



**PUBLIC SAFETY COMMISSION
MINUTES**

**REGULAR MEETING
Monday, June 4, 2018**

The Public Safety Commission convened a meeting Monday, June 4, 2018 at City Hall 301 W. 2nd Street in Austin, Texas.

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

Board Members in Attendance:

Rebecca Webber, Chair	Daniela Nunez
Brian Haley	Ed Scruggs
Carol Lee	Noel Landuyt
Rebecca Gonzales	Sam Holt
Michelle McCurdy	

Commissioners Kim Rossmo and Preston Tyree were not in attendance

Staff in Attendance:

Justin Newsom, Commander, Austin Police Department
Jasper Brown, Chief of Staff, Austin/Travis County Emergency Medical Services
Richard Davis, Assistant Chief, Austin Fire Department

1. APPROVAL OF MINUTES – Chair Webber informed the board the minutes only needed to be voted for approval if a board member found an error in the minutes and requested correction, then a vote would be taken to approve the minutes with the correction. Webber asked if there were any corrections to the minutes, hearing none no vote was required.

2. CITIZEN COMMUNICATIONS –

- **Carlos Leon** – to speak what is right
- **Marissa McGovern** – item #6 Homelessness
- **John Elford** – item #6 Homelessness
- **John Woodley** – issues with 911 system in Austin and people with disabilities
- **Steven Potter** – item #6 Homelessness
- **Ellen Stone** – item #6 Homelessness

- **Norma Herrera** – item #6 Homelessness
- **Tony Marquardt** – Speak on item #3 – monthly stats from public safety departments
- **Dorothy Doolittle** – item #6 Homelessness

3. Monthly stats from public safety departments – authorized strength by rank, vacancies by rank, overtime hours by rank, call volume by Council District, response times by Council District - sponsored by Commissioners Noel Landuyt and Rebecca Webber

Commissioner Webber- introduced this item and talked about how this is a monthly item going forward and discussed what type of information would be useful to receive each month.

-Tony Marquardt shared the background on how this item came to be added on the agenda as a reoccurring report to be shared monthly.

There was extensive discussion on data collection and reporting capabilities amongst all of the board members, and Commissioner Webber commented there would be a few changes in the reporting of the stats however the monthly reporting would continue.

4. Report on Police Monitor’s research into evidence-based best practices regarding police oversight - sponsored by March 22, 2018 council resolution no. 20180322-047

- Farah Muscadin, Interim Police Monitor, City of Austin

Commissioner Webber introduced the item and invited Farah to begin the presentation.

Farah introduces herself and stated she would be giving a brief overview of her presentation to council on May 22, 2018. The presentation outline was

- City Council Resolution
- Overview of Preliminary Research
 - Oversight Models
- Preliminary Observations
- Next Steps/Timeline

The board members were provided a copy of the resolution #20180322-047 that directed the work to develop evidence-based best practices regarding police oversight and to report back within 90 days to council. The City Manager had to consult with several organizations/departments including the Office of the Police Monitor and the Police Department staff to develop/come up with the best practices to include evidence-based evaluation tools to assess the effectiveness of any adopted accountability strategy regarding the police oversight. **Ms. Muscadin** commented she begin her research for the best fit for Austin and started researching several other cities to learn about the type of models they were using to assist with determining the “Best-Fit” for Austin. **NACOLE** (National Association for Civilian Oversight of Law Enforcement) was her first stop to check on 21st century policing recommendation. There were five common goals of Civilian Oversight Programs that NACOLE came up with after surveying 97 oversight programs. In addition to the five common goals of civilian oversight programs NACOLE identified 3 types of Police Oversight Models. **Farah** stated of the three models, Austin uses/operates the Auditor/Monitor Model. **Auditor/Monitor Model – Audit and/or monitor internal investigations and review board patterns in investigations, findings, and discipline**

The presentation covered the steps that were taken in the course of researching to develop evidence-based best practices regarding police oversight.

- Sample of factors considered and Agencies Contacted
- Preliminary Research: Police Oversight Contacts
- Preliminary Observations
 - Next Steps
 - Continue Research and Analysis
 - Involve stakeholders and interested community
 - Narrow Scope of Oversight Cities to Further Review
 - Develop Community Outreach Plan
 - Legal Review

Farah discussed the timeline for reporting back to council in June 2018. Currently they've created a working group to work on coming up with what the oversight committee will look like for the City of Austin.

There were questions at the end of the presentation:

- What is the evidence based policing and how does it help the community? (Holt)
- What in Chapter 143 limits the oversight committee? (Lee)
 - Response: Things #143 prohibits/control -the 180day rule, anonymous complaints and citizens don't have access to an officer's file (it is not Open Records)
- What was the thought process behind the 180 day rule? (McCurdy)
- Does the restrictions of chapter#143 make it hard to establish an investigative type model?

(Scruggs)

5. Nomination of Public Safety Commissioner(s) to serve on Police Oversight Advisory Working Group – sponsored by Office of Police Monitor

Commissioner Webber moved to item #5 and asked Farah to introduce the item and its purpose.

Farah commented how important she thought it was for the Public Safety Commission to have a board member participate in this working group. The input of stakeholders and community working together to create Austin's own recipe for what the city's Police Oversight should look like.

Commissioners Webber and **Landuyt** expressed interest in being a part of the Police Oversight Advisory working group. Webber opened the floor for any other nominations and there were none. Webber asked for any discussion and there was none so Commissioner Webber moved to a vote.

VOTE: Unanimous

Commissioners Webber and Landuyt will represent the PSC on the Police Advisory Working Group.

6. Should Austin repeal ordinances primarily targeting people experiencing homelessness? – sponsored by Commissioner Nunez and Webber

Commissioner Nunez introduced this item and commented this item came about as a result of the City Auditor's report on Homelessness Assistance Audit Series: City Polices Related to Homelessness. Nunez commented the City of Austin current ordinances are not an effective way to deal with the homeless population. The ordinances do nothing to end homelessness and do nothing to help the homeless. A draft resolution was presented to the group by Commissioner Nunez for purposes of discussing after all of the presentations.

Andrew Keegan, City Auditor's Office presented the auditor's findings from the auditor's report of November 2017. Andrew commented there have been several studies/audits and currently this November 2017 audit is the fourth audit being performed on the outcome of the City's efforts to address homelessness via city ordinances. The audit found:

- The City of Austin ordinances may have created barriers to the existing homelessness population.

- Ordinances are not effective at connecting people to services.

The City Manager's response to the audit was a memo he drafted May, 18, 2018 to Mayor and Council providing an update on ordinances that may affect Homeless Population. There were a total of three ordinances pertaining to the homeless population. City Manager expressed in the memo that he needed more time to dig a little deeper into the ordinances, afterwards he would come back to council with suggestions within an estimated six months' time frame.

Question from **Commissioner Holt** – What is City of Austin doing to move homeless shelter? Maybe the city could create another location with more beds. Andrew Keegan responded this questions was a little beyond the scope of this particular audit, but he was this question was probably already being discussed.

Assistant Chief Newsom's comments concerning the ordinances being discussed was the ordinances are there for public order. He was a part of the group that worked to see what could we be doing better for the homeless and it all comes down to having a place to be. One shelter for all of the homeless in a city of about a million people is not acceptable. We need more places for people to be. He mentioned there are some unintended consequences of getting rid of these current ordinances. The HOST team was a police initiative which is now pretty much taken over by EMS. We want to help the homeless and in doing so we understand there are different groups of homeless: Some are self-sufficient and lots of others are mentally ill. These two groups are both homeless and have different needs to be met. **Chris Coppola** was on hand at the request of AC Newsom and he addressed the question of the definition of aggressive solicitation.

Emily Gerrick, Texas Fair Defense Project – presented on Austin's Ordinance Criminalizing Homelessness and the constitutionally how this violates the Eight Amendment There was a question from Commissioner Holt when she finished her presentation:

- When people are arrested for panhandling could they get arrested for holding signs?
 - o Response – generally they do not – AC Newsom

Chris Harris with Grassroots Leadership spoke about a memo dated October 23, 2017 to the COA on behalf of some ex APD cadets. The cadets shared some negative comments from the training officers on how to treat the homeless people. The attitudes of the training officers were disturbing to the cadets.

Bill Brice, Vice President of Downtown Austin Alliance spoke asking that the ordinances not be done away with. These issues are about public safety and he urged to board to wigh their recommendations carefully.

Ed McHorse, member of ECHO Board of Directors – main concern is avoiding the law of unintended consequences for the homeless. He shared from ECHO's standpoint we don't have a position on this topic other than the ordinances are not a solution for solving homelessness.

Speakers:

Speakers:

Marissa McGovern
Steven Potter
Ellen Stone
Norma Herrera

Commissioner Webber moved to take a vote on recommendation from Commissioner Nunez

Commissioner Scruggs commented he just didn't think there was enough time to discuss such an important topic. He questioned if we take the ordinances away what do we replace it with? We don't have a plan in place yet.

Commissioner Holt second the motion to vote on the recommendation.

VOTE:

For: 6 (Commissioners Rebecca Gonzales, Michelle McCurdy, Carol Lee, Dniela Nunez, Sam Holt, and Rebecca Webber)

Against: 3 (Commissioners Brian Haley, Ed Scruggs and Noel Landuyt)

Abstain: 0

Absent: Commissioners Rossmo, and Tyree

Attest: 0



Public Safety Commission Recommendation no. 20180604-006

Regarding Austin City Ordinances Targeting Homeless Individuals

Date: June 4, 2018

Subject: Should Austin repeal ordinances primarily targeting people experiencing homelessness?

Motioned By: Daniela Nuñez and **Seconded By:** Sam Holt

The Public Safety Commission recommends the following actions to Austin City Council regarding the three ordinances scrutinized in the City Auditor's November 2017 Audit Report entitled "Homelessness Assistance Audit Series: City Policies Related to Homelessness."

1. The City Manager is directed to seek input from stakeholders including people who are or were homeless, advocates for the homeless, and other interested community members—to evaluate the “solicitation,” “camping” and “sit/lie” ordinances that criminalize homeless individuals, and create barriers for people who are trying to obtain housing or employment;
2. Additionally, the City Manager should consider how these ordinances will impact respect and trust between Austin Police Department and homeless individuals;
3. Further, city leaders should work to fund and expand community-based solutions that effectively or efficiently connect people facing homelessness to social services.

Vote

For: 6 (Commissioners Rebecca Gonzales, Michelle McCurdy, Carol Lee, Daniela Nunez, Sam Holt and Rebecca Webber)

Against: 3 (Commissioners Brian Haley, Ed Scruggs and Noel Landuyt)

Abstain: 0

Absent: Rossmo, Tyree

Attest:

Janet Jackson, Board Liaison
Austin Police Department

Adjourn @ 6pm

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