



February 17, 2022

Questions and Answers Report



Mayor Steve Adler

Council Member Natasha Harper-Madison, District 1

Council Member Vanessa Fuentes, District 2

Council Member Sabino "Pio" Renteria, District 3

Council Member José "Chito" Vela, District 4

Council Member Ann Kitchen, District 5

Council Member Mackenzie Kelly, District 6

Council Member Leslie Pool, District 7

Council Member Paige Ellis, District 8

Council Member Kathie Tovo, District 9

Council Member Alison Alter, District 10

The City Council Questions and Answers Report was derived from a need to provide City Council Members an opportunity to solicit clarifying information from City Departments as it relates to requests for council action. After a City Council Regular Meeting agenda has been published, Council Members will have the opportunity to ask questions of departments via the City Manager's Agenda Office. This process continues until 5:00 p.m. the Tuesday before the Council meeting. The final report is distributed at noon to City Council the Wednesday before the council meeting.

QUESTIONS FROM COUNCIL

Item #14: Authorize negotiation and execution of a multi-term contract with Howroyd-Wright Employment Agency Inc. d/b/a AppleOne Employment for temporary staffing services for the Austin Energy Customer Care team, for up to five years for a total contract amount not to exceed \$68,800,000.

COUNCIL MEMBER FUENTES' OFFICE

1) *How many temporary positions would this contract fund? What is the current vacancy rate on Austin Energy's Customer Care team?*

The contract is for contracted personnel (Contractor) to staff the Contact Centers based on fluctuations incorporated into the Center's business model.

The contract supports up to 220 contracted personnel during peak seasonal time periods. This also allows for natural attrition for off-peak seasons.

Vacancy rates are applicable for temporary City employees, not contracted personnel. If Council would like the vacancy rate for the Customer Care business unit of Austin Energy, the business unit can work with Human Resources to obtain that rate.

Item #24: Approve an ordinance amending City Code Chapter 2-10 (Municipal Court) to establish the City Marshal Office as a division of the Austin Municipal Court; repealing Sections 2-6-1 through 2-6-14 related to the former Public Safety and Emergency Management Department, renumbering remaining sections accordingly, and renaming Chapter 2-6 (Public Safety and Emergency Management Department).

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1) *Please provide an update on the stakeholder engagement conducted since the previous postponement of this item.*

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MAYOR ADLER'S OFFICE

1) *Will the creation of the Marshal's office, separate from APD, return officers to APD for other duties?*
Yes

2) *With such a reduction of what we expect APD to do, would this result in a reduction in the number of officers otherwise needed for APD by that number? By how many officers? Explain if the answer is "no" to any of these questions.*

There are currently seven APD officers and one APD Sergeant assigned to the Court Services Unit to handle courtroom security, high-level building security, response to alarms, and prisoner transport/control. Building security is supplemented by contract security (Currently, Starside). The proposed Marshal program is budgeting for 13 deputy positions. Two of the APD officers will be retirement eligible by the estimated completion time of the transition if the Marshal program is approved, effectively re-integrating five officer positions and one sergeant.

This will not reduce the number of officers needed by APD in the long term. APD will be working with CMO to provide the appropriate number of officers for APD in the future.

3) *As the Municipal Court migrates back to a mix of in person and virtual work, what is the mix of civilian and sworn staffing needs and how many of those FTEs are required to be sworn under law?*

The current staffing model of seven APD officers, reduced from 13 APD officers in prior years, is based on a lengthy evaluation of duties that was the collective work of Court Management, the former Court Services APD Sergeant and Mary Jane Grubb, Court Administrator. This significantly reduced the function of APD in the courts to handling the following duties: Courtroom security, high-level courthouse building security (e.g., court security committee representation, disaster and emergency preparedness planning and drills, criminal violations of the law), internal door and panic alarm response, and prisoner transport/control.

As Austin Municipal Court and Downtown Austin Community Court are currently operating at full hours of operation, the current staffing model is the minimum number of officers needed to cover those times, with a small amount of overtime each week to supplement the hours of operation.

APD has no civilian staffing assigned to the Court Security Unit. The assigned APD Patrol/Support Division admin handles any minor administrative tasks that need to be completed, such as reporting timesheets, ordering supplies, etc.

There is not a specific number of FTEs required by law to be sworn. The staffing needs for security vary from court to court and is based on best practices and security evaluations established by the Office of Court Security (OCA), Texas Commission on Law Enforcement (TCOLE), and the National Center for State Courts (NCSC). In addition to staffing and how to appropriately implement security measures, the liability issues around inadequate or

inappropriate staffing are topics covered in the TCOLE 10999 Court Security Officer Training Course that was developed as a result of S.B. 42 ("Judge Julie Kocurek Judicial and Courthouse Security Act of 2017").

4) *How many warrants of arrest have been issued and on what charges over each of the past five years?*

AMC needs more time to provide this detail, but the raw numbers for the years 2016 – 2021 as reported to the OCA are:

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Felonies: 14,503

Search warrants: 15,469

If needed, the exact charge description for each category will take some time to compile. Please note that the above numbers were at a specific point in time and would change if the reports were run again today.

5) *The Office of Police Oversight (OPO) has established procedures and authority related to APD police officers. May the city impose such OPM oversight over the Marshals? Could we make acceptance of such oversight a condition of employment for Marshals? Please detail if there are any differences in OPO's oversight entitlement or powers for the proposed Marshal's office.*

City Code Chapter 2-15 establishes the Office of Police Oversight (OPO) as an administrative department reporting to the City Manager. Chapter 2-15 currently limits the authority of the OPO to oversight of the Austin Police Department (APD) and officers employed by APD. The Council could amend Chapter 2-15 to give OPO oversight authority over a City Marshal's Office that is not part of APD.

If the City Marshal's Office is not part of APD, the City Marshal and deputy marshals would not be subject to the Texas civil service laws that cover APD officers. However, these employees would be covered by the City's Municipal Civil Service established in City Charter, Art. IX. The Municipal Civil Service rules do not prohibit OPO oversight of disciplinary and policy issues concerning a City Marshal's Office that is not part of APD.

If Chapter 2-15 is amended to give OPO oversight authority over a Marshal's Office that is not part of APD, no additional consent from the employees would be required. The OPO's precise role and authority would be as provided by ordinance. Two of the primary differences between OPO oversight of APD and potential oversight of a Marshal's Office outside of APD are:

1. Since the Marshal's Office would not be covered by the state civil service laws that govern APD, the OPO (like current management) would not be limited by the confidentiality protections around disciplinary investigations involving APD officers; and
2. Unlike the APD disciplinary investigation process – which is conducted by other sworn APD officers – the investigation of complaints involving Marshal's Office employees would be conducted by civilian employees of the Municipal Court under the direction of the Municipal Court Clerk rather than other sworn deputy marshals. Thus, the fundamental role of OPO to provide civilian oversight of

investigation processes involving sworn peace officers already exists in the Municipal Court's current processes.

It is also important to note that the City Marshal and deputy marshals would be state-licensed peace officers. Therefore, those officers would be obligated to follow state law with respect to the powers, duties, and obligations of Texas peace officers.

6) The Marshal's office would be performing a public safety function that is currently performed by APD. Please detail how the Marshal's office budget would be treated under state statute established by HB1900. Would monies spent on the Marshal's office count against the required public safety spending for Austin under that law?

According to HB 1900, a defunding municipality is: a municipality: (1) that adopts a budget for fiscal year that, in comparison to the municipality's preceding fiscal year, reduces the appropriation to the municipality's police department; and (2) for which the division issues a written determination finding that the municipality has made the reduction described by Subdivision (1).

HB 1900 focuses on the total dollars appropriated just to the police department. As long as next year's APD budget is not less than the prior year, then the function that is removed should not matter. HB 1900 does not address other departments in a municipality.

7) The police academy has gone through recent significant revision by City staff, consultants and community member input. With the expectation that the revised "Austin specific" (inclusive of culture, etc) coursework would be included for anyone hired by the Marshal's office, but also acknowledging that the duties of these peace officers would be more narrowly focused than general APD officers, could training for Marshals take place more quickly and/or at the same time as training for APD cadets?

This depends on community input on training needs, in addition, the input of the Chief Marshal when hired.

8) Overall, how long would this office expect to take to recruit, hire, train and establish a force?

We anticipate 12-18 months.

It is important to note that the Marshal's office will be hiring individuals who already have their TCOLE Peace Officer License. There is currently no specific requirement to hold an Academy for these individuals. The only State required training in addition to their Peace Officer License will be TCOLE 10999 Court Security Officer, which individuals have one year from the first date of working in a court to complete (according to State Law – you may want more stringent requirements locally). This course can be completed online through TCOLE or administered in person by a TCOLE certified instructor. Any additional training that may be locally required (Use of Force, Defensive Tactics, De-Escalation, Firearms, Body Camera, Driving, City Ordinance, Taser/Less Lethal, etc.) would need to be developed by the new Chief Marshal and/or worked through an agreement with APD/APD Training. These training requirements are not planned to be established until a Chief Marshal is hired.

9) Could the Marshals have different and more limited responsibilities than APD? If so, what might be the more limited duties and responsibilities of the Marshals?

The officers hired as Marshals would be state-licensed peace officers and their powers, authority and duties are outlined by state law.

Item #29: Authorize negotiation and execution of Amendment No. 8 to the agreement with the University of Texas at Austin to provide funding for community-based health prevention and education programs, to add two 12-month extension options each in an amount not to exceed \$408,944, for a revised total agreement amount not to exceed \$3,242,634.

COUNCIL MEMBER FUENTES' OFFICE

1) *How many women have been served as a result of this agreement? Please share available outcome improvement information.*

Below is a table with the requested information over the last three years.

General Client Output	April 1, 2019 – March 31, 2020	April 1, 2020 – March 31, 2021	April 1, 2021 – March 31, 2022
Number of unduplicated clients served (actual)	164	114	40
Number of unduplicated clients served (goal)	150	150	112*
Outcomes	2020	2021	2022
Percent of individuals who achieve healthy outcomes as a result of receiving services through Health Equity Social Service Contracts	89%	84%	93%
Percent of participants who receive wraparound services related to pregnancy	N/A	N/A	100%
Percentage of participants who maintain any breastfeeding up to three months	83.33%	92%	N/A
Percentage of participants who initiate breastfeeding	93.59%	89%	N/A
Percent of singletons born to participants in the Mama Sana/Vibrant Woman Program who are born at term (37 weeks, 0 days or more)	79.17%	82%	N/A
Other Outputs:	2020	2021	2022
Number of 16-week prenatal education courses offered in a 12-month period (actual)	11	8	6
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Number of monthly skills/support group (inter-conception education) offered in a 12-month period (goal)	60	45	34*

Adjusted goal for April 1, 2021 – December 31, 2021



Council Question and Answer

Related To

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Meeting Date

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Additional Answer Information

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