



**PUBLIC SAFETY COMMISSION
MINUTES**

**REGULAR MEETING
Monday, November 2, 2015**

The Public Safety Commission convened a regular meeting on Monday, November 2, 2015 at City Hall, 301 West 2nd Street in Austin, Texas.

Chair Kim Rossmo called the Board Meeting to order at 4:00p.m.

Board Members in Attendance:

Dr. Kim Rossmo, Chair	Sam Holt
Michael Levy, Vice Chair	Daniela Nunez
Rebecca Gonzales	Ed Scruggs
Brain Haley	Rebecca Webber
John Hernandez	William Worsham

Staff in Attendance:

Brian Manley, Chief of Staff, Austin Police Department
James Shamard, Chief of Staff, Austin/Travis County Emergency Medical Services
Jasper Brown, Assistant Chief, Austin/Travis County Emergency Medical Services
Brian Tanzola, Assistant Chief, Austin Fire Department
Janet Jackson, Constituent Liaison, Austin Police Department

1. APPROVAL OF MINUTES

- The minutes for the regular meeting on 10/05/2015 were approved on Commissioner Worsham's motion, Commissioner Holt's second and a vote of 10-0.

2. CITIZEN COMMUNICATIONS

- Robert L. Tung, shared with the board members that he was a Taiwan immigrant from 1978. Mr. Tung commented on his personal experience with Austin Police Department and that the mental health screening programs currently used by City of Austin are not very good. During an encounter with the Austin police at his home, he was detained, with handcuffs in front of his family and taken to a hospital for mental health screening that lasted for five hours. According to Mr. Tung, he thought policemen should be polite and peaceful, but that was not his experience with Austin police. He strongly supports body cameras for police, because without the body cameras citizens will have no justice and no peace.

3. INTRODUCTIONS

- Art Acevedo, Chief of Austin Police Department introduced himself to the board members and shared that he had been the Chief of Police for the last eight years, and is very proud of the Austin Police Department. He thanked the board members for their service and offered to answer questions they may have concerning the police department. **Commissioner Holt** commented to Chief Acevedo "thanks for visiting youth in our area communities. **Chief Acevedo** replied that he is very proud of programs Austin Police Department currently offers for the youth. He mentioned there is

currently a crisis in the dropout rate among Black and Brown boys, but with programs like Explore, PAL and Boy Scouts Urban Area Youth Initiative offering some positive alternatives for youth it helps to decrease dropout rates. Currently enrollment in these youth programs is rapidly approaching 2,000 boys enrolled. **Commissioner Haley** asked how did APD come out after the last budget was approved? **Chief Acevedo:** Pretty good. The number one ask of us from citizens is more time by frontline officers, getting involved and out in the communities. With the increase of additional officers APD hopes to improve the community relations/policing. The best way to prevent any bad outcomes is to have a visible police force. There are lots of challenges in Austin due to rapid growth. **Commissioner Webber:** What are some avenues for citizens to use to address their concerns? **Chief Acevedo:** We can't hold officers accountable unless citizens voice their experiences. We encourage citizens to call, email, letters.. it is important for citizens to let us know. **Commissioner Holt:** Could you give us an update on where we are on body cameras for police? **Chief Acevedo:** Within the next five years you would see all officers wearing body cameras. Austin Police Department has been accused of dragging their feet on this issue (body cameras), but we want to be sure we get it right on which is the best camera. **Commissioner Levy:** Several years ago you were asking for 400 more officers and that number keeps getting reduced. Do you think you have made a strong enough business case for the additional officers? **Chief Acevedo:** It doesn't matter what I think it is really what the Council thinks and obviously they have more and more items/issues to consider before making their final decisions. I continue to hear a constant from communities "they don't have/see enough officers in their communities" I don't think we need to spend any more monies on studies to be done. The Greater Austin Crime Commission in conjunction with UT have done great studies. We need more bodies on the police force. **Commissioner Levy:** Dr. Rossmo has spoken about business cases to justify more police officers. **Commissioner Rossmo:** Yes, Austin has a low crime rate, but still has a burglary problem. Currently predictive policing is growing around the county that could prove beneficial, and also it's not just hiring more officers, but hiring the right staff. For instance in various positions to contribute to decreasing burglaries. Chief Acevedo quoted the burglary statics and Rossmo requested an updated/latest statics on City of Austin burglaries because he commented the numbers were quite different from the numbers presented at the September 8, 2015 Public Safety Meeting. **Chief Acevedo:** One of the obstacles in trying to decrease burglaries is the prosecution team does not work with us often. Example, a car burglar leaves blood on the car, we (APD) get his/her DNA and discover this person has committed multiple offenses and want the Prosecutors to work with us by stronger/stiffer penalties for burglary crime/s. However, before APD can discuss all details/requests the guilty parties have pleaded out their case and are no longer being held. **Commissioner Scruggs:** What is it APD could do to rebuild trust with the communities since it seems to be seriously damaged? **Chief Acevedo:** I don't agree that it is seriously damaged. I know this because I am in the communities of color talking to people all the time and all they want is to be treated with respect and dignity like everyone else. There is concern about the relationships in communities of color; however I tell my officers that the relationship is not completely broken. We must continue to be transparent, engaging and be held accountable to rebuild trust everywhere.

4. PRESENTATIONS

a. **Body Worn Cameras – Ely Reyes, Commander Austin Police Department** started the presentation commenting that the State of Texas had done a great job of crafting body camera legislation (S.B. No. 158) and a copy of the Texas Law on body cameras was included in the monthly folders for the board members future reference. Currently some Austin Police officers have personal body cameras(they purchased) , however the personal body cameras will no longer be permitted once Austin Police Department implements a body camera program. There were six questions presented to the Public Safety Commission and four of the questions were referred to as procedural questions (on/off switch, where camera is mounted, max resolution-high definition of the cameras and primary purpose of the cameras) would be answered in the RFP. The remaining two questions: Are current Texas privacy laws sufficient concerning police body worn cameras?

Second question was for the board to review current retention period guidelines concerning videos from officers body worn cameras and provide feedback? There were questions asked by board members ranging from :

- Does the 2016 budget approval by Council have enough funding allocated to cover all of the necessary warehousing of the videos? **Commissioner Gonzales**
- In addition to the warehousing question, does the budget cover costs for redacting, (which could amount to hours and hours of man hours to redact)? How many personnel will be needed maybe two fulltime employees? **Commissioner Rossmo**
- Who makes the decision on redaction? **Commissioner Scruggs**
- **Commander Reyes:** The determination will come from the Legal Department and noted that the original video will always remain in tact.
- Does APD have policies on body cameras? **Commissioner Webber**
- Will footage be shared with other law agencies? **Commissioner Haley**
- No the videos are for internal purposed only. **Commander Reyes**
- Will Citizen make a decision on the spot to consent to release or not release footage that includes their private space? **Commissioner Nunez**
- What is the definition of private space? Is someone's vehicle considered private space? **Commissioner Scruggs**
- Does body camera laws apply to car cameras? **Commissioner Worsham**
- What about vulnerable victims? How is the withholding of information/footage handled? **Commissioner Rossmo**
- Regular referrals are made to the Texas Attorney General's office when appropriate to ask for approval to withhold sensitive and confidential information/footage. **Chief of Staff, Manley**

There was much discussion on record retention laws with emphasis on defining maximum and minimum timeframes for retention. In addition there were concerns expressed by board members on who will advocate for the privacy of vulnerable victims. Two recommendations in response to the last two questions were approved unanimous by the Public Safety Commission Board to submit to the Public Safety Committee.

NOW, THEREFORE, BE IT RESOLVED that the Public Safety Commission Board believes current Texas privacy laws are inadequate for proper protection of victims of sensitive crimes (e.g. sexual assault, domestic assault, child abuse) when police-victim interactions occur in a public area, such as a street.

NOW, THEREFORE, BE IT RESOLVED that the Public Safety Commission Board has concern over the fact that the state law does not speak to maximum retention periods. The Public Safety Commission further recommends that a full evaluation of the police body worn camera program, including its technology, regulation and laws, be conducted after an appropriate implementation period.

b. Traffic Fatalities – Commander Art Fortune, Austin Police Department and Frances Riley, with Vision Zero presented on traffic fatalities. Commander Fortune shared with the board that currently (a/o 11/2/15) there have 84 traffic fatalities this year in the City of Austin. The 84 fatalities amounts to a 67% increase from 2014. Per, Commander Fortune traffic fatalities are and have been random resulting from speed, late night hours and impairment. In the past Austin Police Department has had two DWI teams working five days a week. A third DWI team has been organized this year and currently DWI teams work seven days a week (8:00pm-6:00am). The additional DWI team is an example of how

APD is trying to keep impaired drivers off the roads and promote safety on the roads for everyone. Statics were shared on pedestrians and motorcycles fatalities with pedestrians category having the highest percentage of fatalities (106% increase from 2014). Questions from the boards members:

- How many motorcycles deaths this year
- What are some of the plans Vision Zero is considering implementing to combat high number of traffic fatalities?
- Vision Zero is drafting an action plan to go to Council on December 8th to ask for the task force to continue because of the various ways they are helping the city to reduce traffic fatalities. Vision Zero is working on educating the public as much as possible by supporting TNC for Sober Rides Home, creating pamphlets with helpful tips on how to stay safe, don't drink and drive and these pamphlets are distributed in various location in Austin communities.

There were questions from board members concerning driving without a license or suspended license and what the does the City of Austin law say about that; mainly does APD impound/seize cars of persons caught driving without a license. Commander Fortune responded: City of Austin does not impound cars of persons driving without a license, and we do need to strengthen our current laws on this issue. Riley from Vision Zero commented, Commissioner Levy is on the Vision Zero Task Force and is a good point of contact for Public Safety Commissioner to keep up with the latest efforts and success of Vision Zero Taskforce.

c. Wildfire Preparedness- Justin Jones, Wildfire Programs Manager, Austin Fire Department – Mr. Jones: we (Austin Fire Department) take wildfires seriously and our vision is zero tolerance for wildfire fatalities. Some of the threats to Austin and Travis County is that there is no official evacuation plans and most fatalities occur during evacuation. Numerous homes that were built without wildfire consideration, and as a result they are wildfire fuel (houses that will ignite). We know wildfire risks now and because we are aware we can no longer turn a blind eye. Steps are being taken to reduce wildfire risks and it must be a collaborative approach. Example, homeowners in Travis County removed 80 tons of brush and debris and Austin Fire Department removed 20 tons. This is a great approach to mitigating wildfires. Another point is because Texas is a private property state citizens have more of a responsibility to address the wildfire risks. Attacking fires aggressively is key to preventing fires from growing larger. Implementing a National Fire Danger Rating System and using the media market is a great prevention tool to reducing wildfires. Austin Fire department is Ready, Set, Go program is key to saving more lives. Teaching homeowners how to prepare their homes and educating communities on the importance of heeding to evacuation warnings. **Commissioner Levy** commented that

Austin Fire Department would need to come back and continue more discussion/updates on high risk wildfires in Austin.

Special Presentation to James Shamard, Assistant Chief of Austin Travis County Emergency Medical Services on his retirement. A plaque and words of appreciations were presented to him by Commissioner Rossmo.

d. Responsive Material to Previous Questions

Brian Manley, Chief of Staff, APD spoke to the follow up questions that were asked by the board regarding; staffing, internal affairs investigations, body cameras and the number of police that live in the city of Austin as opposed to outside of Austin. He committed to following up with a handout at a later date.

Brian Tanzola, Assistant Chief, Austin Fire Department commented on three follow up questions from the board; response times per council districts, actual fires vs actual response times and status/update on Fire Departments hiring process. He provided three pages of data to the board. **Commissioner Levy** asked for additional on fire stations service areas response times. **Commissioner Rossmo** suggested the data cover five years and he would continue to work with the Research Planner for Austin Fire to achieve the data.

James Shamard, Assistant Chief, ATCEMS asked **Assistant Chief Jasper Brown** to comment on their follow up responses. The board had questions on; EMS staffing, current vacancies, number of credential employees, an organization chart, number of shifts (hours) worked for special events last year (2014) and the number of transports from special events. Jasper directed the board members to the handouts in the folders for answers/follow up data per their request.

5. NEW BUSINESS AND FUTURE AGENDA ITEMS

Chair Rossmo mentioned the flooding issues in the City of Austin and review/approve meeting schedule for 2016.

6. ADJOURN: At 6pm Commissioner Worsham motioned to adjourn, Commissioner Webber second (*No motion, second or vote is required to adjourn the meeting unless there is an objection to adjourning.*)