



**PUBLIC SAFETY COMMISSION
MINUTES**

**REGULAR MEETING
March 7, 2022**

The Public Safety Commission convened a hybrid in person and videoconferencing meeting Monday, March 7, 2022 at City Hall 301 W. 2nd Street in Austin, Texas.

Commissioner Nelly Ramirez called the Board Meeting to order at 4:05 p.m.

Board Members in Attendance:

Rebecca Gonzales
Kathleen Hausenfluck
Nelly Ramirez
Rebecca Bernhardt

Cory Hall-Martin
Michael Sierra-Arevalo
John Kiracofe
Rebecca Webber

Board Members Absent: Queen Austin, Amanda Lewis, and Rocky Lane

Staff in Attendance:

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

Public Communication:

-Carlos Leon - Starbucks

1. APPROVAL OF MINUTES – Vice Chair Commissioner Ramirez asked for any edits to the minutes for January 24, 2022 and February 7, 2022. Hearing no edits to either of the minutes she deemed the minutes approved.

2. OLD BUSINESS

a. Recommendation on consolidation of Forensics Lab and APD (sponsored by Commissioner Bernhardt and Ramirez)

Commissioner Ramirez asked Commissioner Bernhardt to introduce the recommendation and elaborate on the reason/s for the sponsorship of this recommendation. Commissioner Bernhardt commented on the reasons for bringing the recommendation forward and motioned to vote. Commissioner Ramirez paused her motion and asked for questions or comments on the draft recommendation presented to the board. Hearing no questions from board members, Commissioner Gonzales motioned for a vote and Commissioner Webber seconded the motion.

The vote was unanimous and taken with roll calling. See recommendation below.

PUBLIC SAFETY COMMISSION
RECOMMENDATION No. 20220307-02a

Date: March 7, 2022

Subject: Proposal that the Austin City Council make the Forensic Science Bureau independent of the Austin Police Department budgetarily and structurally

Motioned by: Rebecca Bernhardt

Seconded by: Nelly Paulina Ramirez

Recommendation: The Public Safety Commission recommends that the City Council move the Forensic Science Bureau from under the control of the Austin Police Department and make it budgetarily and structurally independent.

WHEREAS, the City of Austin operates the Forensic Science Bureau, which provides forensic laboratory services related to the investigation of crimes, under the budgetary and managerial control of the Austin Police Department;

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 and include decoupling some activities previously envisioned as under law enforcement purview to be independent;

WHEREAS, the predecessor to the Forensic Science Bureau, the Austin Crime Lab, was closed by the Austin Police Department in 2016 as a result of systematic failures to hire and retain qualified staff, properly maintain biological samples, process samples in a timely manner, and follow scientifically sound protocols for forensic testing;

WHEREAS, best practices for forensic labs recognize the independence from law enforcement as an important value. Independence helps eliminate bias, can make an organization more agile in setting priorities, in procurement and in hiring. Independence enables a lab to be transparent without the need to get approval from law enforcement leadership;

WHEREAS, the 2009 National Academy of Science Report on Forensic Sciences recommended that forensic labs be independent from law enforcement.

WHEREAS, an independent Forensic Sciences Bureau would be placed at the same level in the criminal justice system hierarchy as the Austin Police Department, the defense bar and the Travis County DA's Office. This enables the Bureau to advocate for what is best in evidence analysis with the key players in the criminal justice system on equal footing;

WHEREAS, until 2020 the budget of the Austin crime lab was rolled into a bundle with other civilian services in the Austin Police Department, including vehicle services and building maintenance, making it impossible for elected officials to identify and allocate needed resources to the crime lab even after serious problems with both staffing and equipment had been identified;

WHEREAS, an independent Forensic Sciences Bureau would be able to bring forward budgetary needs to ensure that the Bureau is able to grow its operations as necessary to meet the demands of all of its users, without weighing the concerns of other departments or priorities, while retaining its scientific integrity. NOW, THEREFORE,

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

- Austin City Council make the Forensic Science Bureau a budgetarily and structurally independent agency of city government.

Vote:

For: Unanimous (Commissioner Gonzales, Bernhardt, Webber, Ramirez, Cory Hall-Martin, John T. Kiracofe, Michael Sierra-Arevalo, Hausenfluck)

Against: 0

Abstain: 0

Absent: Commissioner Queen Austin, Commissioner Rocky Lane, Commissioner Amanda Lewis

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

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After the approval of the recommendation, a Request for Council Action based on this recommendation was moved by Commissioner Webber, and seconded by Commissioner Gonzales. Vice Chair Ramirez called for a vote using roll call, and the vote was unanimous.

VOTE:

For: Commissioner Hausenfluck, Gonzales, Webber, Bernhardt, Sierra-Arevalo, Kiracofe, Hall-Martin, and Ramirez

Against: zero

Abstain: zero

Absent: Commissioner Austin, Lewis, and Lane

3. NEW BUSINESS

a. Public Safety Organizations Quarterly Report – Austin/Travis County Emergency Medical Service (EMS) (sponsors: Commissioner Hausenfluck and Gonzales)

Speaker(s):

-Assistant Chief Teresa Gardner, ATCEMS (Austin/Travis County Emergency Medical Services)

Commissioner Ramirez opened the floor to Assistant Chief Gardner and she began the presentation of EMS quarterly stats report by mentioning there was more information included in this quarter's stats than in previous reports and hoped the additional stats would prove to be beneficial to the commissioners. The presentation began quarterly information on:

- Patient Contacts Jan. 2019 – Jan. 2022
- Patient Transports Jan. 2019-Jan.2022
- P1 Compliance by District FY22 Q1
- Priority Percentage By District FY22 Q1
- Current EMS Department Staffing
- Department Separations
- EMS Review of Attrition and Cadets
- EMS History of Sworn Additions
- EMS History of ALL Vacancies and Cadets
- FY22 Recruiting Information
- Hiring and Promotion
- Longevity
- On the Horizon

At the end of the presentation, there were questions from several commissioners.

- Question for clarification on staffing leaves number presented? (Webber)
- Request to have percentages listed Priority Percentage By District FY22 (Gonzales)
- Request to continue overlay information of 2019-2022 (Gonzales)
- Request for future reports to include more information on tele reports and civilian vacancies (Ramirez)
- EMS pay in comparison to other large cities (Kiracofe)

Commissioner Webber asked for an update on EMS negotiations as a Future Agenda item next month (April 2022)

b. Wildfire Resolution #20160512 Update- Sponsors Commissioner Gonzales and Ramirez

Speakers:

- Justice Jones, Austin Fire Department
- Carrie Stewart, Austin Fire Department

Justice Jones, Wildfire Mitigation Officer and Assistant Chief Carrie Stewart began six months Wildfire update to Public Safety Commission as directed in the resolution from council. The update included the number of wildfire training hours received, conducted and including “Responding to the Interface training”. The percentage of high-risk WUI (Wildfire Urban Interface) areas identified, and reported on the number, size, type and locations of fuel mitigation activities conducted in the past six months. Last but not least, the update on the number of public presentation and home assessments provided was shared with the board.

There were a couple of questions from commissioners at the end of the Wildfire update:

- Requested a comparison of the Eastside Austin and West Side Austin on the amount of education that has been shared by AFD in terms of materials, grass and woodlands maintenance? (Bernhardt)
- AFD was asked to continue outreach efforts to East Austin. The report showed they only had two outreach efforts in six months to East Austin. (Gonzales)

Justice Jones was happy to report that the first East Austin Fire Wise Community had been completed.

c. Review of Kroll Consulting Report (Phase B) Austin Police Department (sponsors: Commissioner Bernhardt and Ramirez) 4:52pm-5:55pm

Speaker(s):

- Catherine Johnson, Assistant Chief, Austin Police Department
- Dan Linskey, Managing Director, Kroll Consulting
- Rick Brown, Senior Consultant, Kroll Consulting
- Mark Ehlers, Managing Director, Kroll Consulting
- Representative, Office of Police Oversight

Mark Ehlers began the presentation on the Kroll Consulting Phase B Report and introduced his colleagues, Dan Linskey and Rick Brown. The Phase B report addresses use of force incidents, public interactions with civilians, and evaluation of recruitment, selection, and promotion policies. He explained the limits of data as a way to determine reasons behind disparities, but that it allows for a further dive into trends and focus areas. From 2017-2020, there was a 51% decline in arrest, and a 58% increase in use of force incidents. Many people experienced multiple incidents of use of force. George sector had the most incidents for this time period. There were major disparities in use of force for black and Hispanic individuals across all APD sectors.

Rick Brown presented on use of force incidents from June 2019 to November 2019. A noted trend was that some officers were using stop and frisk without reasonable suspicion or unduly placing someone in handcuffs, when they were not under arrest. There were 112 incidents that were of concern. There were five cases in which neck restraints or choke holds were use. He then provided a

summary on relevant APD policies. His main takeaway was that the first-line supervisors needed to make sure appropriate action was taken in use of force incidents.

Mark presented on motor vehicle stops for 2020 and arrests from 2017 to 2020. An immediate takeaway was that APD needs to better collect and process data, for which they provided recommendations. Black and Hispanic individuals were significantly less likely to receive a written warning than white individuals. George had an arrest rate five times higher than the next closest sector.

As for personnel, white male officers are over represented. Recruiting and outreach efforts do reach a large group of diverse candidates.

Recommendations include improving data collection, use of force policy recommendations and organizational recommendations,

At this time, the presentation concluded and the floor was open for questions. Commissioner Bernhardt asked for clarification regarding reasonable suspicion. Commissioner Webber asked if what Kroll saw in Austin was similar to other cities. Kroll staff replied that it was happening everywhere in the country. Commissioner Gonzales asked if these issues could be narrowed down to a policy or training issue – or what was causation? Kroll again focused in on front-line supervisors needing to do a better job at mentoring and instructing officers, but taking accountability at necessary steps. Commissioner also asked about data limitations and addresses those limitations going forward. Kroll consultants responded that with their recommendations, many issues could be fixed. Chair Ramirez asked about the cases the percentage of the total the 1,321 made up. Mark responded likely half, as that was over a 6-month period. Commissioner Webber asked where to find the report. The City Manager and APD posted it to their websites.

Assistant Chief Henderson stated that APD was working through the report and preparing responses.

Commissioner Bernhardt expressed grave concern for what was found in the report and the legality of APD procedures around stop and frisk.

Chair Ramirez had to end discussion for time constraints.

4. Future Agenda Items:

- Update detailed on previous KROLL Recommendations – ones that have been completed (Gonzales & Webber)
- Update on RPS (Reimaging Public Safety) (Ramirez)
- EMS salary negotiations (Webber)
- Introduction of new EMS Chief
- Diversity Numbers for all Public Safety departments (Gonzales)

Adjourn @6:01 pm

Motioned to adjourn by Commissioner Webber, Vote Unanimous (Commissioners Gonzales, Webber, Bernhardt, Hall-Martin, Ramirez, Kiracofe and Hausenfluck)

Commissioners Sierra-Arevalo had left the meeting.