



**PUBLIC SAFETY COMMISSION  
MINUTES**

**REGULAR MEETING  
Monday, November 7, 2016**

The Public Safety Commission convened a regular meeting on Monday, November 7, 2016 at City Hall, 301 West 2<sup>nd</sup> 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	

**Board Members not in Attendance:**

Emmanuel Loo  
Sam Holt

**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 10/03/2016 were approved. Commissioner Haley motioned for approval of the minutes and Commissioner Worsham second. **The minutes were approved with a unanimous vote.**

**2. CITIZEN COMMUNICATIONS –**

- **Carlos Leon** continued to speak on his experiences with Capital Metro security while riding/using their services in Austin. Mr. Leon accused a CAP Metro employee (Sergio Rodriguez) of saying publicly to another employee “ we should put a trace on this guy (Carlos Leon) so we could charge him with criminal trespassing”. Mr. Leon stated he was experiencing a form of retaliation by Cap Metro employees (Sergio Rodriguez & David Martins, head of Security) because of his attending and reporting Cap Metro actions to Public Safety Commission. Mr. Leon asked what more information/evidence does Austin Police Department need before taking action towards Cap Metro based on his reporting of alleged crimes. Mr. Leon then asked everyone to help defeat evil by voting tomorrow (11/08/2016) to make

America great again. A copy of his letter to the Attorney General detailing his interactions with Cap Metro was given to all board members in attendance.

- **Scott Johnson** – spoke on the need to raise awareness/remind citizens it is against the law to not pull over for an emergency vehicle in route to an emergency call. Regular vehicles need to pull over and obey the law. Mr. Johnson expressed his second concern was with distracted drivers still using cell phones. He researched for the number of citations written within a certain period and it was 400 total. While this was a good number he commented on the possibility of maybe APD and UT pooling their resources to increase the number of citations issued and raise awareness. Lastly, he asked if there was anything the Public Safety Commission might be able to do to help raise awareness concerning distracted driving. **Chair Webber** – commented both of the topics were good for future agenda items.

### **3. VISTOR’S TASK FORCE NOMINATION – Chair Rebecca Webber**

- **Chair Webber** – commented the resolution for this task force was passed by City Council in August 2016 to examine the use of the hotel occupancy tax. Currently there are two vacancies on the task force and one of them is reserved for the Public Safety Commission. We were asked to nominate someone and my understanding is the task force has not convened yet, they may meet in November 2016 and they will set their own meeting schedule. This issue was brought to my attention by Commissioner Worsham and he has some understanding of it and an interest to serve on the taskforce; so I nominate Commissioner Worsham. **Commissioner Levy** seconds the nomination of Commissioner Worsham. **Chair Webber** -Are there any other nominations? Discussion? **Commissioner Rossmo** – I would like to comment on the resolution concerning the scope of the taskforce where it states “Study the impact of tourism on city infrastructure, services, and facilities, and investigate opportunities to offset those impacts by using Hotel Occupancy Tax revenues”. This is something that we (Public Safety Commission) have discussed in the past; the draining of our emergency services caused by special events in our city. I think this is a really good idea and one we should support. I would like to thank Commissioner Worsham for agreeing to sit on this taskforce should he accept. **Commissioner Worsham** – yes I would intend to be the mouth piece for this group and this is an opportunity to weigh in on some of the issues like the one you (Commissioner Rossmo) just mentioned. **Chair Webber** – you (Commissioner Worsham) would be willing to report back to us concerning the efforts of the task force. **Commissioner Worsham** – yes. Vote was taken and it was unanimous. Commissioner Worsham will represent the Public Safety Commission on the Visitor’s Task Force. **Vote – Unanimous for Commissioner Worsham**

### **4. Diversity in Austin Public Safety Departments - Commissioner Rebecca Gonzales**

Commissioner Gonzales revisited information she presented at the October 2016 PSC meeting and presented four Power Point charts/graphs on:

- Current Comparison vs City of Austin
- Racial or Ethnic Makeup of Austin Public Safety
- Current Difference vs City of Austin
- % Increase Necessary to Match Austin

**Commissioner Gonzales** closing comment was “we can see from the numbers City of Austin Public Safety Departments has some space to make up on diversity in their departments.

**Assistant Fire Chief Davis** presented a power point on efforts by Austin Fire Department to increase diversity.

- Historical Perspective
  - 1977 First Consent Decree (lack of minority representation in AFD)
  - 2014 Second Consent Decree (Alleging the city of Austin violated Title VII of the civil rights act of 1964)

In addition to some of the history being presented Assistant Chief Davis provided information on the demographics trends affecting recruiting and elaborating on who are the target groups to recruit. What are some of the obstacles in achieving diversity: minority perceptions, reduced budgets, courage to change and the need for more recruiting? Austin Fire Department is highlighting opportunities for growth and initiated a volunteer program (Pass the Torch) to offer citizens an opportunity to come and learn about the Austin Fire Department in hopes of acquiring some future firefighters. Austin Fire Department has created their own website in an effort to reach more people with information about what Austin Fire Department is all about. In addition to the website, candidate interest cards are distributed to citizens and AFD is proud to have reached a little over nine thousand cards received. Their goal is to hit ten thousand. The closing chart focused on Community Education, internships, elementary education, LBJ High School Program, Explorer Program, and Fire Science 101. Community Education can be done with lots of support and funding/ AC Davis asked if there were any questions from the PSC board.

**Commissioner Scruggs** – What age do you start to recruit and what are the ages for the Torch Academy? Answer: The age requirement for the Torch Academy is 18yrs-30yrs of age.

**Commissioner Tyree** - Could you tell us a little bit more about the Pass the Torch Academy. Answer: **AC Davis:** Yes, we have a about a 9% completion rate and lots of the individuals have gone on to become firefighters elsewhere. **AC Tanzola** commented he thought Commissioner Tyree’s question was pertaining to the AFD cadet class. **AC Davis:** thanked him for the clarification and commented the cadet academy consist of twenty weeks of training and has a 95% graduation from the academy. **Commissioner Webber:** Describe diversity in the upper echelon? Answer – We have 3-4 Hispanics, two women (Chief Kerr and one other female) and I. AC Davis is the only African American in the upper echelon.

**Commissioner Nunez:** Is Austin Fire Department doing anything to recruit females into the academy and has AFD enlisted existing staff to help with minority recruiting? Answer: Good question, and yes all participation from firefighters basically help with recruiting and yes we do use our minorities. **AC Tanzola** commented Austin Fire Department has two times the national average of females in our department. Many women face some physical challenges and we take that into consideration and provide some physical training to help in this area to increase their stamina.

**Commissioner Scruggs:** Is there a minimal educational level required to apply for a position at Austin Fire Department? AC Davis: yes, it is fifteen college credit hours or two years military service.

**Commissioner Webber:** What is being done internally to promote/support women to rise thru the ranks? **AC Tanzola:** Promotion is the testing process and some positions are appointed positions by the Fire Chief. Division Chiefs are appointed by the Fire Chief.

**Blair Campbell, President of Austin Black Fire Fighters Association:** asked to speak at this time and commented on last year's (2015) collective bargaining agreement there was a change where the Chief in the past had been able to select/pull from lieutenant on up to make appointments, but with the change she can only pull from Captains and there are no African American Captains at AFD that the Chief could reach down and promote to Assistant Chief. This is now a part on the promotion process. **Mr. Campbell** also commented on the increase to the 1.5 mile run completion time. With this increase two lieutenants were eliminated in the promotion process, however they were hired under the 2012 agreement and the stipulation (12mins 8seconds run time) should not have applied to them. The other concern we have is that with the merger of the ESD4 the 1.5 mile run has been eliminated for these employees coming over. **Commissioner Rossmo** asked what is the completion time for the run and Mr. Campbell responded 12mins 8seconds. **Mr. Campbell:** Ten out the twelve African Americans taking the 1.5 mile run test passed. **Commissioner Rossmo-** commented if someone did not pass the run test, maybe they should go back and practice a little more and comeback to take the test again in preparation to pass the test. There is a certain amount of aerobic stamina needed to do this job. There was discussion on the City of Houston's cut off time being increased to 17minutes as a result of a suit brought against them. **AC Tanzola** – commented the ESD4 merger is an ongoing discussion and no decision has been made at this time.

**Chief Jasper Brown-** summarized Emergency Medical Services (EMS) diversity status. A chart on the national diversity numbers for EMS was included in the folders and Austin/Travis County EMS numbers were close matching and in some areas Austin EMS was over represented. Chief Brown mentioned they have a Explores Program and two programs at LBJ and Akins in the past, currently there is only one program and it is at Akins high school. The number of African Americans in our department has doubled this year from four to nine. EMS is currently recruiting in the Valley and going to Houston Texas. **Commissioner Levy** – How many are in the classes? There are seven in the class. These are interns who will become MTEs. What is the age of folks coming into the program? No one under 25yrs old.

**Webber** – have you found that the medic 1 and 2 models helped with increasing diversity at all? It has about a 28% increase from 2012. We want to move some of them now to Medic 2. **Commissioner Haley** – through the high school programs, do you see a lot of diversity there?

**Chief Brown** -Yes, but a lot of them are going to college in other medial programs so we don't get as many of these students. **Commissioner Gonzales-** are the national numbers a representative of the certified population or are those different numbers? **Commissioner Nunez** – do you have any formal partnerships with ACC? **Chief Brown** – we have affiliation on several campuses. We assist campus as well that ask us for ride outs to assist their students. **Chief Brown** – that is all EMTs in the national numbers. **Commissioner Gonzales** – do you have number of the

certified population? **Chief Brown** - You can get that from the national registry. I will try and bring that to you. We are trying to reach out to all populations that we can in recruiting.

**Austin Police Department** – Chief Manley introduced Assistant Chief McIlvain and Commander Spangler to present on APD’s diversity and recruiting. **AC McIlvain** commented: Recognizing we (Austin Police Department) have had some well documented staffing issues we spilt our training and recruiting division. The reason was so we could have a commander and chain of command focusing solely on our recruiting efforts. In addition we had an independent audit done to help us complete some process and procedures as we move forward. We also experienced catching up to the 21<sup>st</sup> century in technology. We are looking to hire a specialist, not that our current employee is not doing a good job, it’s just need a specialist to help ups reach the millennial. People can now submit history cards and background information on line. In the past a 37 page document had to be printed and completed to return to us. Also we have changed some of the physical training and replaced our push-ups, sit-ups, and runs with a row test. The sit ups are adversely affecting our female applicants and we implemented the row test and found that this increased our female applicants. The Department of Public Safety had implemented the row test and we thought it would be a good thing to change as well.

We added resources, two additional recruiters both African Americans and we eliminated the requirement of college hours to apply. We have a sworn officer focusing on our marketing and media for recruiting efforts. We just put 65 officers on the streets and we are slated to begin another class of 110 cadets. With the dropping of 30hrs college credit the passing score on our exam was increased.

**Commissioner Rossmo** – what portions of recruitments are lateral and #2 does it help with increasing actual diversity. **Commander Spangler** - We see about a 4-1 ratio (4 recruits to every lateral) and there are a number of laterals. Yes, it does help up with our diversity. **Commissioner Gonzales:** Congratulations on your recent graduating class. With the recent retirement of some of your key people what kind of training are you putting in place to help with maintaining your diversity? Our promotion process is bound by civil service state law and what we try to do is really

mentor to help those that are up for promotion. **Webber** - just to be clear the chief can promote from Commander or Lieutenant? **Commander Spangler** – no the chief can promote from Lieutenant or Commander to Assistant Chief. **Chair Webber** – currently there are no women in those roles is that correct? **Commissioner Rossmo** – what is the typical longevity for a female officer on the job? **Chief Manley** – we don’t have that right now I will have to get that information to you. **Commissioner Rossmo** – the reason I was asking is because you normally need to have put in the time to promote to some of the higher rankings and with the females they tend to not have the time because of pregnancies/motherhood. Unless some women have the opportunity to job share or different opportunities to keep working while pregnant they won’t have the time necessary to promote or takes a little longer. **Chief Manley** – I will have to get back to you with that information.

**Item # 5 UPDATE ON AUSTIN POLICE DEPARTMENT DNA BACKLOG - Chief Brian Manley**

**Chief Manley** I 'm sure some of you know by now that the City Council voted to approve an interlocal agreement with Southwest Institute of Forensics Science in Dallas County. They have agreed to enter into an agreement with us to help us clear up the DNA backlog. There will be a vote in Dallas County on November 15, 2016. So what we did as an agency is we identified one million in forfeiture funds that we were going to put towards this along with 600,000 in grants that we have received. The council voted for a 6yr contract for 3.6million dollars that will allow us to outsource these DNA Rape Kits and evidence for testing while we continue work towards getting our lab up and running again. We have 610 pending DNA cases. As we have talked before about anything that is beyond one year old is eligible for the DANY Grant and we can outsource that using a grant we got from the District Attorney's Office of New York. Currently there are 610 cases and 484 of those cases have safe kits involved and 126 do not have safe kits. We are currently engaged in conversation to identify a process on how they will take these kits in and when we can understand what the timeline (when we will be able to get these kits back) is. In other words we don't want to have the kits leave our shelves just to sit on theirs. Current process is: 45 days for serology and 60days DNA testing. **Commissioner Nunez** – do you have an idea of what date you'll know the number that will be sent to Dallas County and when? **Chief Manley** – we are in those discussions right now and maybe by the time we meet next month I can give you a submission date and what the submission strategy looks like. **Commissioner Nunez** – could you speak to the number of cases with Department Public Safety right now. **Chief Manley** – currently there are 112 kits with the Department of Public Safety.

**Item #6. TRAVIS COUNTY SEXUAL ASSAULT CASE PROGRESSION FROM REPORT TO CONVICTION – Dr. Rossmo**

This agenda item had much discussion from four presenters (Karen Sage, Dana Nelson, Emily LeBlanc and Sgt. Benningfield) along with members of the board. Questions were asked and answers were given to some of the questions and to others there was no definite answer due to so many variables that could or could not affect the outcome of sex crimes assault charges. In all sex crimes when there is DNA given it is a big piece of prosecuting a case. All of the guest speakers expressed the main hindrance to successfully bringing a case to trial was the need for DNA analysis that they have not gotten from APD in a timely turnaround. Numerous variables were discussed that had impact on the length of time it takes to prosecute a sex crime case. The long delays to all focused/lead back to APD DNA Lab. Sgt. Benningfield from APD in her presentation gave numbers on number of sex crime arrests: 1, 806 arrest, 276 of that number led to an arrest the other 75% , why there were not cleared. 336 cleared exceptionally meaning the victim refused to cooperate. 768 of the cases were suspended – due to suspect never being identified, or victim refused to cooperate. Questions from the board:

- Nunez, is it a requirement to have cooperation from the victim in order to go forward with prosecution?
- Scruggs – the contract with Dallas lab is a six year contract. What is or is there a more concrete time?
- Levy to Karen Sage, How did this happen? What are the resources you need to fix this?

-Hadley –What is the cost of holding these people and is it costing the county?

-Levy – Over the years the Austin Police Department has asked for resources but it never made it to the council. Why?

In wrapping up the discussion one of the things Sgt. Benningfield mentioned was that her unit could use four fulltime employees. Dr. Rossmo still would like for variables to be identified and fine-tuned so that he could get numbers on the sex crimes and timelines to disposition. Public Safety Commission discussed drafting a language to submit to city council concerning the need for additional staff in the Sex Crimes Unit.

**Item 7 – FUTURE AGENDA ITEMS**

-Budget recommendation for additional resources needed in the Sex Crimes Unit

Adjourn