



***PUBLIC SAFETY COMMISSION
REGULAR CALLED MEETING
MINUTES
MONDAY, JULY 10, 2023***

The PUBLIC SAFETY COMMISSION convened in a REGULAR CALLED MEETING on July 10, 2023 at City Hall Building, Council Chambers, 301 W. 2nd Street, AUSTIN, TEXAS

Chair Ramirez called the Public Safety Commission Meeting to order at 3:05pm.

Board Members/Commissioners in Attendance:

Nelly Ramirez, Chair	Tim Ruttan
Rebecca Bernhardt, Vice Chair	Kristy Orr
Cory Hall-Martin	
Lauren Pena	
Pierre Nguyen	

Board Members/Commissioners in Attendance Remotely:

Commissioner - Yasmin Smith

Absent: Commissioner Bernhardt and Commissioner Ruttan

Chair Ramirez reminded commissioners to follow the recent emailed instructions from City Clerk's office regarding the new password reset protocol for the Board & Commission email accounts.

PUBLIC COMMUNICATION:

Carlos Leon – Cap Metro bus driver and her spouse Pepe

APPROVAL OF MINUTES

1. **Chair Ramirez** called for the approval of the minutes for May 15, 2023 Special Called meeting and the June 5, 2023 Regular meeting. **Commissioner Ramirez** motioned to approve the minutes, and Commissioner Hall-Martin second.

Vote for May 15, 2023 minutes:

Yes: 6 Commissioners Ramirez, Hall-Martin, Bernhardt, Pena, Orr, and Ruttan

No: Zero

Abstain: Commissioner Smith

Absent: Commissioners Kiracofe and Holmes

Vote for June 5, 2023 minutes (minutes approved with edit of adding Yasmine Smith's name as an attendee)

Yes: Commissioners Ramirez, Hall Martin, Smith, Pena, Orr, and Ruttan

No: Zero

Abstain: Commissioner Bernhardt

Absent: Commissioners Kiracofe and Holmes

2. STAFF BRIEFINGS:

Chair Ramirez informed the board the staff briefing was established to receive written response to follow up questions from previous meetings. The written responses are included in the backup materials for each monthly meeting.

3. DISCUSSION AND ACTION ITEMS

3. Public Safety Quarterly Report – Austin Police Department (Ramirez, Bernhardt) –
Speaker: .James Mason, Assistant Chief, Austin Police Department

Speaker prior to AC Mason's presentation:

Carlos Leon – Cap Metro's impact to APD response times by making unnecessary calls to APD for assistance.

AC Mason presented APD's Q3 FY2023 report on

- Citywide Crimes Against Persons, Property, and Society
- Citywide Clearances for Crimes Against Persons, Property, and Society
- Citywide Response times and Call Volumes
- Response Times and Incident Volume by Council District
- Urgent (P1) + Emergency (P)) Call Volume by Month
- Budgeted Overtimes vs Actual Overtime – 9/26/-6/17/23
- Personnel Budget vs Total Personnel Expenditures - 9/26/22-6/17/23
- Annual Overtime FY2019 through FY2023 - 9/26/22-6/17/23
- Sworn Staffing
- Civilian Staffing

- Civilian Emergency Communications Staffing
- Cadet Classes: 2022 & 2023
- Sworn Authorization FY2020 through FY 2023
- Sworn Separation 2020 through 2023
- Sworn Separation 2023

AC Mason commented on each reporting category of data and offered information on the reasons for decrease or increase in some of the percentages reported. In regards to APD's budget for overtime, the dollar amount is 28 million, and currently APD is over their overtime budget, but Austin Police department is not over their annual budget. There was an update on staffing (sworn and civilian) current numbers, and Cadet Classes. The civilian staffing level currently has 197 vacancies with 47 of those vacancies being in the 911 Communications department. The closing stats provided were on Separations FY2020 through FY2023.

Chair Ramirez opened the floor for questions from the commissioners.

1. Why the drop in PO calls? Does it have anything to do with APD/DPS Partnership? **(Bernhardt)**
2. Will these quarterly reports continue since the staff member you mentioned who prepares the reports has left the department? **(Pena)**
3. Do we have an average of call times prior to DPS joining APD in partnership? **(Smith)**
4. What is the denominator used in clearance rates? **(Ruttan)**
5. Has APD had to request additional funding from city council for overtime? **(Ramirez)**

4. Austin Police Department Overtime Pay and Payroll Processing and possible recommendation to council.

Speaker: APD Assistance Chief, Scott Perry

AC Perry begin the verbal presentation on the delay in overtime pay, by sharing that overtime expenditures went way up over the past year, and APD is still using paper overtime sheets (timesheets) as a major part of the reason for the backlog. The staffing challenges created a huge backlog of processing overtime pay, as more and more officers working overtime to fill in vacant slots and on top of that several key employees in the Payroll left the department, contributing to an even greater backlog, and sometimes late turning in of overtime sheets by the officers. Currently APD has a new Payroll Supervisor, the department is back to full staff and there are some temporary staff continuing to work in the Payroll department until all payroll processing is on time for a while. **Per AC Perry APD** does not have a systemic problem with processing overtime pay, and transferring timesheets to digital time system is in the future as Corporate Human Resource continues phasing in City of Austin departments. Chair Ramirez, asked if Austin Fire or EMS were experiencing any type of backlog similar to APD's on processing overtime pay. Per Chief Gardner, EMS is majority on digital timesheet and only their administrative staff is still on paper timesheets. Chief Vires commented, Austin Fire Department uses a digital timesheet system created by AFD. Currently they have no major issues.

Thomas Villarreal, President of Austin Police Association commented that the backlog of overtime pay with APD was an issue about six months ago, however since that time things have been addressed to improve to current overtime pay for the officers.

Questions from Commissioners:

- Is officer turning in late timesheets the only reason for the delay in payroll? (Bernhardt)
- Is this delay in overtime pay something that 911 call takers are dealing with as well? (Ramirez)
- Was EMS impacted by the recent crash of Tele-Staff? (Nguyen)
- Is there a limit to the amount of OT that an officer is allowed to work? (Bernhardt)
- Could we ask for this report again next year second quarter? (Smith)

5. APD/DPS Partnership Update and possible recommendation to City Council (Sponsors: Commissioners Orr and Holmes)

Chair Ramirez – called on speakers to have their remarks

- Bill Bryce, Downtown Austin Alliance spoke in favor of the APD/DPS partnership
- Bill Wallace, Native Austinite, Member of Tomorrow’s Foundation, and Member of Austin Justice Coalition – spoke against the APD/DPS partnership
- Chas Moore, President, Austin Justice Coalition- spoke against APD/DPS partnership
- Alicia Torres, Grass Roots Leaders, spoke against APD/DPS partnership

Chair Ramirez thanked all of the speakers for sharing with the commissioners today and moved to accept questions from the commissioners on the draft recommendation after Commissioner Pena shared her thoughts on why she felt the recommendation is necessary. Mainly because of where Commissioner Pena lives near 2nd Street, she cautioned there is an over policing by DPS in the community and people are afraid to live their lives as they did before the partnership.

There was extension discussion and suggestions from the commissioners to change some of the language on the draft recommendation. Input from Commissioners Orr, Ruttan, Smith, Bernhardt, and Nguyen was heard, Commissioner Ruttan motioned to withdraw his amendment and to vote on the resolution as is. Commissioner Orr second. The resolution passed with six votes (Orr, Bernhardt, Smith, Pena, Hall-Martin and Ramirez).



**PUBLIC SAFETY COMMISSION
RECOMMENDATION No. 20230710-006**

Date: July 10, 2023

Subject: APD/DPS Partnership

Motioned by: Nelly Paulina Ramirez

Seconded by: Lauren Peña

Recommendation: The Public Safety Commission recommends

WHEREAS, on March 27, 2023 a partnership between the Austin Police Department and the Department of Public Safety partnership commenced without notice to or input from the community or elected representative to the Austin City Council;

WHEREAS, the total number of DPS traffic stops between 3/30/23 and 4/27/23 (11,841)¹ is equivalent to 91.8% of the Austin Police Department's total traffic stops (12,889)² for the entirety of 2022.

WHEREAS, 74.2% of those DPS traffic stops targeted the City of Austin's communities of color.³

WHEREAS, ICM Jesus Garza and IACM Bruce Mills acknowledged that even the perception of racial profiling undermines public trust in their May 1, 2023 memo to Mayor and Council.

WHEREAS there is no interlocal agreement between the Austin Police Department and the Department of Public Safety outlining parameters, requirements, and goals of the partnership.

WHEREAS, the City of Austin's most vulnerable communities are feeling the negative impacts of the DPS presence without any governing documents for the partnership to guide accountability.

¹ May 1, 2023 Letter to Mayor Kirk Watson from DPS Director
<https://services.austintexas.gov/edims/document.cfm?id=407852>

² April 3, 2023 APD Presentation to Public Safety Commission on Traffic Enforcement and Management
<https://services.austintexas.gov/edims/document.cfm?id=405874>

³ May 1, 2023 Letter to Mayor Kirk Watson from DPS Director
<https://services.austintexas.gov/edims/document.cfm?id=407852>

WHEREAS, community engagement on the partnership has been limited.

WHEREAS, the length of the partnership remains undefined;

WHEREAS, impacts on APD's ability to address their staffing deficiencies in relation to the partnership have yet to be defined;

WHEREAS, as of July 10, 2023 APD does not have the departmental technology and/or resources to make the data from the partnership publicly available.⁴

WHEREAS, On July 1, 2023 a partnership between the Austin Police Department (APD) and the Department of Public Safety (DPS) partnership relaunched during a planned and anticipated Austin City Council break therefore limiting opportunities for community input;

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

- The partnership between the Austin Police Department and the Department of Public Safety be discontinued unless there is significant community engagement and an Austin City Council resolution establishing a formal interlocal agreement between APD & DPS, adopting parameters and guidelines that define goals, time periods, accountability, data sharing, reporting and expectations.

Vote:

For: 6 – Commissioners Bernhardt, Hall-Martin, Orr, Peña, Ramírez, and Smith

Against: - Zero

Abstain: Commissioner Nguyen, and Ruttan

Absent: Holmes

Attest: *Janet Jackson*

⁴ July 10, 2023 – Public Safety Commission Follow-Up Responses (in backup, link trailing)

ADJOURN @ 4:45PM

The minutes were approved at the August 7, 2023 meeting on Commissioner Holmes's motion, Commissioner Hall-Martin's second on a 7-0 vote.