violations of the same or similar conduct are handled at an increased level.

>> Harper-madison: I really appreciate that. That's exactly what I was asking. In my mind's years, seemed like there should be a tier for additional violations, even unintentional violations, at some point you have to be accountable for your actions. So that's answering all my questions. Thank you, chief.

>> You're welcome.

>> Flannigan: Any other questions on this item, colleagues? Greg?

>> Casar: So, chief, in summary, over the course of the next five week, y'all will be able to

[3:23:57 PM]

either resolve your differences, bring those to the manager, and we can hear where things landed, so sounds like things are influx.

>> Yes. We are moving quickly on the issues involving policies 902 and 903.

>> Casar: Okay. Thank you.

>> Flannigan: Okay. Thank you, chiefs, for --

>> Absolutely.

>> Flannigan: -- Staying they meeting virtually today. Let's move on to item number 5, new support contracts related to non-compliance of court orders. Our court clerk Mary Jane Grubb is on the call and she has what appears to be a single slide presentation.

>> Hello. I can't see the slide in the meeting, I have my own, but does everyone have it in front of them? Slide number 2?

>> Flannigan: Staff, do you all have this presentation to pull

[3:25:02 PM]

up?

>> We were only sent one presentation today.

>> I'm not sure -- I sent it to the appropriate people. I'm not sure if there's a way that I can share my screen.

>> Flannigan: I don't think you can share your screen.

>> No.

>> Flannigan: But can I share mine?

>> Yes, you can.

>> You want me to --

>> Flannigan: I will do that then. One second, I've got it pulled up. Okay. We have the slide up, Mary Jane. Go ahead.

>> All right. If you're looking at slide number 2, this is contracts related to

[3:26:03 PM]

non-compliance with court orders. So what that means is, someone does not appear, or if they appear and do not comply with court orders, there are certain consequences for that. So we have two contracts, the first being a third-party collection of contracts, that is an outside collection that we submit delinquent cases to, once they are at least a year old and they've been delinquent for at least 60 days. There's an add-on fee for that, it's 30% of the balance of the case that is added to the case and the defendant pays that. Once we collect that from the defendant, then we would pay the

[inaudible] With that. That account yeah is five years that is five years in term, it was just renewed, so it expires December 31st of 2023. What this does, if an individual does not are complier with court orders, whether they're appearing or they have appeared and haven't complied, this restricts the renewal of an expired driver's

[3:27:06 PM]

license. Cases are submitted 60 days after a under the with a is issued. 60 -- after warrant is issued. As of September 1st, it's \$10. This also previously auto renewed since at least 2013, however, there are some significant legislative changes that require a new contract. So the current contract expires July 16th of this year. Again, a new contract would be required, and those terms would be three years. So I just want to point out that almost 70% of all non-compliant cases are a result of defendants not appearing to

answer the charges filed against them. That's all I have. I'm happy to answer any questions that you may have.

>> Flannigan: Colleagues?

[3:28:06 PM]

I'm not -- councilmember Casar?

>> Casar: Are we here for questions or discussion on it? I'll leave it in case there's a question.

[Inaudible]

>> Flannigan: I'm not seeing any questions. So discussion?

>> Garza: I guess -- I have questions. So this is if they don't show up to court, they get this whole -- this kind of hold put on their driver's license that -- sorry, I had to step off and help my coworker.

>> So the [inaudible]-based contract is either for people who failed to appear or failed to comply with court orders, so we see both types of cases. What I was saying is almost 70%

[3:29:07 PM]

of cases that were sent are individuals who did not appear to answer charges filed against them, so they're not individuals who would have come in and were unable to comply with court orders.

>> Garza: Okay. And so -- the effect -- the effect of this, like, I guess, hold is, they can't renew an already expired -- what does it do to, like, carbonate -- if your driver's license is, you know -- let's say my driver's license is not set to expire for two years, what does it do to --

>> [Inaudible] It's only for expired driver's license, if you are -- it does not revoke your current license, so this typically only catches people every four to six years, depending on how long the term of their driver's license is.

>> Garza: Okay. Okay. Do we have any data on the -- I guess the hardship that this

[3:30:08 PM]

creates? I understand we're -- he have this to get people into court, but is there any, like, you know, best practices on addressing the hardships that this can create for people?

>> I think that probably

[inaudible] Is going to be the better one to answer that. What I will say is that -- if an individual has a driver's license on hold and they come in, they have the opportunity to see a judge without appointment twice a day, four days a week, so --

>> Harper-madison: I'm having a really hard time hearing the speaker. There's something weird that's happening, it's making it very difficult for me to hear them. There's something happening in the background.

>> Flannigan: The audio is less than ideal. You are right about that I'm not

[3:31:10 PM]

sure Mary Jane is going to have a lot of solutions for that, but to speak slower and more articulated, we'll try and work through it.

>> Garza: Mary Jane, I don't know if you -- maybe you have a little mic, whatever you're speaking into, maybe move back a little bit. It sounds like you're really close to whatever you're speaking into.

>> Okay. I don't have a microphone, but I'm speaking into the computer. Is that better?

>> Garza: I think so. Okay. Those are all my questions.

>> Flannigan: It sounded like

-- >> Casar: It sounded like Mary Jane mentioned --

>> Flannigan: Greg froze.

>> I heard you ask a question, I didn't hear what it was.

>> Casar: Yeah. Mary Jane, your audio got worse,

[3:32:12 PM]

somehow, in that process. Councilmember Casar's feed has frozen for a moment. I'm sure -- he will be back quickly. But I have a question, just a question of clarity. The 70% of non-compliant cases that gets someone on this list, that is any type of misdemeanor? Is that just moving violations? What is the type of things people don't show up for that could result in them losing their ability to drive?

>> This is Emily. I'm happy to answer that question and the earlier question from councilmember Garza.

>> Flannigan: Hold up, Emily. I want to give staff an opportunity to respond, and when it is your turn to speak, we will recognize you.

>> Thank you.

[3:33:17 PM]

>> Mr. [Inaudible], can you hear me better now?

>> Flannigan: There were multiple voices, so if there are other folks on the call, again, please make sure you're muted. And Mary Jane, just try to speak slowly so that we can concentrate and really try to make out the words.

>> Okay. Are you able to hear me right now?

>> Flannigan: We can hear you, but just speak slowly.

>> Okay. The valuations that are submitted army base are primarily traffic, but they don't have to be traffic, they can be any criminal violation as long as the person failed to appear or fail with court orders. Again, about 98% of our violations are traffic related, so that is the majority. But there are other misdemeanors such as assault, public intoxication, theft, things of that nature, there may be some code violations that are also eligible to be submitted.

[3:34:20 PM]

>> Flannigan: Okay. Councilmember Casar, I think you have invited Ms. Garrett to speak at our committee meeting?

>> Casar: Yeah. Mayor pro tem asked some questions about some of the impacts and Mary Jane mentioned that Ms. Garrett might be able to better answer that, so if Ms. Garrett could answer those, that might be useful.

>> Flannigan: Go ahead, Ms. Garrett.

>> Thank you. I just wanted to clarify a couple of things on that point. So the hold goes on some of the ability to renew their license, and in a way, all of these are a failure to pay holds for two reasons. One, you don't have to appear on these, if you just pay the ticket. And two, I think this is really important, the holds aren't listed until they're completely paid off, so even if an original hold was for a failure to appear, and then you later do appear in court and, say, get on a payment plan, that hold won't lift until everything is completely paid off, which means that the entire time you're on that payment plan, you still can't get your license back even if you appear in court,

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which means, you know, because a lot of people will need to continue driving in order to provide for themselves and for their families, and even though make those payments or get to their community service site, they keep getting more tickets and more holds for driving without a valid license, which means that they also get these additional holds, which create this really terrible cycle. And so a lot of people end up owing thousands of dollars. And, again, those holds don't lift the entire time any of that is outstanding. And so that really costs people. And we've partnered with Austin financial on clinics to help people. We've represented and helped hundreds of people that way. And the one thing that they all have in common is they just really have given up, for the most part, ever coming into the compliance game because it just seems like such an inescapable cycle, but they all desperately do want to clear what they owe

[3:36:25 PM]

and come back into compliance, which I think is also why you see, in cities that don't participate in this program, they still have similar collection rates to those that do, because no one actually knows -- you know, as far as whether or not this will bring people -- this program will bring people back to court or increase collections, no one of our clients actually knows what an omni base hold is, all they know is they can't seem to get ahead, they've just completely given up and are afraid to come to court. And that's one of the reasons, I think, why collection rates are similar in jurisdictions that do and do not use this program.

>> Flannigan: Thank you, Ms. Garrett. Councilmember Casar?

>> Casar: Ms. Garrett, we have examples of jurisdictions that are using versus not using the program?

>> Yeah. So a couple of good examples for that. So we have data from Harris

[3:37:27 PM]

county, some courts there use the program and some do not, and the courts that use it actually have lower collection rates per case hasn't the courts that don't use the omni base program and don't use any of these holds. And then in Fort Worth and Dallas, we have data from there, Fort Worth does not use the program, Dallas does, and every year they make about -- they have about the same collection rate, but it sort of switches off year to years, which I think just goes to show that this program really isn't having much of an impact on collections at all.

>> Casar: Well, chair, I'm interested in what the committees' thoughts generally are, but since we are posted for action on this item, my preference would be just to go -- just to go ahead and recommend to the council that we keep our third-party contracts, which do

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incentivize people to pay their tickets because you wind up with increased fee over time if you don't pay, that potentially some chunk of people not being able to renew their driver's licenses, in a city where, unfortunately, being able to drive is so critical to people being able to make it, that I think that that -- that the portion where we take someone's driver's license -- ability to get a driver's license away - as Ms. Garrett mentioned, the effectiveness is questionable, but the impact seems very reasonable -- seems very real, and so that's my preference so how to act today, but I'm interested in what the other members think.

>> Flannigan: Well, councilmember Casar, you could make that motion, if we wanted to discuss it.

>> Casar: Okay. I'll make that motion then.

>> Flannigan: Councilmember Casar moves to deny renewal of the omni-based contract. Is there a second? Mayor pro tem seconds that. I have a few questions for Mary Jane. Do y'all have any questions and

[3:39:28 PM]

discussion on this motion? I'm not seeing any questions. Mary Jane, what are the impacts to your staff process if we don't renew this contract?

>> I'm sorry, can you repeat your question, please?

>> Flannigan: Sure. So if the council denies renewal, we are making a recommendation, that is the motion on the table, if the council does not renew the omni base contract, what is the impact to your operations of the court?

>> That would be difficult to answer at this point. As Emily mentioned, the board is very difficult to concern why on individual compliance, using several collection rules, you don't know which one causes that individual to --

>> Harper-madison: I can't hear a word, I can't understand anything that's being said.

>> Flannigan: Yeah. I -- and I will just say that our I.T. Staff is trying to work very

[3:40:29 PM]

hard, but Mary Jane is not the first staff member whose audio comes in pretty garbled. I hope -- you know, we need to find some kind of better way to do it. I don't know why staff can't be in the same technology the councilmembers are in. This seems to work pretty great for us, but --

>> Harper-madison: I'm sorry, I hate to interrupt, but this is so important because I think most of my questions are being answered, in which case I could save us the time of asking them if I could just hear what's being said.

>> Flannigan: Mary Jane, you want to give it one more try? Speak slowly if you could, please. Maybe not. Mary Jane, are you still with us?

[3:41:33 PM]

Well, that's disappointing. Well, we do have a motion on the table, seconded by the mayor pro tem. I -- I don't know that I have a problem with this motion. I'm going to abstain today just because there's a couple of unanswered questions, but given the testimony that we heard from Ms. Garrett and the other courts don't use this omni-based process, I'm not sure why we do it. Seems to work fine in other places. Any other comments on the motion?

>> Garza: It sounded like she said to the question of, I guess, what's the procedural effect of terminating this process, was the question you asked, councilmember Flannigan, sounded like she said somebody else could best answer that. Is there anybody else on the phone that maybe feels like they could answer that? Any other staff? I was just trying to help her out

[3:42:37 PM]

here.

>> Flannigan: (Laughing).

>> Garza: I support the motion -- I support the motion -- I'm sorry, what?

>> This is judge statman.

>> Garza: Okay.

>> I think Mary Jane was trying to say there's limited impact on staff, but we don't know the. Impact on the public.

>> I'm sorry, I'm still having audio problems, I'm coming in and out. Can you hear me?

>> Flannigan: It's really garbled, Mary Jane. I'm not sure it's worth putting all of us in there.

>> Okay. I'm not going to say anything else. I just --

>> Flannigan: Yeah.

>> I don't have the data to tell you what the impact would be.

>> Flannigan: Well, since we're not -- we're making a recommendation to the council to let us hopefully work through some of these answers before we get to a council meeting, and we're asking the full dais to make this decision. Further discussion on the motion?

[3:43:37 PM]

>> Garza: I'll just add that I feel like we've been really intentional about removing barriers to, you know, folks' ability to get on the right track, so to speak, and I feel this is another effort to do exactly that, to remove a barrier. The information on jurisdictions that aren't using it and seeing, you know, people in compliance, I think that that's promising. I understand that we would know -- we've always had it, so how do we know what happens when it's not there? I just think it's the right step to take when we're creating a situation that can hurt somebody's ability to get a job, to -- I mean, you need your id for all kinds of -- you know, you need a valid identification for all kinds of necessary things, you know, get a -- sign a lease, all that kind of stuff. So that's why I support the motion and look forward to

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continued discussion.

>> Flannigan: Further discussion? Councilmember Casar?

>> Casar: And just for -- for tracking purposes here, there's -- there's -- you know, the recommendation in this motion, we've got a resolution that says whereas we use this contract, and whereas it has this impact, be it resolved, we recommend not to private, that councilmembers have in the agenda office, have but essentially it's just recommending to council that we not extend. Nothing else other than that, really.

>> Flannigan: Okay. Further discussion? Councilmember harper-madison in.

>> Harper-madison: Super brief, I'll just echo what my colleagues have already said. I think Mary Jane was about to answer my question and move in the direction offering more substantive responses, but I think my concerns have already been responded to. I approve of the motion and the second of the motion. I'll third that motion.

[3:45:38 PM]

(Laughing).

>> Flannigan: All right. Without any further discussion, let's take avows. A vote. Those in favor of the motion, please raise your hand. All right. I will abstain. That motion passes three votes yes, one

abstention. Thank you, and thank you, Ms. Garrett, for being on the call. Sorry, Mary Jane, that your audio is not great. Thanks, judge statman, for jumping in too. We'll move to our next item, item number 6. We handled our judicial appointments, the formal appointment process was handled in the council meeting, but part of that process was appointing additional judges, not just replacing the judge in question, and I think the mayor pro tem had some questions about the pandemic-related issues that led us to appoint additional judges. And, mayor pro tem, I think this is the time to answer -- to ask your question.

>> Garza: This is 6; right?

[3:46:43 PM]

>> Flannigan: That's right.

>> Garza: Is judge statman still on the line?

>> Yes.

>> Garza: Okay. So, you know, the appointments that we made were because of concerns about what's going on in the pandemic and needing extra staff and having, you know, our judges working, obviously, in the middle of this pandemic. Can you explain to us more about what those working conditions are like for the -- for the judges and everybody in that, you know, I guess part of the process of an arrest?

>> Yes, ma'am. This is judge statman. So first, we're only talking about the central booking facility, which I sometimes refer to as the jail. This is just central booking, not del valle. So on a good day, central booking is a very high-traffic facility. There are a lot of people coming in and out. There's a lot of officers, both

[3:47:46 PM]

Travis county and A.P.D., attorneys, staff of various agencies, as well as defendants. And on non-pandemic times, there are risks, there are health risks working there. A couple of years ago we had a judge that got a skin staph infection from being there. So they're always aware. Travis county has been taking precautions. I know that this includes they take the temperature of all the employees as they come in, they take the temperature and do a health screening for all the defendants who are brought in. But, even still, it is a high-traffic facility. There's no two ways about it. From our end, we are trying everything we can to create proper social distance for our staff, which means trying to create space in our tiny

[3:48:46 PM]

magistrations room so that our staff is not right on top of each other, having the judge able to do administrations from the judge's office. They're supposed to be bringing in smaller groups of people to be magistrates so they can be spread out. The judges are no longer going up into the medical posts and other cells. We are trying to also create space where pretrial services officers and attorneys and other people that are bringing people work to the judges hand it through a window, not directly walk into the office and hand it to them. But no matter what we do, there's always more that could be done. We're currently working with lieutenant Greenwalt at A.P.D. And a vendor on a remote way to review probably cause affidavits as well as search warrants, and it's in the testing -- it's working, but it's still got a

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long way to go. Several of the judges did mention at the beginning of March, because of age or other health conditions, they did not want to be there. And I support their decision. It was the right decision for everybody involved. A few have determined that they can come back and work safely, but covid is going to be with us for a while. And the city has -- we have a contract with Travis county that we provide a judge to be physically there 24 hours a day, seven days a week, 365 days a year, so I'm very grateful that you not only replace judge Jeffers or retain judge Jeffers, but consider two additional judges because that allows us to fulfill part of our contract. Are there any other specific questions that I can address?

[3:50:48 PM]

>> Garza: I don't know if it would be for you or I don't know if we -- do we have Travis county staff on our -- for this item? I have a question more about the -- it's my understanding that, you know, all of these -- you know, I appreciate you taking all these measures to protect our staff, and obviously we care about the health of everybody in the Travis county jail. And I've seen that other counties are reporting how many positive cases they have in their jails. Is Travis county doing that kind of reporting, if there are positive cases of covid-19 positive cases in Travis county jails?

>> Travis county -- I don't know that they are reporting them regularly. And they have not been -- how should I put this? -- Lightning fast in keeping us updated on their safety procedures. The judges report things kind of change day-to-day. It might be helpful to possibly

[3:51:49 PM]

request from the city to the sheriff's office directly, to report this to the city manager's office.

>> Garza: Okay. Is acm -- is that information we can get from Travis county?

>> This is rey Arellano. Can you hear me?

>> Garza: Yes.

>> Okay. Good. Yeah, and the answer is yes. I can certainly ask my counterpart, Roger Jeffreys, as a starting place for that information to see if we can't get it on a routine basis.

>> Garza: Okay. Yes, specifically the number of people in Travis county jails who have tested positive for covid, including staff, and if we can get that information on a regular basis. Thank you.

>> Certainly.

>> Garza: All right. I don't have any additional questions, chair.

>> Flannigan: Thank you, mayor pro tem. I did reach out, although admittedly very late, to Travis county when I heard that you wanted to have this question

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answered. Unfortunately, I don't think they were able to pull their staff together, but I did let them know that we are curious, so we should still pull that thread and get some better answers from them, just not during the meeting. All right, we'll move on to item number 7. This is another Travis county item related to our interlocal agreement for central booking and magistration responding to resolution from April. Ray, are you laying this one out for us?

>> Yes. I can do that. Good afternoon, chair Flannigan, mayor pro tem, and councilmembers. Again, rey Arellano with the city manager's office. This item is just at a broad overview, we have an interlocal agreement with Travis county for the services and -- they are providing within the central booking facility, and in the interlocal agreement, it talks about a three-year review in one of the sections. And so city and county will

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convene a work group in February 2020 to review the terms of this agreement and propose any changes or amendments. Let me just stop there and make sure I'm not break up. Do I need to slow down?

>> Flannigan: You're better than most of the audio, ray, but speaking slowly is helpful.

>> All right. I'll do that thank you very much. And so we had scheduled to meet, meet -- we've not met to consider changes to the interlocal agreement. In my conversations with Roger Jeffreys, we're committed to rescheduling that, now that we can certainly do it virtually, here towards the end of may, if not early June. In that time frame, we will be able to consider some of the recommendations that are within

[3:54:54 PM]

the resolution that council passed for whether or not they can be incorporated in the future, in the current interlocal agreement, and what, in accordance with the interlocal, what the potential fiscal implications are of those different recommendations. I wanted to mention as a side but related development, Travis county is -- where is it here? Separately, the county is exploring a funding opportunity from the Texas indigent defense commission for conducting a study pilot, 24-hour legal representation and bond advocacy at administration. So this study randomizes shifts within the days at which council will be present at all magistration hearings during the randomly selected day for one full year, and staff, city staff has participated in two meetings

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to this point, to determine, you know, certainly our interest, and I would say that we are interested, and what resourcing may be required, and how the effort is in line with council's resolution. And so that's a project that seems to match closely with council's interest as reflected in the resolution that you passed in April. And with that, I'll -- I am certainly open to any questions you may have.

>> Flannigan: Mayor pro tem?

>> Garza: Who is -- who is -- who are the city staff on these two -- one on Ila and you said that -- is it the same Ila group that's also participating in the indigent defense -- magistration defendants work?

>> There's probably an overlap in the number of people or staff members that are associated with what you just described. In he remembers the of the interlocal agreement, the staff

[3:56:58 PM]

that participates generally are city manager's office, A.P.D., municipal court, the law department, and so forth. So in the past, with regard to the interlocal agreement itself with the central booking facility, we've been pretty much focused on the fiscal aspects of the interlocal as it exists, you know, making sure that the allocations and distributions in the financial having as on an

-- information Onan annual basis is matching up. What you mentioned, there's probably overlap in people working in that regard.

>> >> Speaker: Involved specifically in those discussions.

>> Garza: Just for clarification, the working group Ila has met or has not met?

>> So it has not met this year in accordance with the interlocal provision that talks about

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convening a work group in the third-year review.

>> Garza: Okay. When do you think it's going to start meeting?

>> We're looking to schedule that here later on this month, and at the latest, early June.

>> Garza: And do you know -- can you speak to the kinds of resources and data that the working group is considering, specifically, like -- is judge statman part of that working group?

>> So municipal court is involved. This particular provision in the interlocal agreement for a three-year review, I am imagining that she and her staff will be more integrated into that conversation, especially since we are looking at significant potential additions to the scope of work than currently is being discussed.

>> Garza: So she will be in that working group?

[3:58:59 PM]

>> Yes, I certainly intend to invite her and her staff.

>> Garza: Okay. And so because there's -- okay. So the group hasn't met yet. Okay. My other questions don't really -- they're not relevant base the group hasn't met, but they would have been along the lines of how are they taking into consideration the policy and goals and resolution -- you know, the resolution that we just recently passed. So I would just ask as part of the inaugural or whatever first meeting, if you could provide possibly a memo to the judicial committee outlining how thoses policy goals will be addressed in the Ila discussions, can you do that?

>> I would be happy to do that.

>> Garza: Okay. Thank you.

>> Flannigan: Any other comments on the interlocal

[4:00:00 PM]

agreement, committee members? Not seeing any other comments, our last item, just discussion of future items. As we mentioned earlier, I think staff should be prepared for us to revisit these topics at

future committee meetings. Any other topics you would like to daylight right now? Councilmember harper-madison?

>> Harper-madison: I think councilmember Casar already brought it up, but I'm very, very concerned about the concern I'm hearing from the community about the numbers of cases of covid in our jails. And I'm not certain exactly what we as a body can do, but I'm very concerned. And as we are having these conversations outside of this particular capacity, and recognizing that as the month goes on we're going to have more and more concerns, this is not going to get better. These people are, you know, -- they're not going to get out any time soon if you know what I'm saying. So I'm very, very concerned about what we are doing.

[4:01:01 PM]

And so I wonder if this is something that we can bring forward in a way that we can have somebody do a presentation for us about what we as the judicial body could be doing? I mean, folks that end up incarcerated, it starts somewhere, right? It starts with the arrests and then it goes through the judiciary process and then it lands them in incarceration. So I'm very concerned about folks landing themselves in our jails and what are we doing as a city to recognize this -- what I find is very problematic. So if that's something we can discuss moving forward that would be great. Thank you T.

>> Flannigan: I think with sufficient warning we can -- Travis county would gladly appear or participate, appear virtually in our next committee meeting to discuss that topic. So we'll naught on our list. Other items, councilmember Casar?

>> Casar: Share, I have to say at minute mexican-american I thought it would be a two and a half

[4:02:02 PM]

hour deal, so thanks for getting us through this really fast.

>> Flannigan: I manage a mean meeting.

[Laughter] It's good when staff gives me the power to mute people too. That's always helpful. Being a tech guy I know how to handle this stuff. Any other comments, future items? Mayor pro tem, no?

>> Garza: Add me as a second on councilmember harper-madison's request to know exactly how we're addressing the spread of covid in the criminal justice system. I know that APD is pulling over and making fewer arrests and our numbers are going down so that's one good thing, but it would be nice to see how along the whole chain we're addressing the spread.

>> Flannigan: I'll have my -- I'll have Marty in my office collaborate a little bit and make sure we have the right topics so that we have the right people for that conversation.

[4:03:02 PM]

Without hearing any other items of interest or conversation, I will adjourn this meeting of the judicial committee at 4:00 P.M. Thanks, everybody.