



**PUBLIC SAFETY COMMISSION
MINUTES**

**REGULAR MEETING
Monday, February 1, 2021**

The Public Safety Commission convened a videoconferencing meeting Monday February 1, 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 Gonzales

Kathleen Hausenfluck

Nelly Ramirez

Rebecca Bernhardt

Rocky Lane

Daniela Nunez

Board Members Absent: William (Bill) Kelly and Rebecca Webber (30minutes late)

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:

Carlos Leon – speaking on election integrity

- 1. Approval of Minutes** – Chair Gonzales asked for any edits/comments to the minutes December 7, 2020 and January 4, 2021 presented. Hearing no comments/edits the minutes were deemed approved.

2. Old Business

a. Continued Presentation –Austin Police Department Audit, APD Racial Inequities and Institutional Racism report by Joyce James (sponsors: Commissioner Gonzales and Webber) 3:25pm-4:00pm

Speakers:

- Joyce James: Consultant
- Wendy Hill
- Don Baumann

Chair Gonzales invited Dr. James to begin her presentation. Dr. James introduced the additional presenters joining her in the presentation. Dr. James highlighted the presentation overview and shared the key topics they would present.

- Framework: The Texas Model for Addressing Disproportionality & Disparities (Texas Model)
- Documentation Review and Analysis
 - The Reports, Interviews, and Survey
- Recommended Quick Wins for APD
- Austin Police Department Racial Equity Recommendations in the Context of the Texas Model
- A Groundwater Analysis of Racial Inequities
- Austin Police Department Priorities and Opportunities for Immediate and Measurable Actions (as developed through JJC strategic planning)

Ms. James commented on the framework her team used to perform the audit on racial inequities and institutional racism. Ms. James shared their role was to help identify racial inequities within the Austin Police Department and to help them develop immediate and prolonged strategies to eliminate the inequities.

The Texas Model included data-driven strategies, leadership development, culturally competent workforce and community engagement. The Tatum Report was reviewed by James Consulting and commented on their findings. James consulting surveyed a thousand sworn and civilian employees of APD and survey data indicated that African Americans were less satisfied with the workplace climate as it relates to promotion, complaints, and fairness than Hispanics and Whites. The survey results showed women were more dissatisfied than men in organizational issues of APD.

Don Baumann reported on national data in regards to racial profiling. He commented that national and local data indicate that a higher percentage of African Americans and Latinos were stopped, cited, arrested, and searched than Whites. Nationally data showed during night driving race was less of a factor (possibly due to there is no visibility of occupant). Mr. Baumann shared that data over time from 2015-2018 shows things tend to be getting worse concerning race relations.

There were questions/comments and discussions on police training report and the timeline for the APD Training Academy to reopen; what will the new curriculum look like and will the new academy include more diversity in instructors.

Several board members had comments on how long before they see action from all of the recommendations in this report/study and other reports. . The feeling communicated from the board was it just feels like there has not been any implementation of recommendations to APD from other consulting services as well as this one from Joyce James Consulting. Assistant Chief Gay, commented APD has been working close with the City of Austin Equity Office to create an action plan to improve relations and undo racism within the department and to reopen training academy. Ms. James commended APD on work they have been doing to address the report findings and recommended some quick wins for the department in her report. One immediate recommendation was for the police department to widely circulate an agency-wide communication from the Chief utilizing the James report as a vehicle for opening lines of internal communication, acknowledging mistakes, and making the commitment to lead the work of creating an anti-racist institutional culture in APD. This action should be ongoing.

b. Discuss Austin Police Department 2019 Racial Profiling Report and possible Recommendation regarding consent searches and arrest (sponsors: Commissioner Bernhardt and Webber) *4:00-4:15pm*

Commissioner Bernhardt presented her recommendation regarding consent searches and arrest. Commissioner Sierra-Arevalo asked for clarification on high consent searches. There was much discussion on types of searches and Dr. Jonatan Kringen with Austin Police Department offered more elaboration on high discretion searches, probable cause, consent and visible searches. After much discussion on narrowing of the language on searches listed in the recommendation, a vote was taken. The recommendation is on the following page.



PUBLIC SAFETY COMMISSION
RECOMMENDATION 20210201-002a

Date: February 1, 2021
Subject: Racial Profiling in High Discretion Searches
Motioned by: Rebecca Bernhardt
Seconded by: Rebecca Webber

Background facts: —APD has been collecting racial profiling data since the state law passed requiring its collection in 2001.
—Throughout the time that APD has collected data on racial profiling, the data has consistently shown that Black/African American drivers are significantly more likely to be searched by APD at a vehicle stop than White/Caucasian drivers, and significantly more likely to be arrested.
— 2019 data shows that Black/African Americans were three times more likely to be searched and approximately three times more likely to be arrested than White/Caucasians.
— 58 percent of searches of Black/African Americans, amounting to 1,124 searches, were high discretion searches, where law enforcement had a lot of discretion in whether or not they chose to search the vehicle. By comparison 34 percent of searches of White/Caucasian Americans were high discretion searches, totaling 755 searches.

Recommendation: We recommend that the City Council direct the City Manager ensure that any high discretion searches resulting in the discovery of drug or controlled substance contraband that would normally result in arrest not be referred to the district or county attorney’s offices for prosecution. The following policies should be enacted as soon as possible:

1. The definition of high discretion search includes both consent searches and searches conducted because the officer “smelled marijuana” or “smelled something suspicious.”
2. Officers cease conducting high discretion searches at vehicle stops.

Vote:

For: Commissioners Gonzales, Nunez, Ramirez, Bernhardt, Sierra-Arevalo, Hausenfluck and Lane

Against: None

Abstain: Webber

Absent: William (Bill) Kelly

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

3. New Business

c. Provide feedback on the report responsive to Council Resolution No. 20190619-092, highlights gaps and areas of improvements of mental health services for public safety first responders. (Sponsors: Commissioner Gonzales and Webber)

Speaker:

Patricia Bourenane, Executive Assistant to ACM, Rey Arellano, Safety

Patricia Bourenane introduced herself, Dr Ronnelle Paulsen, Assistant Chief Austin Fire Department ,and Rick Randall, Wellness Director, Austin Police Department,

The presentation to the Public Safety Commission on Resolution No. 20190619-092 that directed the City Manager to develop a report outlining the gaps and opportunities for improvement of mental health services for our first responders. Work was begun in Fall 2020 to gather input from the Human Resource Department, First Responders and Public Safety Associations. The group also worked to get input from Dell Medical Group.

Presenting their findings on Mental Health for 1st Responders to the Public Safety Commission and requesting feedback is a part of the directive in Resolution No. 20190619-092. Some of the gaps in Mental Health services for 1st responders are:

- Need for a contracted psychiatrist to provide psychiatric treatment
- City's insurance limitations with connecting to mental health providers and substance abuse treatment
- Mental Health days for first responders
- Need for enhanced training for leadership within the departments in understanding the mental health needs of their employees
- Peer support increased funding

Commissioner Gonzales thanked the group for the presentation on Mental Health for 1st responders. Commissioner Webber inquired on the group's plan to implement a timeline to fill/close some of the gaps in mental health public safety workplace. Assistant Chief Paulsen commented once their work of gathering and compiling feedback from various sources, they will prepare to go back to council to ask for the necessary funding.

Patricia Bourenane shared in the essence of time the Public Safety Commission could submit a recommendation in their March 2021 should they wish to do so; because the report would not be presented to council until the end of March 2021. Commissioner Gonzales motioned for a recommendation in support of the Mental Health report for 1st Responders and Commissioner Lane seconded.

b. Discuss and provide input on resolution supporting City of Austin's Agenda for 87th Legislative Session (sponsors: Commissioner Webber and Gonzales)

Speaker:

Brie Franco, Intergovernmental Relations Office, City of Austin

Commissioner Gonzales presented the resolution from Brie Franco with Intergovernmental Relations Office and asked for a vote. Ms. Franco had presented on the resolution at the Public Safety Commission in January 2021 meeting. The vote was called; see the details in resolution below.



PUBLIC SAFETY COMMISSION

Date: February 1, 2021

Recommendation Number 20210201-003b - Endorsement of the City of Austin's 2020 Legislative Agenda and support for the City's right to advocate for Austin's vision and position at the Texas Legislature.

WHEREAS, the City of Austin's greatest asset is its people who are passionate about their city, committed to its improvement, and determined to see its vision become a reality; and

WHEREAS, the percent of registered voters who voted in the past 4 years of city elections exceeded 60 percent; and

WHEREAS, an overwhelming majority of registered voters who live in Austin voted for the current Austin City Council representation; and

WHEREAS, over 700 Austinites participate and serve on over 60 Boards and Commissions to help shape, and continually improve upon the policies of the City and the lives of its Residents; and
WHEREAS, the input provided to the Austin City Council through the City's Boards and Commissions reflects the will of the community; and

WHEREAS, it is the intent of the City of Austin that the legislative agenda guide City staff, in coordination with the City's strategic partners, in their efforts to advocate on behalf of the City of Austin and its residents; and

WHEREAS, each year, the Texas Legislature increasingly attempts to pass legislation that negatively impacts the City through preemption or limiting the ability to advocate; and

WHEREAS, the 2019 Legislature strongly considered and almost passed S.B. 29 which would have limited the ability of the City to utilize community advocates to effectively advocate on behalf of the policies created and supported by its residents; and

WHEREAS, taxpayers and City residents benefit from and need community advocates as a tool that amplifies their voices before the Legislature, Congress, and regulatory bodies; and

WHEREAS, a prohibition on community advocacy equates to censorship of Residents' voices and is detrimental to a representative democracy where all Austinites and Texans have equal opportunities to voice their opinions.

NOW THEREFORE, BE IT RESOLVED THAT THE PUBLIC SAFETY COMMISSION OF THE CITY OF AUSTIN HEREBY ADOPTS THE FOLLOWING RESOLUTION THAT:

- The Public Safety Commission endorses the City of Austin's 2020 Legislative Agenda adopted by the Austin City Council on **September 17th, 2020**.
- The Public Safety Commission believes the general principals of the policy and position statements contained in the City of Austin's state legislative agenda capture the positions of its membership and the community it represents.
- The Public Safety Commission urges all Austin of the Texas Legislature to protect the City's right to effectively represent the taxpayers and continue to amplify their collective voices through advocacy at the Texas Legislature.
- The Public Safety Commission strongly supports the City of Austin's engagement of and funding for a community advocacy team to assist the City in advocating for and protecting Austin's vision and position at the Texas Legislature.

Public Safety Commission Vote:

For: 7 (Commissioners Rocky Lane, Daniela Nunez, Nelly Paulina Ramirez, Kathleen Hausenfluck, Rebecca Bernhardt, Rebecca Webber, and Rebecca Gonzales)

Against: 0

Abstain: Commissioner Michael Sierra-Arevalo

Absent: William Kelly **Attest:** 0



(Staff or board member can sign)

**a. Public Safety Organizations Quarterly Report – Austin Fire Department (sponsors:
Commissioner Hausenfluck and Gonzales)**

Speaker:

-Chief Rob Vires, Austin Fire Department

Chief Vires began his presentation with the overall data trends in the quarterly stats for AFD due to COVID-19.

Call Volume – decreased from last quarter

District 9 had the largest decrease in call volume and this could be attributed to

Cancellation of large scale events

Teleworking/reduced traffic

Limited capacity for shopping and dining

Chief Vires continued to present on FY2020 and FY2021 Q1 comparisons for Emergency Incidents and Response Time/data trends and reviewed the AFD and COVID-19 status. The Cadet Hiring Process was mentioned and that there is Class #131 that will begin March 29, 2021 with 37 cadets.

Future Agenda Items:

- 8 Can't Wait Report from OPO (R. Webber requested)
- Review status of adding people from the trans community to the boards (R. Lane requested)
- Update on the Austin Police Department Training Academy (R. Bernhardt requested)
- Revisiting/update on City of Austin Homeless Strategies since COVID -19 (K. Hausenfluck requested)

Motion to adjourn the meeting by Commissioner Webber and seconded by Commissioner Lane

Vote: unanimous

Adjourn at 5:00pm