



***PUBLIC SAFETY COMMISSION
REGULAR CALLED MEETING
MINUTES
MONDAY, JANUARY 9, 2023***

The PUBLIC SAFETY COMMISSION convened in a REGULAR CALLED MEETING on January 9, 2023 at COA Permitting and Development Building, 6310 Wilhelmina Delco–Room 1405 AUSTIN, TEXAS

Chair Bernhardt called the Public Safety Commission Meeting to order at 4:16p.m.

Board Members/Commissioners in Attendance:

Rebecca Bernhardt, Chair

Board Members/Commissioners in Attendance Remotely:

Nelly Ramirez, Vice Chair
Kathleen Hausenfluck
John Kiracofe
Michael Sierra-Arevalo
Rebecca Webber

Absent:

Cory Hall-Martin
Rebecca Gonzales

PUBLIC COMMUNICATION: GENERAL

Chris Harris, Austin Justice Coalition

- Supporting demands of family of Alex Gonzalez, Jr to fire the two officers who shot and killed Mr. Gonzalez
- Mr. Harris identifies two specific policies upon which the family’s demands for firing the officers is based:
 - Duty to identify
 - Response to resistance- calls for least use of force applicable to obtain compliance
- There are about 3 weeks on the deadline to see that the two officers are fired because Mr. Harris and family does not believe the officers can be trusted with the immense powers for policing.

Ms. Gonzalez, Mother of Alex Gonzales, Jr.

- Distraught and concerned that the two officers who killed her son have not been fired from the police force
- She has requested transparency and accountability from APD
- Ms. Gonzalez wants any remaining videos to be shared

APPROVAL OF MINUTES

1. **Discussion of the minutes of the PUBLIC SAFETY COMMISSION REGULAR MEETING on November 7, 2022.** No corrections identified.

Due to absence of a commissioner in November, there were not enough votes for a quorum to approve the minutes. Chair Bernhardt indicated that six (6) votes are required for a quorum. Will postpone the vote on November and December minutes until the next PSC Meeting.

DISCUSSION AND ACTION ITEMS

2. **Public Safety Quarterly Report – Austin Police Department**

Jason Matson- Research & Planning Division, APD (remote)

Currently working on a proposal for a new data presentation format for PSC meetings. This proposal will go through a review and approval process prior to implementation for PSC. For the time being, the current slide deck format will be used.

General areas presented-

Crime Rates in Austin:

- Crimes against Persons- Overall 6% decrease
- Crimes against Property- Overall 6% decrease
- Crimes against Society- Overall 16% increase

Case Clearance in Austin:

- Crimes against Person- 719 cases cleared
- Crimes against Property- 419 cases cleared
- Crimes Against Society- 540 cases cleared

Response times:

- Citywide target of 10 minutes 44 seconds for response times
- Two of past three months we were right at or slightly below that response time target

Overtime Budget:

- Expenditures just below budgeted amounts for quarter

Personnel Costs:

- \$335 million authorized budget for FY23
- Spent about 23% in 1st quarter

Sworn Staffing Levels:

- 1,812 authorized
- 1,577 filled (as of 1/3/23)
- 249 operational vacancies (as of 1/3/23)

Civilian Staffing Levels:

- 669 authorized
- 529 filled- includes 45 cadets and 87 temps (as of 1/3/23)
- 140 operational vacancies- includes 4 interns (as of 1/3/23)

Civilian Emergency Communications Staffing Levels:

- 223 authorized
- 69 vacancies

Cadet Classes:

- 145th Cadet Class (Regular)-
 - Graduated November 18, 2022
 - 55 of 84 initial cadets
- 146th Cadet Class (Transitional Officer Program- TOP)-
 - Graduated November 18, 2022
 - 8 of 8 initial officers
- 147th Cadet Class (Regular)-
 - Started October 10, 2022 with 55 cadets
 - Currently at 41 cadets
- 148th Cadet Class (Regular)
 - Starts January 30, 2023
 - 38 cadets predicted

Sworn Separations:

- Pretty consistent between FY20, FY21, & FY22
- FY23 currently at 24 separations
- Primarily driven by retirements and resignations

Commissioner Ramirez asked about the OverTime budget- how many hours and the number of officers the dollar amount translates to; She also asked about the smaller cadet class sizes from the original plan of 75 cadets per class. **Chief Henderson** stated applicant pool is smaller than anticipated but APD is also running classes more frequently. Likely that the original projections will need to be adjusted even though APD is being aggressive with recruiting strategies.

3. Discussion and possible action on Recommendation regarding counsel at first appearance for all criminal charges in Travis County

Chair Bernhardt introduced the topic. Heard several speakers at last meeting talk about counsel at first appearance and the pilot program offered in Travis County. Chair Bernhardt drafted a recommendation that a policy change is needed on this topic. Recommendation was previously distributed to the Commission for review.

Vote on recommendation-

Vote: Commissioner Ramirez motioned to vote and Commissioner Webber seconded

Yes: Commissioners Bernhardt, Ramirez, Kiracofe, Hausenfluck, and Webber

No: zero

Abstain: Commissioner Sierra-Arevalo

Absent: Commissioners Gonzales, and Hall-Martin

Discussion about quorum rules. Agreed that only need quorum of those present at meeting, not of the full commission.

Vote on putting item on City Council agenda-

Vote: Chair Bernhardt motioned to vote and Commissioner Ramirez seconded

Yes: Commissioners Bernhardt, Ramirez, Kiracofe, Hausenfluck, Sierra-Arevalo, and Webber

No: zero

Abstain: zero

Absent: Commissioners Gonzales, and Hall-Martin

4. Discussion and possible action endorsing the Austin Police Oversight Act, which is on the

May 2023 ballot

Chair Bernhardt opted to move this item to the next month's PSC meeting due to time.

5. Discussion and possible action on Austin Police Department Towing Fee Study

Public Comment-

Jaime Rocha, Rocha Towing and Special Automotive

Tasha Mora, A&A Wrecker and Recovery

- Both spoke in favor of the APD Towing Fee Study and the need to increase base fees for towing services for those contracted with the City
- They spoke of inflation, increased equipment costs, personnel costs and training, and gas prices.

Michelle Schmidt, Financial Director, APD

- Towing services are vital to City being able to function properly
- City of Austin ordinance allows towing companies to request a Towing Fee Study to determine appropriate fee schedules for non-consent tows
- Non-consent towing fees have had a handful of price increases over time (1989- \$55 to 2019- \$185)
- Different types of tows to consider:
 - Light duty vehicles
 - Medium duty vehicles
 - Heavy duty vehicles
- City of Austin used four (4) different methodologies to conduct study-
 - Consideration of financial information from the towing companies
 - Increases in fees requested
 - Considered the Consumer Price Index

- January 2019-November 2022, CPI increased 13.86% supporting proposed increase in towing fee to \$205 for Austin
 - Survey of the Austin Metro Area for fee comparisons
 - Average fee in area is \$205 and Austin is towards the lower end in fees charged (specific to light duty vehicles)
 - Comparison of other large Texas cities for fee comparisons
 - Average of 10 largest Texas cities is \$155 and Austin is currently highest for non-consent towing fees (light duty tows)
- Austin towing rules require those companies contracted/on rotation-basis for non-consent tows with city must remove some vehicles free of charge (average of 3-4 vehicles per 6 hour shift)
- Final recommendation from City staff is that Austin's non-consent tow fee is below average and needs to be increased.
- In addition, fees should be added to cover use of toll roads and for costs for specialty handling of electric vehicle tows and the potential hazard they can create

Several key issues discussed by Commission:

Commissioner Kiracofe questioned who pays the towing fees to the towing companies for these non-consent tows. The answer is the individual and not the City.

Commissioner Hausenfluck inquired about the non-consent tow fees as compared to consent tow fees (when a person calls to request a tow for themselves). The consent tow fees are non-regulated and no one was able to provide a specific answer since those fees could vary.

Commissioner Webber was curious to learn more about the extra fee for towing an electric vehicle. She asked for clarity regarding when the extra fee of \$150 (max amount of extra fee) would be applied for moving an electric vehicle. This would happen if “exceptional labor” was required to complete the tow. It is not clear if the extra fee would ever be lower than the full amount depending on the amount of “exceptional labor” required. Commissioner Webber expressed concern this extra fee seems to be out of sync with the values our City promotes and the drive towards an increased use of electric vehicles. **Lieutenant Lichter (APD)** clarified that electric vehicles involved in crashes can be dangerous. This extra fee could potentially address liability issues and support training for towing company employees to better handle these situations safely. Commissioners expressed concerns that APD conducted this study but was not able to speak fully to the reasons for the various fee increases. They also expressed concerns that perhaps there are better ways to deal with hazardous materials that do not require exposing a tow truck driver. **Commissioner Ramirez** directed a question to AFD about their handling of electric vehicles and whether or not they are typically dealt with as hazardous materials situations. **Assistant Chief Brandon Wader (AFD)** responded that AFD has not treated electric vehicles as hazardous materials since their batteries are typically contained. However, he did indicate that if the battery ignites, it takes copious

amounts of water to extinguish. This issue does require that tow truck companies and tow yards must take special precautions when dealing with an electric vehicle because if a battery ignites it can cause significant damage and is very difficult to extinguish. It is not like a normal fire.

Commissioner Sierra-Arevalo inquired about the impact of a potential increase on the bottom-line revenue for the towing companies. **Assistant Director Schmidt** stated that it is not known if the bottom-line revenue of any particular towing company would increase by the same percentage points as any increase of the actual towing fees.

Commissioner Ramirez wanted to know if any consumer facing consent towing companies were included in the survey study. Commissioners expressed concerns of an increase of this magnitude on this potential impact to the everyday consumer. Commissioners expressed empathy with the towing companies and their need to cover costs using an increased fee but are also concerned about the everyday consumer.

Next steps for this study, per the ordinance, requires the study to go to City Council along with the results of the PSC vote at the next possible Council meeting.

APD does not contract directly with towing companies. City of Austin has a managed contract with a third-party vendor for this work.

Vote to REJECT the Towing Fee Increase Study and send it back for more work-

Vote: Chair Webber motioned to vote and Commissioner XXXX seconded

Yes: Commissioners Bernhardt, Ramirez, Kiracofe, Hausenfluck, Sierra-Arevalo, and Webber

No: zero

Abstain: zero

Absent: Commissioners Gonzales, and Hall-Martin

6. Discussion and possible action on Kroll Report regarding Austin Police Department

Assistant Chief Jason Staniszewski, Austin Police Department

Commander Wade Lyons, Austin Police Department

Dr. Anne Kringen, Austin Police Department

Mark Ehlers, Managing Director, Kroll Consultants (remote)

Retired Chief Rick Brown, Curriculum Review Committee (remote)

Joyce James, Joyce James Consulting (remote)

Kathy, CRC Member

Phil Hopkins, CRC Member (remote)

Noelle Davis, CRC Member (remote)

Mr. Ehlers stated they were asked to attend this commission meeting just a couple of days ago. He and his colleagues were under the impression they would be talking about the

training academy and the curriculum review process which they just began work on. Kroll Associates expects to complete that work by March 1st.

Chair Bernhardt asked Retired Chief Brown what his opinion was regarding what it would take to reform the training academy to decrease use of force incidents. **Ret Chief Brown** indicated this topic was aligned with Kroll Associates Phase B assessment and was a switch from the understood topic of discussion to this meeting. Phase B assessment directly ties to the cadet training through its recommendations of what and how topics are taught in the academy which should result in different behaviors out in the field. There were numerous recommendations in that report and Ret Chief Brown offered to review and come back and speak more in depth at a future meeting for the commission. He indicated he was prepared to talk about the curriculum review process for today's commission meeting. He did emphasize the importance of monitoring and supervision to ensure what is taught in the academy is occurring appropriately in the field.

Commissioner Webber stated she hoped that everyone had a chance to watch the December meeting which included an agenda item that preceded this one and resulted in numerous pending questions and issues. Commissioner Webber's understanding is that the purpose of the agenda item today is to answer those pending questions. **Chief Henderson** reported that APD's understanding was the training academy personnel were present to report on an agenda item that was pushed from the previous month's agenda because there was not a chance to address it last month. The topic was a possible action item on update and reforms recommended by Kroll for the APD cadet training academy.

There was a question and debate about whether or not the intent of the agenda item was to examine the curriculum review committee or the Kroll recommendations for the cadet training reform. APD was prepared with remarks to discuss the Kroll recommendations for this meeting since the agenda item was pushed from the last meeting. There was discussion over the best use of time for today's meeting. APD personnel stated they were prepared to answer questions related to the Kroll recommendations as was stated on the agenda.

Chief Staniszewski clarified that CRC means the Curriculum Review Committee which is part of the Kroll assessment. Kroll is currently scheduled to reexamine the CRC with the support of Joyce James Consulting. The purpose of this review is to determine how the CRC (volunteer review board) can improve its processes and how APD and CRC can work more effectively in the future. **Chair Bernhardt** expressed concern the need for Kroll to assess the work of the CRC as a public volunteer board before the PSC (a public volunteer board) could speak with APD about the work of another public volunteer board.

Commissioner Webber voiced frustration about the meeting and the process. Commissioner Webber believed that if the panelists had listened to the previous month's meeting they would be prepared for the day's discussion. The panelists however were prepared to answer questions based on the actual agenda item for this particular meeting. The lack of coordination between the stated agenda item and the desired topic for discussion led to frustrations during the meeting.

Phil Hopkins stated that his recollection of some of the questions related to whether or not the CRC members could observe the training academy cadet classes and what specific changes had been made to actual curriculum modules. The goal for observation would be to increase transparency and accountability since making recommendations on a lesson plan is not the same as observing potential changes in action. **Chief Staniszewski** stated that they were working with the legal department to determine whether or not CRC members could be onsite to observe training classes. This is a regular and accepted process for ensuring APD is acting within compliance and legal requirements. **Commissioner Webber** expressed concern that nothing has been done regarding the request from last month for CRC members to observe classes for which they have reviewed the curriculum. **Chief Henderson** reiterated that request was with Chief Chacon (along with legal) for consideration.

Noelle Davis stated that Resolution 37, which created the CRC, includes language allowing CRC members to observe and co-evaluate training classes/curriculum on site. Commissioners expressed frustration that this part of the resolution was not being honored and was still out for discussion. There was also concern that the CRC and their recommendations were not being taken as seriously as they should be. APD agreed to review the language of the resolution to ensure all requirements were being met.

Mark Ehlers clarified what Kroll has been asked to do and their timeline. Kroll contracted by city in December to work with Joyce James Consulting to talk with CRC and those who have collaborated with them. Kroll will also examine other communities to identify possible process improvements. They are planning to issue a report by early March with recommendations to improve effectiveness of the CRC process. If the commission would like for Kroll to present on their findings from last year they would be happy to do so.

Chair Bernhardt spoke to the frustration that more change has not occurred to date and the concern regarding whether significant change was possible.

Future Agenda Items

- Legislative Update for some point in future as new Texas legislative session begins (Commissioner Ramirez)
- Training Academy Update from Kroll Associates on March 1st (Commissioner Ramirez)
- Updates from Cap Metro as they are forming a new police force (Commissioner Ramirez)

Adjourned @ 5:57pm