



**PUBLIC SAFETY COMMISSION
MINUTES**

**REGULAR MEETING
Monday, December 4, 2017**

The Public Safety Commission convened a meeting Monday, December 4, 2017 at City Hall, 301 West 2nd Street in Austin, Texas.

Chair, Rebecca Webber called the Board Meeting to order at 4:00p.m..

Board Members in Attendance:

Rebecca Webber, Chair

Daniela Nunez

Sam Holt

Ed Scruggs

Preston Tyree

Kim Rossmo

Carol Lee

Brian Haley

Board Member Not in Attendance:

Rebecca Gonzales

Noel Landuyt

Staff in Attendance:

Troy Gay, Assistant Chief, Austin Police Department

Jasper Brown, Chief of Staff, Austin/Travis County Emergency Medical Services

Richard Davis, Assistant Chief, Austin Fire Department

1. APPROVAL OF MINUTES

The minutes for the November 6, 2017, meeting was approved with a correction requested by Commissioner Lee to change on *page 4 from contract expired on "10-31-2018 to 10-31-2017"*. Commissioner Haley motioned for approval of the minutes and Commissioner Webber second. **The minutes were approved with a unanimous vote (8 approved 0 disapprove).**

2. CITIZEN COMMUNICATIONS –eight citizens signed up to speak, only first five speakers were able to speak

- **Carlos Leon** – Judge Roy Moore, Sexual Assault and the Law
- **Sukyi McMahon** – Austin Police Association contract with City of Austin
- **Mandy Blott** – Austin Police Association contract with City of Austin
- **Shane Johnson** – Austin Police Association with City of Austin

- **Peter Beland** - Austin Police Association proposed contract with City of Austin
- **Joey Gidseg**- “
- **David King** “
- **Trudy Stassburger** - **Item #5 Austin Police Department DNA Lab**

3. Proposed Contract between City of Austin and Austin Police Association – Sponsored by Commissioner Webber

Ken Casaday and Andrew Romero with Austin Police Association were asked to speak first. Both speakers were in favor of the contract and Mr. Casaday cautioned the board on possible consequences such as possibly 100 officers retiring over the next several months if the contract does not pass. Ken Casaday referenced city of Dallas and its current shortage of police officers from 100-150 short and he doesn't want to see Austin with a severe shortage of officers in the future. Casaday also shared with the board that the Austin Police Association conducted a polling of the entire community last week that showed only 18% of those polled believed the contract should be rejected. 58% of those polled believed salary should be increased to train and keep qualified officers.

Commissioner Nunez- asked a couple of questions concerning the survey, if the survey was in English only and was the survey online? **Andrew Romero**, responded it was a phone poll survey and he wasn't sure if the survey was in English only, but all of the information from the survey and how it was conducted would be available the following Monday.

Chris Harris, Grassroots Leadership– addressed the board on his anti-position on the Austin Police Association proposed contract largely having to do with the 180 day rule.

Kathy Mitchell, Texas Criminal Justice Coalition – commented she is anti the APA proposed contract because of the price tag (more money needs to be directed to mental health issues). Kathy stated there needs to be a balance on reform and cost.

Chas Moore, Austin Justice Coalition – commented he is anti the APA proposed contract with the City of Austin based on a financial and moral standpoint. “It is not worth the price tag” per Chas.

Brian Manley, Chief of Austin Police Department – commented he is in support of the proposed contract between the City of Austin and Austin Police Association as it sits today. He spoke to the benefits of the contract if it passes and the impact to the community if the contract does not pass. Some of the points mentioned by Chief Manley:

- 85% of the police officers voted for the proposed contract
- Citizens will be able to file a complaint anonymously with Police Monitor's office
- Transparency increased by citizens will now receive a close out conference on the outcome of their complaint
- Citizens review panel would be able to question the complainant

Chief Manley commented on other areas in the proposed contract that he thought were a benefit to the community, and concluded that he thinks this contract is right for Austin right now because it improves transparency and accountability of the Austin Police Department.

Commissioner Rossmo questioned the impact of the police contract on the overall budget. How much of the increase is for salary and how much of the increase is for the overall police budget?

Chief Manley responded that the contract still has to go before council in reference to the budget because it was not included in the 2018 budget sessions/discussions. Andrew Romero weighed in on how they (Austin Police Association) calculated the increases and savings over the next five years. He mentioned the City of Austin's growth by 5% each year and with that growth also comes a growth of the general fund.

Commissioner Webber shared the positions of Commissioner Gonzales and Commissioner Landuyt in their absence. **Commissioner Gonzales** is in support of the contract as it is.

Commissioner Landuyt had concerns about the 82 million cumulative costs without the increase in the number of officers. The current contract looks like to have additional officers in the future to be very challenging.

Commissioner Webber called on Commissioner Lee for her comments. **Commissioner Lee**- I wish we had more time for detailed questions, particularly concerning the special events. Commissioner Lee presented her resolution to the board that listed several key points to be addressed:

- APD has some the highest compensation in the state
- Recognizing what a burden it is on our overall operating budget
- Concern with the restricting of the compensation package (i.e. stipends)
- Special Events (are some already paid for by general operating funds)
- New Agreement somewhat improves transparency, but it still doesn't seem that we are operating at best practices (oversight as outlined by the Department of Justice)
- New agreement does not propose or allow flexibility for reducing public safety costs, such as through the use of non-sworn personnel or other staffing/policy changes
- City of Austin is on the verge of hiring a new City Manager and they should have an opportunity to influence the contract before another five years

My recommendation is that we have more time to review the contract, don't just deny it.

There was comments/discussion by board members Rossmo and Nunez, Tyree and Scruggs following the presentation of Lee's resolution.

Commissioner Webber -there is still a motion on the table that council not ratify the contract.

Commissioner Haley – hearing no second I would like to put forward a motion to accept this contract, Rossmo second the motion. Commissioner Webber has comments before calling for a vote. She stated she believed in collaborative bargaining and thinks the diversity hiring is very important. I don't think the right answer is to vote down the contract.

The vote was called and motion to accept the contract passed:

For – 6 (Commissioners Webber, Haley, Holt, Scruggs, Rossmo, Tyree)

Against – 2 (Commissioners Nunez and Lee)



PUBLIC SAFETY COMMISSION RECOMMENDATION 20171204-003

Date: December 4, 2017

Subject: Proposed Contract between City of Austin and Austin Police Association

Motioned By: Commissioner Haley

Seconded By: Commissioner Rossmo

Recommendation

The Public Safety Commission recommends that City Council ratify the proposed contract between City of Austin and the Austin Police Association.

Vote

For: 6

Against: 2 (Commissioner Lee and Commissioner Nunez)

Abstain: 0

Absent: 2 (Commissioner Gonzales and Commissioner Landuyt)

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

Janet Jackson, Board Liaison,
Austin Police Department

4. Sexual Assault Criminal Case Progression from Report to Conviction by: Commissioner Nunez

Speakers: Joe Chacon, Assistant Police Chief, Austin Police Department
Ana DeFrates, Austin Commission for Women

Prior to the presentation, Chief Manley introduced Dana Kadavy, Director, Forensic Science Division, and Austin Police Department to the Public Safety Commissioners. Chief Manley commented he was proud to introduce Dana and mentioned her extensive background prior to accepting the position with Austin Police Department. He was very pleased with her hiring and stated we have the right person for the job.

Commissioner Webber moved into the next topic on the agenda and commented that this topic has been presented on four previous times and today is an update on the subject. **Assistant Chief Chacon-** I was last here in March 2017 and am back to report on where we are today. He touched a couple of areas:

- DNA processing times
- Detective Case Loads
- Added four additional detectives to Sex Crimes Unit

There has been a recent wave of victims of sexual assault having their character being attacked. Here at our Sex Crimes Unit we are creating a environment of WE START BY BELIEVING. We want an environment in which the victims feel believed.

Only 32% of sexual assaults are reported and Austin Police are working to improve that number. We have created bar staff initiative/training to help victims be removed from a situation. We are putting up flyers in downtown entertainment district with information on how to get help immediately if you have been a victim of sexual assault. We are doing more to prevent sexual assaults and if it does occur Austin Police Department are doing more to investigate the assaults.

Ann DeFrates – Austin Women’s Commission spoke about some of their achievements as results of going to council with their resolution

- They received a onetime allocation of 50,000.00 dollars for community based counseling. As a result of receiving the funding they are working with APD Victim Services to better serve and reach victims.
- They are asking for five positions to be added to Austin Police Sex Crimes Unit

We are still working on improving services for sexual assault victims and now have the support of Council Member Kitchen.

There were a couple of requests from board members for data that shows where the drop off is when it comes to prosecuting sex crimes.

Commissioner Webber commented we will bring this item back on a future agenda to hear/get the data on where/why drop offs are occurring in prosecuting.

5. Austin Police Department DNA Lab – sponsored by Commissioner Rossmo

Speakers: Lynn Garcia, General Counsel, Texas Forensic Science Commission
John Holloway, Quattrone Center for Fair Administration of Justice, Univ. of Penn. Law School
Dana Kadavy, Director, Forensic Science Division, Austin Police Department
Michael Eveleth, Commander, Austin Police Department

Assistant Chief Gay introduced this item and gave a recap for commissioners here the last year or so and for the benefit of all new commissioners. The recap included a history of the audit of the APD lab in 2016. The City of Austin and Travis County have been working together to move forward with the best ways to address the recommendations in the audit by Texas Forensic Sciences Commissions.

Lynn Garcia w/ Texas Forensic Sciences Commissions introduced herself and spoke a little bit about the make up of the department. There are seven scientists and two attorneys appointed by the Texas Governor to this commission. Lynn commented briefly on the findings in the audit and that a lot of their findings have been resolved by Department of Public Safety doing some of the DNA testing, the hiring of Dr. Kadavy and with the hiring of Quattrone Center they will be able to analyze and explain how the lab got to the place it was in 2016.

John Holloway introduced himself and commented on why he was here and what this mission would be. Per John, his job was to understand why things go wrong. He explained that his team uses a root/cause/analysis system. They conduct an event review and are not looking to point fingers at any one individual, but rather review systems in place and how they work. He commented they would be meeting with stakeholders group and hoped to wrap this project up in about a year and then come back to the commission with the results.

There were questions and comments from Commissioners Rossmo, Nunez and Scruggs. **Commissioner Rossmo** requested that he be interviewed when Dr. Holloway begins his analysis. **Commissioner Scruggs** thanked Lynn Garcia and the commission for their work, and **Commissioner Nunez** asked John Holloway if there will be a recommendation to make the DNA lab independent?

Commissioner Webber asked Commander Eveleth to present his update on the sexual kit backlog.

Per Commander Eveleth, the current number of outstanding kits is 852. In February 2017 that number was 2, 165 and when the lab was closed the number was over 4, 000.

Commissioner Webber commented a job well done.

Future Agenda Items – there was no discussion

Commissioner Webber asked the board to email her their available dates to meet in January 2018.

Meeting was adjourned @ 6pm