



**PUBLIC SAFETY COMMISSION
MINUTES**

**REGULAR MEETING
Monday, October 3, 2016**

The Public Safety Commission convened a regular meeting on Monday, October 3, 2016 at City Hall, 301 West 2nd Street in Austin, Texas.

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

Board Members in Attendance:

Rebecca Webber, Chair	William Worsham
Daniela Nunez, Vice Chair	Kim Rossmo
Ed Scruggs	Rebecca Gonzales
Preston, Tyree	Brian Haley
Michael Levy	Sam Holt

Board Members not in Attendance:

Emmanuel Loo

Staff in Attendance:

Brian Manley, Chief of Staff, Austin Police Department
Jasper Brown, Chief of Staff, Austin/Travis County Emergency Medical Services
Brian Tanzola, Assistant Chief, Austin Fire Department

1. APPROVAL OF MINUTES

- The minutes for the meeting on 09/06/2016 were approved. Commissioner Haley motioned for approval of the minutes and Commissioner Holt second. Commissioner Gonzales requested three words be corrected; Webber, employees and public. **The minutes were approved with a unanimous vote.**

2. CITIZEN COMMUNICATIONS –

- There were two citizens signed up to speak during Citizen Communication and one citizen signed up to speak on a specific agenda items. Amanda Lewis, with Commission for Women, SAFE Alliance and Survivors Justice Project: asked for monthly updates in the future concerning the rape kits backlog and thanked the board for all of their support in the last few months. **Chair Webber** referenced the Internal Procedures adopted by the board earlier in the year that allowed for the chair to call for brief updates on topics if there was a request. She asked Chief Manley for his comments on the request for monthly updates. Chief Manley suggested quarterly updates to begin with as we (Austin Police Department) are committed to doing this. We are going to work with grant funds and internal funds to reduce the backlog. I

think you are well aware of where we stand with the backlog now. We are working collaboratively now with a lot of the community outreach groups and city council to get to a position where we are committed to getting through the backlog. I recommend quarterly only because it does take our staff time to put that stuff together, and it will allow you guys to keep up with our progress at least on a quarterly basis. **Commissioner Nunez** – I would like to echo my support for having regular updates of sexual assault processing and making sure we are monitoring the backlog numbers and because new evidence comes in people could need a new report. It is important to keep up the numbers and have the most real time information about this. I recommend whatever is practical for that and also just thank you for being here Amanda and keeping up all of your advocacy. **Chair Webber** – Commissioner Rossmo asked for someone from the DA's office to come in and explain the process for filing a complaint. Maybe can get someone to come for one of the updates. **Commissioner Rossmo** – What I was looking for was a more general process from reporting to police to the final disposition in court. Where are the drop offs, where are the delays? I've seen studies like this done in different jurisdictions there are many different ways/processes. If we understand where the biggest drop offs occur we might have a better idea of where resources need to be put. How can we improve this system? **Commissioner Nunez** – there was some discussion in last meeting on exploring possibility of an independent lab; something that might serve the community and have some benefits. I think it's something this community might want to explore. Austin Police Department running the lab or a third party I think we should give some thought to that as well. **Amanda Lewis** – I think it would help if someone from SARR, Kristen LeNeu would attend when there is going be an update and having an update every two meetings so we can see a real time up to date report . I know Council is requesting a quarterly briefing on the process of DNA kits, so I think that having every two months so we can see kinda a real time update numbers and keep up with the progress. **Commissioner Scruggs:** One thing I would like to request in reference to the quarterly update is when the lab will be putting into place new regulation and processes that deal with audits and regulatory features. If this could be included when the city gives an update. **Commissioner Tyree:** Is it possible to get an indication from Austin Police Department on how far behind we are? Instead of getting a full month report just an indicator would work and if we are behind, If yes, we are behind then the question of why are we behind? **Chair Webber** – I don't know if there is a clear definition of behind. **Chief Manley** – the first step at this point I think it would be better to just give you numbers. At this point what we are doing is maximizing how many we can send out to the ports labs that we are working with and then working diligently to get our lab back open, compliant and operational so we can do our own analysis as well. So my recommendation right now would be that we just report on the status of the back log; realizing that every month we are taking in some new kits and every month some of the kits reach the threshold and may be able to be pushed over to the DANY grant after they reach a year. So, it is a lot of moving parts and my suggestion would be in the early days we give you numbers updates, and as we get closer to having a true schedule we may want to look at switching how we report that. **Commissioner Levy** - A bigger issue for me and one for the future agenda items if Austin is the only large city where the lab is in the police department. Do you know if that is accurate? **Chief Manley** – I don't know, my gut feeling would be pure speculation. **Commissioner Scruggs** – Would it be appropriate to have a resolution at the next month's meeting describing what we want in the lab? **Commissioner Rossmo** – I just want to make sure these are separate agenda items. I am interested in timing, processing and flow of a sexual assault cases from beginning to end. Parts of this involve the lab but also other departments. It involves Austin Police Department and other departments as well. **Commissioner Levy** – Commented it's not Austin Police Department's fault (referring to the

backlog/condition of the lab). For a police officer to be reviewing a scientific process isn't fair to either party. Now where the lab goes, well there are other places where the county has it (the lab). We have a very good ME's office and maybe place it there. My opinion is getting it away from the police department is fair to everybody the police and the victims. **Commissioner Nunez** - I am still a little unclear on why updates can't be given every meeting as opposed to giving I mean that's a part of the commitment. **Chief Manley** – If it is the will of the board then we will do it. The next citizen to speak was **Mr. Carlos Leon** – he commented on a racial incident he witnessed at a Capital Metro bus stop in UT area. Mr. Leon suggested APD have a way to track license plate reported and arrest someone for disturbing the peace and possibly inciting a race riot. Mr. Leon expressed that he was here to speak against evil and commented on his ongoing experience with David Martin, Capital Metro and his efforts to have him removed from the bus. Mr. Leon distributed a handout to board members prior to his comments.

3. INTRODUCTION OF NEW MEDICAL DIRECTOR – Tony Marquadt, President of the Austin Travis County EMS Association introduced Dr. Escott to the board.

He commented I think I have been one of the most critical of the former medical director, as in the past and one of those things I complained about was him not being as professional and due process not being served along with concerns about our attrition rates and some of our other matters as it relates to clinical excellence. In the short of amount of time I have met with Dr. Escott I am happy to have him here and would like to introduce him to you all, Dr. Escott. **Chair Webber** – Welcome Dr. Escott and thank you for coming. **Dr. Escott**-thank you. In the six weeks that I have been here I have met with many stakeholders to gain some insight to ATCEMS system and I am quite impressed with what I've seen. This system is one of the crown jewels in the US and it is important that we understand and appreciate that we have lots of room and opportunity to improve. We have an opportunity to work together and move forward in a positive direction to care for the patients we all care for. In 2012 the American Board of Medical specialties recognized EMS as a sub specialty of medicine. Traditionally EMS has been recognized as a third party emergency service. Being recognized as a sub specialty of medicine and what this did for us is creating a dynamic change in how we view Emergency Medical Services. This transitions it to a medical profession so we have to change the way we think of our personnel because of that. Our physician's extenders have less education, less formal training and are paid less, and have a lot less oversight than Physician's Assistants and Nurse Practitioners in the hospitals. Ratios for oversight: Hospital based is 6-1 ratio of provider to physician in state of Texas there is no limit it could be 1000-1. There are some challenges with our ESD partners:

- Many of them are concerned because they don't feel they are getting appropriate oversight from my office and there is a reason for that. We are not prepared to offer a tailor made EMS process service for each of the ESDs. We are trying to sort out a system – clinician model of service.

My vision for the next 5-10 year plan is to transition a portion of our paramedics to a degree based program with pay for a physician assistant. In other places like Australia, UK and parts of Europe they have transitioned to a degree based program-Physician Extenders.

I am only six weeks into the job, but Our Vision is to create a workforce that allows us upward progress of our clinical providers/our clinician to not only enhance their opportunity but also to address some of the health care deficiencies we have in the Austin/Travis County region. We need additional input from this group as well as other advisory groups.

Commissioner Levy – I have been working with EMS since 1993 and not one size fits all. The reason it was set up as a unified system was so regardless of where they live there would be one standard of care. (2) We were promised by the previous Medical Director that we would not go to a one paramedic/1 EMT model until we had a beta test in this central area of four stations to see how it worked and they decided unilaterally to rule it out. Now paramedics are by themselves.

Chair Webber – the Medic 1 and 2 models doesn't really seem to mesh with your vision of a more clinical base model. **Dr. Escott** - One issue in the past is my office has been resistant to the concept of dual paramedics in the field because of skill dilution. Skill dilution it is a concern, but we have to appreciate the opportunity to supplement those skills via other mechanisms. If we have a credential required skill of twenty intubations, well that twenty may happen in the field on real patients and if you are able to achieve that it may involve using our hospitals partners or we may be able to bridge through high fidelity assimilation so there is opportunity to stay true to the science and address the skill dilution issue while maintaining a dual paramedic ambulance. It is something on the agenda to look at to identify what those credentialing numbers should be; so we can look at credentialing as well as maintenance of credentialing. As a physician I don't get to keep my credentials as a one year shot, I have to reapply for credentials every year. We should have a similar model for our paramedics as well. We also have to look at the demand and be fiscally responsible as to how we spend the money regarding personnel deployment. Seventy five percent of the cost for EMS system is the people on the ambulance. Much of the operational issue is under the auspice of Chief Rodriguez. My role is to address/sort out how to address the plan that is in place from our various partners on the operation end; and to be able to separate the issue of credentialing and the maintenance of credentialing. **Commissioner Levy** - There is no such thing as a non-busy station. Are you suggesting you have a vision of returning to a two paramedic system? **Dr. Escott** – I would say that vision is up to this council and it up to Chief Rodriguez and up to City Council regarding the funding. **Chair Webber** – I think his point is well taken in some way. It's an operational decision and some ways it's up to the Medical Director. **Dr. Escott** – My role as a Medical Director is to maintain quality in whatever system we can afford. **Commissioner Levy** – We can afford a two paramedic system. **Dr. Escott** – if we can afford a two paramedic system then I have to find ways to address that, but what we have to understand is that requires increased medical oversight. If this system were in the state of New York we would need eight physicians providing oversight by law, because they have a 100-1 ratio for ALS providers and 500-1 ratio for basic providers. Yes we can do it but it will require increased funding to provide necessary oversight. Requirements by state law currently are very loose. What we are trying to avoid is differences in standard of care. We need people who can be clinicians. A risk of the technicians system is it puts patients at risk. **Commissioner Scruggs** – What happens if the ESDs want to do their own thing. How do we combat that? The clinician model you described sounds great, you also touched on ESDs. We know Travis County has several of them; some are larger some are smaller and getting smaller all the time. Some of them expressed a desire to create their own ambulance service. What type of challenges is that

going to present for you to implement the clinical model countywide? If some ESDs want to do their own thing, how do you combat that? **Dr. Escott** - One of the systems we are looking at is creating a menu type model for clinician credentialing so that each of the ESDs that are looking to do their own thing will have a model, but if we want to keep them together we must address some of the issues they have. We have to have a system that addresses their needs. For example ESD1 is in a remote part of the county and their needs are different from ESD12 that's very close to a city. We have to offer a system they can afford and determine what they need. We need discussion on ratio and medical oversight.

Chair Webber - Concerning the Travis County ESDs, are you the Medical Director over them right now? **Dr. Escott** - No, ESD1 has their own Medical Director from Ft. Worth and ESD2 gave notice they intend to change with a Medical Director in their area. ESD12 (Emergency Service Districts) has indicated they intend to change and have Dr. Kippermount as their Medical Director.

Commissioner Scruggs - My fear with the patchwork of Medical Directors out there: what about those people on the borders who live in between the county and the ESDs? How do they know they can end up getting the same assistance on a call if we end up having this patchwork? **Dr. Escott** - Again that's the challenge of having a system that is fractured,. There is a need of maintain a system together with a common dispatch that we can sort out those issues without a significant challenge. Inevitably what we see when a system breaks apart like this is you see a person dying on one side of the street and an ambulance on the other side of the street that don't service it because it is not in their territory. We want to avoid that type of service at all cost.

Commissioner Scruggs - Do you think it would require a change in state law in order to create a system where there are more safeguards? **Dr. Escott** - It may, the essential issue is there is no set ratio for oversight. I do see a need for legislative change so we do run it like a healthcare system.

Chair Webber - You mentioned the interlocal agreement might need to be amended with regards to oversight. Could amendments to the interlocal be important from a medical director's viewpoint? **Dr. Escott** - Yes, absolutely it should describe what type of system is covered by the interlocal and what is not. It should drive appropriate ratios for Medical Directors as well as FTEs associated with that quality or mission so we can better define what the expectations are.

Commissioner Rossmo - What are your thoughts on the merger of Austin Fire Department and Emergency Medical Services? **Dr. Escott** - I have never seen that done well. It doesn't mean that it can't be done well. Hard to have a dual mission and maintain focus. Look at the City of Houston or DC when the merger happens; EMS becomes sub servant to the Fire Department. It's not just operational but also a cultural issue. I would be hard pressed to focus on combining the two. Right now we have calls that both EMS and AFD are going to. While we have some calls that clearly need both departments. If we look at support for triaging these calls and spending our tax dollars wisely by sending the right type of equipment to the right type of calls.

Chair Webber - There was a recent suicide of a paramedic and there was comment from the previous medical director that "it was clearly not a medical director issue". Could you give us your opinion on that? **Dr. Escott** - Well when you have a big system it lends itself to a disciplinary model of oversight. It is hard for me to access what happened before I got here, but I can tell you what my philosophy is. My philosophy is to treat our medics with respect and understand that it is a difficult job. When people sign in to work and their intention is to do the best they can, they have to understand they are not going to be perfect, and may make some mistakes. My job is to make sure they learn from their mistakes and that the system learns from their mistakes.

4. VISION ZERO FINAL PRESENTATION – Brian Manley, Chief of Staff, Austin Police Department

Chief Manley – Commander Fortune is here to give a quick overview on the work Vision Zero has done and one of the requirements was that they come back before your commission this month in advance of presenting everything to council. So what we are going to highlight here is work that has been done by Vision Zero and what the proposed language will be that is put forth to council on the required ordinance to allow officers to impound vehicles of those that are found to be driving without a driver's license and the circumstances under which we are making a recommendation.

The Vision Zero presentation:

- Proposed Police for impounding vehicles, where the driver has NO DL and/or a Suspended DL.
- Overview of Statistical data of unlicensed drivers causing a significant portion of serious injury crashes and fatalities. Proposed police change would help remove dangerous drivers from the road by impounding vehicles before serious crashes occur.
- 2012-2016 Crashes and Licenses Status
- 2012-2016 Serious Injury Crashes and License Status
- 2012-2016 Fatalities and License Status
- Proposed Policy
- Proposed Revision to City of Austin Ordinance
- Proposed Revision to Austin Police Patrol Standard Operating Procedures and Policy
- Education Campaign
- Texas cities that have current policy on towing vehicles that are operated by invalid DL drivers and/or No Insurance

There were questions and discussion from the board members on the presentation of proposed policy of impounding the vehicles of drivers without a valid driver's license and/or a suspended driver's license.

- This data looks like drivers without a license are involved in more fatal crashes than in/as opposed to all crashes. Is that correct? - Commissioner Tyree
- Can you tell us if the numbers of drivers with invalid licenses increased? Commissioner Worsham
- Has there been a significant increase in the number of licenses that have been revoked? Commissioner Worsham
- Would it be best to delete the two prior convictions clause? Commissioner Levy
- Did Vision Zero take into account the number of illegal immigrants getting a license? Commissioner Scruggs
- How would you verify someone's driver's license? Commissioner Levy
- Would it be better to merge the two (policy & ordinance)? Commissioner Levy
- Would a driver be subject to have their car impounded if they are involved in a fender bender, but have no prior convictions, no driver's license? Commissioner Scruggs
- How often are people without a driver's license cited because of driving without a valid license? Commissioner Nunez

- I think the purpose of this policy is to save lives. There are people that don't care about driving without a license, and I think the purpose of this ordinance is for the people who engage in risky behavior. The solution is very simple, if you don't want to have your car impounded, don't loan your car to people without a license and go get a valid driver's license. It's this underlying behavior that we want to stop. It seems that a lot of thought went into this language.

Commissioner Rossmo

- We are on the same page **Commissioner Levy**
- I think as written this policy says if you are an undocumented worker and can't get a license and you get into a car accident, and it's not your fault, you could still have your car impounded. I think we are creating solutions that aren't designed for a specific population that would be affected by this - **Commissioner Nunez**

There was much discussion and answers provided on various scenarios presented along with the questions. Bianca Bentzin w/Municipal Court was on hand to answer questions along with Commander Fortune and Chief Manley. Commissioner Rossmo motioned to vote on the Vision Zero ordinance change concerning driving without a valid driver's license and impounding your car.

Vote: 5 opposed (Worsham, Webber, Nunez, Gonzales, Tyree)

5 in favor (Rossmo, Scruggs, Levy, Holt, Haley)

The item does not pass.

5. DIVERSITY STATUS OF EMPLOYEES IN CITY OF AUSTIN PUBLIC SAFETY DEPARTMENTS

Commissioner Gonzales agreed to moving this item to next month's agenda due to lack of time to adequately discuss/review her item, and to allow more time for the three departments to provide answers to all of the questions she forwarded.

6. FUTURE AGENDA ITEMS;

- Follow up APD Backlog Update - **Webber**
- Exploring of an independent DNA lab for City of Austin - **Levy**
- State of Texas to alter its lobbying strategy to encourage/allow all Texas residents to get a driver's license – **Scruggs**
- Complaints against Austin Police Department presented at the Audit & Finance Committee meeting. APD to report back to the committee and possibly present to Public Safety Committee – **Webber**
- Update on progress of the homeless intervention program in the UT area before the liquor store issue – **Scruggs**
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Adjournment – motioned by Commissioner Tyree and second by Commissioner Haley