

Public Safety Committee Meeting Transcript – 05/23/2016

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>> Zimmerman: Hello, everyone. My name is Don Zimmerman. I'm the chair of the Austin public safety committee. We have a quorum here with councilmember Houston and councilmember pool. I'm going to go ahead and call this meeting to order. I've got 4:03 P.M., May 23rd, here at city hall, and we'll call this meeting to order. Does anybody know, do we know if councilmember Scar is going to be here? And I believe councilmember pool is going to have to leave early, and councilmember Houston has to, I think, be somewhere at 6:00 P.M., so we'll try to move quickly here. So our first agenda item is approval of the minutes of March 28th, 2016. Is there a motion to approve the minutes? >> Houston: So moved. >> Zimmerman: Councilmember Houston move, seconded by pool. All in favor in we approve the minutes 3-0. Councilmember Casar is off the dais. That brings us to number 2. Is Mr. Bill Spelman in the room? >> Houston: Can we just go to the next item until he gets here in he promised he was coming. >> Zimmerman: Seeing no objection, is it okay if we move to item number 3, the staff briefing, invited testimony, and president Obama's discussion regarding consolidated emergency service district 4 into the fire department. I believe we have staff to talk about some of the financial implications that we had - - chief Dodds, were you going to do that for your recollection or somebody else? Thanks for here. >> You bet. Tom Dodds with chief of staff, Austin fire department. That's correct, the esd is here and they actually have the presentation for the group, if you want to take that first, and I can answer questions afterwards.

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>> Zimmerman: That sounds fine. Let's go ahead and do that then. David Bailey had thank you for being here. >> Good afternoon. I'm David Bailey, fire chief with esd number 4. Thank you for the invitation to come speak today. I wanted to introduce a couple of our counsel people, Charles Alexander. Each esd has a five-member commission, that's our president and one of the board members who joined us today. Hopefully a powerpoint is loaded up in front of you. I promise 12 minutes worth of material and then plenty of question and answer after that. Some of the material is new to you. I hope some of it looks familiar, though, as well. Starting off with a little background on esd 4. You see a map in front of you that shows some original boundaries. As early as 1985, it was founded as a rural protection district. In 1995, all of those had to become emergency services district by state law. So in '95, we became a professional organization in that we started hiring full-time career employees, and the oversight remains by that. You'll notice that on the map, there's multiple colors. Each one of those is a fire protection district. Each one of them has a five-panel board, and each one of them has gone from

volunteer to combination to professional, to where we are today. The biggest difference I would point out is that huge blob of red. In a very few short years, went to that, specifically because of the annexation policies, 52 times since 2001, the city of Austin has reached in and got a piece of what used to be esd number 4. We used to at one time run eight stations. We're now down to three. And over the years we have mixed and matched and reallocated to best serve the best way we could. Today, the organization -- here's a few things, exactly where we are. We're functioning, we're

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making things work. We get about three and a half million dollars worth of revenue every year. We have land and facility at three different locations. We have 30 professional career firefighters, all tenured in experience. We have a full-time administrative staff and legal services team. Very much a functioning organization that still exists 30 years into its existence. We're also characterized by a district of islands. We have a total of six islands. 2000 runs per year, 7,000 addresses. Some specifics there. We have three fire stations that you see on the map that are characterized by 25 miles apart. We have tremendous challenges going from Williamson county on the north to bastrop county to the east. Those are our big challenges. Each island has its own specifics. Each has unique characteristics. For example, this one off Mcneil road, we generate 124,000 worth of property tax. We have 19% of our businesses up there. We make 180 calls a year, and our nearest fire station is 14 miles away from a significant piece of my population, that has no chance of having timely response there. What motivates today's presentation is a similar conversation. We're going to spend some time on this slide. As you can tell between my stations, I have eight and a half miles, 15 miles from one station to the next. I've got some areas like Mcneil road that I can't get to in 20 minutes. Response times in themselves are very lacking. Beyond that response packages, even if I can get one unit there, my second unit is another 20 minutes away. We do not have auto aid. We're relying strictly on mutual aid at the time. Leads to inferior service. There's really no way to define it other than that. It's the best we can

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provide. But if you're off Springdale road and on one side of the street you get four engines, two ladders, and multiple others, and on my side of the street you get two engines, that feels like inferior service, whether you're in the county or not. The last bullet is important. We're here today because of the inevitability that things are not going to get better. If each of these islands, you see a little gray line that goes through Springdale or Austin colony. Each one of those lines that by secretary my bisect is a strip of intersection, that the city has already reached out and got 290. Springdale. Each business they will get, it will be annexed, so if the object is Bailey, get more money, build more stations, take care of your own territory. History shows the inevitability, that that's not going to happen. My response times ever times in my poor coverage is not ever going to be better in any situation I see. Which leads me to the point of why I'm here. Here's my proposal, nuts and bolts of what we propose today. Under the terms of a contract for service, the Austin fire department would assume control of our stations, our personnel, our resources, our equipment. Those assets would become city of Austin's. The revenue that we generate each year, three and a half million, becomes city of Austin's. Their esd board and minimal staff remains in place to administer the district. We're still a subdivision of the state. We have to stay in existence to pass that money along to you, and also to ensure that this contract effectively needs the needs of my citizens. I do have two working examples that I think give us an example of how this works. There was a time when each esd had their own dispatching center. They had their consoles, their 911 taking center, and a few years ago they realized it's kind of foolish to spend money on

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our own when you have C tech, an C tech was the first example of county-wide, it was indicated that the best use of our money is contract to the city of Austin. A similar arrangement is with our hazmat response. There was a time we used to buy hazmat suits and try to staff up a hazmat team. The reality is, it makes more sense, there's a more effective use of my dollars contracting with the city of Austin. What's in it for the city? Why should you, as stewards of the city, really care about about this proposal? Number one, you're making these runs already by the thousands for free. Came into us 161 times last time, with no resp reciprocal arrangement whatsoever. Auto AIDS is supposed to speak to that, but many thousands of times you make these runs for free, for many good reasons. Number 2, Austin fire needs help in their response times as well. There is no greater example poster child than what I've got circled there. At the end of city park road, Emma long park, for years, we have watched Austin units drive by my station on the way to heart attacks and drowning's or structure fires because that relationship did not exist. There's no auto aid. Mutual aid is very much delayed. That is an example of really a situation that's been in place for many, many years. The second one would be this corner here, corner of 183, Springdale road area where my fire station is. To the left, station 18 is the busiest station in the city of Austin. This has been identified in the top 10 areas of response problems that they have. My station that's circled certainly goes a long way to addressing that, or could be used or considered in reducing some of those problems. The third reason you should care is because our capital assets instantly subsidize and supplement yours. Consider this. Cost to build a firestation

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in the city of Austin is six million dollars. It costs you six years to build one. I've got three that I'll give you tomorrow. Afd is very much behind in the stations they have. They come fully stocked, equipment, tools, communications, personnel, totally outfitted. The picture there is of our station 401. That's located in the Austin colony island. This picture is off of city park road, off 407, and just for pretty pictures, there's one of our brand new apparatus. This is equipment that can and would be used certainly as soon as such an agreement took place. Okay. We do have some support. The esd commissioners for the first time have publicly said they're in full support of contracting this service out to the city of Austin. This has not been the case. Local to 4848, our union supports this. Austin fire's union supports consolidation, and input in their last collecting bargaining contract, a means, mechanism that speaks just to merger, for similar reasons such as this Austin fire's commander staff has seen this opportunity, the need, the opportunity for many, many years. Last slide that I'll leave you with, there will be conversation about an increase in the operation cost for the Austin fire department. There's going to be a number floated up that says we don't have the money. There's a gap in funding. I would simply ask the four of you that when that conversation comes up, that you also look at the left side of the scale, that you see that the cost of three stations is not insignificant. The property on which they sit, immediate response times, 30 professional diverse experienced firefighters ready, offset by some operational costs. Our point today was to make sure as we go forward in this conversation, that both sides of that was being

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discussed. Thank you for your time. >> Zimmerman: Thank you, chief Bailey. I believe I sent an e-mail a couple weeks ago asking for a little bit more specific financial information about those ongoing operations and maintenance costs. Do we have some of that information? >> Correct. At this point, I just want to frame this a little bit, we have been in conversations and we've had an expanded conversation

which is what we're carrying on again today. So we're not negotiating a deal with esd 4 at this point, we've not been given direction to do anything of that nature at all. But as part of that conversation, we did take an estimate look at what it would cost to bring the firefighters in from esd 4, and to assume the response to the esd 4 territories. In doing that, we assumed that we would bring in two companies of firefighters, which would -- with our staffing model, would bring in all -- all the firefighters would come over, and that staffing would staff their east station and their west station. So the additional third station that chief Bailey talks about was never talked about as far as us staffing that station. So we were talking about two stations. However, having said that, we if I go ahead the first year of cost to bring their firefighters over for a 12-week training, which is the contract stipulation, the appendix in the back collective bargaining agreement, that agreement said we would have about a 12-week hiring academy for the firefighters to come over. While we did that we would have to backfill for those firefighters to cover their responses. The estimated cost of that understand a associated equipment that might be needed to do all that was going to be \$1.3 million. The ongoing gap, as it's referred to, is the difference in what the salary levels are paid in esd and essentially what we

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pay in the city of Austin, and that gap would be an ongoing -- these are all estimated Numbers -- estimated about \$1.5 million from year to year, moving forward, to staff those two stations. And that's -- that's pretty much it. >> Houston: So chief -- thank you, chair. So the three million -- 3.5 -- was it three million that they're offering us? >> Yes. That would be in addition to that. >> Houston: So in addition to that additional 2.8 million that we're having a gap. >> Correct. The 2.8 million would only be the first year. >> Houston: And after that it would be 1.5 million we'd have to make up. >> That's correct. That's correct. [Buzzer sounding] >> Mayor Adler: I have another question regarding the consent decree that we're under for the fire department and the diversity that we would be bringing in to Austin fire department. What will that do to where we are trying to increase the diversity Numbers for the fire department? >> We did not look at diversity as part of what our charge was to examine this. I have no reason to doubt the Numbers of the diversity. It's represented by the esd. As far as the consent decree comes, they were concerned how we hire and bring diversity in through our hiring process. >> Houston: Right. But I guess the people that we bring in will go through a 12-week academy. >> A totally modified academy. >> Houston: Modified academy, but does that mean some of these folks were already in one of our prior academies demand test high enough to get into AFD? >> I have no, I don't. It's

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possible they could have been but I have no idea. >> Houston: So can we ask for additional information regarding the people, the diversity Numbers? Because regardless of what we're looking at in hiring, if we continue to hire people outside of the demographics that we're looking at, and the department of justice is looking at, we're still going to be in trouble. >> I would assume so, yes. >> Houston: So is it possible to look for -- get additional information? We're not making decisions today. >> Correct. >> Houston: But I think we need all the information that we can get so that we can make well-informed decisions and not just on three million dollars coming to us. >> Yes, ma'am. Yes. We'll get that. >> Houston: Okay. >> Zimmerman: Do you have a question? >> Casar: Thank you both for coming today and I apologize I was a little late so you may have already answered my question. But could you let us know what the city's -- what's our regular policy for how it is that we -- when do we choose to engage with esds, when do we choose to enter into these agreements, how does that -- how does that work? >> We've not successfully entered into any agreement with any esd. At one time we looked at another esd out by lake Travis, esd 6, and went through, and against -- essentially we got to a similar point. Money

always seems to come up at some point. There's a little bit of a delta between us and esds that always seems to be an issue. I think chief Bailey pointed out, the other difference is, the labor unions were not equally in support of the deal back then. These don't come up that often. Esds haven't been around a tremendously long time, 30 years, so not tremendously long time, but I think he described the problem accurately, that as the city of Austin expands and annexes, we chop up their tax base so we make it harder and harder for them to deliver high quality response services for their fire departments because we take away their financial ability to staff their units. So that's just part of the challenge for it. So we've always been open to

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talking and entertaining it. And, again, the template was put into the labor contract this time to allow those conversations to take place. But it's always a policy decision of the council whether we ever enter into anything like that. >> Zimmerman: Okay. Go ahead. I have a quick accounting question, but go ahead. You can go first. >> Pool: I really like the proposal that's in front of us, and I appreciate chief Bailey coming to my office last week to talk about it. In particular, when I look at how fragmented esd 4 is now and the islands that you have, and the distance between them, and the amount of time that it takes to get some one to the other, it makes sense operationally, and also I think it provides better benefit to the folks in those areas to have the additional support. So a couple things that I think would be really helpful to us all, if this is something that we need to move on, I think the questions I'm hearing here from my colleagues circle around information, acquisition, and presenting that could happen during the budget cycle. So to the extent that you gentlemen can continue to work and include -- I don't know the role that bob nix would play in this, but be sure to include the union and the conversations. I would like to see some Numbers to see if we couldn't move this ball forward. I don't know how quickly -- I don't know any of the answers to those questions, but I think that there would be interest on council to dig into this and maybe move this appropriation forward. So the money side, how it works with bringing new staff on, does it have negative effects on our diversity profile, or does it have a positive effect on our diversity? I just don't know. And then also ensuring that our union brothers and sisters are good with this -- with this proposal,

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and I see that nine -- afa 975 is in support. So just the additional conversation that you could have, if you could flush it out a little bit more for me and maybe some of my colleagues here, we can take some definitive steps in this direction. >> Zimmerman: Yeah. I have a quick question. Thank you, councilmember pool. I share some of those sentiments. This is getting the ball rolling and we are breaking new ground on this so it's really important to try to get it right the first time, if we do it. So back to page -- I believe it was page 3, it said that you had eight stations, and you're down to three. So it begs the question, did all five of those stations that used to be esd 4 -- are they all five now operated by AFD? >> None of them are I don't believe. >> Zimmerman: None. >> None of them are. >> Zimmerman: What happened to those stations? >> We would close them down, sell the property and build another station that could better serve what was left. >> Zimmerman: Okay. So was the building demolished? I mean a fire station is kind of a peculiar building; right? >> Or repurposed by another business. >> Zimmerman: Okay. Okay. And then the other point, one of your slides talked about, you know, the esd having inferior service. That's a perspective matter. I could say that AFD had superior. There's nothing inferior about what you do, it's just they spend more money and they have better service. >> Thank you. >> Zimmerman: Those are my thoughts. Do you have any questions? We've got a couple of invited -- >> Houston: Right. I'm not as in urgent -- I'm not as urgent as some of you are to have this move through

this budget cycle because I think there are a lot of things that have not been asked and a lot of questions that need to be asked. And so I'm not one of those that's -- conversation is good, but I think there are a lot of things that I think are unanswered about how this would happen. >> Absolutely.

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>> Houston: And two of those -- three of those are in district 1 or outside of district 1. Austin colony is outside. One is -- two are pretty close to the Harris branch, and one is close to 18, so I'll need to look at it very closely. >> Zimmerman: Yeah. We have -- I've got three people here, they'd like to make comments. If you guys can stay close here, there's Darren Hyson, peter torenson and bob nix. If there's no objection, we'll start off with three minutes of what you have to say, then we can do Q and a from there. So is detainer here? Thank you for being here, Mr. Hyson. >> Sure. All right. Good afternoon. My name is Darion Hyson. I'm the corresponding secretary with the Austin African American firefighters association. Thank you for the opportunity to speak. We're here today to express our views on this proposal. We are against the proposal at this time, and we would like to share why. We believe that this proposal is going to have a low impact on diversity. >> Houston: Put your microphone a little bit -- >> Is that better? All right. Right now, the decision to consolidate is going to have a low impact on diversity. Diversity, as mentioned earlier, is a hot topic. It's something that's very important, and when we look at the goals of this city, we read the [inaudible], D for diversity, I, for innovative ideas, reach out to subject matter experts, to help prevent problems like we have at the department of justice here to try to fix some of those, but what we are proposing and hoping is that other avenues that currently are involved and engaged in the Austin fire department, to utilize and help with

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diversity, and not to go off topic, but there are several Austin fire department programs that speak to this issue. We as an organization have proposed for the absorption of esd 4, years ago, there was as high -- as high as nine African American, now there's only two. That's why we have an issue with the timing of this proposal. We've made several suggestions to help keep this city out of the site of the department of justice and consent decrees. Our goal is to prevent that. When we come up and speak to city council or a try to make suggestions to the union or any of our elected officials, it's to have the city's best interest in mind, and especially our fire department. So we would just like to make some comments to, hopefully, have the impact of diversity to be considered in any decisions, especially one of this magnitude. Diversity should be right along the top with the others. Do y'all have any questions? >> Zimmerman: Thank you for those remarks. My impression was that pretty much everything we had to do would get some kind of scrutiny from our legal team in the context of the doj agreement because I think we're under that for some period of time. So I think it goes without saying that whatever we do, we're under that scrutiny. But go ahead. >> Pool: Thanks for coming to talk to us today. I'm curious, your opposition to the consolidation is because you recommended it a number of years ago and it didn't happen, and then now there were nine African American firefighters, but now there are only two? >> Yes. Our opposition is because of the low impact on diversity that it's going to have. >> Pool: Do you have those Numbers are static? Is there anything that we can do around that to help boost the Numbers as a part of this effort so that it

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wouldn't, in fact, have a negative effect on the diversity of the department? >> Well, looking at the big picture, there's several things that we can do to increase the Numbers in the Austin fire department. In

esd 4 right now the trend is a negative trend. And that's why we're having issue with the timing of it because there are several ways that we have suggested, like utilizing the Austin's Ibj five academy those. Are Austin fire department-trained folks that we have proposed to the bargaining team several times to say, hey, why can't they have a point, at least pint. They have the Texas fire commission certification as firefighters when they graduate, and these are some eager young men and women actually that have made it into the fire department, and I personally have trained them. I'm one of the original instructors there. So we've pushed for something like that, which may not be immediate, but it's a great long-term goal. There's also the Austin fire department explorer academy and pass the torch academy, all AFD trained which will have an impact on diversity, and they'll be qualified, they'll be qualified candidates. So those are some ideas . >> Pool: Well, those sound like really good suggestions and I would amend my earlier comments to include not only the 975 union folks but also the African American firefighters association, and in particular, your suggestions about the academies that are out there, so that we could all join together on an effort that I think would on boost a really good contrary opportunity for folks, especially ones that you are mentoring through your academies. Would that be something that you would be willing to work with the esd 4 and Mr. Nix and the firefighters association and our adf folks? >> Very much so. And we just would like to mention that we have asked, several times, to have a permanent seat at the bargaining table. That's when decisions like that are being made, but that decision hasn't been granted. That request hasn't been granted for our association to have a permanent seat, not a -- after --

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afterthought of suggestion to invite us, bought permanent seat where we can, as subject matter experts, share some positive ideas that can keep us and prevent us from being in a consent decree. That's something nobody wants. >> Pool: Well thank you for that. My goal would be to have everybody working together and bringing all the good ideas to the table so we can have the best outcome possible. So to the extent that you would be willing to contribute to that, as well as the others, I think that would be a good path forward. >> All right. Thank you so much. Anything else? >> Zimmerman: Okay. Thank you very much. >> Thank you, sir. >> Zimmerman: One of the commissioners for esd 4, peter torrenson, would you like to say a few remarks? Followed by bob nix. Thank you for being hero. Here.>> I'm peter -- >> Zimmerman: Are you get the mic close to you? >> Representing the fire commission. We've been interested in this obviously because it has a big impact on esd 4 territory, but it also has a big impact on several sections of the city where there -- where we indirect. We have the most complicated interface with the city of Austin fire department of any of the esds in Travis county, and we're excited about this opportunity because not only for esd 4, but this is -- I believe it's step 1 in having more rational fire service across the county. We've got a hugely interconnected punch of fire departments. There's 13 esds in Travis county, and they all have a different situation. Some of them truly are rural fire departments. We are not a rural fire department. We are right next to the city freeways and big highways are going through our territory. This is -- this is a standard urban kind of a fire situation, and lots of operational advantages to having that integrated with the city of Austin.

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As the chief has already talked about, this is the first opportunity that we have that I believe has got the possibility of being successful in terms of consolidating operations between an esd and the city of Austin because we've got union support, we've got board support, we've got a method for integrating firefighters into the city of Austin through a contract and the template for such an activity, and the operational considerations are such that it can be successful, and work really well. This, I think, is -- it's

an investment in the future as we go forward, we're going to have to address as the city and the county, more carefully how annexations are affecting all the esds and how we're going to deal with that. Any questions, I'd be happy to address those. Thank you. >> Zimmerman: Thank you very much. Hang on a second. We have a question here. Mr. Torrenson. >> Pool: Thank you for coming today. It's good to see you. Can you talk quickly and explain the financing mechanism, Howes 4 would still be the taxing entity, but you can choose which entity the proceeds go to? Do I have that right? >> Yes. Es -- all the esds are set up by state legislation, there are five commissioners who are volunteers and appointed by the county in which they're located. They have limitations on sales taxes and property taxes that they can collect. In many cases, an esd is just a taxing entity, and they contract with typically a volunteer fire department in the state of Texas to do the actual operations. In Travis county, we've got a different model. Our esd actually is an operating fire department, as well as a taxing district. [Buzzer sounding] >> Pool: You can finish. >> Yeah. >> Pool: You can finish. >> And so if we were to

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contract with AFD to provide fire services, the esd would not disappear because it's a taxing entity, and it covers property that is not in the city of Austin, but rather in the county, and within the boundaries of the esd, so there would have to be some administrative function of the esd that continued on if we did contract for services, virtually all money we collect would go to the city of Austin. There would have to be a minor amount of money set aside to provide the legal operations of a taxing district and to make sure that we're collecting the right taxes and they're getting to the right place and a few things like that. >> Pool: Well, I think knowing what the revenue is that comes into the esd would be an important part of the conversation so that we can make a good decision based on whether to consolidate, based on the real impacts of the fiscal changes in the -- in the operations. >> Yes. And our books are completely open. We've had Austin fire department accounting people look over, you know, our books and our statements to figure out how we're organized, where the money is really going, and such as that, so, yeah, that information is readily available. We know exactly how much money has been collected. There's always some uncertainty about how much you're going to collect because part of it is sales taxes. But we have standard budgets and everything which are readily available. I'd be happy to forward any of that material to anybody who would like to do it. Awful you guys can certainly see our operations financially. >> Pool: Thank you. >> Zimmerman: Thank you for being here. We have bob nix, followed by Kevin McDonald.

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>> Committee members, thank you for your time. I'm going to be brief, which you guys know is rare for me. But I think the issues are really, really straightforward and the solutions are really, really straightforward. Achieve Bailey laid out a great case for what the issues are and what the problems are, and they're not going to away, and they're going to get worse and it's easy to validate his claims. We have a solution that every stakeholder agrees with. The association agrees with it, the board of commissioners for the esd agrees with it, the chief agrees with it. This is rare. This has never happened in the history of Travis county. So -- and councilmember, I agree, this requires more study. This should not be done today. We should not be making a decision, this is what we need to do, we need to go forward today. It needs to be studied further. That's very important. But right now there's no permission to even do that. And so I'm asking this examined to do is to give -- is to direct mistake of to provide that study and let's bring all the stakeholders and talk to them all together, but until we do that, we can't make an informed decision whether this is a good idea or not. And, you know, we talk about the 35,000 people that are underserved in this area because of what's happened historically with annexations, and

that's really important. That's why we're here. But another important aspect is the lives and the families of these first responders that have worked so long to see their careers dwindle away over time and have to go somewhere else. I do want to recognize three members from esd 4 right now. Would you please stand up. Thank you guys for being here today. Drew, could you join me here for just a second so there's an issue of operationability and service and there's another issue raids on diversity. And drew has been kind in you have to assemble those diversity Numbers for you, if it would be the pleasure of the committee to hear those Numbers. >> Zimmerman: No objection.

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The clock is running here, but go ahead. >> Committee members, thank you. Bob, appreciate you for calling me up. My name is Andrew Garcia, I'm president of the firefighters association which represents esd 4. I do have some members here. Currently I can give you percentages and I can give you exact Numbers. I'll give you the percentages first. We're 58% hispanic. >> Houston: Try to give us the Numbers and the percentages at the same time. >> Okay. Yes, ma'am. >> Houston: Thanks. >> 16 hispanics in our department, and that puts us at 58%. Two blacks, or African Americans, that puts us at 13%. Nine white or anglo, that puts us at 29%. And then out of that -- out of those 27 firefighters, there are two females in our fire department which puts us at 13% in female population. >> I think it's remarkable these Numbers exceed the rates within our department today and they exceed the rates we're even achieving under the consent decree. So any issue or discussion on diversity I think is moot. If there are certain organizations that want more involvement in other areas of diversity, that's a great conversation to have. We should have that conversation, too. But to belay this great program on issues of diversity, there doesn't seem to be a basis for it. >> Zimmerman: Any questions? >> If I could add another percentage, we're -- 88% of our -- we also have a fire academy, which is 16 -- we're at 16 right now, so for the past six years we've had a fire academy that fire academy has produced many firefighters who are also very diverse. Currently our department, the 27 firefighters we have, the product of our department also shows diversity, we're about 88% of those firefighters have come from our academy. I'm a product of that academy as well. The two gentlemen that stood up with me are a product of that academy as well. Go ahead. >> Houston: Thank you. I don't have any more

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questions. Thank you. >> Thank you. >> Houston: I want to read into the record that the number of the demographics for the current Austin fire department, out of the 994 sworn employees, we've got 775 caucasian. That's 78%. We have African Americans, 41. That's 4.1%. And there are 159 hispanics. That's 16%. We've got 66 females. That's 6.6%. I would differ with you, Mr. Nix, that the race and ethnicity is not an issue. >> Zimmerman: Okay. Quick question, if I could. How does the doj consent decree apply to this potential, to the potential merger, or does it? How does it -- >> You know, I asked that question, and the quick question I got from city legal was, it wasn't an issue, but I think it needs to be investigated further. >> Zimmerman: I would think it would be an issue but I'm just curious, but that's one of the things we'll dig into. Here's one of the things I'm struggling with on this. We get into a situation where we have a chicken and egg problem. We can't get a complete detailed study of what it would look like to do a merger unless we get maybe the council to direct staff to do it, but, you know, council doesn't want to do it until they have the information. >> Right. >> Zimmerman: So we're kind of chasing our tail on this. So I guess what I'd like to know from my colleagues is, you know, do we want council to say we want a complete study with more detailed analysis of the cost and the diversity and et cetera? Isn't that really the question before us, from your point of view? >> That's what I'd be asking, is that we don't admits this out of hand, but we do further research, make sure all stakeholders are involved in that

research. We can agree on the assumptions and come back to you with kind of a unified notion of ideas, and then ask four decisions at that point, the policy makers.

[4:44:16 PM]

>> Pool: Chair? >> Zimmerman: We've got one more speaker signed up, Kevin McDonald. Is Kevin here? Thank you, Mr. Nix. That's our last speaker on the item. >> I'll try to be concise. Councilmember Houston, my name's Kevin McDonald. I was a firefighter for eight years in esd 4 and I was president of the board of commissioners there for 17 years after, from about 1985 until about five years ago. I'm the guy that set up the fire academy with chief don Smith, the prior chief of esd 4. And we set up that fire academy with the specific purpose to target hispanic and African American young people in east Travis county and bring them into the fire service. And it's one of my proudest achievements, setting that up, getting the grant money. We had Karen sunlight help with us that when she was a commissioner. We've graduated, I think -- I haven't been in esd 4 for the last five years. We were well over 200 graduates total. By that time the vast majority of them, either hispanic or African American. For many, many years, AFD ignored the program that we had. They did not come to the graduation class. They did not solicit graduates of our fire academy, or hire them into AFD. This went on year after year after year. The fire chief for the city of Houston came and passed out applications and said if you come to Houston, fill out the application, you have a job. And he hired away a lot of our graduates. We hired as many of them as we could absorb. Fdny hired graduates from those classes. That fire academy is known nationwide. A few years ago when I was still a commissioner, AFD 4 started showing up and soliciting people who graduated from those classes. I can't speak to what the current diversity is in esd 4 but I'm quite proud of having set that program up

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and changed that from a good old boy fire department with a bunch of white guys like me, with very few women and no gay firefighters, to changing their policy to invite gay firefighters, women, hispanics, and African Americans to be part of the fire service. So when someone says -- criticizes esd on the basis of diversity, I'm afraid I take that a little personally and I get a little prickly about it because I went out with the specific intent of changing that picture in that fire department when I came on board as the fire commissioner. Now, that issue came up, and I wanted to address it. My primary reason for being here is to speak to the issue of the contract under discussion. And my area -- I'm on a committee that represents Westminster Glenn, Glenn lake, river place, oak show green shores, and lake Austin, all the areas out there on the west side of esd 4 that are served by the fair station on city park road known as station 7 by some and known as 407 by others. And our position on this is that there are two key elements, and those elements are that the station on city park road and the piece of property owned by -- [buzzer sounding] -- Esd 4 that's affectionately known by residents as 911 boulevard be retained and the station be staffed 24/7, and that the 911 boulevard be kept intact. It reduces response times from esd 4 into river place and out into the district into AFD areas by with two to three minutes, it reduces response times into the existing esd 4 area by four to five minutes. Those are not insignificant Numbers in response times, and I know that response times have been an issue for you lately. I wanted to make that point, that that station and that 911 boulevard are critical elements that we insist be part of this contract. Thank you very much. Do you

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have any questions? >> Zimmerman: Thank you for being here. Did you have a question? >> Pool: No, I --

thank you. >> Okay. You looked like -- >> Pool: So I came to the meeting today thinking about this after having had a meeting with Mr. Torgenson and chief Bailey, and thinking about response times, the fact that we are looking at possibly in our budget putting in money to build a new fire station in the southwest part of town, looking at the assets and the revenue stream that comes off of esd 4. I was not aware of the diversity makeup of the officers there, the firefighters there, but that looks like a plus for the city, as does this most -- the last speaker, with his conversation about setting up the academy, it seems like there's some good cross-pollination and programs and approaches that could happen. So what I'd like to do, if -- when we get to the end of this conversation, is make a motion along those lines to pull the various streams of information together and the various organizations to start having that conversation officially. But I'll let everybody weigh in on any other things they want to say before I make -- before I make a motion. >> Houston: I have a question for chief. I'm not sure I understand auto aid. Could you explain auto aid for those of us that don't know what that is? >> Sure. Sure. Absolutely. Auto aid is an agreement that you enter into with a fire department that's -- that runs right up against your fire department. So with the city and the esds both represent two different political entities. They both have response resources.

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When it's viewed that those response resources are actual enough that the service that any resident in either jurisdiction would receive would be essentially the same, then you can enter into an agreement that allows either jurisdiction to respond as the first responder to a call, no matter where that call came in. What that allows is that we get help as quickly as possible to a resident, whether it's a county resident or city resident. It's helped both the city and the county in certain situations. It hasn't made sense to the city and all the esds who also partner together to auto aid between themselves. >> Houston: So do we have an auto aid with esd 4? >> We do not. >> Houston: So wouldn't that be the first step before we talk about assuming all of the staff and the resources, wouldn't that be a step that we could take first to make sure that the time -- the response time and the agreements are in place so that people don't have to wait? >> It -- it's a step. What happens is, the auto aid group, which is made up of esds and the Austin fire department, look at the other partner esds, and when -- when they're viewed -- like I said, essentially equal enough to be able to respond to that service, we have entered into auto aid agreements. It has not been viewed as a mechanism to bring into the city of Austin. They've never been viewed that way. It's not a stepping stone to it -- >> Houston: I'm not talking about bringing them into the city, but isn't that a step to make sure that the people in the county and the city have the same kind of response time if we enter into an auto aid agreement with esd 4? >> It would -- >> Houston: As we study whether or not this is something that we bring into the city of Austin. >> It could be. Absolutely it could be. >> Houston: So is that something that you all could talk about as well? >> We could. And we could enter into those discussions, and those are kind of ongoing.

[4:52:18 PM]

There's some other esds we plan to enter into similar ties of discussions with as their situations have been changing, so absolutely that's a discussion we could have. >> Houston: Thank you. >> Zimmerman: Councilmember pool, I recognize you as you wanted to take some action. We are posted for discussion and possible action. >> Pool: Okay. Well, I will make a motion to direct the parties, it would be Austin fire department, Austin firefighters association, Austin American -- African American firefighters association, esd 4, I guess so it's commissioners, staff, unions, and associations, to work together on a proposal including financing costs, the assets transfer, and also include the portion on auto aid that councilmember Houston is interested in, and so I would move that. I'm thinking about a timing. I don't

have a sense of how much time to put on that, but I would like to see something for our budget conversations, and I know July is when staff is pulling that information together. So it sounds like it may be a fairly quick exercise, so there may be some details that we can't get, but you could give us a good overview and possibly enough detail for us to think about. >> Zimmerman: Okay. I'm trying to craft that into a sentence he could read back. So give me a second. >> Pool: That's all right. I think we've got it on tape and we could work it out. >> Zimmerman: Is it fair to say public safety committee moved to direct AFD esd 4 and related parties with in an agreement to report back to us by a particular month?

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Our next meeting is September 26, I believe. >> Pool: And I was thinking that the information could come to us in July as part of the budget discussion, so they could target that time frame. >> Zimmerman: Middle July? >> Pool: I don't know what the city manager has set up, but I think during 2016 budget discussions. And I would like to itemize the different groups because I don't want to inadvertently leave out our African American firefighters association friends. So I've got esd 4, AFD, afa, aa, and I don't know if it's ffa, I don't know what your acronym is, but the groups that came here today to talk to us. >> Zimmerman: Okay. So there's a motion, it'll be as read on the record. I think we know the gist of it. Is there a second for that motion? Councilmember Casar seconds. Any discussion on that in. >> Houston: I think that the issues are too complicated to have it come back to us that quickly and have us be able to digest it. Was it the impression that this would be implemented this year? Or that the conversations would start this year? Because I keep hearing it tied to budgets. >> Zimmerman: I think the motion was that information would be -- >> Houston: I know what the motion was. >> Zimmerman: Be in time for budget discussions. >> Houston: But I'm asking the chief, is this to get it into the budget for implementation, or is this the conversation? If so, we don't have to tie it to the budget. >> From the Austin fire department's perspective, it's a conversation. So we're not -- we're not tied to any budget cycle for this conversation. I can't speak for the other parties involved. >> Pool: Chief Bailey? >> From our perspective, we talked business circles for years. If the answer is no, we understand that, but we see this as an opportunity, we've taken it further than it has ever gone. So I think we can answer every question you have, certainly, by the middle of July, and not take any action on it, certainly, but I think answering your questions by then is certainly doable. >> Houston: So chief, you've been working on this for 35

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years. We just started working on it today. >> Certainly. >> Houston: So I think you should give us some grace to be able to understand all the nuances, even though you've talked to me about it, now that we've asked for additional information. I just have a problem with the conversation -- I don't mind voting for the conversation, but when we start tying it to budget, is that sounds like we're ready to make action to include the 3.5 into the budget and get this rolling, and I'm not at that point yet. >> Certainly. But if we hadn't started, who knows if the conversation would have gone anywhere. >> Zimmerman: Go ahead. >> Casar: What I would like to suggest is that we hear how things have gone in memo format, since we won't be convening in July, and it's not tied to anything in particular; we just recommend that the council bless there being a conversation, and if in July you haven't learned much, send us a memo saying you haven't learned much, and if you've learned a lot, then tell us what you've learned. >> Great. >> Casar: And obviously, if it's not conclusive, let us know in July, and once you have more more conclusions, just let us know. >> Zimmerman: Any other debate or discussion? Asked I would expect you would in that information you send us, give us some analysis on how it would impact diversity at the department. While I certainly trust your members' counting of folks in the department, just everything

that in paper form would be helpful for us to understand. >> I'll interject that we just gave a hiring process, two African Americans are in the top six to get hired, and that will happen in months. So two goes to four real quick. But, yes, we will certainly give you those Numbers. >> Casar: Thank you. >> Zimmerman: Okay. Any other debate or discussion? All in favor of councilmember pool's motion? It's 4 to 0. Thank you for being here. >> Pool: Thanks so much. >> Zimmerman: We need to double back to item number 2 quickly. I believe Mr. Spelman is here.

[4:58:21 PM]

This is the issue staff briefing invited testimony and policy discussion regarding the 2015 racial profiling report and patrol staffing levels. Mr. Spelman? I'm sorry, we missed you I think at the last meeting so thank you for being here, and you have the floor. How many minutes should we expect here? Are you going to give us some comments? >> It is dangerous, chairman to ask for a 20-minute presentation from somebody who measures his time in 90-minute intervals, but I will keep it as short as possible. I'll try to keep it inside 15 minutes. >> Zimmerman: I'll set the clock. >> If it beeps off in the middle of my comment, I'll try and speak very shortly. You've asked me to speak on two issues. One of them is racial profiling. The other is on parole staffing, which I will reinterpret slightly as effective policing strategies, one -- one element of which may be increased patrol staffing. Let me talk about racial profiling first because it's simpler. Yes, ma'am. >> Pool: I'm going to suggest that our staff turn on the hand-held Mike. It might be more comfortable for you. >> Thank you. >> Pool: There we go. These tall men. Yes. >> Am I on? >> Pool: Brian, can you turn on that mic there for us? There we go. >> This should work better. It will also make me feel like a rock star. Thank you for doing this let me talk about racial profiling first because it's a simpler issue. None of these issues are simple, particularly, but this is a little bit easier. Racial profiling as you know can be defined in a bunch of ways, but the way in which it's commonly defined is the conducting of field and traffic stops, searches and seizures, and arrests on the basis of race. This turns out to be a little bit too simple because there's a couple ways to think about it. There's a narrow definition and a broad definition. The narrow definition of

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racial profiling is when those things are conducted solely on the basis of race, and it is clear that this is plain unconstitutional. It's also illegal in the state of Texas, but it's unconstitutional in the United States. That was last decided by the supreme court in Arizona against the United States. Arizona was the supreme court decision which laid aside most parts of senate bill 1070 in the state of Arizona. We can't do that, but there's a broader definition which did under which we can get stop search and seizures and arrests partly on the basis of race. Race would be a contributing explanation for why it is a particular person was being stopped, searched, and arrested. It turns out that for better or worse, that is allowed under the the supreme court decision terry against Ohio in 1968. The name of traffic stop in fact in many jurisdictions is referred colloquially. Let me review that. The terry stop rules basically say the police have the authority to stop and briefly detain individuals, they can conduct a limited search for weapons, a pat-down. They could look in your wallet, they can't look in all sorts of other things, but they can check to make sure you don't have any weapons, and if they find could not band in plain view, for example, a traffic stop and they see something on your front seat, they can seize that. But they can only do this if three conditions are met. The first condition, there has to be reasonable suspicion. This is a broad term, usually it's defined as if a reasonable police officer would be suspicious of the behavior of the individuals, well, that would be -- that would be sufficient, whether the rest of us would be suspicious or not is less of a concern because we don't have the same background the police officers have. There's broad discretion, obviously, given as to what is reasonable. In addition to reasonable

suspicion, it has to be based on specific and articulable facts. When you ask the person or

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his lawyer, they have to be able to tell you exactly why it is, what were the aspects of the behavior of the person being stopped that caused them to trigger that stop. And finally, it's based on the totality of circumstances, what may be a specific and articulable facts may not apply to a different situation, it is a little bit loosey-goosey. What this means is, it's very difficult to identify racial profiling on a case about by case basis because in almost every case you can point to a receive the facts which in the totality circumstances, mean reasonable suspicion. In fact, the last time I looked, there has been no U.S. Court that has set aside a conviction of someone on the basis of an illegal stop, triggered by racial profiling. It's just not something that's done because it's so easy to find reasonable suspicion like facts in the totality. Okay. Well, if you can't do this on case-by-case basis, you might be able to do on it a statistical basis. There are three problems, looking at a racial profiling report as required in the state of Texas, there are three problems. First problem is reasonable suspicion. In this case I mean among statisticians, not reasonable suspicion among police officers. Some of you I know have seen this before so I won't belabor the point, but the short version is, you look at a phenomenon, you compare the phenomenon to your expectation, recognizing that phenomenon expectations will never exactly match. For example, if you flipped a coin a hundred times, your best guess, it's going to come up heads 50 times, but you wouldn't be too surprised if it came 7:00 heads 45 times or 55 times. In fact, I could probably persuade you if it came up 40 times or 60 times, this shouldn't be two surprising. But if it came up heads 32

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times -- [inaudible]. The idea is that we establish a range of possibilities and if something -- [inaudible]. [Audio is cutting out.] -- To trigger reasonable suspicion [inaudible] However, we're not usually -- [inaudible] Racial profiling is not commonly held, it is not generally done, but there are a few individuals or a few commands or few times of day or something like that, where we can expect to see racial profiling and we would not expect to see that the rest of the time, what that means is we're going to have to be doing comparisons of a bunch of different commands, a bunch of different individuals. We've got nine commands in the patrol section of APD. If we did nine separate comparisons, what that has to do -- what that means is we're ratcheting up the standard of evidence, five percent requirement for us identifying something as being reasonably suspicious. What that means, if we do this nine times, we're likely to find that one of those nine commands is going to be reason by suspicious in some way. In fact, there's a 60-ed on percent chance we would find that to be true. If we ratcheted it up further and looked at a thousand patrol officers or a thousand people in a position to actually do traffic stops or somehow engage in racial profiling, we could reasonably expect just by chance, phone none of them were ever engaging in racial profiling, 50 of those hundred, 5%, would be found incorrectly to be found engaging in reliable profiling just because of the statistical standards

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we're using. If you did that survey and found that, say, 80 of those thousand are engaging in something outside of our envelope and looked like racial profiling, you could be pretty much some of them were. The problem is, 80 are outside the envelope, 30 are probably engaging in racial profiling, but you don't know which ones. 50 are probably caught in the net just by chance, 30 probably did something wrong, but you don't know which ones they are. That's the second problem. Third problem -- I'll refer to it as the denominator problem. What is the standard of comparison that you will be using to identify racial

profiling? The idea here is, if you have a certain number of blacks, hispanics, native Americans, Asians and white folks being picked up three field stops, traffic stops, whatever you're looking at, you want to compare that to some other distribution of blacks, hispanics, and so on. What are you going to use to compare them to. If you compare them to residents of the neighborhood, for example, your -- that's a reasonable comparison. The problem is, a lot of people who travel through a neighborhood, who walk in the streets of a neighborhood, don't actually live in the neighborhood. When the Rand corporation, at the behest of the mayor of New York did a racial profiling study of the potential for racial profiling in the city of New York, they ran across what they refer to as times square problem. Times square is an expensive place to live. These days people who live there are usually white, but people walking and driving there tend to be tourists, people of New York, but not people who live in the city of New York, the times square area. We have to consider possibility, especially talking about traffic stops, and pedestrians, a lot of people are going from one place to another and may be traveling through a neighborhood, even though they don't live there. This gets really weird then. What are we going to use as a denominator if we can't use the residence? What the guys from New York used was arrest rates. Okay.

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That's fine. We know in advance that black folks are more likely to be arrested than white folks so that increases the likelihood we would expect for like folks to be picked up as part of a traffic stop or a field stop. The problem then is we have a chasing your tails problem. If the reason therapeutic arrested is racial profiling, we're using racial profiling to justify further racial profiling. The basic point I'm getting at here, for these reasons, it's going to be difficult to identify purely on a statistical basis there is or is not racial profiling going on. If you were to ask the question and ask for my opinion, you haven't, but I'll give it to you anyway, is the racial profiling in APD, the answer is the same I'd give to any police department in the country, of course there is. There's always some going on, but most of the racial profiling that is happening is broad definition stuff, which is legal and constitutional and we can discuss whether it's advisable enough if you like. Identifying the narrow definition profiling is going to be very difficult to do, and in particular, if you wanted to talk about who, what, where, when, to whom, it's going to be much more difficult than that. Let me finish this with one more thing. The study of racial profiling in New York came up with a negative result. He said I think it's going on, but I can't prove it and I can't tell you where or when or to whom at all. A few years later, actually just the last two years, the police monitor of the city of New York has conducted a similar study, using exactly the same data set, but they have a different -- they have a little bit more information, because of the police monitor, they have access to information provided to them by patrol officers and detectives who are ratting out other patrol officers and detectives about the things they're saying over lunch, the kind of behaviors they have observed in the field and so on. The police monitor now knows better where to look and what to look for than the Rand institute was able to look for ten years ago and they've identified what they believe to be clear evidence of racial profiling in some parts of the NYPD.

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It's -- the statistical evidence combined with contextual evidence that you can only obtain from informants or from actual direct observation, which is what allows them to make that -- make that kind of a judgment, and absent that additional information, I think it's going to be almost impossible to identify racial profiling only on the basis of a statistical report. I can answer questions or address any comments you might have on racial profiling or I can change the subject. Which would you prefer? I'll change the subject. You've also asked me to take a look at the issue of patrol staffing. And let me slightly

change the subject here. There are two questions we have to ask. The first question is, would more patrol officers attribute to public safety, and the answer of course is yes. More is always better than less. There's another question, however, which is, is this the best approach for Austin to pursue if its primary interest, not necessarily, there are other alternatives. My apologies if this gets too dry too quick, I can cut to the chase but I want to go through this because this is important to me. I think it's important to you. How many cops does it take to prevent a homicide? This is not the beginning of a joke. There really is an answer to this question. I can give you an answer to it. We know from the behavior of cities all over the country over the last 50 years that when you add police to a police department, then homicide rates go down. The elasticity turns out to be negative .2. What that means is a 5% increase in police staffing will, multiply -- by negative .2. In Austin, we had 26 homicides last year. One homicide is 4% of the total so if we wanted to reduce that 26 down to 25, we would need something like a 20% increase in the number of cops. 20% times negative .2 is

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negative 4%, that's one fewer murder. If we had one 20% increase in patrol officers, that's going to be something -- 20% increase in sworn officers is about 360 officers which and you know all in cost, per officer, when you include salary plus benefits plus equipment plus supervision is about \$36 million. I know you don't have \$36 million in your back pocket. But if we wanted to reduce our homicide rates a little bit, we'd need 360 officers to be counting on reducing it by only one. Are there alternatives? Let me give you three. There are more than that, but I have time for three. I think -- let me give you the short version. In Boston, they had a similar problem. They defined their problem, homicide is a big deal, so they took one piece of that and the piece of it they decided they wanted to look closely at was gang violence among young people, usually conducted with guns. The solution was two mean, focus on guns themselves, traffickers were generally a small group of people who are identifiable. They followed the guns, they followed the traffickers, they put particular pressure on them and arrested some of the traffickers and tried to reduce the number of guns. The more interesting thing they tried to do was to focus on the violent gangs themselves. They referred to this as the pulling levers policy, and the basic idea is that -- well, they brought a whole bunch of gangs in. They could identify who the members were and get the word out, we want to see you. We're not going to arrest anybody, we just want to give you a message, they they'd bring them into the station and explain the following deal. If you continue dealing drugs, continue acting bad, beating each other up, we will treat you exactly the same way we've always treated you. You know what that means, sometimes we'll pick you up, run you in sometimes you'll do jail time, we're not going to focus particularly on you. [Buzzer sounding] >> Zimmerman: It's close to 15 minutes. We can finish up. >> If I can have another five, I'd sure appreciate it. I think I can finish in

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five. If you commit violent acts to one another, using guns, threatening murder, we're going to pull every lever we can find against you and all the comrades on the gang. We're going to bust you, that's fine. We're also going to arrest anybody in your gang who is responsible fortress for trespassing, for drinking in public, anything we can find, any misdemeanor we can blow up and make a big deal of, we're going to prosecute you to the fullest extent of the lot. We'll do house visits, we're going to follow you around, we're going to talk to all of your friends and invite them to call 911 anytime you do anything the slightest bit bad. We're going to make your life a living hell. And they sent this message to a bunch of gangs, which experimented a little bit with this. The first few weeks, there was the same amount of activity going on. It turns out that the Boston police department and its law enforcement allies really meant it, followed through on their promise, and after the first few weeks, they finally got some results

over the next year, which were really interesting. Youth homicide rate went down by 63%. Not -- coincidentally, that turns out to be exactly 26 homicides per year, which is our total problem. Gun assaults went down citywide among all people by 25%, and there was an additional bonus that the number of shots fired calls, 911 calls for shots fired went down by 32%. This did not -- this required a lot of discussion, it required a whole lot of work on the part of a bunch of Boston police officers, but it did not require any new officers and certainly didn't require \$36 million. They were able to reduce their homicide rate by 26 per year. Very briefly. Richmond, California, had a similar problem. They had one of the highest murder rates in the United States. They identified the biggest piece of that problem is violence among young people. These were not generally gang members but they were generally people they thought they could know. The solution was to identify those people who are most at risk, identify a small number of people, something like 50, I think 68 have

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gone through this program in the last two years, and they bring them in, say we're going to make a deal with you. We're going to set you up with a couple of social workers. We're going to set you up with a community mentor, somebody who you know, somebody who your neighbors know and think of as being a good, honest broker. And we're going to invite you to come up with a life map which might involve, for example, getting your G.E.D., starting community college, getting a job, holding a job, getting job training, things like that. And we're going to pay you between 300 and a thousand dollars a month to stick with that map, so long as you actually stay on course and don't get arrested for anything serious, we're going to pay you some money to stay on with this. The results perhaps surprisingly were amazing. 79% of the people successfully completed the program. That's good. And the homicide rate went down by 77%. It is now no longer one of the highest homicide rates in the state of California. Let me give you one last case in Indianapolis, they had a roughly similar problem, they were just concerned with gun violence, not necessarily associated with kids. Their solution was the seize every damn gun they could get their hands on ask a police officer about this, how do they feel about guns, and the first reaction is probably going to be every gun we take is going to be another gun that cannot be used against us, or which would trigger us to use a gun against you. So seizing guns that are illegal is just a plain good thing from a police officer's point of view. So they targeted field and traffic stops to people who looked like they had guns or were going to use them. The targets were based on evidence, based on previous, which ones actually yielded guns, and was much more targeted than the looser you have that constitutes reasonable suspicion. They had home visits of people who had guns before to make sure they took what guns shouldn't have been there. There's more to it, but by focusing more on the guns and not on the people, the gun crimes went down on districts they did this by

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45% and homicides went down by seven to 1 in those districts. My point, there's another way to do this besides adding patrol officers. Adding patrol officers will work but it's going to be very expensive and it's going to take a whole lot of patrol officers, therefore, to get them through the academy it's going to take a long time before you see a result. But if we target our activities towards a very specific problem, like gun violence among kids, or guns specifically or domestic violence or anything else which might be a cause of our murder rate, we can probably accomplish exactly the same result or better result with a lot less outlay of funds. The best solution is going to be on the nature of the problem, whatever we decide the problem to be, local conditions what Austin police department can make with other law enforcement agencies, with social service providers, in awful these cases, the community was very closely involved not just as a silent partner but an active partner. They had an important role to play in

all of these programs and other programs which I could talk to you about if you want to hear about it. All of them worked. None of them cost \$36 million. >> Zimmerman: Nicely done. You finished with eight seconds to spare. Nicely done. Any questions? >> Houston: I have one question. Thank you so much. For being here and providing this information to us. It's been eye-opening. One of the problems that I have in my district is that we start these programs, and then nothing happens. A couple of years ago, there was something called restorative justice, and now I don't know what's going on, I don't know what's happening. You know, it's kind of like we start it and we put a lot of energy and effort into it, and then all of a sudden, it just stops. Why is that? >> I should probably -- awiser weren't would defer to the APD on the question of restorative justice. I met with David Kennedy, an old friend of mine, to begin doing an evaluation of the program. He had very high hopes for it a couple of years ago. It may be the program worked

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extremely well and has now become part of APD's standard operating procedures. It could be they pulled the plug after two years, I really couldn't say. I would defer to APD on the subject. But generally speaking, the bigger -- the more you all get involved -- restorative justice is something APD is doing on its own hook, they may or may not involve the community to a greater or lesser extent. If you all are involved, however, in this, then you have an opportunity to involve the community on your own and turn this into a small political issue. This is something the community is doing, not just something APD is doing. Because this is something you're involved in, that means that you have a constituency that will be working with you and working directly with APD to keep it going. It becomes something which is much more important than just another program. >> Houston: So if you remember, it was on 12th and Chicon, that's where it was focused, now all people are not on 12th and Chicon, they're on 13 and Chicon. Every time I drive by, I wonder what's going on with the restorative -- reverend Patton is not participating, he's doing something -- I'll talk to APD, but I thought you might have some insights into things -- restorative justice works in other places. >> It does. Very well. >> Houston: What happens, there's a threshold it seems like we get to, then it's just not a priority anymore. >> Well, if it works, one of the things that we have seen in a lot of cities around the country is, if it works, when it works, making as big a deal as possible, and if you'll pardon me, my being very direct, petting the living heck out of the APD dog and saying good police department, we really like your having done this, finding some way of giving them whatever props they can get in order -- in exchange for having done that, and any othering them, perhaps, with a little bit of money to do it elsewhere, I think is a really good idea. But the bigger deal you make out of the successes, the more frequent those successes are going to be.

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>> Zimmerman: Thank you. Anything else? >> Casar: I had a quick question on the racial profiling issues. >> Yes, sir. >> Casar: So I think it was at our last committee meeting, we asked some questions about, you know, the pretty significant gap between anglo stops and searches versus those of folks of color, and one of the responses that we got was because many of those lower income communities of color face disproportionate amounts of crime, there's more patrols there, there's more stops there, more 911 calls, so you see this increase in stops. And while I'm sure many of those communities certainly need policing resources, I'm not so sure about whether the traffic stops add to that -- help with that -- with that safety, or don't, and how you -- how you separate that when unanalysing racial -- when you're analyzing racial profiling. If you say when it's partly based on race, what about when you have policies in place that lend to a desperate -- impact and disparate number of traffic stops? How do we tangle with that? >> If you find there's a part of town where a lot of people are carrying guns without permits,

where those guns are being used to commit criminal acts, maybe just being in arguments, you might reasonably believe it's a good idea for the police department to try and do something about that, and field stops have been shown in a lot of situations to be a way of reducing people's illegal carrying of guns because they know that the gun is going to be taken away, and guns are expensive and they might actually have to go to jail for it. So a field stop in a place where you know you've got a gun problem might be a good way of helping to solve the problem. The best way to reduce the concern by the community is to involve the community in the decision to do that, rather than simply saying, we're going to do a whole bunch of field stops because we know it works, we're going to talk to a bunch of

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neighborhood associations and civic groups to explain here's what we're doing, here's why we're doing it, here are the limits of what we're doing, here's what we're looking for, here's what we're going to stop, then posting the results so it's clear, we're catching guns, not catching guns, we're reducing crime, not reducing crime, but involving the community in that decision making process a good way and go a long ways to solving the problem you just mentioned. But I would not want to -- I certainly would not want to say before you, without doing any background work, without talking to other people, that field stops are a bad idea. Field stops. Have been shown to be an important and useful part of police work. I think the big problem is the disconnect with the community in the decision making process. >> Casar: Right, and the question being how do you entangle, as you said, within the 80, whatever, how do you entangle, if you're doing a lot of field stops in a if I can area because there are guns coming in from outside that area, from there being a lot of stops in that area, and it's just because it's a lower income area and there isn't a strategy. And I don't know -- >> Well, because you're working for a lieutenant who likes to see a lot of field stops. >> Casar: Right. So where do we go next from the data that we have that was recently produced? >> I think -- let me go to the second part of the presentation because I think it informs the first part. If we had a specific problem we were trying to solve with those field stop, we think there are too many guns, we think -- we want to throw the fear of god into potential burglars or thieves or something like that, if there's a specific reason we have in mind in order to justify those field stops or that policy, then making that public, involving the community, this is what we're doing, this is why we're doing it, we will report back to you when we actually have some results as to whether or not that's working or how well that's working, and we will ask you your opinion as to what it is we ought to do next, that would be a good way of engaging the public in helping to solve the problem. >> Casar: And so if we were to have geographic data highlighting sort of the spots where there are

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disproportionate Numbers of stop, we could ask questions about what it is we're doing in those areas around why. >> Yeah. And I would expect the APD would actually have an answer to that question because of their cops on dots program, dealing with hot spots is something which APD has been doing for several years, and field stops are part of that cops on dots program. We have a very specific robbery problem, auto theft problem, we're trying to solve at each of those dots and there's presumably a reason behind all the things that they're doing, all the directed patrols, all the field stops and traffic stops. >> Casar: And I think it was during our last meeting the chief mentioned he was going to get some of that geographic data together but I don't know if he's presenting next, but we can follow up on that. >> Zimmerman: Let me ask a quick question, if I could. I appreciate the -- the years you spent on council, can you give us a little wisdom? Most of us here are new. It is a vehiclessing problem for some of the reasons you pointed out to try to pinpoint this. I mean, what advice, based on your experience on the dais, what advice do you have for us on how we try to find a solution or advise APD management?

Because the point you made about how you use your existing resources, you know, APD pretty much decides that. This might be the public safety committee, but I'm not really aware of anything that we've told management to do. >> Sure. >> Zimmerman: Was it different when you were a councilmember? >> Manly will back me up. If I ever tried to tell them what to do, they nodded their head politely and went off and did what they thought they needed to do. I wouldn't think of the job as being that. You're not setting policy for the police department. The police department is. But what you can do is to encourage them to engage the public for their own good. The more they do on a very geographically limited basis, as well as a citywide basis, the more authority they're going to have and

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legitimacy they're going to have from the public, the better cooperation they're going to get and particularly something I have not seen as much of, which I have spoken to the chief Acevedo and Manly, if we can ask the public not just to cooperate, not just call 911 but do something very specific, the more specific we can engage -- the more specific activities we can ask the community to do, they'll do them, and that will help, and this is the best way to build a better cooperative relationship between the police and the community, is by asking very specific things of one another. >> Zimmerman: Okay. Thank you for coming. >> Thank you for having me. I appreciate it. It's very good to be here. >> Houston: Thank you so much for coming. >> Zimmerman: That brings us to -- excuse me. Do you have another question? >> Houston: Councilmember Spelman? Could we get a copy of your presentation so that those of us who couldn't write everything down could -- >> I will happily send you a copy in the next ten minutes. >> Houston: Okay. Thank you. >> Thank you. >> Zimmerman: That brings us to agenda item 4, staff breathing, invited testimony and policy discussion regarding releasing video from Austin police department body worn cameras. I think we have something from staff to start with here, and then we had some invited testimony from Matt Simpson from the ACLU, but let's start with our staff. Thank you for being here. >> Good afternoon. Commander Reyes with the Austin police department technology division. Basically, in response to your questions about our policy and how it relates to open records requests, the policy that we have drafted or we are implementing doesn't go into specific details about open records requests. It does say in there that we will comply with the state law. We have a team of central records experts in our civilian records division that manage all of the open

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records requests, and they're very well trained and well versed in the open records process. This past year the legislature passed specific rules and guidelines about body worn camera video to ensure the protection of the information on those videos as it relates to public information requests. Some of those protections that are in place that were implemented by the legislation and that are legally mandated for the police department to abide by include recordings that occur in private spaces. And I do know that the privacy issue is one key concern that council has about when those videos are going to be released, absent legislature clearly on us in the law that any recording that occurs in a private space cannot be released without the written authorization of the person. So the police department doesn't have any authorization to release those recordings unless we have written authorization from the person in that recording, in that private space. It also further outlines our responsibility and what we're allowed to do and permitted to do when it comes to recordings that occur in public spaces. Any recording that occurs in a public space that is -- has an encounter that is punishable by fine only, so an example of an offense that's punishable by fine only would be a traffic stop. So if we have an offense that is punishable by fine only, let's use traffic stop for an example, we cannot release that video unless the person who requests the video provides us specific information, and that information being the date, the time, the location,

and the name of a person on that video. The name of a subject on that video. So those are some key requirements that the legislature put in place for people to provide the city and the police department before we released to those

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records to the public. Those are the legislative mandates we're going to abide by, and those are the requirements set forth. The third one I think comes up a lot is critical incidence. The legislature again outlines when we are allowed to release those videos. And to put it into perspective, it's no different than what we do now with videos. We recently had a shooting that just went through the grand jury process. The day that the grand jury -- the grand jury was done with the process, the district attorney released that video. The same process will take place with body worn camera video. As long as it's an ongoing administrative or criminal investigation, those videos can't be released. And that's a legislative mandate. So the police department is going to require -- comply with those legislative mandates. I will also say that, you know, we've met with many stakeholders at the request of this committee and other people in the middle of April. I sat down personally, I reviewed the policy that was released last week, line by line with members of aclu and aacp. The other group that Kathie Mitchell addressed council with last week. We went over the policy line by line. At the end of that meeting, there was two recommendations by the naacp. I implemented and wrote in both of those recommendations into the policy that was approved. The items that were brought up last week about officers notifying the public when they're being recorded or concerns about first amendment rights were never brought up in any of those meetings. The policy is a living, breathing document. Our policies evolve and change all the time. And I can assure you that sometime in the next few months, that the body worn camera policy is probably going to change. This is a new program for us. The Austin police department is constantly evaluating its policies. This year alone, we've made over 50 recommendations for policy changes in our

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existing policies. We have a policy review committee that meets on a monthly basis. When it comes to nationwide best practices, we are one of the only police agencies in the country that changes policies on a continuing basis, as opposed to evaluating them once a year. So I will say that we're going to continue meeting with the stakeholders and finding ways to improve our policies so that we can better work together as a community to make sure that our needs are met, and when we have specific things that need to be addressed or changed, then if we feel that it's appropriate, then we'll make those policy changes. Is there anything specific that you'd like me to answer? >> Pool: Yeah. Thanks for being here, chief Reyes. Can you tell us who the stakeholders are that you're including in helping to craft the policy? >> The ones that we met with are -- Matt Simpson from aclu, Kathie Mitchell we met with. Yanez banks from naacp, met with him. The police association. >> Pool: And when you say "Met with," how often? Was that just one meeting? >> We just had one meeting with him after the last public safety meeting where we had the discussions about engaging them prior to the implementation. >> Pool: And did they have an opportunity to read the draft policy document that you -- that you came up with? >> Yes. We went over it together line by line. >> Pool: Okay. And the policy that you're recommending is -- that's for adoption by council; right? So you're writing the policy for the council? >> No. The council doesn't approve our policy. Our policy has already been approved and implemented within the department. >> Pool: Okay. >> Zimmerman: Tell you what, could you hang around?

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We've got some more people to speak. It would be good if we had some back and forth. I think that would help I really appreciate you being here. >> Uh-huh. >> Zimmerman: Let me go ahead and ask if we could get a few speakers, and then bring you back and have a little back and forth. Would that be okay? Appreciate that. We have Matt Simpson, I believe, next, and then followed by -- I'm sorry, I can't read this, but Mann, m-a-n-n? Fatima affirm I couldn't read that. Thank you, Mr. Simpson. >> Thanks for having me. I'm Matt Simpson from ACLU. This is an important issue and I think, you know, this is the time to get it right. I was saying to somebody earlier today, you know, if you think back to when we were looking at dash cams and they were a brand new item, there was a lot of the same concerns about getting the policy right, figuring out how to balance privacy and release. You know, there are aspects of this that sound reminiscent of other conversations we've had. I'm not sure what you all would like for me to talk about, but I just want to clarify that my main point would be that I think that the public deserves to know in detail when they can expect a video to be released. And if it's the case that the law dictates that release be after a grand jury, if it's truly the case that the law dictates when private space video will be released, let's incorporate the actual -- how that will work into our policy so that just your average person can review this policy and say, I see that, you know, when this critical incident happened, I see that we can expect there to be a grand jury, and then after that, we can expect there to be a release. And the reason I say that is that I think we've seen failure to release, when it's left in the hands of law enforcement, or even when it's perceived to be left in the hands of law enforcement. It very often creates a public perception that law enforcement or the police department is picking and choosing which video would be released.

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The importance of having this nailed down is so that we don't have a conversation frankly, exactly like this one, following a critical incident when there's a clamoring to see video of someone being shot by a police officer. And so what I want us to do today and moving forward as to really not just have ACLU and PCJC and NPA in the room but hear from other voices that are interested in predicting when this video will be available. Let's be sick. There's going to be a lot of video, just routine police work, day in and day out, it's talking to people down on 6th street, it's police stops that only result in a ticket. All of those, there should be a way for that video to be leveraged for the public to be accountability measures, but what we really have to nail down is, what's going to happen from critical incident video, videos when there's a police -- an officer-involved shooting, and videos from a citizen complaint. We don't want somebody to feel like they've put forth the complaint, and then the police department and the city are ignoring that complaint, and even refuse to give them the video. That I think some of the examples in state law, you know, I was on that task force. So was Yanez. We were well aware of that as we had this conversation with APD, to be clear, we were asking for policies that went into the gaps or the holes that the state legislation fails to fill in, and again, you know, it's something that I'm actually all too aware of. And there are some weaknesses. To me, I think there's too much information required to get a -- the fact you have to provide a location, date and time and name of somebody that was the subject, if you'd speak with somebody, you know, if you think they were involved in a police incident but they don't -- at this point, it's been a couple months and they don't remember where it happened, let's say you're a reporter, not the individual that it happened to, and you're trying to find the video of an incident specifically that happened, you know, providing all that

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detail is going to make it difficult. So I'm acknowledging that there are a few challenges created by the state law, and I'm even knowledge acknowledging that I was aware of it prior to meeting with APD.

Flows guidance in this APD policy that's been adopted, apparently, on when we can expect video to be released, and I think it's okay if that video has to be broken out into certain categories. That seems to me to still be possible to identify. Then the second thing I want to emphasize is that, you know, we have really asked not just to be -- I, as part of the ACLU, organizationally, we're not just asking to be part of the conversation ourselves. This is not about is the ACLU there. Frankly, I'm pretty good at nosing my way into almost any conversation. I think what we're talking about is public engagement. We had one public presentation long before there was any policy to talk about. What about having an additional conversation now that there's a policy to talk about? Would the public raise any concerns based on this - based on this draft? So I was -- you know, I'm very -- I'm heart end and excited to hear that the APD policies in this regard and all others are living and changing documents, and I think that we can anticipate that as we roll out 500 body cameras as a city a year and as APD develops this programs, I mean, we can anticipate, there's no question these policies will continue to change. I'm here today to talk about having a baseline release policy that people can really use to sink their teeth into, to identify when they can expect videos. >> Zimmerman: Any questions before we go on? >> Houston: So this is something that could be done at commanders forums. They could have that kind of conversation about what the current policy looks like, if people don't know that there's a current policy. But commanders forums could be an opportunity to have that kind of more public conversation, rather than

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stakeholder conversations. Is that possible? >> Yeah. Absolutely. I mean, I think there's two components to any good public -- you know, public input. It's first that there's an opportunity for the public to provide input, and second, that the person receiving the input has to be willing to implement some of it. And so, you know, I think we need both from APD. As you say, that could be an opportunity, but, you know, you need the partnership there. >> Pool: It sounds to me that some of what you're asking would more appropriately be in a procedures manual, and I don't know how the police department handles things, but policy -- you know, by definition, would be the overarching approach and the intent, and then it could cross-reference over to a procedures manual that could have some of the specific meat that you're talking about and the details and situations. Is that something -- >> That's correct, councilmember. The policy is really the operational guidelines for the officers to dictate to them when to turn the camera on, when to turn the camera off, when to upload the information. The procedural things would be in the central records portion of our 700-page policy, and in their operational guidelines as well within the open records division to make sure that they apply with the process of responding to those requests. And while I have the mic, councilmember Houston, all of the commanders, I have already been directed to add me to their agenda for their upcoming candies forums and I have a presentation already prepared to discuss our policies and when they can expect moving forward with the body camera program. So that is on our agenda as well, ma'am. >> Houston: So once you have that conversation, are you still open to hearing some of the concerns -- [buzzer sounding] -- That the people in the community have and being able to tweak the policy that's now in place? >> Absolutely, ma'am. We're all -- it's an ongoing conversation that we have. The policies are changing all the time, and, you know, if somebody has an idea that we can implement or change that's within there, and it's beneficial to us as an organization and the community, then that's

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something that we'll look into. >> Houston: And I hope that's true because my history on the other side of this dais is that you listen to us and nothing gets changed. So I just need you to know that. People have a suspicion and a lack of trust that even if they come out and have the conversation, nothing

happens with that information. >> Well, I'm hoping to have an opportunity to change that perception, ma'am. >> Pool: If I could continue on the procedures manual, go back to that. Mr. Simpson, have you seen the procedures manual? >> I have not. >> Pool: So I think as far as gaps are concerned, we have a gap here, and I think it would be useful in this conversation going forward, on this really important policy development, to make sure that the elements that our friends with the aclu and the other groups who are assembled here today, we have the Texas criminal justice coalition, the Austin justice coalition, and eff Austin, which I'm not entirely sure what eff Austin stands for oh, electronic frontier foundation. >> They're kind of on the tech side of this. >> Pool: Okay. That makes a lot of sense. Okay. So that the questions that they're raising can get answered, and it's entirely possible they may have some suggestions on the writing and in the procedures manual to make sure that it's as clean cut and the clear as I think the communicate would demand. Would you be willing to work with the folks who are here today on the language and the procedures -- >> Absolutely. And actually, I did a presentation at the eff with Debbie Russell in an open forum that was webcast also. That was another presentation that we did. >> Pool: And I think we're looking at something a little bit more than -- I think we're looking at something more than simple -- simply presentations. I would like to have a more informed conversation. >> Kind of like we did before. >> Pool: Sharing of information. >> Group setting.

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Round table. >> Zimmerman: If I could add something quickly, I think maybe what they're -- we're looking for is something that the foundation or the aclu or the eff -- a proposal they had brought forward that made sense to us on the dais, and then it wound up in APD policy. That's what we're looking for. Not just that we talk and we hear everything, and then none of the recommendations are ever acted on. I think that's the issue. Did you have a question? >> Casar: Certainly. This may be just what's in procedures, but Mr. Simpson, you said right now, from what it is y'all have seen from that meeting, you don't feel like it is totally clear to the community what would happen in a critical incident, or at the time of a citizen complaint? >> Yeah. I think that the policy has three sentences, and two of those indicate where people would go to ask for the records, and one says -- I think it will comply with state law. There's not a lot of clarity yet there. Maybe I'm looking in the wrong place. Maybe we need to be having that conversation about the public release procedures -- you know, that wasn't something that we discussed in our meeting. I'd be glad to look at that I think that we want the release procedures to be somewhere. And so if they're going to be in the pia policies, that's one place, that's fine. If they're going to be in the actual policy, that's fine. But the public needs to know, you know, how they can expect this video to be released, what the steps are, when they can expect it. >> As a starting point for that, I'd be happy to add the link to senate bill 158 onto our body familiar website so people with easily access that to get the information about how to obtain those records. >> Pool: I'm not sure a link to the statute is going to be particularly informative, but I understand that -- I understand the intent. I was just looking at my colleagues to see if there's any interest in actually having a motion around -- >> Zimmerman: Well, we've got a few more team to hear from, then we'll come back to. I thank you all for being here. Thank you, Mr. Simpson.

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Fatima Mann is next, then followed by Antonio bueller. We'll try to do three minutes, then maybe have questions. Okay? >> Awesome. I'm fatina man, one of the co-founders of the coalition. I've read the seven-page policy. For lack of a better term, I find it kind of ridiculous just because of the language. If you look at -- one of the pages, they're talking about how the recordings could be reviewed. It states who can review it, and most of the people who can review it are a part of the city of Austin, in terms of

employment, but doesn't it talk about maybe the citizens review panel or, you know, any special committees that the city council has actually provided the city to be able to view these types of situations. So the fact that procedurally, an actual procedure manual wouldn't be the best place to put it because in the policy they actually state who can actually review the recordings, and they list the individual, so maybe listing other people like the citizens review committee, if no one else can see it, can actually review the recording as a part of the policy. They also in the policy don't talk about when the commencement of the recording will begin. Is it when they open the door? Just kind of it ambiguously states at the beginning of the situation, which isn't really clear because when does the situation begin? Is it at the beginning when they open the door to get out? Which in theory would be a good place to start the camera, right, when you get out of the car, you should just be pressing, but again that's not in writing. They also have language that discusses certain ones and line items talk about the -- until the completion of the service, but the other line items don't say to the completion of the service, they just say traffic stops, but they don't say to completion of the traffic stop. And for me, it should all be in writing, so not -- hearsay doesn't matter, right, when it comes to policy. So you're telling me it's going to begin as this time

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or end at this time isn't really sufficient if I can't read it in a policy. Right? And one also can't say it's based off the procedure, because in the policy, one line says to the completion of the stop, but then when it comes to other parts as in foot pursuits or traffic stops, doesn't it say until completion of the enforcement action, which to me should be included if you include it once, on one line item, I believe it should be included in all the other line items. So in terms of the policy already being implemented by APD and it not being flushed and being adequate, I guess I have a couple of questions. What standard did they actually use to create the policy? Did they look at city standards? National standards that are comparable to the city of Austin? Who did they discuss -- did they discuss what works and didn't work in terms of the language of the policy? Because language itself is very ambiguous and unclear. Some things are like, okay, but the other ones or not. So the fact that APD doesn't have to inform individuals when they're recording in certain situations is also ridiculous, especially if you're talking -- [buzzer sounding] -- About certain situations. So for me, it would be the policy being a little more clear and less ambiguous, and actually it being able to do the same things in all the line items that it's discussing versus just saying one-on-one and not the other. >> Zimmerman: Okay. Thank you very much. Let me ask you quickly, I've read through some of the material here, and there's something that bothers me here under subchapter N of the 1701.655, and it says section B part 5: Provisions -- you're talking about the policy that, you know, the municipality, the police department is supposed to have, if they take funds from the state, grants to help pay for the cameras. Provisions entitling an officer to access any recording of an incident involving the officer before

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the officer is required to make a statement about the incident. And I'm thinking, well, okay, that would make sense, but only if the subject of the recording would have the same right. Doesn't it make sense to you, that if the officer has a right to review the recording before they make an official statement, shouldn't you have the right to review a recording before you make a statement? >> I believe so. >> Zimmerman: I would think so too. >> What's good for the goose is good for the gander, if you're going to be honest. But what I see is a one-sided policy, and sided towards APD, and it isn't something that both parties can actually benefit from, which to me is ideal. >> Zimmerman: But that one isn't targeted to APD. That's part of the statewide -- >> Right. Right, right. >> Zimmerman: Yeah. Are there any other

questions? Thank you for your comments. Our next speaker is Antonio Buehler. >> I just want to follow up on that point that you just had, councilmember Zimmerman. You know, I think that former councilmember Spelman made it pretty clear that you guys actually don't control anything with regards to policy. APD is in charge, and you guys just get to sit there and nod. Where you do have power is, you have power over the city manager. You can fire him, and you can get rid of Acevedo through him, and you cannot give them the money for these body cams until they submit to you guys a really robust and legitimate policy. And so I really encourage you to do that. But in APD policy, they wrote it up, you know, they said these requirements can be useful for the documentation of evidence, the preparation of offense reports, and the future court testimony. And so that's essentially what body cams are. Body cams are for the police to use against the people. Nowhere in this policy, in the scope and purpose, does it say anything about accountability, does it say anything about justice, does it say anything about the victims of oppression or police misconduct.

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And so right from the get-go, this should be a non-starter with regards to this body camera thing. You guys shouldn't pass -- you shouldn't give them money for this until they actually have a policy that at least in writing is respectful of the rights of the people. Commander Reyes talked about public information requests. And I just want to hammer this one home. I brought this up at the city council meeting last week. Councilmember Casar wasn't there, but everyone else was there, and no one followed up with me on it. And I also CC'd everyone in the city council about this issue, and no one in the city council ever followed up with me on it. Commander Reyes says that they abide by public information requests. I'm probably the only person here who has actually asked for body cam footage from an incident. I asked for it. They eventually gave me a clipped, a snipped video of the incident I asked for. They didn't give me the most relevant, responsive information because it shows a police officer violating policy and agreeing towards aggressing towards me. I followed up and said you didn't give me what I asked for. May I please have the video that I asked for? They responded and said you've got everything that we have. Then I told them, how -- I did not receive everything that they had, because I could prove on the video that they cut the video. And at that point, they sent me the same three videos that they sent me previously. So they never gave me the information that I requested that should have been handed over, according to their so-called policy. But here's the thing. They did hand that video over to the local media. [Buzzer sounding] And so if they're going -- I think this is worth really digging into. If APD won't give the video

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that people asked for in public information requests, the subjects of those stops, they won't give them to those people, but, when convenient, they'll hand it over to the media who never asked for it, I think that is quite telling what the purpose of these body cameras are for. They are for the police. They are not for the people. There's no oversight, no accountability no, transparency. I would highly encourage you guys not to give them money in will they get serious about protecting our rights, the people's rights. Thank you. >> Zimmerman: Thank you, Mr. Buehler. Does anybody have any questions? Crenada -- there someone here to donate time to her? Can you read this? I can't read read the name. >> Casar: I think this says Lucius Lamar. >> Zimmerman: Is he here? >> He left. >> Zimmerman: He had to leave. Okay. Let's see if we can squeeze it in three minutes. And we'll ask you some questions. How's that? >> Accountability is like a tree. Equitable public policy is the trunk. The main branches improve transparency that feed police integrity, complaint resolution, and community safety. We know that everybody developing, growing, and healthy tree is anchored by its roots. Because APD has not always

been responsible for reporting their activities, a strong anchor to this policy is required -- roots that will feed the community transparency and hold officers accountable. Those roots are every councilmember of this panel. The policy as it stands solely benefits a body of uniformed officers who are skilled at the crisis -- at managing crisis to fit their narrative, a department that has been the product of police racial profiling, organized brutality, and the crushing of personal

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morality warrants a strong body camera policy. Apd can demonstrate effective police accountability by releasing incident videos described under the model to the public. Implementing such policy encourages very intellectual outlets and the belief that the best interest of the community will prevail. A policy implemented would strengthen the reliability and integrity of the department's word. Our community has a sense of self-responsibility, a willingness to confront misconduct as it is, and given that some secrecy is inevitably associated with APD misconduct, without such transparency, police brutality and other forms of police misconduct will continue to thrive. The release of footage would show adequate or inadequate intervention that supports or negates allegations of misconduct. Public access to body camera footage creates opportunities for the public to voice their concerns. This scrutiny and oversight involving feedback from the public to Austin police will improve future police encounters and may obstruct wrongdoings in the future. Policy that authorizes the public to have access to the footage will show they do not facilitate improprieties of the officer and would show integrity. Apd has been cynical in directing the conduct of others, especially in situations important enough to warrant internal investigations. This is why we need a stronger policy, to ensure that any allegation matches its source. Previously, in such settings, we have found that we cannot trust the information to be a valid source of evidence because someone has tampered with it, dash cam footage, or hidden it altogether. Withholding any footage is an obstruction to the pursuit of justice, ineffective in the fight against crime in general, and will only undermine the

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confidence of the public. Permitting the public to have complete access is an action APD can take on their own. [Beeping] >> The branches to this policy should include improved transparency, public access, complaint resolution, and community safety. These are branches of a tree that cannot survive without its roots. >> Zimmerman: Thank you very much. Any questions? Comments? Appreciate that. We have two more speakers here. We have W. Russell, followed by Kathy Mitchell. And I believe that's all we have signed up here. Thank you for being here, Ms. Russell. >> Thank you, councilmember, chair. I want to thank her for filling in for me last Thursday. I want to talk to you about three things. One, you have every right to give guidance via resolution, whatever means, using all the resources you have, possibly the citizens review panel, human rights commission, and such to help inform this policy. We have a new council, a new structure now that I believe has more power and more connection to the people, and can better give input than our past at large council did. To taser international, we cannot do business with them. They are one of the most highly unethical, immoral corporations this world has ever seen, blackwater-level type stuff. I have an 11-chapter book in my head I've been working on. We can talk about the ins and outs. I have emails with just a few reasons why, from the preemptive lawsuits, to researchers, to prevent them from doing studies or the report, the journalism to study this. There's a new documentary out.

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I encourage you to Netflix that. It tells a lot of that story. We should not give them one more dime. They need to go away. And a year ago, officer Reyes had told me at that forum that we both spoke at that they were going to use panasonic, they were pretty sure. Taser international has two full-time lobbyists living in Austin, working them hard since then, obviously. There's a big cost difference that will go on here. Yes, the equipment's cheaper up front, but coming with that, paired with that, is the storage piece. And the storage piece is going to cost ten times more, at least, than if we went with the state database that they're setting up. So let's get Panasonic's another brand, spend a little bit more on that, that don't require a separate new cell phone for 1900-some-odd officers. We'll save money there, too. Let's get in partnership with a state entity that house this stuff so we have better oversight and access. Finally, one piece of the policy not addressed whatsoever, what are they going to do with public protests, with activities, or standing outside a church? You know, all sorts of different ways. The Brennan center has a great chart showing the development of some policies across the nation, Baltimore, D.C., Oakland, several cities, San Diego, have policies that address this very issue. And most of them -- 90% of them have policies that prohibit it. [Beeping] >> You can see from there, there's some that say go get a warrant if you need to study that. And some that say, you know, unless there's reasonable suspicion or there's a commander

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on site, that specifically gives an order. The last piece is, we cannot cross-reference this with facial recognition technology. We have to get policy that also, in our mou with our fusion center, says that they can't be sharing that information. >> Zimmerman: Okay. >> If they tape it. >> Zimmerman: So, suffice it to say that you're not satisfied with what's been written so far in the policy. So is there anything that you can see that electronic foundation, frontier foundations, or aclu, any requests that they specifically made that APD has incorporated so far? >> Maybe one or two. But the things that I've been looking at, no, they've not been focusing on -- they're lacking thereof. >> Zimmerman: Fair enough. >> There's misunderstanding as to what the state law does and doesn't say. >> Zimmerman: Thank you very much. Any questions? Thank you. So our last speaker will be Kathy Mitchell. And then we'll be back to the dais here. >> I don't want to waste any of my three minutes, but I did want to point out one thing about the meeting that I had the pleasure of being at with APD. We saw a policy on a screen for the first time. We were asked to go through it on the screen. And then we were not allowed to take it away with us. So in terms of being able to comment effectively, or put forward thoughtful ideas about what was not in the policy, I think for many -- for all three of us who were invited to that meeting -- our best ideas probably came after we walked out the door. So, I just wanted to clear that up. That, indeed, some of what we have considered since then was not brought up at that meeting, but it also was sort of a first impression moment.

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So, with that -- [laughing] I want to talk a little bit about what we actually want. And what we have consistently asked for, which is that the city interpret law enforcement purpose to include trust, accountability, and transparency. And the reason that that's important is that the statute says that critical incident video will be confidential unless it is released for a law enforcement purpose. This is a very different kind of framework. It's not the way the public information act has traditionally worked. And so just saying in this policy that we're going to abide by the law does not actually clear up how the city plans to use this idea, that critical instant video can be released for a law enforcement purpose. All we're asking for is clarification. We want the city to make it very clear to APD -- and we believe this needs to be directed from the top at this point, because APD has heard this request -- that the city say,

transparency, accountability, and building trust in the community is part of our law enforcement purpose. And by making such a clarification, we then open the door to creating a policy to guide release of video for law enforcement purposes that will actually make sense and be equitable. I think what you've heard from people here today is that if law enforcement just gets to decide how they're going to use that discretion, people simply aren't going to believe that it's fair. And maybe it is, but we've come a long way down this road and trust is already broken. So what we have suggested is that we have a policy where a certain amount of time is -- after an incident, everybody

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kind of gets to gather the evidence, put everything together. Some further amount of time, that video is given to the parties that are directly involved. If someone is shot, that person. [Beeping] >> And then, a certain amount of time after that, the video would be released. So it's basically a variation on what we have now where the video is released a great deal of time later, sometimes a year later, at the end of a grand jury process. And we would like to see a conversation -- a fruitful conversation -- about shortening that. >> Zimmerman: Okay. Thank you. Any questions or comments? Thank you very much for coming. Okay. We're back. Would you -- do you want to continue discussion, or does anybody want to make a motion on what we might do next? >> Casar: Commander Reyes, would you pop up here for one second? So it sounds like before the next council meeting, is that when the contract is set to come back? Is I believe that is our next council meeting. >> Zimmerman: It was June 9th, coming back to council. >> That's correct, sir. >> Pool: We postponed it. >> Casar: Are you able to bring forward -- even if there are disagreements amongst different folks at that meeting about what the policy should say, do you feel confident that you'd be able to get us something in writing about the existing -- we have body cameras on the street, the existing body camera policy that may be more detailed than what folks have right now, just so that at least there is awareness about exactly what it is that would happen if there was a critical incident, or a citizen complaint, you know, on day one of these new body cameras being out? >> So like a bulleted process? >> Casar: Yeah. Just something explicit enough

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so that people can really understand the details. And I hear you that that policy can and should evolve over time. But I think it's really important that as we make a significant purchase, if we choose to do so, of body cameras, at least what it is we will do with those cameras is very explicit and on paper so the community can see that. >> I think we can put something of a bulleted process in place, but it'll be very difficult to place timelines on it, because a lot of that stuff is tied to the criminal investigation and the grand jury process. But I will say that based on the information and some of the things that were brought up last week, we have already crafted two changes that will be made to the policy based on input that Kathy Mitchell put in at last week's meeting. So we're taking those recommendations to heart. We're making -- drafting the changes. And we can meet again with them to go over those changes and how they're going to be worded to work together to make those changes. One of them includes the first amendment protests and rallies and stuff, so. >> Pool: Would you also be willing to provide them with their very own paper copy of the policy that they can mark up and work from? >> I actually emailed her a copy of the policy on Monday? Last Monday, before -- three days before the council meeting. They all have a hard copy. It's also posted on our website available. I did email that out as soon as was available to the public. >> Pool: Can you explain how this would be different from putting items in procedures? It just seems to me like -- and it could be that I don't understand how you do your policy versus procedures. >> The policy is the operational guidelines for the officers, the procedures is on a personal basis, what one person does to process a request in our records division. >> Pool: This

information would appear, then, in both

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places? >> Which information, ma'am? >> Pool: You would have the overarching procedures in the policy document that everybody follows. But individual procedures are in a separate document? >> In our policy, we have a specific policy, chapter 116 in the APD policy. That is specifically geared towards open records requests. But in addition to that, our records department that has their own procedures that they follow as well. >> Pool: Basically what I'm driving at is I just want to make sure that whatever changes we adopt pursuant to this new policy would be included in all those manuals and documents that the police department has, and that they're as easy to follow as possible for the community. Basically what I'm driving at. >> Casar: I think I could make a recommendation at this point. >> Okay. >> Casar: And I only have one hand-written copy, so I'll pass it along to you all. But I just put it together. And we can put it on the overhead here momentarily, but then people will see my handwriting, which I'll be embarrassed by forever. But my motion would be that this committee recommends that the police department and the office of the police monitor continue to review the body camera video release policy with a commitment to transparency, individual rights, and fairness to police officers and the public, and that it be further resolved that our committee recommends that APD and opm continue to convene meetings with community stakeholders during the development of any policies changes, and that those stakeholders and the city staff present the results of this process to city council within 120 days? I think that -- I'll make the motion, then I'll explain it. >> Pool: I'll second. >> Zimmerman: There's a second. Okay, go ahead. >> Casar: So I think my hope

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with this would be that it sounds like we have a commitment from APD to really lay out a more detailed version of what the policy will be on day one, but it sounds like there's also a commitment to continue considering ways to change the policy. So my hope would be that between now and four months from now there could be multiple meetings, and lots of conversations amongst the parties. There may be agreement in some areas, and we can have a presentation about where there's agreement, and that would be good. I also expect that there would be likely some disagreement. And at that point in that presentation to the council, the council can weigh in and give our guidance, know what it is that we can and cannot do to affect APD policy, is something we'll probably talk about in executive session. But in the end, no matter what, we have the ability to weigh in. My hope would be that over the course of those months, some things can be sorted through. Also, I picked 120 days from now because I know that in that interim period we'll be working on the budget and the Austin energy rate case, and I want to make sure we can give this the fullest attention possible. But my hope is that this may not be a few month process, but as we roll out body cameras over the course of the next few years, we can continue to get community input and the council can give guidance to the city manager about what we desire. And so, my hope is that that will bear fruit if we keep on having meetings with stuff on paper where people can mark things up. >> Zimmerman: Well, I'm going to call that a motion for body camera policy corporation as you read it. Do you want to put that up on the overhead? >> Casar: Yeah. >> Zimmerman: Any more discussion on that? >> Pool: I just wanted to circle back around with our community representatives -- to see if that sounds workable for all of you all. All right. Okay.

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>> Zimmerman: We'll wait. We'll get that on the overhead and then we'll take a vote on that. >> Pool:

They might surprise you. [Laughing] >> Zimmerman: Following this, we have one more item on the issues regarding municipal court fines, I believe. Is that going to go up here in a second? >> Casar: Yeah, but I think we have to vote. >> Zimmerman: We're going to vote on it first. >> Pool: All right. >> Zimmerman: Here it comes, I hope. >> There it goes. >> Zimmerman: Okay? I'll go ahead and call the vote. Councilmember Houston had to leave, so there's three of us left. All in favor of the motion? >> Casar: Can I clarify that I do want this passed along to that same council meeting where we'll be voting on the policy. This would be a recommendation to be passed along to the council. >> Pool: Sounds good. >> Zimmerman: All in favor? >> Pool: I'll also mention that before she left, councilmember Houston indicated her support of this as well, but recognizing she wouldn't be here to vote on it. >> Zimmerman: Terrific. So the vote is three in favor, none against, councilmember Houston off the dais, but she had expressed support for the concept. >> Chair. >> Zimmerman: Go ahead. >> Casar: I had a 6:00 P.M. Commitment that I only have the stomach to be 20 minutes late to, so I'm going to have to run. I want to ask if there's anyone here from the police department that could answer a question on an earlier item about racial profiling. My staff reminded me. And I guess my question -- if you can't answer, that's fine. But my question was around, at the last public safety committee meeting, I believe I heard in an exchange between the police monitor and chief Manley, that the department was putting together additional data, especially surrounding, sort of, maps and geographic locations of where these steps with occurring. Do you have a timeline about when we will be able to have access to -- the public will have access to that kind of

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information? >> I'm assistant chief Jason. We are working on it right now. No, we do not have an exact timeline. We've looked at the geocoding of the tickets, and that's what we're trying to narrow down. I'll probably have a better update for you the next few weeks. >> Casar: I'll schedule on my calendar to shoot you an email in two weeks, and hopefully we can let people know that that's coming along. So thank you for braving coming up here even after chief Manley had to leave. Thank you. >> Anything for you. >> Pool: I'll just mention it looks like both councilmember Casar and I are going to have to leave for other obligations. I feel bad about that. Municipal court information is pretty important. But I know that we will be getting information into the record. And I can catch up. Sorry. I'm wondering if we might be able to get the information at another time as well. Do you want to go ahead and call him up, with the chair having stepped off? Maybe vice chair -- >> Casar: I'm happy to, but unfortunately I have to -- >> Pool: I'll take on after you leave. Do you want to introduce the topic? >> Casar: Certainly. As our last item, we have an issue related to fees. The chair is back. >> Pool: All right. >> Zimmerman: I believe we're on item 5 right now. Staff briefing, invited testimony and policy discussion regarding collection of municipal court fines. And do we have Lee Crawford here from staff?

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To speak on the matter. >> Pool: Chair, if I might, I'm having to leave, too. I was wondering if maybe our next meeting we could convene an hour earlier in the day so that those of us who have evening commitments can have that extra hour that we're missing. >> Zimmerman: That will be September 26th. And we can probably do that. >> Pool: 3:00 instead of 4:00. I apologize. >> Zimmerman: Is there anybody here from staff to speak on the issue of municipal fines? We invited somebody. Miss Grubbs, I see that you're here. So I guess let's start with you. Thank you for being here, by the way. >> Good afternoon. So I'm here to speak -- >> Zimmerman: If you could move a little closer. >> Is that better? >> Zimmerman: Thank you. >> Here to speak on behalf of the municipal court in regards to alternatives to incarceration for certain defendants who are unable to pay. Just a little bit of background information,

the office of court administration is one of the regulatory offices that govern Texas courts in all cities and counties with a population of over a hundred thousand, they must participate in the state-mandated collection improvement program, which is 11 components. For individuals who are unable to pay their fine, cost, and fees on the day of assessment, which is the day that they enter their plea. Part of these components, actually components 2-5, address those issues. And a piece of that is for individuals who cannot pay. So the court does have processes in place for individuals when they cannot pay to go before a judge. Only judges can assess community service and approve that or waive costs and fines and fees. So there is a lot of judicial discretion involved in the process, but the municipal court does have policies in place to ensure that those individuals go before judges.

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Do you have any specific questions on the information that you were looking for? >> Zimmerman: Let me suggest this. If you could -- thank you for being here. If you could just hang on a few minutes, we have a few speakers that we can hear from and hear what some of the concerns are, and then maybe you could address those later. >> No problem. >> Zimmerman: Thank you. Let's go ahead and start with -- we have Rebecca Bernhart, followed by Matt Simpson. Is Matt Simpson still here? >> I think Matt Simpson had to leave. >> Zimmerman: Okay. >> Thank you. >> Zimmerman: And you are? >> Rebecca burnhart. >> Zimmerman: Thank you for being here. Go ahead. >> So I represent the fair defense project. And there's several different organizations here also who are hoping to speak this afternoon on different aspects of this issue. We're very happy to be here in a city that we all love and believe represents some values that we hold dear -- values of equity, and inclusion, and diversity. Unfortunately, in my organization's investigation of the Austin municipal court, these values are not reflected in the practices of the court. And the court's practices actually create poverty and inequality in the city of Au Austin, replicated it, and make it worse rather than representing what's the best in the city of Austin. And we really think that the courts can do a much better job, and that the city council can help make that happen. The city of Austin is unnecessarily jailing people on a weekly basis for their inability to pay traffic tickets and other low-level offenses. This is expensive. It's unnecessary. Other cities don't do it. It's also illegal. And it just simply has to stop. It's just -- it doesn't have to happen.

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And the reference to the collection improvement program, which the municipal court staff mentioned, really is sort of beside the point as to what is happening in the Austin municipal court. The Austin municipal court does have practices, but those practices are in the way that they are implemented, resulting in a pattern of low-income austinites routinely spending time in jail unnecessarily to lay out or, you know, sort of get credit for at the rate of \$100 a night, their tickets. And as a fiscal conservative, I'm sure you understand that there's no point in writing off a debt and additionally paying \$100 a night to Travis county jail to house someone for that night. Austin has a 19% poverty rate. Many people live at or near that poverty rate. And so the city has to have a response to that community when they have tickets that is responsive to that reality. My organization had a client -- has a client who was arrested while she was washing her car in a park. She was put in jail. She found very short-term care for her children, because the police told her she was going to be in jail for less than a day. She was jailed by the judge for 20 days for tickets that she owed. If we had not been able to get her out of jail, her children would've been staying in an inappropriate childcare situation for those 20 days. People lose their jobs, and they lose their housing because of this practice. You know, I have examples of the commitment orders that the

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courts use. But the basic reality is that the judges aren't asking the right questions. They aren't asking people whether they have the ability to pay when they're at the point of risking going to jail. And they're not asking them whether or not doing the community service that they're being given, which can be 300 hours, 350 hours, is realistic. And for some people, it's impossible. So what we're asking of the city is that it just end using commitments, using jail commitments. [Beeping] >> Should I finish up? >> Zimmerman: Just finish your thought, yeah. >> That they make ability to pay determinations early in the process, and that they really work with people more aggressively to make sure that the alternatives that they're offering are realistic, that they're not setting people up for failure with impossible alternatives. >> Zimmerman: Okay. Let me ask you, if you could. I can kind of see both sides of this. One of the frustrations we have in the business community is vagrants, homeless people who repeatedly commit trespassing offenses. >> Sure. >> Zimmerman: And they trespass, and they trespass, and they trespass. They bother people, they harass people. Maybe they're defecating in hallways in buildings. And they have nothing. They have no money. They have no way to pay. And the frustration, I think, in the court system, they don't care how many times they get arrested. You can order them to do community service. They don't show up. What're you going to do about it? [Chuckling] That's the frustration on the other side of that. So we're going to continue this conversation. We're going to put some of these comments on the record, and ideas, and have a little bit of a back and forth. So if you could just stay here for a while, I'd like you to comment on some of the back and forth later, if you could. Thank you for being here. Is Brennan griffin here? Followed by ranjona.

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>> My name is Brennan, with Texas apple seed. I'd like to thank the committee, councilmember Zimmerman, for hearing about this. So, the good news is that there are plenty of alternatives to jail commitment in lieu of paying fines that other courts in Texas are using. So, I passed out a couple of articles. One is a Washington post op ed from judge ed in brazos county. And he's the president of the Texas municipal court association. And he lays out in this op ed -- I won't go through it in detail -- but many of the alternatives that are available to him that he uses. He does not do jail commitment for unpaid court debt. Things include small payment plans for folks who can afford to pay something, but not large amounts, community service as was mentioned, a viable alternative. There are -- you can waive part or all of the assessed fines. And he often sends people to alternative programs such as, you know -- anger management if the offense is around an anger issue, or programs like that. >> Zimmerman: Sorry. Before you go on, what does he do if they don't show up? >> People do have warrants for their arrest in these -- in many cases. >> Zimmerman: So they get arrested and they come back before the judge? >> And he can make these determinations at that point. >> Zimmerman: Does he ever put people in jail? >> Not for court fines and fees. Not for nonpayment of court fines and fees, so. So that's -- he also does -- there's -- they do a two-week amnesty program that's -- where the, sort of, there's usually a \$50 fee for clearing an arrest warrant. That is waived.

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And they can -- people come in, they try and reach everyone who has outstanding warrants and bring them in during that period. Another example is San Antonio, which got rid of the policy -- the practice of jail for these kinds of court debt since 2007. And they have many of the same policies and practices in place that judge Splane details. We can see, it works even in large municipalities. They have not seen any spikes in traffic tickets and traffic violations. They've not seen debt collections go down. They've not

seen -- they even think that they are collecting more than they might otherwise, because the payment plans are individually tailored to people's ability to repay. So instead of someone just throwing up their hands because it's a huge amount that they can never get to, they have affordable payment plans that they can actually make over time. So we've actually seen, in San Antonio, that practice. It was for the same reasons. It's both a violation of constitutional rights, and it's also, sort of, cost ineffective for this kind of thing. So one last thing. We would recommend that the city council look at an ordinance that would, sort of, make clear an end to jail commitment. But it also would be appropriate for the council to guide the Austin municipal court in looking at the procedures. There was a letter from the department of justice outlining seven principles that municipal courts should be following in their policies and procedures around debt -- this kind of court debt. And they -- that would be a good place to start in terms of viewing those policies and procedures, and making some changes. So, thank you. >> Zimmerman: Thank you for being here. I appreciate that.

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Five seconds to spare. Well, done. We have -- I've got -- is it reiona, followed by Jessica Johnson, followed by Michael Kohls. Thanks for being here. >> Good evening. It's runjena, but it's a hard name to say. You got it. Thank you for letting us provide some insight on all of this. I'd like to talk just a little bit about the legal protections for people in these class C misdemeanor cases, and then I want to offer a little bit more information about best practices in case that's useful. So, with regard to legal protections, there are three cases from the 1970s and 1980s where the supreme court made clear that we have to make sure that people who are in this position -- in other words, facing incarceration for fines that they weren't able to pay -- have an ability to pay determination beforehand, and that the judges must consider alternatives. And those alternatives can include community service, payment plans, and also a fine that's tailored to your or my ability to pay that fine. And what we find is not only is that required under the equal protection clause and due process clause, it also works. So people pay up front when the fine is calibrated at an amount that they can actually pay. And it's when we string out payments that are so long and so hard for them that people inevitably fail, and then we have this threat of jailing that looms over their heads. In addition, there are case from the 1970 that make clear that if you are going to put someone in jail, and that person is indigent, even for a misdemeanor or a short period of time, you have to provide them counsel if they can't afford counsel on their own. It would be a herculean task to

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provide counsel to thousands of indigent people, but, only when the judge wants to keep jail on the table does the judge have to make sure counsel is appointed for someone who is indigent, or that the person can afford their own counsel. State law mirrors some of these protections. The short of it is the legal protections are there, and it makes sense for the court to review its own practices to see whether we're, in fact, satisfying the legal standards. And as Ms. Burnhart mentioned, we have investigated many cases in which people were not asked, can you pay this amount, why did you fail to pay, it was because you couldn't pay, before they're thrown into jail. And it's an unproductive scheme to put people who are already living so close to the edge into jail so that they lose housing, job opportunities, etc., and then become even more unable to pay. And the last thing is, Mr. Griffin mentioned the San Antonio model. I wanted to say a couple things about San Antonio and Houston, because I think they're useful in terms of thinking about alternatives. So, Houston started doing this thing where the chief judge of the municipal court went to the police and said, stop booking people into jail. Even when you bring them in on warrants, bring them before a magistrate. We have a magistrate 24/7, as Austin does. The magistrate can work out a payment plan or a payment right now that the person can make so that we're not using

jail time unnecessarily. And that's a great benefit both to the county, the county taxpayers, the county sheriff, so that we don't have people sitting in jail. [Beeping] >> Could I finish? >> Zimmerman: Sure, one more thought. >> And San Antonio did a similar thing where they said, nine years ago, we're not going to commit people anymore. And what they do instead is use their magistrates to work out plans that people can pay up front so that there's no waiting around and waiting for people to

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fail. And those sorts of initiatives are out there. And we would love for the city council to encourage the court to review its processes and to improve and modernize, basic my, --basically, its processes. >> Zimmerman: Okay. Thank you very much. Jessica Johnson? >> Hello. My name is Jessica Johnson, I'm an attorney for safe alliance, the partnership between Austin children's shelter and safe place. The legal department provides free legal services, mainly to clients of safe place who are victims of stalking or sexual assault. I've been able to help these survivors address their class C tickets and warrants. In the six months this project has existed, I've received over 50 intakes, with debt from a couple hundred dollars to \$8,000 in debt. The clientele I work with are incredibly sensitive with lower income. They fall into currently in an unsafe situation, or rebuilding from exiting an unsafe situation. For those rebuilding their lives after exiting abusive relationships, they have a host of basics to figure out, surviving on their own. Financially, they have to use their monies in a way to guarantee the survival of themselves and their children, devoting money to housing, food, childcare, etc. This renders them sensitive to unforeseen expenses and related consequences of tickets. For example, one client who desperately needed employment in order to avoid eviction was turned down for a job because she couldn't obtain a license due to surcharges stemming from tickets. Another client lost her job because she was arrested for class C tickets, causing her and her family to become homeless. Another client who owed almost \$3,000 was pulled over. The only thing that spared her from spending time in jail was having children in the car. For clients who remain in unsafe situations, tickets and warrants

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serve as an additional stumbling block towards achieving safety. One client was a victim of a hit and run and didn't contact police due to the warrant she had for a traffic violation. Another client's abuser forced her to write a hot check and prevented her from paying it off, leading to a warrant, a tactic of control her abuser used to convince her to stay. Several clients have been too afraid to go to the attorney's office to get protective orders because they're afraid they'll be arrested for ticket-related warrants. The same goes for reaching out to police. These are a few stories indicating the complex realities of my clients' lives. In some, the reality is the enforcement and collection of the debt stemming from tickets the is being prioritized over ensuring their safety. Even the prospect of individuals being arrested over unpaid fines would allow for victims to prioritize their own safety, and demonstrate the city of Austin's commitment to protecting the safety of its citizens. Thank you. >> Zimmerman: Thank you. Thank you very much. Michael, you're the last speaker. >> Okay. I'll try to be brief. Councilmember, first of all, thank you for sticking this out with us. I really appreciate your time. >> Zimmerman: It's all to get it on the record, you know. Appreciate that. >> My name is Michael, and I'm an attorney with the equal justice center. We're a nonprofit law firm that advocates on behalf of low-wage workers in a variety of issues. I'm here to talk today, as you're aware, about class C misdemeanor fines or tickets. I'm here to talk a little bit more about the drier aspects of that, the fiscal element of this for the city. First and foremost, this is bad fiscal policy for the city of Austin. The city of Austin in 2015 -- judges gave 900 folks jail time, municipal judges.

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Sentenced 900 people to jail at a cost of about \$215,000 to the city. In addition to that, in a much greater number, over 7100 people in Travis county were booked on warrants solely for failure to pay class C fines. At a cost of approximately \$700,000. Austin bearing the brunt of that. So, none of this addresses, of course, the larger social cost of people who are arrested and lose their jobs because they're unable to show up to work, people kicked out of their homes because they're unable to hold jobs because they were thrown in jail. And by not taking jail time off the table, really, the city is endorsing -- and not conducting indigent hearings, the city is endorsing this policy going forward. Equally as important, and what makes this additionally a public safety issue is the fact that those 7100 people, most of whom are arrested by APD, that's thousands of police hours spent not on protecting people and dealing with real crime, but arresting people who are too poor to really pay for the traffic tickets, oftentimes, that they've received. Austin isn't the only place with this problem, but it is in a position to be a leader on this issue around the state. And then just a followup to your concern earlier, while I certainly do not believe that jailing homeless people is a way of dealing with the homelessness issue in Austin, I just wanted to reaffirm that this is not just an issue of homeless people being jailed on class C fines. This happened to a close personal friend of mine who was a single mom, got a traffic ticket, did not go to municipal court because she was afraid of getting jailed for not being able to pay it, had a warrant issued for her arrest, and was arrested two different times in front of her elementary

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school-age child. So, this is an issue that affects a broad swath of the population, and has consequences beyond, you know, just the financial cost to the city. But I'd like to reiterate, those costs are substantial. [Beeping] >> Zimmerman: Do you have any idea what the percentage is of the indigents who are homeless versus other people who aren't able to pay? >> I don't, no. And I don't know that that data is kept. I can look that up and get back to you on that issue. >> Zimmerman: Where do you think the data came from -- I mean, the Numbers, the 7100 people? Are these statistics that we get from the municipal court, or . . . ? >> That's from Travis county. We're looking at people who are booked and tracing the steps. >> Zimmerman: Terrific. I appreciate it. Thanks for being here. >> Thanks for your time. >> Zimmerman: Ms. Grubbs, after hearing some of this, could I ask you just to comment on some of the things you've heard, and the testimony here? >> I can, but I would like to read a statement from the presiding judge first, if I may. >> Zimmerman: Sure, sure. From Judge Starks? >> Judge stackman, and judge coffee of community court, are subject to judicial ethics rules that prevent them from discussing publicly how they would apply the law in specific or hypothetical situations. This is an extremely important issue to them. And although they are not attending in person, they are observing this meeting. Judge statman informed me she recently provided the members of this committee a report regarding safeguards for indigent defendants within the authority she has. She will provide any supplemental information that you may require. So, in that report that she provided, she outlined the programs that we currently have, changes that we are making, and suggestions for improvement that the council can consider. I do want to comment on most of the items that individuals have

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brought up. The programs that we are currently doing, the court does participate in issuing community service, reduced or modified payment plans. We do tailor payment plans to individuals' ability to pay. We are required to do so by the office of court administration. There are many individuals who, when they do have arrest warrants, they are very fearful to come in and address their citations. The municipal

court has a policy in practice of not arresting anyone who comes in to take care of their tickets. It's on the website, the phone, it's communicated to the customers when they call in to ask about their cases. That being said, there is still a great fear out there for individuals who are unable to pay or who have warrants to come in and take care of their cases. We do recognize that. >> Zimmerman: Okay. But that would be a rational fear, right, based on the number of people that have gone to jail. Is that number fairly accurate, the 7,100 people? It's a number that I just heard a minute ago. >> Did you mention what year that was from? >> That was for Travis county. >> Okay. >> Zimmerman: So, presumably, 80% of those would be city of Austin, 70 to 80%. Yeah. Okay. >> I don't have statistics of how many people were actually arrested in 2014. I can tell you that out of the people who were arrested, 851 people were committed in 2014. There were almost 4,000 cases that received community service. There were almost 7,000 cases that reduced waivers and/or reductions of their fines. I have the same statistics for 2015 and 2016 as well. >> Zimmerman: Okay. Let me ask you this. You haven't been on the job yet for a year, right, so things are

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still kind of new for you. If you don't know the answer to this -- where do you think, if we were to make a change in policy that looked like what San Antonio does -- we heard -- from what I'm hearing, if I understand this right, some judges and some courts, they're just not committing anybody to jail as a policy. You know. For outstanding fines. So if that policy change were to take place, what is your understanding of what would be, kind of, the chain or the process that that decision-making would happen? Would it come from our public safety committee as a resolution, and maybe come down through management to you, or . . .? >> Well, I think that would be -- first of all, I need to tell you, I'm not an attorney, and I'm not the legal counsel for court. So this is just my opinion. I think that would be a difficult policy, because there is statutory authority for commitments and for arrests. >> Zimmerman: There's authority, but is there a mandate in law that people have to be put in jail? >> No. >> Zimmerman: I don't think there is. >> No. >> Zimmerman: So it's permitted, but it's not mandatory that we jail people. >> Right. But judges have the discretion to do that. And to interfere with that discretion could compromise the whole integrity of the judicial and criminal justice system. >> Zimmerman: And I -- not being a lawyer or judge, I don't understand why they can't come and talk about policy. I don't quite understand that. But be that as it may, they're not here, so. Did you have something else to say? You were sitting there in the front seat. [Laughing] >> Just the question about the -- how big the population of indigent folks is, the homeless population versus the nonhomeless population, we know statistically that 80% statewide of the class C tickets that are

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issued are for traffic offenses, generally. And that that holds up when you get to the folks who are indigent, also. That they're still the vast majority of those tickets are for traffic offenses. So that doesn't mean that when you get down to who's actually going to jail that there isn't a higher proportion of folks who are homeless, but there's a significant population of people who are not homeless who are impacted by the warrant practice, that is by issuing warrants that folks get arrested on, and by commitments, because the vast majority of what the court does is enforce traffic laws that have to do with people driving in cars who are, for the most part, not homeless people. >> Zimmerman: Okay. Well, then if you can answer this for me, there has been something said about the cost of the incarcerations. But the flip side of that is, what is the revenue that's generated by this program of issuing the warrants and arrested people? So there's another side of that ledger. Yes, the city loses a lot of money from jailing, but they're also probably profiting through the warrant program. >> Well, I mean what we know

is that when the city of San Antonio stopped jailing, that their revenue went up a little bit. >> Zimmerman: How could that be? That doesn't make sense. >> Their experience was that they started tailoring fines in a better way, and they had more compliance. >> Zimmerman: But it sounds like our court, from what I hear, you're also tailoring from people's ability to pay, it sounds like. So. >> I'd like to add that the court's process -- the administrative staff who manages this program does this all pre-warrant. The only time a warrant is issued is if there's noncompliance with court orders. And when an individual is arrested, then they go before a judge to be magisterated, and it's required that an indigence hearing is conducted at that time. They have the option to release

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them for community service, a modified payment plan, or to come back to court to restart their obligation. >> Zimmerman: We're going going to have to leave that conversation there, but I appreciate everybody coming. This was very helpful, and thank you for coming. We've got a couple of comments here from Carrie Roberts, and is it David roach? Those are our two last speakers. We're going to move to our final item here. And try to finish up. Thank you all for coming. That was very helpful. Yes, sir. >> Chairman, thank you for having me. I'm David roach. I'm here on behalf of a close friend of mine, Mary, who called me this morning to say she's an administrative assistant that works at 221 west 6th in the Chase Bank building. There is a growing issue going on downtown, and I wanted to make your commission -- committee aware of it. That issue is the aggressive panhandling that you were just talking about. Mary goes and picks up the mail at the post office every day. Four of the last five days, she's been accosted, asked for money, people following her, people hearing voices, talking out loud, public urination. And I'm coming before your committee to ask for some help downtown. Especially since the Wisener accident, our downtown population is growing more and more fearful. And I know that some business leaders have had a meeting with the county manager -- city manager Ott about it. We need an increased police presence to try -- and I'm -- there's a difference between homeless and aggressive panhandling. I'm only talking about aggressive panhandling. It's a long night, so I'm not going to get into it. You know what I'm talking about. But I told Mary I would come down here and speak to your committee.

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Thank you. >> Zimmerman: Before you go, is the practice of, you know, jail sentences, is it effective in addressing the problem of repeat offenders? Some of these people are well-known to the downtown courts. They're offending over and over again. Is it helping to stem the problem, or . . . ? >> I think you especially, and me, and rest of the people in Austin, will figure out what it takes to protect our citizens. And we'll keep trying until we get it right. I think we may have to provide housing, which is, you know, that would be something I'd certainly support. I worked with the mayor on housing the veteran homeless. But, yeah. We're going to have to do something to protect them. It's gotten far more aggressive in this last year. And you're going to hear more about it, I think. The downtown leaders are going to be trying to get citizen communication time in front of the council over these next couple of meetings. >> Zimmerman: Okay. >> Especially in light of going to court now. >> Zimmerman: Thank you. >> Thank you, sir. >> Zimmerman: Mr. Roberts. >> [Off mic] >> Zimmerman: Okay. With that said, I believe that concludes our meeting. So I'm going to adjourn the public safety committee meeting at 6:54 P.M. Thank you all for being here.