



**PUBLIC SAFETY COMMISSION
MINUTES**

**REGULAR MEETING
Monday, January 4, 2021**

The Public Safety Commission convened a videoconferencing meeting Monday, January 4, 2021 at City Hall 301 W. 2nd Street in Austin, Texas.

Chair Rebecca Gonzales called the Board Meeting to order at 3:00p.m,

Board Members in Attendance:

Rebecca Webber

Kathleen Hausenfluck

Nelly Ramirez

Rebecca Bernhardt

Rocky Lane

Daniela Nunez

Board Members Absent: William (Bill) Kelly

Staff in Attendance:

Troy Gay, Chief of Staff, Austin Police Department

Jasper Brown, Chief of Staff, Austin/Travis County Emergency Medical Services

Rob Vires, Chief of Staff, Austin Fire Department

Public Communications - Citizens signed up to speak on agenda items only:

There were no citizens signed up to speak.

- 1. Approval of Minutes** – There were no minutes presented for approval. The December 7, 2020 meeting minutes will be presented for approval at the February 1, 2021 meeting
- 2. Public Safety Departments Quarterly Report** – ATCEMS (Austin/Travis County Emergency Medical Services) Department
 - **Jasper Brown, Chief of Staff**, ATCEMS (Austin/Travis County Emergency Medical Services) Department

Commissioner Gonzales asked COS, Brown to present EMS Quarterly Stats. COS Brown began presenting the response stats for the last six months through 11-2020 that capture/show the overall response performance for all council districts, and commented by showing six months of data it captures/shows trends within EMS department response times.

EMS response times overall showed an improvement to being 91% in compliance. Some of our improved response times can be due to EMS reposition of units and the addition of a 24hour unit approved by council helped to improve the response times.

Questions and comments from the commissioners;

-What is the bar for compliance within all categories? **Commissioner Sierra-Arevalo**

9minutes 59seconds responded **COS, Brown**

-I would like to commend EMS on the overall compliance of those response times.

Commissioner Lane

-The volumes of calls is down is that a significant factor in improving response times? **Ramirez**

COS, Brown responded we(EMS) currently are busy but not as busy as we were pre-COVID due to a lot of businesses (bars, restaurants, etc...) having to close or reduce hours of operation during COVID.

The discussion was interrupted for Commissioner Webber to switch over to preside as Chair of the meeting pending Commissioner Gonzales's return from technical difficulties.

COS Brown continued to present the Quarterly Stats and moved to EMS COVID stats/updates as of end of year, December 30, 2020

EMS Positive cases for COVID was 87% for sworn employees and 13% for civilian employees
COVID cases covered by Workmen's Comp was 33% for sworn employees and 0% for civilian employees.

The presentation was paused after COS Brown noticed the incorrect slide was on the screen.

Commissioner Webber directed the commissioners to view their copies of the slide presentation from EMS that was forwarded to them on December 31, 2020. The discussion continued and the correct slide was uploaded within the next 5-10mins.

There was extensive discussion on how EMS and APD staff (sworn or civilian) are awarded Workman's Compensation. COS, Brown shared the process EMS uses when they have cases of employees testing positive for COVID. EMS reviews to confirm whether the employee contracted the COVID while working ,OJI (On the Job Injury) and the information is forwarded to a third party hired by City of Austin to determine if the employee is eligible for Workman's Compensation. Jasper Brown stressed, EMS does not make the decision on eligibility, all of the information is sent for review by the third party.

Chief Of Staff, Gay was asked to comment on APD's process for determining an employee's eligibility for Workman's Comp. COS Gay commented APD assumes it is a work related COVID exposure unless they are told otherwise, however we (APD & EMS) follow the same process for forwarding information to HR for review.

Commissioner Webber asked the number of staff working hired to work on FMLA for each department (EMS & APD) to assist employees with necessary paper work and navigating through Workmen's Comp steps to completion. Commissioner Webbers offered a resolution.



PUBLIC SAFETY COMMISSION
RECOMMENDATION 20210104-002

Date: January 4, 2021

Subject: COVID+ public safety personnel who can qualify for workers compensation benefits should receive HR support so that they receive a full measure of those benefits.

Motioned by: Rebecca Webber

Seconded by: Rocky Lane

Background facts:

- 33% of ATCEMS COVID+ medics have received workers compensation benefits.
- 72% of APD COVID+ officers have received workers compensation benefits.
- ATCEMS has adopted a presumption that medics who test positive WERE NOT exposed at work.
- APD adopted the opposite presumption: that COVID+ officers WERE exposed at work.
- ATCEMS employs a single HR staff person to assist injured medics with their workers compensation applications. This staff person is also tasked with assisting medics with their FMLA paperwork.
- APD has two full-time employees assisting injured police officers to obtain the workers compensation benefits that they are entitled to receive.

Recommendation: We recommend that the City Council direct the City Manager ensure that all front-line public safety personnel obtain the full measure of workers compensation benefits to which they are entitled. The following policies should be enacted as soon as possible:

1. All three public safety departments should adopt a presumption that a COVID+ employee was injured at work [note that APD has already adopted this policy].
2. All three departments (but especially EMS) should be given additional HR resources to assist employees with the complicated process of obtaining workers compensation benefits. All public safety employees interacting with the public on the job should be made

aware by HR that they CAN and SHOULD apply for workers compensation benefits as soon as they become COVID+. After that, all employees who choose to apply should be supported throughout the process.

3. The Human Resources Department should immediately undertake oversight of this process to ensure that all of Austin’s front-line public safety personnel are treated fairly and equitably as they continue to risk COVID exposure every day on the job.

Vote:

For: Unanimous (Commissioner Rebecca Gonzales, Rebecca Webber, Rocky Lane, Rebecca Bernhardt, Kathleen Hausenfluck, Nelly Ramirez, Michael Sierra-Arevalo and Daniela Nunez

Against: zero

Abstain: zero

Absent: Commissioner William (Bill) Kelly

Attest: *[Staff or board member can sign]*

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3. 2019 APD Racial Profiling Report – Office of Police Oversight (Sponsor: Commissioner Webber and Gonzales)

Speakers:

- Farah Muscadin, Director Office of Police Oversight
- Kerry O'Connor, Chief Innovation Officer, City of Austin
- Kimberly Olivares, Chief Performance Officer, City of Austin
- Brion Oaks, Chief Equity Officer, City of Austin

Chair Gonzales opened the floor for Ms. Muscadin to begin her presentation.

Farah Muscadin introduced her colleague who would be presenting along with her on the 2019 Racial Profiling Report as well

Kimberly Olivares the City of Austin Chief Performance Officer was first to kick off presentation and began:

- introducing the City of Austin Strategic Direction (SD) for 2023.
- SD 2023 was approved/passed by City Council in Spring of 2018
- Performance Office created a template to be used for measuring the key data in Racial Profiling reports
- Shared trends from 2018 and 2019 data and developed updates to remaining and existing related Strategic Direction 23 measures.

Kimberly shared she found the majority of the data she reported on at the on COA's portal under APD's website/page

Kerry O'Connor, with Innovation Office was next and her presentation piece was Methodology She presented on :

- Methodology behind the report
- Looked at 2019 APD Motor Vehicle Stop data that results in searches, citations
- Disproportionality and Disparate Impact on Black and Brown Communities
- Once pulled over Blacks were more likely to be searched and arrested

Farah Muscadin presented on data analysis and the data they used/reviewed was 100% APD data.

- There were the four departments working together to show a different set of lens reviewing the data
- The four departments looked at Motor Vehicle stops by race and ethnicity from 2015-2019. The need to review five years of data was so we can determine if there is a pattern/trend/s
- Raw data of Motor Vehicles stops by race and ethnicity in 2019 and reason for the Motor Vehicles stops in 2019 showed the same results.

Council wanted to know why people were being stopped. The majority of the stops were for basic moving violations. African Americans were stopped and 55% ended in arrest and Hispanic were

44% ended in arrest. This percentage actually increased in 2018. Geographic Analysis is not new to any of us and is something we are working to ensure people are policed equitably.

Brion Oaks addressed the Recommendations portion of the Power Point presentation. Mr. Oaks commented the two reports on Racial Profiling were used in the same year to review and make some recommendation. Their recommendation was to get Community Input and so a listening session with the community was held prior to COVID where they reviewed the results of the reports with the community. One of the biggest recommendations was acknowledgement. The community wants APD to acknowledge the racial disparity exists. Another goal is to establish clean benchmarks toward achieving a goal of zero disparity.

Officer training /interventions is needed to address the training early in hopes of addressing roles of an officer early.

Questions:

Commissioner Sierra-Arevalo-question on African Americans representation on stops at 14% and stops that resulted in arrest at 28%, what/why is the reason?

Commissioner Webber-also questioned the difference in percentages of stops and stops with arrest, and the use of license plates readers being used by APD. What causes an officer to key in a particular vehicle? **Farah Muscadin** responded she would take these questions as a follow up. These questions reference what is called a pre contextual stop and the current data just doesn't allow for us to answer this question. **Commissioner Ramirez** decided to hold her question due to not enough time left to adequately ask and respond.

Chief of Staff, Gay thanked Farah and Brion, Kerry, and Kimberly for putting the report together. We, APD acknowledge the disparities in the 2018 & 2019 reports that show the disparities. Our lens are changing because we are bringing in new staff to work with the Office of Police Oversight, and Performance groups to help us because we(APD) cannot do this alone. We have to come up with an equity action plan because we want to make meaningful change with a zero goal of disparity in mind.

Commissioner Webber commented that acknowledgment so far has not been that great and requested for the slide on acknowledgement be put up again for review.

COS, Gay responded APD has been working to bring about change and cited the Cite and Release Working group's efforts made some changes and decreased arrest by 79% percent on vehicle stops.

Commissioner Bernhardt expressed frustration that this data has been around since 2001 and this is nothing new. She wanted to make a recommendation that we not proceed with not making arrests on these vehicle stops. Until these numbers have changed and that the police department not take cases to DA's office if they are consent searches. **Commissioner Webber** offered language as well for the recommendation and seconded the motion. There was discussion on consent searches and searches where there is contrabands and definition of discretionary evidence.

Chair Gonzales tabled this item in view of the time and the recommendation will be worked on and brought back for the February 2021 PSC meeting She introduced Ms Joyce James who would begin her presentation on her report from the APD Audit.

**4. Austin Police Department Audit (sponsors: Commissioner Gonzales and Webber)
4:30pm-4:55pm**

Speaker: -Joyce James: President and CEO of Joyce James Consulting, LLC **Ms. James** introduce her colleagues Wendy Hill and Donald Baumann who would join her in the presentation.

Ms. James offered up front that she was willing to come back to the Public Safety Commission to complete her presentation since the amount of time remaining may not allow for them to complete and allow for questions.

Per Ms. James she was brought in March 2020 and met with Chief Manley, Assistant Chiefs for a comprehensive review of all the previous reports that had been done on racial inequities from various organizations/departments. The one thing missing from all of the reports data and outcome is a framework for APD to use that says what needs to be done to address/change the racial inequities. What we (my team and I) did was interviews with former APD officer, current employees, the community and we provided a framework for APD to use to help make change. Without a framework to work with it may appear as the organization is resistance to change. We created a space called liberated and brought in the Chief, Assistant Chief, and community to discuss the issues and moved the needle a little in acknowledging the racism. It is times for action and accountability and this is a short version of a detailed report.

Donald Baumann begin sharing his work/data from interviewing APD sworn and non-sworn staff and citizens at APD, however Ms. James asked him to pause his presentation to be brought back at the February 2021 Public Safety Commission meeting.

Chair Gonzales, thanked Ms. James for the pause and willingness to come back to complete the presentation in February 2021.

5.Future Agenda Items – Chair Gonzales called for future items

One item was requested; Austin Fire Department to include same COVID data updates in their quarterly report.

Adjourned @ 5pm

Motion to adjourn by Commissioner Lane and seconded by Commissioner Michael Sierra-Arevalo
Vote- Unanimous