



**PUBLIC SAFETY COMMISSION
MINUTES**

**SPECIAL CALLED MEETING
January 24, 2022**

The Public Safety Commission convened a hybrid in person and videoconferencing meeting Monday, January 24, 2022 at City Hall 301 W. 2nd Street in Austin, Texas.

Commissioner Rebecca Gonzalez called the Board Meeting to order at 3:32 p.m.

Board Members in Attendance:

Kathleen Hausenfluck
Nelly Ramirez
Amanda Lewis
Rocky Lane
Cory Hall-Martin

Michael Sierra-Arevalo
John Kiracofe
Rebecca Webber
Queen Austin
Rebecca Bernhardt

Board Members Absent: none

Staff in Attendance:

Robin Henderson, Assistant Chief, Austin Police Department
Teresa Gardner, Assistant Chief, Austin/Travis County Emergency Medical Services
Rob Vires, Chief of Staff, Austin Fire Department

Citizen Communications - Citizens signed up to speak: Cathy Mitchell

1. Approval of Minutes – Chair Gonzales called for approval of the minutes by asking for any edits/changes, questions concerning the draft minutes of the December 6, 2021 meeting. Hearing no edits from the board, she deemed the minutes approved.

2. OLD BUSINESS

a. **Legislative update on SB69** (sponsors: Commissioner Ramirez and Gonzales) 4:00 pm-4:17pm

Speaker(s):

-Anni-Michelle Evans, Policy Compliance Consultant, Office of Police Oversight

As OPO was not online, Chair Gonzales moved on to the next item. This was picked back up at 4:00. Ms. Evans reported she was pleased to hear APD plans to revise the policy, but has not seen that language yet. She would like to highlight three points relating to duty to intervene: 1) proactive vs reactive language. APD seems to create a policy that is purely reactive. It needs to include proactive language. 2) Subjective vs. objective. APD needs to be revised to include objective (should know). 3). Reporting requirements. APD needs to be revised to mirror specifics of the bill, such as a making a *written* report. OPO also recommends more clarity on what should be included in report and timeline for report. Regarding neck restraints, APD should revise policy to reflect legislative intent to prevent all forms of prohibiting blood flow or air intake. Commissioner Webber wanted to know what the remedies for not intervening, which OPO stated was still up for debate. Ms. Evans stated she wasn't aware of any changes yet. **Commissioner Bernhardt** was concerned that officers in Texas put knees in people's backs. She wanted APD to ban that, which OPO agrees with and would support changes that reflect that. **Commissioner Arevalo** had a question on anticipated vs known excessive force – what kind of legal standard is used to identify what an officer should have anticipated. OPO stated that that question has not yet been answered by Texas state law. **Commissioner Ramirez** remind that Chief Chacon would follow up on whether academy training allowed for a knee on the back. **Commissioner Webber** wanted to know if we anticipated a change in the number of reports of officers intervening, or how can we track if there's actually been a change. OPO's perspective is that they would also like to collect data on that, but that there haven't been many instances where it's been relevant, so there isn't a lot of data. APD will have to follow up on data collection. **Chair Gonzales** wants to include on next month's agenda a policy recommendation that APD should be tracking measures in accordance with state law. This was seconded. There were no further questions.

b. Recommendation for Council Action regarding The Marshal Report – 3:37-3:50pm
Sponsored by Commissioner Bernhardt and Webber

Commissioner Webber stated there have not been change since the last time it was brought up to the Commission. Two weeks before Council considers this again. Commissioner Webber and Bernhardt will recommend to Council that they did not recommend it for funding. **Commissioner Ramirez** had several amendments including additions to the recommendation, such as including the Downtown Austin Community Court, that there would be language addressing that no standards would be set until after it was approved and a Chief was hired (to build in oversight). She can provide this language. **Chair Gonzales** said a motion would be necessary to add to the recommendation. Motion was seconded. The recommendation to council will now reject proposal that there be a marshal office and instead recommend Council continue to provide security for both courts with APD officers. **Commissioner Lewis** wanted to make sure there was space for citizens to comment, even though they hadn't arrived. Citizen speaker showed up at that time. Cathy Mitchell with Just Liberty shared that she opposes the creation of the Marshal office, due to concerns around rules, discipline, and training. **Commissioner Webber** wanted to make sure the speakers comments were captured in a letter from Texas Fair Defense Project signed by many organizations, citizen speaker confirmed. With no more questions, a motion and a second led to a vote for this recommendation to go to council. Vote was approved by all.



PUBLIC SAFETY COMMISSION
RECOMMENDATION NO. 20220124-02b

Date: January 24, 2022

Subject: Proposal that the Austin City Council create an Austin Municipal Court Marshal Office

Motioned by: Rebecca Bernhardt

Seconded by: Rebecca Webber

Recommendation: The Public Safety Commission recommends that the City Council reject the proposal to create a Marshal Office within the Austin Municipal Court and Downtown Austin Community Court.

WHEREAS, the City of Austin operates the Austin Police Department, which currently provides security to the Austin Municipal Court and Downtown Austin Community Court;

WHEREAS, the City of Austin is committed to the Reimagine Public Safety Initiative, which is a holistic approach to assessing and evolving public safety systems. Reimagine Public Safety is supposed to go beyond the scope of law enforcement, to design community centered interventions to reduce harm and address the root cause of systemic inequities which often lead to crime;

WHEREAS, the Austin Municipal Court has been a driver of inequity for the City of Austin for decades and continues to need reform to stop deepening poverty for Austin's low-income residents;

WHEREAS, creating a new police force, a Marshal Office within the Austin Municipal Court and Downtown Austin Community Court, will worsen inequities, increase criminalization and undermine the progress that has been made in reforming the Austin Municipal Court;

WHEREAS, processes around training, accountability, oversight and operations could not be approved and finalized in advance of the creating a new Marshall Office.

WHEREAS, the City of Austin and Austin Police Department are undergoing a reimagining of the Austin Police Academy to create a pool of law enforcement officers to align with Reimagining Public Safety efforts.

WHEREAS, the Austin Police Department has the tools and capacity to provide for the security needs of the Austin Municipal Court and Downtown Community Court and creating a new police force for the courts is unnecessary; NOW, THEREFORE,

BE IT RECOMMENDED BY THE PUBLIC SAFETY COMMISSION OF THE CITY OF AUSTIN THAT:

- the proposal that the City create a Marshal Office within the Austin Municipal Court and Downtown Austin Community Court be rejected; and
- The City of Austin continue to provide for the security of the Austin Municipal Court and Downtown Austin Community Court with Austin Police Officers.

Vote: Unanimous

For: 11 (Commissioners Gonzales, Ramirez, Husenfluck, Austin, Kiracofe, Lewis, Lane, Sierra-Arevalo, Hall-Martin, Webber, Lewis)

Against: 0

Abstain: 0

Absent: 0

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

3. NEW BUSINESS

a. **Public Safety Organizations Quarterly Report – Austin Fire Department** (sponsors: Commissioner Hausenfluck and Gonzales) 3:51-4:00pm

Speaker(s):

-Chief Rob Vires, Austin Fire Department

Chief Vires shared data trends showing increasing calls over the past three years (2019-2021). He also broke down calls by council districts. The vast majority of calls were medical. He showed data showing call times have increased. He also covered staff COVID cases. There were no hospitalizations among staff. Chief Vires also reported on sworn vaccinations. A cadet class started in January, there will be another in March. This concluded his presentation and there were no questions.

b. Winter Readiness (sponsors: Commissioner Lane & Ramirez) 4:18pm-4:37pm

Speaker(s):

- Teresa Gardner, Assistant Chief, ATCEMS (Austin/Travis County Emergency Medical Service)
- Rob Vires, Chief of Staff, Austin Fire Department
- Brandon Wade, Assistant Chief, Austin Fire Department
- Catherine Johnson, Assistant Chief, Austin Police Department
- Everett Beldin, Sergeant, Austin Police Department

Assistant Chief Wade stated that the biggest challenges they saw was getting fuel, so they have worked with City fleet to change fuel from biodiesel to straight fuel for the winter months. The tire chains were extremely helpful, but they destroyed all of them in a week, so Austin Fire Department purchased more. Austin Fire Department is exploring options for larger generators, and have also purchased smaller generators. Austin Fire Department also has stored pallets of water for employees and community. Austin Fire Department also has about 150 MREs stored for emergencies. All costs were covered within existing budget, minus station generators. Austin Fire Department are a component of shelters for marshal reasons.

Assistant Chief Gardner had similar concerns as Austin Fire Department. They obtained cables in lieu of chains for ambulances. Fuel was also an issue and they did as AFD did to address getting fuel for winter months. Emergency Medical Services has also acquired cots and generators to be able to house crews. EMS continues to review response and safety plans. All costs were covered within existing budget, minus generators. Emergency Medical Services did not staff shelters due to staff availability. EMS does not staff warming centers.

Sgt. Beldin stated Austin Police Department reviewed and updated winter weather plans. APD will utilize messaging pre-event to staff and community to be able to prepare. APD also put cots and blankets pre staged at stations for employees. APD has worked with fleet to ensure readiness. Food and water supplies will also be pre-staged. Executive staff and Public Information Office will work with City Public Information Office to coordinate messaging. Facility operations have purchased extra salt and will continue to work with partners as necessary. All improvements were made within budget. APD does provide security for any shelter that is stood up.

Commissioner Webber did not feel that APD should be providing security at shelters.

c. Status of Labor Negotiations with APD and EMS (sponsors: Commissioner Webber and Bernhardt) 4:38pm -5:24pm

Speaker(s):

- Lee Crawford, Law Department, City of Austin
- Ken Casaday, Austin Police Association
- Selena Xie, Austin EMS Association
- Chris Harris, Austin Justice Coalition

Lee Crawford presented on how the City conducts negotiations with the City's public safety entities. The City engages in meet and confer bargaining with Emergency Medical Services and Austin Police Department. This is permitted by state's civil service law. Entirely a consensual process – neither party is required to bargain. By agreement, each party can supersede certain provisions in the state's civil service law. Collective bargaining is used with Austin Fire Department. This includes a dispute resolution provision. All contracts are up for negotiation this year. Contracts should be approved before current contracts expire. Tentative agreements must be approved by both the Association and City Council to become effective. There were no questions for Mr. Crawford.

Selena Xie provided an update on the bargaining process for Emergency Medical Service. They began in December and hope to wrap up by mid-February. EMS has 25 articles in their contract, they don't anticipate adding any article. They are at an agreement at 18 articles, such as discipline, drug testing and dues. They are still looking at hiring, wages and promotions. They are short 125 staff members, as COVID has been devastating. **Commissioner Webber** asked about a rejected wage proposal. EMS asked for a starting wage of \$27/hour based on the Austin Market, a significant increase from \$19.37. Current class is only 13 out of 30, as wages are just not competitive. The City told EMS the proposal was too expensive, without elaborating on the calculation. There has been no counter proposal, just a rejection.

Ken Casaday reported that Austin Police Department is short more than 200 officers. Academy classes are not full, coming in at about 60-70 out of 100. APD is not meeting minimum staffing needs. He will not be participating in the negotiations, allowing for younger officers to take in. He hears that the City may remove Office of Police Oversight from the contract. They are hoping to have an agreement by March 2023. **Commissioner Bernhardt** asked what it would mean to remove Office of Police Oversight from the contract. **Mr. Casaday** responded that was to be seen. APD believes they cannot function outside of the contract. It has never been tried before in Austin. **Commissioner Webber** asked about the recent grievance Austin Police Department won and how that might affect bargaining process. Several policies Chief Manley put into place are being reversed. Some of these things will need to be in the contract but that will be up to the City.

Chris Harris provided an update from the Austin Justice Coalition. State law forms the backbone of agreements, creating the floor for what to bargain for in terms of accountability, transparency, and oversight. Meet and Confer allows the City to supersede state law for certain considerations. In the initial agreement (2001) was the introduction of some oversight. The City requests more oversight and the Association in turn requests more money. Currently, Austin Justice Coalition believes many of the significant gains were overturned. Top issues are that the promotion process (article 13) does not include disciplinary history, as with hiring officers from other jurisdiction. Article 17 is also at issue. Austin Justice Coalition finds too many restrictions on transparency in the current agreement, such as what can be shared from an officer's personnel files. Another issue is the timeframe on disciplinary actions (six months). **Commissioner Webber** asked for an example of an issue that the City and Association agree on, but not the public. **Mr. Harris** cited payment for disciplinary settlements, the City trying to avoid arbitration by allowing for paid suspension, and the restrictions on the Office of Police Oversight.

Commissioner Webber asked how the public could watch the bargaining process meetings. **Mr. Casaday** responded they can watch on ATXN. **Ms. Xie** responded that Emergency Medical Services can be watched on their Youtube page.

4. Future Agenda Items 5:24-5:25pm

Potential resolution on metrics and measurements for APD on SB69
Decision making from City Manager's office on approving or not approving EMS asks
EMS Chief selection update

Adjourn @ 5:26pm

DRAFT