

Judicial Committee Meeting Transcript – 02/10/2020

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[2:04:27 PM]

>> Flannigan: All right. I think we can go ahead and get started. So we'll go ahead and call the meeting of the judicial committee to order. We are at 2:04 P.M. In the boards and commissions at city hall. I am councilmember Flannigan, chair of the committee. Councilmembers Casar and the mayor pro tem are present. Councilmember harper-madison is now approaching the dais so we are all here. We're going to go ahead and start with citizens communication. So I think we have a few folks who have signed up to speak so I'm going to call up four people at a time so we can move through this pretty quickly. Primitive Gibson, Gus Pena, [calling names of graduates] Pena... [Call names]. >> I don't see primitive.

[2:05:28 PM]

Kathie Mitchell, would you like to take the fourth seat here? Gus, why don't you start us off. Press the button on the -- there you go. Got it. >> Got it. >> You have three minutes. >> Good afternoon, my name is Gustavo, Gus Pena, native east austinite, former irs investigator, works as a bailiff in the courts. I wanted to set a predicate for all this going on. I too am concerned about some -- several issues here that are ongoing in the city of Austin. I ran for judge in 1993 and here's the endorsement from the Austin police association. Having said that. We want to remain cognizant that our things are going on. I love my officers, I love

[2:06:29 PM]

my deputies, I love my dps, but there are some problematic issues and problematic people or officers that need to be corrected. One of the things that we as -- as a person need to remind themselves of first and foremost look at the person first, do not judge them because I have been judged by a lot of cops a long time ago and they called us wetbacks and we have to fight for the right to become an American. And I can tell you, chief miles, Tom Miller was the mayor at the time so I got arrested for crossing east avenue. And so mayor Tom Miller at the time, he said you release that young man. He is a human being. So I know about being profiled and I know about being arrested, but I will tell you this much, there are some things that are going on that have to be

[2:07:30 PM]

corrected as far as the officers. I love my officers, I have good friends in the deputy, but there are some problematic officers over there that really are not doing their job appropriately. And so what I want to say is this, is that please I want to thank judge coffey and my beautiful judge from municipal court. She has helped out a lot of people that -- anyway, I'll leave it at that. So anyway, chair and members, remember, first and foremost people are human beings. Don't foreprofile. I'm still being profiled. Don't profile and watch what you do because the community, my community is looking at everybody closely, not just the police department, but others. Remember this, I was endorsed by the Austin police department for a judicial position. Here it is right here? Do you want to see it? I'll give you a copy of that, but things are going on that shouldn't have been going on. Humanistic issues. Remember the person. Because I've been profiled

[2:08:32 PM]

also. And they would say oh, my, Gus, I didn't know it was you. Don't go profiling me because I'll go back to federal. Just remember, I was investigator, I had a lot of power, but I treated people with respect and professional. Thank you for allowing me to speak. >> Flannigan: Thank you, Mr. Pena. Mr. Moore. Good morning, it is also good to see you. We have been talking about the [indiscernible] Program. We have issues with the racial profiling within the police department and I think at least from box, and I haven't talked to chief Manley yet, but I think it's definitely that they want to fix, it's something that we all want to fix so we've been looking closely at independent app list program called lights out

[2:09:32 PM]

Indianapolis to where instead of cops giving you tickets or citations or anything wrong with the car, they will give you a voucher. And it has worked tremendously. I also think it would be a great pr move for the police department, honestly. But you know, it's something to allow officers to stop wasting so much time because I think Kathie talked about yesterday at policy meeting it takes on average three or four

hours for any type of booking or a citation like that. So we can literally reduce that tremendously by an officer giving a voucher to get your broken tail light fixed or broken whatever. I think that's a good idea. That's all I really wanted to add to the conversation. I think it's something that would be fruitful for the community. I think it would save cops time to actually go to serious crime work, right, like we're wasting hours or even more than two minutes on broken taillights and

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things that shouldn't take that long, let's get them back on the streets to do some real cop work. >> Flannigan: Thank you. Chris Harris, if you want to come up and take a seat. Ms. Garrett. >> Thank you. My name is Emily Garrett, attorney at the defense project. I'm thankful to this committee for bringing this item on racial disparities today, I think it's a really important item and I want to thank the office of police oversight, office of innovation and the equity office for this report. Racial disparities are really prevalent at all levels of our criminal justice system and this report focuses on what I think is the most important part of that, which is the front end where people actually enter into the criminal justice system in the first place. This report shows what many of us have already known for very long. It shows the effects of racial bias and overpolicing in lower income neighborhoods and communities of color. I want to say I think the only way that racial disparities can actually be

[2:11:35 PM]

meaningfully addressed is to stop overpolicing and I hope this report has the information we need. >> Thank you. Ms. Mitchell. >> So y'all be about to get on presentation on report so I'm going to assume that all the data, details you will be able to get all your questions answered. I just wanted to put this a little bit in the context of the racial profiling reporting system, if you want to call it that. We've had almost 20 years now since the racial profiling law was put in effect. Various departments have been doing reports for a long time, including ours, and generally they find racial profiling. This was a very good report. In the context of all these

[2:12:37 PM]

years, I'm going to ask that you all try not to be led down the path of what have really become kind of dead end debates over statistical questions like baselines and what percent of what should count as what. It's hard to describe all the different ways that this data has been diminished by departments over the years. It takes a lot of data to produce a regression level analysis. I want to point out at least for data available, regression analysis in this state has been produced and constantly showing racial profiling. Austin is one of many jurisdictions that you can look at that are aggregated. In the case of the report that I just pulled upcoming

[2:13:39 PM]

over here, an academic out of North Carolina was hired a few years back to look at all of the dps data, which gives you millions and millions of stops and millions of -- and enough searches to be able to dig. I want to point out that there are two kind of key things they found when they look that deep into racial profiling data. And one was that there are certain kinds of shops kinds of stops. Racial profiles stops are far and away than other kinds of stops. Stops that are disproportionately stopped by police officers, going to find themselves racially profiled. Management in Austin can and should dig deeper into the

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data that has already been analyzed for us, where we've got very robust results, and identify what kind of stops are a red flag. [Buzzer sounds] And whether there are any individuals who seem to be accounting for more of that disproportionate outcome and use those factors to identify and address the profiling in the department. Thank you. >> Thank you, Ms. Mitchell. Mr. Harris. >> Thank you so much for having me. Appreciate the time. So yeah, also I want to echo the gratitude to the Austin of police oversight, the equity office and the office of innovation. I think it contributes significantly to our community. If we look at the data there's racial disparities as it concerns basically

[2:15:42 PM]

every aspect of enforcement from the point of a traffic stop and onward. And I think it's important to look at it both based in many -- these disparities, particularly as it relates to each segment. But I think where it most shows itself is in the search component. So with stops, without diving a into the specifics of each individual report about the reasons for the stops, we can see from the numbers that it looks wrong and it shouldn't be that way. But when we look at searches and we see a hit rate that's very similar across racial groups, but still black and brown folks subjected to much more often that, a very key indicator that this is a factor in that decision. Given an equal chance of finding some contraband in a

[2:16:43 PM]

certain stop, if certain races are consistently subjective to searches more often despite there not being a reason for that, then there's really only one thank that you can conclude from that. So I think with the other parts of it when we're talking about stops, we're talking about citations, we're talking about even field warnings and what have you, it's very likely to assume based on the degree of the disparity that

race is a significant factor, but I think when we look at the searches, which then obviously drive arrests, it really comes into play. I also want to highlight the extent that poverty is also a role in this, right? And the degree that we have disparate poverty levels in our community among racial groups diving this piece, not to absolve police because I think there are both individual and systemic racism at play and what we see in this report, but clearly driving a car is an expensive endeavor and it takes a lot of money to maintain a vehicle and to do so lawfully.

[2:17:44 PM]

And so it is constantly people are subjected to potential motor vehicle stop on the basis of some of the things and that just require money. So by virtue of folks not having it, if police are then decide into areas where black and brown people are, predominantly then it's going to only exacerbate these disparities that we see. And I think it's owe you -- you know, it's something where we have to look beyond the individual officers that there are issues with and also systemically, especially when we look at the race unknown data. [Buzzer sounds] I'll say this and finish up. There was also disparity when the officer claimed they didn't know the race of a person. So that would only happen if the officers were actually targeting areas where there was already a disparity in the people that are driving that area. So that means that they're overpolicing certain areas and they're doing so under a priority of motor vehicle stop, which is contributing to that number. So we have to look systemically at well as

[2:18:45 PM]

policing priorities and practices. Thank you. >> Flannigan: Thank you, Mr. Harris. That is the end of our citizens communication so let's go on to our first item, approving the minutes. Do I have a motion to approve the minutes from the last meeting? Second from councilmember Casar, second from mayor pro tem. With that reapprove the minutes from the last meeting. Item number 2, core facility update. I think you are quacking us through a -- walking us through a presentation on this? Excellent. >> I'll dead and get

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started. Alex gale from the real estate offices. Looking at the municipal court and other offices that we're trying to find property on. We've briefed the committee several times on this, but want to give another update on where we're at with everything. Just a quick recap of where this came from, it was a resolution from February 15th, 2018, to talk about identifying properties #U to lease, build or purchase with the Austin municipal court, creating one regional facility north and one regional facility south. Item 2 is to develop recommendations from the future use of the Austin municipal court on east seventh and

then also discuss future space for the downtown Austin community court. To give a quick update of where we're at for the new space for Austin municipal court, council did provide

[2:20:46 PM]

direction to staff to move forward with a lease, 10 year lease, 96,000 square feet of office space located at 6800 Burleson road. The planned completion and move-in to this lease space is scheduled for March 2nd of this year. And the first jury duty at the first location is scheduled for March 23rd later that month. We are still looking for a north payment center to be relocated from the current police substation due to some overcrowding and efficiencies that are in that current space and we have paused right now looking for a long-term for the north regional facility, but we plan on bringing that back up once the term of the south facility starts to come closer to being ended. So five to seven years down the road is when we would want to bring something

[2:21:46 PM]

back. For the north payment center we are currently looking for space. What we're looking for is something with a courtroom and a place for the public to come and pay, make payments for some of those items that that municipal court handles and also we've reached out to the county to see if there's any cross functionalities that we can provide with them as well. So we can provide some feedback from that once I hear a little bit more from the county on that. Specifically progress on the new municipal court space at 6100 Burleson, the shell is 1% complete, all the courtrooms are nearly 100% complete and we have a punch list to do those walk through items on the interior permits are approved, final inspection and closing of the permits are scheduled for March 14th, 2020. A little bit of confusion,

[2:22:47 PM]

we can start occupying on March second with that temporary certificate of occupancy, but we should have the final certificate of occupancy on March 15th. Exterior plans 95% complete and the developer landlord is at 24,000 working hours with zero injuries on the site. Just wanted to give you a quick picture overview of the site, pretty exciting. This is the main entraps for the public to come in to make the payments at the service windows at the . Municipal court site. Next shot here is two interior shots on the left is just of one of the courtrooms. Of course, courtroom number two there. And then on the right the shot is of the service windows for the court facility to take the payments. These two shots of course are just of the interior of

[2:23:51 PM]

one of the courtrooms, but -- we're very excited. I think working with the municipal court people and the landlord, everybody seems to be very excited on where we're at with this project. So -- sorry, item 2, which is the future use the current municipal site, we briefed council I think back in October, November with the strategic facilities occupancy plan and one of the items in that plan talked about having a more detailed and harder look into the current municipal court facility to see what the potential use is and redevelopment opportunities may be with that facility. From an analysis that we had in 2012, the condition rating came in at 68% and noted upwards of almost

[2:24:51 PM]

\$2 million of deferred maintenance. So all those things, once we get into that will be taken into consideration to see what the potential future uses could be of that facility. Noting that it is within the waller creek tirz district. And moving on to the downtown Austin community court item, item number 3, we've looking at short-term and long-term considerations for new space. Knowing that the conditions of that space are needed, we need to find a new space for them and so we've been working diligently on finding new space. So for the short and midterm we are currently negotiating a potential lease with an option to purchase a facility on east second street. That could turn into a long-term with that option to purchase the facility, so

[2:25:54 PM]

what we would be looking at similar to the municipal court is -- it's a lease. The landlord or developer would build out the facility to our specs and then we would have the option to possibly purchase that facility at some point in the future term of that lease. Another option that we are exploring is acquiring or building another facility, but there's a longer term. We think this pathway with the lease to purchase option may be the best path forward for us so we're continuing down that path currently. That really is all three items that I wanted to go over, and sorry, I tried to go pretty quickly with you, but I did just want to throw up the downtown Austin community court jurisdiction map. The jurisdictions that we have been looking for to find this dac space are

[2:26:54 PM]

limited to those jurisdictions and of course we are-- it has been challenging to find space that meets dac's requirements, but also has a reasonable rate to pay for, whether we're buying, leasing, building. And so the star on the map is just where the facility is currently located on east sixth, and then the east Austin in the green would be where the potential lease space that we're in negotiations with would be

located at in the green highlighted area on the map there. But with that, that was -- tried to go as quick as possible. I know you guys have a full agenda, but would go into any discussions or questions that you may have. >> Flannigan: Did you say that the proposed site is marked on that map? >> It is not marked on the map, but it is east second. I don't have a pointer.

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It's in east Austin. >> Flannigan: Approximately how many blocks east of I-35? >> I want to say maybe six or seven? 1.1 miles from the current facility? >> Judge coffee, do you want to come up? I don't want to extend this too long because we have other stuff to get to. First, Alex, to the extent that this east second site is the choice, can when does that come before council for approval? >> So the current landlord is working on buildout costs for us. We're working with dac staff to determine what the courtroom specs might look like, but we need to work through the architectural buildout so that the landlord can tell us what the costs will be for the rent. So we're still several months away before that might come back to council. >> Flannigan: Just briefly I want to give you a chance to kind of weigh in.

[2:29:02 PM]

>> We have a meeting tomorrow. We're hoping that's the final meeting of a design, most of the design that needs to be done, where they'll be able to give us a cost estimate back. So what you're asking was where that was and -- it's 1719 east clinic. It's very near the medical clinic out there and very near an integral care facility, both of which are positive things. It is much farther than where we are from our hub of our activity right now. Maybe more difficult to get people to actually make it there without help. We're trying to avoid getting there without help is where it is right now. So I think it's a great

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facility if we could move it closer it would be wonderful. The other facilities that we had identified apparently may not be available. So I'm not certain that real estate has been able to locate that might work. >> Flannigan: Anyone have questions on the facilities? Thank you. I want to say I went back to the presentation of the last judicial committee meeting which you said April 2020, so congratulations on bringing it up a month from the last time you spoke. >> Did you already address the item on our next Thursday's -- there's an item -- is that specifically for the childcare? >> The item on the 20th? >> Garza: Yes. >> Yes. That's specifically for the childcare, not at the municipal court facility, but at the building next door. Still in the Bergstrom tech area. So that is for the childcare facility in the building next to the municipal court building. >> Garza: Has there been an rfp out for the operator

[2:31:04 PM]

of that? >> I don't believe the rfp has gone out yet, but I know public health has been working with their childcare consultant to make sure to get that out in a timely manner. >> Garza: Thanks. >> Casar: I may have some options offline, but I don't think I want to take up time with it now. >> Flannigan: And judge coffee, let's keep talking. I know our offices has been working with you and figure out the pros and cons on the dac question. Thank you, judge. Thank you, Mr. Gale. We'll move on to item number 3 if you want to come up and give us our metrics update. >> Good afternoon, I'm Mary Jane grub, I'm the clerk of the court for Austin municipal court.

[2:32:05 PM]

>> I am Peter Valdez, the court administrator for the downtown Austin community court. >> So we are here to give you a brief update on the metrics that R. Used to support the eight council driven goals. The first is to provide . Quick administration of all cases in the court. These are standards with the national center for state courts. They're good indicators of just the overall effectiveness of moving our caseloads forward. The top chart on the left you can see these are all cases that were adjudicated within case processing time standards. So the top chart on the left is municipal court. The one on the right is dacc. So you can see the majority of our cases are adjudicated within 90 days. That means from the date they get their citation until they come in and their sentences are complete. Dacc is pretty much the exact opposite. They take about six months. I'll let Pete speak more to that. >> Because the majority of our cases are associated

[2:33:09 PM]

with homeless individuals and those individuals are connected to case management, those activities take much longer, and they're much more intensive so on average an individual could be on case management from anywhere from six months to two years. That's the average. That's why there's that big difference. >> Flannigan: Is there a different metric we should be using for the dacc in terms of prompt, efficient, effective and impartial? >> Yes. We've started that internal conversation because the majority of the individuals in case management aren't necessarily connected to case management through court. We have a large number of individuals that are assigned to us voluntarily and through host. So we have no court cases whatsoever. So all of their successes or completions aren't even being captured in this

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measure. >> Flannigan: I think that's an interesting conversation for another date to think about what the right metrics are for dacc. >> The two charts on the bottom are for dacc only. Our target is 1015 days and you can see that fiscal year 2018 we were right under that. A little higher in '19 and looks like probably going to be a little bit higher in this year as well. The reason for that is a lot of cases are getting reset more often for changes in the legislature, backdating to 2017. Restricting bonds. So cases are taking longer to be disposed because they're going to court multiple times, which is a good thing. People having hardships can come and get their cases reset. It just takes longer to close the cases. Case closure rate,, you should always be disposing as many cases that are coming in, so that

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percentage should always be at least 100% and you can see that we'll still above that in every year. Goal number 2 is just about having effective information through multiple channels in regards to our procedures, rights and duties of defendants before the court and alternative sentencing options. You can see we have multiple pages on our website and all of our notices have information on what you can do if you cannot pay and what your options are to get new court dates. That's pretty straightforward. Goal number 3 -- I should have said this in the beginning of this. A lot of stuff we discussed last year, but councilmember Casar had requested some additional data and some segmentation, so you will see that in this presentation. Goal number three is minimize jail commitments for nonpayment of fines whenever effective alternatives are available. This is a busy chart, but if you look at it you can see it's broke out for three fiscal years.

[2:36:13 PM]

You've got individuals who are arrested on class C charges only, individuals who were remanded, meaning committed to jail on class C charges only. Total remands, which includes class C's and higher charges. And then average day of remands. It's also segmented by demographics, racial demographics. I will give you just a moment and take a look at that and happy to answer any questions that you may have here. >> Flannigan: Is there a reason which is a bar chart in this way? It seems like not the right way to express this information, unless I'm not understanding it? >> Well, it was the easiest way to get as much information that councilmember Casar requested last year, but the next slide might make it a little bit easier. Let me show you this. This the the remand details and this includes AMC and dacc both. You can see this is for the entire reported period, segmented by racial. First chart there is class C's only, second chart is total.

[2:37:15 PM]

And average days remanded. So on average anyone who is remanded is about two days. I looked at the data and it is important to note that there's very few remands, maybe 37 a year. That includes people with higher charges. That means if they have higher charges and being held on the higher charges, the judges will let them, if they choose to, sit their time for their class C's as well. When you look at it for remanded for class C charges only it gets much, much lower. It's less than one percent of all people who are arrested. Going back to this chart, it's also got -- you know, if they -- no, I think that's on another chart. I'll explain that in minute. But anyway, so this chart right here in terms of demographics might be easier for you to see. >> Flannigan: I might work with our office for that

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chart because I don't think it is the right chart to work with this information. >> Okay. Goal number four is make alternative sentencing options available whenever appropriate under the law. First chart on the left is dacc, that's the rehabilitation sentences. >> Yes. What I'd like to say about that is you can see the huge decrease in dacc sentences and that is associated with the huge decrease in sentences. In our peak year we were processing 16,000 cases and that was in fiscal year 2014. Last year we closed out at 2,000 cases overall, where police filed new cases. That being said even though our rehab sentences were significantly decreased, we had still a waitlist of 140 individuals that want case management, so we have an increase in voluntary request of case management

[2:39:17 PM]

assistance. Alongside the referrals coming from host. So so again, I think that's the most important highlight is that we're relying more on a proactive approach through outreach, host and our own case management outreach. So those -- the fact that there aren't as many rehab sentences doesn't -- isn't significant in that. We're still helping a lot of people. >> Flannigan: Okay. >> And the next chart just displays the fact that when there are cases that somebody has to respond to, the majority of them are addressed through alternative options. So again, case management and community service and even when somebody is assigned community service, especially an individual experiencing homelessness, judge coffee will allow them

[2:40:17 PM]

to do case management activities in lieu of actually doing community service work. So they'll get credit for their community service, but they're not having to do any work for that. >> All right. The chart on the right is for AMC and that's just the number and percentage of payment plans and extensions. That hovers around 20% of all of our dispositions each year, so it is a small amount. The next slide is -- let me go back a little bit. For community service municipal court our current case management system, we're

not capturing that update on municipal court side, meaning when a judge orders it we don't capture it then, we capture it when it's completed. So we know how many people have completed community service, we just don't know how many have been ordered. Dacc on the other hand actually occurs it upfront so they have more details on that. And this is the community service. >> So again with the focus on the decrease that's associated with the decrease

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in cases that are filed at the court through APD. But when they are filed at the court and they are assigned community service with us, the pie chart on the right shows that the majority of them complete the community service within 90 days. What this doesn't capture is completions of -- completions of community service hours through our Travis county partners. If you recall, we supervise Travis county probationers that complete community service hours with our crew leaders. So those aren't reflected here because they don't have a sentence with our court. All we're doing is supervising those hours. >> Flannigan: So just to make sure I understand the decrease in cases, is from a high point in 2014, is that right? >> Correct. And every year since 2014 there's been a decrease.

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>> Flannigan: But is there a related increase in voluntary, is that what you were saying? >> Right, right. So there is a related increase in voluntary requests for case management, yes. >> Flannigan: I see, but we can't fill all of those requests, resource constraints and the like. >> Correct. >> All right, the next slide is goal number five, which is to minimize the issuance of warrants whenever alternatives are available and through imposition of alternative sentences. The top chart is for both courts and this is just the number of warrants issued for each year. And the percentage of those warrants that are for failure to appear. So you can see the largest majority of them hovers between 65 and 69% of warrants that are issued are folks who have received citations or cases filed against them and never come to court at all. Which leaves about 30% that are for individuals who have had a judgment, but fail to comply with court orders. The bottom chart on the left

[2:43:19 PM]

is the percentage of active caseload and warrant status for AMC only. That hovers around 35% each year. Which we're doing a little bit better than industry standard. Industry standard is usually about 70%. So -- let me clarify, usually about 30%, 70% compliance rate, meaning 30% goes to warrant. And then average wage of active warrants you can see that the majority of ours, 33% of our active warrants are in the three to five-year range. This was an interesting exercise and I'll talk about it a little bit a few slides from now, but we have what we call an administrative closure procedure each year

that's got certain parameters if cases haven't had activity on them we close cases in the fourth quarter of each year. And so it was very surprising to find that 25% of our warrants are older than seven years. Obviously there's a gap in the parameter so we're looking at that. So we expect to get that

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fixed and that will be reduced. All right. A little more detail on the warrant clearances. Last time it was asked to break these out by arrest and non-arrest so we've done that and I've broken it out by quarter. I want to draw your attention to quarter four. You can see that's the highest percentage for non-arrests. The case closures again that has to do with the administrative closures each year. So quarter four is always going to be really high because eight of those cases get closed. But you can see that quarters one through three the majority of warrant clearances due to non-arrests. That means someone is voluntarily coming in and taking care of it and not being arrested. That's about 90% or maybe a little higher than 90%. And then the bottom two charts are just pie charts on cleared by arrest and cleared by non-arrest. And let's see. All of these charts are for

[2:45:22 PM]

both courts. All right. Goal number six is minimize unintended adverse consequences of class C fines and fees on low income individuals and families. So these are the number of cases that either received reductions or waivers. Those are judges reducing fines or completely waiving them. It also has the number of cases wherein indigency was determined and then -- where indigency was determined and then the total amount of reductions and waivers. If you look at fiscal year 18 and 19, those are really high compared to quarter one of fiscal year 20. This does take into consideration all the fines, fees and costs that are waived in that administrative closure process that we have, so when you look at it quarterly compared to fiscal year, it's going to be much lower quarterly. So at the end of fiscal year '20, it will be more equivalent to '17 and '18. '17 and '18 were also significantly higher in

[2:46:22 PM]

terms of money than previous years and that was because of warrant amnesty, there's a significant amount of fines and fees in that period, typically February or March. We'll say we're not doing warrant amnesty in February or March of this year because of the moving. But we'll look at doing it later in the year. We also have the driver's license recovery clinics that we have participated in, walk-in dockets where individuals can come in everyday twice a day other than Fridays and see a judge on demand. And hardship dockets for those folks who are arrested and specifically have hardships and are released to come back to that docket. Goal number 7 is related to performing timely arraignment at the Travis county central booking facility and minimizing the time frame between a person's arrest and their

opportunity to be released. It also talks about prioritizing release on personal bonds when possible. So you can -- these are all

[2:47:23 PM]

the bonds that were done at Travis county booking facility. You can see each year it's about 80% of them or close to 80% of them are released on personal bond. Councilmember Casar, last year you asked if we could get the average surety amounts. I was not able to get that. That's not our data and Travis county doesn't track it. Goal eight is treat all people with respect and dignity. That chart is from the citizens survey that the city does once a year. We do not have the fiscal year '19 results yet. Those are set to come out mid month this month. So this is from last year. It's usually around 80, 85%. I will say that this does take into consideration people who are satisfied or also said neutral. That's how the city calculates that. But because this is rather outdated we also do departmental surveys. These are internal when our customers are there we have customer comment cards. So the chart on the left you can see is AMC and chart on

[2:48:24 PM]

the right is dacc. AMC's side is rating one to five, five being best. And you can see generally above 95% are rating us as a five with two and three percent as being one, least satisfied. I do want to point out on the chart on the left-hand side right in the middle, fiscal year 19 '19, it looks like it's 171%, I didn't recognize until after I printed it, it's rounding. It rounded up to two. Do you want to explain yours? >> First I want to start by saying that the -- the citizens survey, the majority of our clientele doesn't respond to that because that survey '78 is randomly sent to addresses, home addresses. So our clientele isn't -- their responses aren't captured on that survey. Which is why we started collecting our own internal data also in response to sd23 we started collecting that data internally last

[2:49:26 PM]

year, last fiscal year. We haven't received many responses between last year and this year we've only received 20 responses, so this is reflective of 20 responses. We've had some challenges with getting people respond. We made it available electronically at the court when people are leaving. Also when they're in case management, with a case manager they have the opportunity to fill that out. But our clientele is very hesitant at doing so. So we're continuing to tweak our process to try and get more people to respond without also influencing how they'll respond. >> That's all. Any questions? >> Flannigan: Greg? >> Garza: On goal number 6

[2:50:26 PM]

6, you said that generally the-- I think you said the cases at the dacc had gone down. Is it the same -- you said that, right? And you said since 2014, what was the phenomena that created that continual -- >> So in conversations with APD over the years, since 2014 their focus has been less on class C misdemeanors and more on higher charges. So that's in general what the what they've told us when we've had those conversations. >> Garza: And does the same trend apply at the municipal court? >> It does. The five-year trend, I think the case reduction is about 47%. >> Garza: So for fiscal year '18 and '19, there was a -- looks like a dramatic increase in -- looks like a dramatic Chris in waivers, am I reading that right, for

[2:51:28 PM]

fees and so findings of indigency went up and more fees were waived when -- and I'm assuming that relines with the resolution to define indigencies, so it wasn't as arbitrary as it felt like. >> It was a combination of the resolution and changes in state law. And remember fiscal year '17 and '18 is the whole fiscal year, which includes the end of year closure process, but the warrant amnesty programs play a big part into that as well. >> Garza: Okay. This might be more APD, but since 2014 has violent crime, anything more than a class C misdemeanor increased -- that's more of an APD question? >> That may be a more APD question. >> Garza: I can ask that

[2:52:31 PM]

later. >> Casar: Will you say that number one more time, overall it has gone down by which percentage? >> 47% the last five years. I think that's probably got 2014 included in it. At the same time our revenue has decreased by around 23% so it correlates pretty well. But also at the same time cases are getting extended. So one would naturally think your caseload, even though your caseload is shrinking, what are you doing? The cases are taking longer to process now and they're a lot more involved. They're being touched more and where most of them were closing -- about four years ago most of them were closing in 180 days, but because of the changes in the legislature we had to change our target to 215 because that's become more of the norm. So it's a trade-off. Even though cases are down, the time required to process

[2:53:32 PM]

those cases are longer. >> Casar: And it best case for us not to fund all of muni court operations with fees because it can create an adverse percentage. I think it's a good thing and we're happy to fill in the gaps so we don't have to charge -- for budget purposes we should charge tickets because it's the right

thing to do. I think it's a good point raised by the mayor pro tem that seems that between 2015 and 2019 we found that folks weren't able to pay about three times more, and I think that likely has to do with a lot of the work that y'all have done internally, that the judges have done, that the direction the council has set to try to really find when folks are indigent or not. And I appreciate that. And if we're finding folks to be indigent three times as often and the number of cases is about half, then per capita it's -- it really is finding that a lot of the folks that are getting wrapped up in class C's often times can't pay and

[2:54:34 PM]

our judicial system's ability to recognize that and for us to work together to figure out how we deal with that better makes a lot of sense. So thank y'all for very clearly making some pretty significant change year after year on this. So it's useful to see that laid out here. >> A big factor in that is just getting people to come in to actually take advantage of the services that the court offers. A person can't be found indigent or offered alternative sentencing offers if they don't come to court to take care of their ticket which goes back to that earlier slide, about 69% of our warrant issued are for failure to appear. And I don't mean an additional charge, but just not appearing at all. A lot of our efforts are focused on coming up with initiatives and making sure that our processes are making it easy for people to come in and take care of their business. Removing those barriers have traditionally been in place. >> Flannigan: Councilmember harper-madison. >> Harper-madison: Thank you. I wanted to get some

[2:55:34 PM]

clarity. Did you say there were 140 people actively on a waitlist for case management? >> Correct. >> Harper-madison: What does that look like to be able to reconcile that issue and how can we be supportive of that? >> Well, going back to I think fiscal year '16 is when we started managing a waitlist because we weren't able to assign everybody that wanted case management to case management. It also correlates with the creation of host that year. And then funneling through referrals to us as well so that's really where the increase in referrals and requests for assistance began. So every year since council has provided us with funding for hiring new case managers and enhancing our social service contracts for those individuals that are needing those services. We just -- it hasn't happened at the pace where

[2:56:36 PM]

we can address it all at once. We did get as low as 40 people at one time and then it fluctuates between 40 and -- 140 has been the most we've had actually. >> Flannigan: All right. Mayor pro tem. >> Garza: You said there were 69% of warrants or failure to appear. Do you have data on what the original like

ticket was? >> I can get that for you. It's in the dataset. I just didn't segment it by charge type, but I can.
>> Garza: Thanks. >> Of the 69%, do we know how many of those were able to get resolution because of the amnesty periods that you provide and I guess -- amnesty periods

[2:57:38 PM]

that you provide and I guess the alternative ways to take care of things after hours or on weekends? >> Well, let me make sure I'm understanding what you're asking. The 69% are currently outstanding, people who still have warrants. Because the 69% is for fiscal year 20 quarter one, so right now. I can run statistics on the cases that -- the warrants that were cleared during the amnesty period and tell you if those were failure to appear on warrants or cap just profile warrants which means they had a judgment. I can get that to you and tell you the percentages there. >> Garza: That would be helpful. Thank you. >> Flannigan: Okay. Thank you so much for the presentation. Let's move on to item number 4. Ms. Guzman will come up. I believe you're making the presentation on this item?

[2:58:43 PM]

>> Thank you for this -- director of office of police oversight. I'm joined by my colleagues, Kerry O'Connor and Brian Oaks, equity officer. Thank you for this opportunity to report to you to give a brief presentation on this report. It's something our offices are very proud of and I'm proud of the fact that we're able to work together on this analysis. I want to start off by saying this is very high level. I did bring a copy of the report for you, but I wanted to keep the presentation at 10 slides or less, so it is really kind of the main points of the report. So when we look at this report, I really want to point out that it aligns very well with SD-23 and the fair administration of justice. Obviously when we're looking at the strategic direction of the city, and primarily under this particular outcome, strategy number 1, which talks about develop and act on recommendations to ensure that all community members are treated fairly

[2:59:44 PM]

and equitably in the enforcement of laws. So this conversation is timely and in alignment with the direction that the city wants to go in. And then obviously this report primarily looks at stop data from 2015 to 2018. So when we look at the -- kind of the main points of this report, it's primarily about disproportionality. So, for example, when we look at the African-American population, the African-American population is approximately 8%. But then when we look at stops and arrests for African-Americans, they are 15% stopped and -- and 25% of Alex. When we look at the Latinx community they make up 31% of the population but their stops are at 33% and arrested at 43%. We're looking at desist proportionality and how that

[3:00:45 PM]

relates to how communities are -- experience policing in Austin. This particular chart basically says the same thing but it looks at it over the 2015 to 2018 period. And what you will see is specifically when you look at the numbers for African-Americans from 2015 to 2018, that number has increased in terms of the disproportionality from 4% to%. What is also interesting to note is that when we look at our caucasian population that number has increased when we look at the underrepresentation as it relates to their percentage of the population, their share of the population, in Austin. Here we look at, again, the theme here is disproportionality. When you look left to right race stops and the percentage -- when the police department issued their racial profiling report in February last

[3:01:45 PM]

year, they talked about the first three columns. And where this report is different is that we expounded upon their research to look at percentage of the population and the share of the respective population. So this is another way of showing the disproportionality. Again, we're looking at particularly with African-Americans and latinx, their percentage of stops as compared to their share of the population. So, again, it is just another way of showing the disproportionality that we found in the data. Here what is important to note is that we talk about low and high discretion searches. I just want to quickly define what that means. Low discretion means that, for example, if someone is stopped and it results in an arrest or the car is towed by policy naturally the officer has to search the vehicle. High discretion is where the officer has the discretion to determine whether or not a search is warranted.

[3:02:46 PM]

For example, a frisk for safety or probable cause or looking for contraband. Here when we look at the numbers, African-Americans received more of the high discretion searches than any particular group. And in this particular chart, when we've discussed this, it pretty much speaks for itself. When we looked at the data as a whole and, again, we looked at A.P.D. Data, data available on the open data portal, and we looked at stops and arrests, you can see particularly when we look at Austin as a whole where stops or arrests are more likely happening and where individuals who are stopped on north and northwest part of the city are receiving warnings and field observations. So we concluded the report with recommendations, and I think part of the recommendations is

[3:03:46 PM]

acknowledgment that we do have disparities, we do have disproportionality, and I think, you know, our - the offices here together are working together is an indication that we have to work collaboratively to address it but we can't unless there's acknowledgment, right? So we found that first and foremost is important, is an acknowledgment that there are disparities. We want to work with the police department to eliminate the disparities over time and in alignment with the strategic direction, and these are just a few recommendations that we've included in the report but there's I think a page and a half worth of recommendations but it is worth noting implicit bias testing, particularly when we look at recruits before they -- while they're in the training academy and continuing on with racial equity training. This is not something that can just be done once. It needs to be something that's ongoing. We have to continue this conversation. And with continuing this conversation, we want to involve the community, right? Obviously, the community is

[3:04:46 PM]

impacted by what we found in the data, and so we are hosting a community conversation on February 22 at the north wyca to talk about this further. And, again, with the theme of a collective inclusion to address the disparities. >> So we were really excited to be a partner with this project with the innovation office and office of police oversight and it really is the embodiment of the equity work we're trying to do across the city and it really brings those principles into practice. So through the equity assessment process we really are trying to get our departments to look at their policies, their practices, their procedures, and really sort of scan for where these racial disparities exist, but then also going that extra step to sort of look at what's the root cause and why do they exist and why do we sort of see this way out in the data.

[3:05:46 PM]

And, you know, for us we defined equity and particularly we lead with the racial equity lens of an Austin where race no longer predicts your quality of life outcomes and what this report does is that it clearly defines that race and ethnicity is a very strong and reliable predictor unfortunately over who gets stopped, searched, arrested, field observations and all those things as well. >> Carrie o'connor, chief observation officer. I'd like to make a note of how we have supported the office of police oversight and the equity office in this, and that's looking at the methodology. We used the census voting age population as a proxy for driving age. That's data freely available. Then we're checking for the over and underrepresentation of a racial group's experience based on their share of the overall population. When we're looking at that

[3:06:48 PM]

methodology and maybe why we have chosen that methodology, you can look at a legally available framework of disparate impact, title 6 and 7 of the U.S. Code. In the department of justice legal manual, it suggests that an investigator looking at disparate impact when they reasonably include everybody in a jurisdiction is potentially affected, investigators can look at that entire jurisdiction as a relevant population base. We have reasonably concluded that that -- we're looking at the driving age population or the voting age population for that data denominator. However, we're not necessarily looking at a legal liability framework. What we're doing is we're setting a goal. We are setting a performance measure. We're saying through the strategic direction, sd-23, that we are hoping to eradicate this disproportionality and the proportion of people experiencing these stops is one of the indicators of

[3:07:49 PM]

sd-23. When we take this as a measure and set it as a tool for problem solving, we're saying how can we move the needle, let's look at a systems-wide approach, institutional policies and practices as Brian was saying, and looking through -- all the way threw to individual decisions, and that's saying the weight of all of these factors is creating an aggregate outcome, and we have to ask ourselves if it's worth it. >> We're happy to answer any questions. I know that was a lot of information very fast, but I know that this is something that warrants probably some discussion so I wanted to leave some room for that as well >> Mayor Adler: Councilmember harper-madison. >> Harper-madison: To a point you just made I'm curious from a systemic approach, I've had some questions and concerns Abo processes, including recruitment and training, and so I just wonder if during the course of that assessment if there's been specific thought as to,

[3:08:51 PM]

like, what system particularly needs to change in this way, like, you know, what would be the approach to the recruitment effort and how would we I guess sort of build in safeguards. So I have questions about how it's structured or if there's structure already and, if not, how we can work together to express some concerns that we have about the various systems and processes. >> Absolutely. And I'm going to maybe tee that up for you, ferrah. The recommendations after the analysis is opening up these lines of inquiry and the idea is it would be up to chief Manley and the Austin police department to do some of the deeper dive into exactly what is going on as Brian said with the practices, policies, and procedures. And we would create a theory of change. Like, if we changed these practices, these procedures, this is how it's going to overall impact this performance goal that we've set. So I believe that as you have suggested, this is the

[3:09:53 PM]

next step, is looking into those things that need to change in order to move the needle on this top line indicator. >> I think that this data also informs the strategy and the lens when we're looking into the audit and the investigation of the police department, as it relates to the resolution passed on December 5. And so I think this report provides more information about that because the recommendations that, you know, we put in the report definitely align with that, and I think it indicates that we just have to go a little bit further. >> Harper-madison: Mind if I ask one last question? Do you believe that chief Manley and A.P.D. Are the appropriate body and/or individuals to do the necessary assessment? And I'm not sure who that question is for. I just -- >> Let me start and I'm sure -- my partners will have an opinion. I think that they are a stakeholder, maybe not the lead, but definitely a

[3:10:53 PM]

stakeholder. I mean, chief is responsible for the police department. I mean, he's the head of it, in the same way I'm responsible for police oversight so I would want to be at the table if someone was talking about the office of police oversight. We want to lead by example and we are leading by an example of partnership so we need to be at the table offend help the police department help these these issues so I would say they are definitely somebody who should be at the table as a stakeholder to solve this. >> Harper-madison: Thank you. >> I was going to say I echo that but I also believe there needs to be a strong community component as a partner that -- part of this work is around -- we like to -- when we work with our departments we talk a lot about what are your blind spots? What are the things that -- because you may function and operate on a daily basis a certain way, it's almost blind to you that you can't see it? And one of the ways we can

[3:11:53 PM]

disrupt that and control for that is really bringing community in, people with lived experience that can really sort of help us sort of see within the processes that we have where does it sort of go wrong, right? Then what happens? So for me I also feel like there needs to be a strong community component as a part of how we problem solve around addressing this did issue. >> From the office of innovation perspective we are set up to help support our colleagues which they're trying to do an ambitious project. We believe in lived experience. As Brian has said everybody needs maybe an outside lens to see what they're missing and that's how we've poised to help all our colleagues when they're looking to do something ambitious. >> Flannigan: I know chief Manley is here. Chief, do you want to come up and join us for this conversation? >> Good afternoon. >> Flannigan: Do you have anything to add?

[3:12:54 PM]

And we'll do more questions? >> In particular to reviewing recruiting and training standards? >>

Flannigan: I mean to the report in general. >> Oh, certainly. I had to make sure I understand what your question is. Yes, we were interested in the results and, again, this is based on data that we as the police department have had and analysis that we have done for many years now. I think the new wrinkle and the new development in this is that we've compared this now to population, and we've given the proportional analysis to the data, and I think that that provides us a lens into the -- what the data shows. That is important that we haven't had before. I think it shows where we need to do with additional data analysis to uncover more of what that tells us. If you've had an opportunity to look at the report that we have issued, this is an area we've done a lot of work as a police department over the many years. We have opened ourselves up to outside review in years past from the center for policing equity. We have brought in a

[3:13:55 PM]

multitude of trainings for the police department, whether it be making sure that all command and executive staff has gone through doing racism training or making sure every officer has gone through fair and impartial police training. This is an area very important to us as a department, us as a community and something that challenges police departments across this country so we welcome this work, look forward to additional analysis on the data to hopefully point in some directions I think that will better inform the decisions that we will make based on this. >> Flannigan: Mayor pro tem, did you want to -- >> Garza: In your, I guess, analysis, have you -- because I agree with councilmember harper-madison's line of questioning. You know, you're -- anyone's reaction is to defend their policies, defend their -- the people that work for them. I mean, it's like a family, right? I'm gonna defend my family. Were you able to find

[3:14:58 PM]

examples of when the police chief is not the lead and how that was able to change, you know, findings like this and make them be less disparate than they are? >> So we have -- this is in context of our work with trying to address the resolution that was passed on December 5. We have looked at other police departments who have done similar analyses in looking at training -- or assessments, I should say, training the academy. And for the most part outside entities were brought in to do the analysis. >> Garza: I don't know if this is a city manager question, since you came up here. Is that what we're doing for the investigations that were called for by the ifcs the that have been passed recently? >> Good afternoon, rey

[3:16:00 PM]

arrelano assistant city manager for the safety outcome. In answer to I think your original question about who is taking lead, I'm taking lead for this effort that responds to the resolution that was passed in December. And so working very closely with the police oversight equity office and innovation office which has specifically roles that provides for them to oversee and provide some information to this effort, and certainly with the police department providing information and as they take a deeper look, I certainly will be overseeing the effort and making sure it's responsive to the resolution. >> Garza: Do you have information on -- I think it's on slide -- it's not numbered. But the second disproportionately of what the motor vehicle stops were for? Is that in the report? >> I think it might be in the footnote, and I think it's -- if I remember correctly, I may have to follow up with you, I think

[3:17:03 PM]

they were minor traffic. But I may have to take that as a follow up. >> Garza: Okay. That would be interesting to know, was it, like -- you didn't turn your blinker on, that kind of thing would be interesting to know. >> Flannigan: Councilmember Casar. >> Casar: So, first of all, I recognize that this is, you know, an important topic and there are lots of folks working hard at this for a long time through many reports and a lot of time to get this one together. I thought the recommendation section was really clear, and so my questions are primarily going to be focused on that. So first the authors of the report, thanks for coming out today. So I thought it was striking that you have -- that the goal should be zero racial disparity by 2023 and motor vehicle stops, zero disparity in arrests, field observations by 2023.

[3:18:05 PM]

Is that -- >> Yes, that's correct. >> Casar: baseline goal you all V set? Is that a goal you see as achievable between here and 2023 I'm not implying the answer should be yes or no. >> I feel like we have to, right? And -- >> Flannigan: One more time. Nope. One more -- >> One more time. >> Flannigan: Press it again. The light, Brian. The light is on the mic. You can't see. >> Oh. >> No. I think that that's the goal, right? I think that's what's bold about this report, is the goal. And it's the goal to say that, as a city, when do we really have the expectation to meet the strategic direction, which is the fair administration of justice? And we would say that as long as we can have this reliable predictor by race within the stop, searches and arrests then we don't meet the strategic direction, right? And so that's all in the definition of it.

[3:19:06 PM]

So I know it's aggressive. It's bold. But that's the thinking that we have to have if we ever want to visualize or dream in Austin where we actually achieve it and get there. >> Casar: I know the 14 -- and I appreciate setting a clear goal that people can understand. Of the 14 recommendations, are there some that really stand out to y'all as the most important or the ones that are gonna have the biggest impact

on closing that gap or the ones that we really need to start working on today if we want to get there by 2023? I mean, I'm sure all 14 are important since you included all 14, but if you were to really highlight three or four of them, which would you pick? >> So I think we talk about this all the time. You know, I think we agree to disagree on whether or not we need additional research. I think that the research is out there. I think this report is obviously substantive, and so I think there just has to

[3:20:06 PM]

be a clear acknowledgment of what this report says and how it impacts communities in Austin. I also think that, you know, there are things in the recommendations, things that can be implemented sooner than later. I do think that looking at implicit bias testing in the academy, I think that's something that can be -- you know, we can work towards that. And have that be part of some of the outcomes in the resolution. I also think one of the things we looked at very briefly was identifying officers that may or may not have a propensity for disproportional stops and immediately recognizing that and putting interventions in place. I think that's something that can be done fairly quickly. But I think primarily it's really kind of getting on

[3:21:07 PM]

the same page and working in the same direction to eliminate the disparities. So if we are looking at an 8% population for, you know, African-Americans that primarily should be their percentage of stops in searches. So I think it also -- and I know it's a little scary for people. It also may change a little bit how we look at policing or how policing is done. You know, just a different conversation and different framework to really get at addressing the disparity. Those are just a few. Because I know this is what I've talked about since we started doing this research, is, you know, we didn't get here quickly and we're not gonna resolve it quickly. So I think that it is something that obviously we have, you know, an ambitious goal with aligning the strategic direction but this is going to take some time to address because primarily we are also talking about a cultural change in terms of how we do policing in the

[3:22:08 PM]

city. >> Casar: And on the searches number, because you did highlight that with its own slide, when there was high amounts of discretion, the -- your data found that the searches were just as disproportionate, if not more, did y'all find any reason within the study about why there was such a -- why there was broader -- why that applied even in high discretion searches given the similar hit rates? >> I mean, what came out in looking at the data was really just looking at the race and ethnicity. So when we looked at the searches, it was just -- it stood out that for African-Americans they were more

likely to be searched in a high direction -- high discretion situation. That was milligram we can look more into but that was

[3:23:09 PM]

glaring in the data. >> Casar: In a search that's not relative to I can't remember cav, the worth of your car or the -- it's high discretion either way. >> Right. >> Casar: That's useful. I may come back to you some more but I wanted to hear the same thing from the assistant city manager and from the chief. So I do think that the -- our departments here have laid out a pretty straightforward goal of trying to have a report like this in 2023 that says there is no racial disproportionality in arrests, zero innovator in stops and arrests. Do you think that is the right goal for council to set in our strategic direction? >> This is where it goes into the need for additional analysis from my perspective. We absolutely understand and we're not surprised to see that that disparities exist,

[3:24:09 PM]

but to dig deeper, and when we look at the disparity that shows that -- whether it be African-Americans or hispanics are arrested at a higher rate, when it comes to traffic stops, that doesn't necessarily indicate that was a discretionary decision that the officer made. We need to dig deeper and find out how many of those arrests were based on warrants versus how many of those were at the officers' discretion. That's going to put the disparity in better context. The other issue, just as we are a data-driven police department and we map where crime occurs around the city, we know we have hotspots where crime is occurring. Crime not occurring equally across the entire city, at least not the crime reported to us and that we track so we don't dispatch our officers evenly across the city as well. So I know that Mr. Harris refers to it as overpolicing. For us it's data-driven policing. We're putting officers in places where crime is

[3:25:09 PM]

concentrating so if we have more officers in certain parts of the community the likelihood of an interaction is greater just as a byproduct of that. So we've got to dig deep near the data to understand how much of it is truly driven by officer discretion and how much of it is based on our policing practices of deploying officers to crime hotspots and other factors of the criminal justice system that may relate to where warrants are coming from higher rates in one group versus another. Again, not at all suggesting that this is going to eliminate the disparities that exist, but to ensure that we're putting our time and our efforts towards the appropriate root causes so we can see the best gains. Yes, we are committed to absolutely minimizing and working towards eliminating those disparities, but I think we

need to understand the underlying issues here to make sure that we're approaching it appropriately. >> Garza: I understand that -- the explanation, chief. But my assumption would be

[3:26:10 PM]

warnings -- giving a ticket versus giving a warning is entirely a discretionary decision. And when you look at the map, how do we justify or explain that -- and say that we need additional information when you look and you see stark differences in whether you were given -- one part of -- east of 35 you're probably not going to get a warning but west of 35 you're significantly more likely to get a warning, which is totally discretionary. >> There's another chart in there, and I don't have it in front of me, in the report that I brought with me. But it is in the opo's report, in this joint report, and it talks about that, the likelihood of getting a citation once stopped. And I do believe that -- I'll have to go back and look that African-Americans were less likely to get the citation. But that could be because they're more likely to be arrested. So there's more analysis that has to be done. I understand what you're saying, geographically, looking at that one map, but

[3:27:11 PM]

there are other charts in there that put the data in a different perspective. And we've all been around statistics long enough to know you can twist them and bend them to say what you want them to say. That's not what I'm trying to do. I'm suggesting we just need deeper analysis so we truly understand what's being driven by officer discretion and what's being driven by the practices of deploying officers to crime hotspots or to other issues in the criminal justice system. >> Garza: So is that deeper analysis being done? >> Well, that's one of the resumptons that we have, and -- recommendations that we have, and as we go forward we both I believe mentioned it in our reports. I think we even talked about Stanford did something with Oakland police department I believe it was. That's not something necessarily being done at this moment but something we each discussed as we were producing these reports, the need to better understand that. Again, we're putting the limited resources, time and effort towards addressing the appropriate root causes. >> Garza: Okay. Sorry I interrupted you.

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You know, I know these are -- it's an incredibly difficult conversation to have, but it's a necessary one, and I'm glad that we're having it. You know, I understand having to dig deeper, but I feel like when I hear that it feels like it's -- it dismisses very real, in my opinion, findings here and very real optics when you look at these maps. And we -- and the coincidence of the four of us are sitting up here and where each of us lives and you look at this map and the districts that we each represent and then looking at the color of our skin. And I think that there has to be a recognition, and I feel like to some degree you have

taken on that acknowledgment, but just hearing some of the comments from the public and things that have been said in the public it feels like there's always a "But" afterwards. I acknowledge this, but.

[3:29:13 PM]

And so I just -- it's never easy to take any kind of criticism. We all know that. But we really need to try to work to change these, and, I mean, I hope we can do it before 2023, but just these -- it's really -- I don't even know what the word is to describe seeing a report like this and knowing of the people that we represent and the challenges that they face. So I just hope we can really solve these issues as quickly as possible. >> Mayor pro tem, if I may, I'm not at all suggesting that we wait for the results of more reports. And I hope that the work that we've done over the past several years shows this is something we've been paying attention to and working on, just as recently as last year we created a very high-level position out at our training academy and hired a ph.d. Out of the world of academia look at how we're training our cadets, trying to ensure we are providing the best training not just by the content but by the adult learning environment that's free of bias. And so we will continue to do things that we believe

[3:30:15 PM]

are best practices along the way, whether it's things we've come up with on our own, things we've come up with in conjunction with our partners in the community. I just think the additional data will help peel back additional layers and really get towards root causes. Again, not at all suggesting at the end of the day that's going to eliminate the disparities because they're facing police departments across this country. >> Flannigan: I just -- I just want to add, chief, you and I have had a couple really good conversations over the last couple years. Although I think one point of contention we have had is when direction to the department that you're hearing from, is it coming from the council or is it coming from advocates? And I would really hope that we can keep this conversation with those of us who are in these positions and not be citing individual advocates in this conversation. I don't really think that's super appropriate to do that and to call folks out and to target them because I think others interpret that as

[3:31:15 PM]

targeting so I want us to be careful about how we do that. As the mayor pro tem said, my constituents look at this map and the word that pops into their mind is underpolicing. Because they're asking for a lot more presence in my district. And for reasons. The -- you know, it's always explained to my constituents, well, there isn't as much crime so we don't send the officers to your part of town. When I look at this map, if you only give warnings, it doesn't look like there's any crime because the warnings don't show up as a crime statistic. So there is a weird kind of, like, tail wagging the dog question on if those decisions are being made because the warnings were given so those numbers look smaller so we send police

resources into areas where there are arrests and that gets bigger and reinforces itself, gets into interesting data that I think is worthwhile. To be fair a map of arrests and warnings is not necessarily measuring the same thing at the same time. I think that's a fair thing

[3:32:15 PM]

to say. Well, what would the warnings and citations map look like? There are other ways to look at this and we should continue to be looking at that and the search discretion one is almost more shocking to me than the map. This is the only one where the numbers are reversed. That's pretty stung. I have many, many more questions about this that we can work with you, chief, and work with opo and equity office as we dig into it. Councilmember Casar, do you have more? >> Casar: Sure. Can we -- chief, will you give us your thoughts on the searches question? Because I recognize that if you make a traffic stop under state law, if one person has a warrant and one person doesn't have a warrant, under state law our interpretation of it here at the city is you don't have discretion on that issue. But in the case where the department is putting together this report found that on searches where there

[3:33:16 PM]

was high levels of discretion, we had a different outcome in your mind what additional research needs to be done on that issue, for example? >> In that area it would just be the purpose for the search, probable cause search, was this a circumstance we had received multiple complaints in a neighborhood there was drug dealing going on at a particular house so we were stopping every vehicle leaving that house, to determine if there was drug trafficking going on versus if this was just an officer on a random traffic stop who just chose to ask for -- or develop that probable cause in another way. I think that there is additional work that could be done there. This is something that we track also through the work with Dr. Alex del Carmen who does reports on us involving our traffic stop data, racial profiling data and he's one of the ones who helped write the law here in Texas. He tracks that as well. Although he references it in a different way, that is the

[3:34:16 PM]

fact that the hit rates are similar means that the searches are appropriately engaged. It's a different way of looking at the same set of data. >> Casar: Understood. As far as the other 13 recommendations I asked you about one of them, which is setting that zero racial disproportionately goal, there's at least 13 others enumerated here. Do you all either from the manager's side or from the police department side disagree with any of the other 13? >> Let me look at them here. >> Casar: I don't need to you -- if in the end you all don't actually have an agreed to list like auto reports of yes and no, I don't have to put you on the spot now. But if there are some that stick out please do let me know? >> It may be best to report

back to you. There are some we were in absolute agreement with and some we were having back and forth on whether we agreed

[3:35:18 PM]

exactly as written or whether we agreed maybe with modification. But if it meets your interests, we can report back to you on that. >> Casar: I think that in part if all of these recommendations are trying to get us to a goal, I think it would be really important for us to agree to what the goal should be. I think that a goal of having no racial disparity I think is the right goal, and then we should find out how much it is that the police department can could to achieve that goal versus other departments versus changes in state law, what it takes for us to reach that goal. I think the question is how much is entirely within your control and will what is not, but I think setting a bold goal that everyone can understand makes sense, and what it sound like we have to do is get to a place where we can have consensus on how to achieve that goal and who has control over the

[3:36:18 PM]

different variables. Director, when you mentioned that you didn't think that -- what areas do you think that -- you had mentioned that there's some level of disagreement about whether there needs to be additional research and where there doesn't. Can you walk us through? Where is it that you feel like we already have the information that it is that we need? Because I think that's something council is going to keep struggling with, where is it we have to keep digging up information where as where is it we already have the information? >> I think where the disagreement lies is primarily -- we can study this until we're blue in the face. I think we have to get to a point where we just start implementing solutions and having conversations on how we get to that goal and will that's really where we're kind of at with it. I think a previous speaker had mentioned we've been ceiling racial profiling, I know opm issued it several years, but at what point do we say, okay, we're gonna really start addressing, taking steps to address the issue.

[3:37:18 PM]

That's what our goal is with this report, is to be the catalyst or impetus of finding real solutions as opposed to next year doing another report and then the police department doing a counter report. And so that's really kind of where we're at. But in terms of additional analysis, I mean, I think we really could drill down to the sectors. That is probably gonna give us a lot of information that, you know, we're happy to do. But, you know, I don't think we have to wait to do that before we start really thinking about how we address the disparities. >> Casar: And on issues raised by the chief, like how do we not know that in one neighborhood there might be more folks with warrants than in another and that that might be driving some of the arrests and that may not have a discretionary component offend it, how do

y'all take that into account in what it is you've done here? Is it just well, we can't deal with those, we have to deal with the ones we can deal with, or how do we take

[3:38:19 PM]

that into -- I'm sure y'all have been talking so as he mentions things like why officers don't currently have discretion, how do y'all take that into consideration in your recommendation? >> So I think we respectfully disagree about about the plumbing of greater crime in particular areas and how this relates to this particular report. I think it perpetuates stereotypes that we try to avoid and dismiss. I think that -- and I think this is where we kind of keep being redundant about the acknowledgment that there is clear disparity. I mean, we can drill down further if I think we could probably drill down further to the bone but does that necessarily get us to the goal of addressing why there are disparities? And that's really where we are at. We want to address them. So I don't know if that really answers it, but, I don't know, do you want to -- >> Right. I think and if you look at

[3:39:20 PM]

the pattern of the data, it shows that the initial pipeline for the racial disparities starts with the stop and then from the stop you see that disparity widen with the search. You see it widen even more in terms of, like, citations. And so for me the entry point for this data doesn't really sort of support that. It supports that the pipeline begins with the initial stop and at that time we sort of see the racial disparities grow through all the other categories that we're looking at. So for me I think that that's sort of the challenge around this work, is that we can't be a partner with you to help solve a problem that we can't get you to fully admit that there's a problem there, right? And so so much of this is going to be rooted in do we really sort of accept the data as a city? Do we own it? And do we sort of be bold to make the goal that we won't

[3:40:22 PM]

tolerate it anymore for our community, right? >> I would also say when it comes to problem solving on a really complex topic, you know, as Fara was saying we don't want to write a report and have a counter report. We like to establish maybe an if this then that statement. If we do this, then we expect it should do that. And we start breaking down these problems into smaller things so we have a bias towards action. But it's informed action. So it's a way to kind of have a little bit more information on specific angles to a specific part of the problem in order to make sure that your action is directed. And if we think about some of the ways that we operate in the innovation office we'll have a one or two-week sprint where we do a deep dive to make sure we've got all the angles covered. We come up with if we

do this, then we think this will happen, and then how do we know? And we take this kind of bite-sized measured progress with a bias towards action

[3:41:23 PM]

in order to chew down some of the audacious goals we have over the next couple years. So I think the cadence of our work matters and how we chunk down pieces of knowledge more quickly, if that's in fact what we need to be doing in order to solve the problem in bias [indiscernible] Towards action. >> Casar: Chief, any last thoughts from you? I think this has been a really important conversation for us to start having here in public, and I appreciate our departments sort of pushing on each other and doing -- everybody doing their job. My sense from some amount of reading is that folks are more likely to speed on a street based on how wide the street is more than what neighborhood the street is in. That this report is looking so much at traffic violations that these other issues of how 911 call volume or other things in

[3:42:25 PM]

areas don't seem to me to fully explain how you could have disproportionate numbers of stops for things that are largely auto-related. I'd be interested, again, as you all bring back maybe your answers on these 14 things, I think one of the most important things we're hearing is for us to try to get to a shared understanding of what the problems really are, what the data really says, and some level of joint mission and purpose, which ultimately the council has to decide what -- you know, where it is that we are headed but it's so much that of course is -- that of course is going to be so much more successful if we can get everybody to acknowledge one set of problems and sort of with a shared purpose tackle those. So, you know, my sense is we're starting to wrap up here and I'm dragging this out so I wanted to give you -- [laughter] -- A chance of any last thoughts here knowing we're going to keep on talking about this in the community. >> I think it's important we not only continue to talk about it but, again, we

[3:43:25 PM]

continue to act on it, as we've been doing for years. And I don't want to make it sound like we're challenging all of the data. We're not. And as we approach this, you know, our own data, although it's self-reported data, the officers have only reported knowing the race of the individual they're stopping and these traffic stops I believe 5% of the time. I'd agree it's not that traffic violations are occurring more frequently in different parts of Austin but, again, it goes back to the number of officers we may have in differing parts of Austin, that they're at different levels based on what the data tells us. >> Casar: Have y'all looked into this voucher program that was mentioned in Minneapolis? >> No. That was the first I've heard of it so I'm sure we'll follow up on that. >> Assistant city manager. >> Yes, I'd like to

respond and provide my own comments as well. I want to say certainly on behalf of the city manager this is a significant and very important piece of the safety outcome, fair administration of justice, the work that the coauthors have done is important, certainly provides a

[3:44:25 PM]

different lens that we have not yet looked at in terms of the proportionality of stops by A.P.D., and so we're clearly going to be interested in how can we, as you say, as a goal get to zero disparities in this regard. I do think setting a goal of zero is the aspirational goal. I don't know if 2023 is gonna be that marker, as I think Fara was saying it took us a long time to get here and it's gonna take a long time to move to that goal of zero disparities. I do think your characterization of the way -- there may be some things that may not be in our control will have to be taken into consideration. One of the important questions I think I heard is for a specific bit of information we're talking about was the why. Why was that occurring? Why was that disparity happening? I think it's nuanced by the fact that some of the information that the chief was mentioning that's deeper dive has to be made, not to analyze it to death, so to

[3:45:25 PM]

speak, but really to inform the work that perhaps with the innovation office, if then what? If then, then that, excuse me, can be informed by a little bit of background information about the why. So bringing this all together, I think working as quickly as we can and thoughtfully as we can will help get us to that goal of zero disparities. >> Casar: I'm glad -- and I think it's right to say that that -- zero disparities is our goal, and then to figure out who controls what and what it is we can get to to get there, zero disparities should have been our goal 150 years ago, 250 years ago. >> Flannigan: All right. So thank you all for that. Lots more work to be done there. Let's move quickly, if hrd will come up, we are quickly running out of time. We still have an executive session to do. While hrd is coming up let's talk about future items. Mayor pro tem, I think you had a few. This is item 7 on our agenda, the future items.

[3:46:28 PM]

>> Garza: We received a memo, I believe it was Thursday, from judge statman, and it was about the county courts had issued a standing order with regards to I guess an attempt at bail reform, and I think there's still some questions about whether we -- what exactly -- how to exactly interpret that order as it relates to if it is allowing more pr bonds. And so I would ask that we have an agenda item on our next judicial meeting about that, about that standing orders. There was a lot of I guess comparisons and discussions with what Harris county is doing and how we -- how our policies can line up with Harris county and, you know, just the fact that getting people quickly out of the system as quickly as possible

leads to better outcomes when it comes to their jobs and getting back to their families and of course we want as

[3:47:30 PM]

Progressive a policy as possible for these misdemeanor level crimes especially so I'd ask that to be on our next agenda item. >> Flannigan: Sounds good. Did you want to do body camera? >> Garza: Oh, yes. Then we had discussion last council meeting about the body cam policy and we were told by the city manager that we'd have something this month -- in a month. So if we can have that as an item to make sure -- >> Flannigan: Fail safe item for may? Sounds good too. Also in may we'll get an update from judge statman on judicial evaluations. The code requires biennial evaluations and we are up. This is item number 6 related to judicial appointments. We are rapidly running out of time so warp speed please. >> Rebecca Kennedy with the human resources department.

[3:48:31 PM]

When an judge announces candidacy for effective office they effectively resign from the position. We had judge engineers announce candidacy for the next office. So this week we're considering this week one, we're presenting to the judicial committee, and we are planning to post a position for around three weeks. Once that occurs we will screen applicants, we'll work with the presiding judge to put together a screening panel, and then we'll schedule dates for those applicant reviews. After that we'll have an interview panel based on how those candidates have fallen in the screening process. They will interview those candidates, and then we'll bring those individuals back to the judicial committee. Once we do that, the judicial committee can see all of the process that's gone on and they can either choose to accept that recommendation and pass it forward to council or at that point they can make more -- they can interview

[3:49:34 PM]

further. And so then we are hopeful to bring back a potential candidate to -- for the full council to vote on in April. I can go through the rest of the presentation, but it pretty much is this page right here. >> Flannigan: And this is the same process we followed when we did the larger full appointment process, but it can be abbreviated because there's only one position. >> Correct. >> Flannigan: There's more to this presentation if the public would like to see, let's make sure that's posted to the agenda if it isn't already. Colleagues, any objection to doing executive session the committee will go up to executive session to take 2002 items. The committee will discuss the following items, item jc005, legal issues regarding enforcement of council resolution 2020-123-159, and judicial appointments. There's no objection to going into executive session. Hearing no objection the

[3:50:34 PM]

committee will now go into executive session. [Executive session]

[4:04:00 PM]

[Executive session]. >>

[4:10:29 PM]

>> Flannigan: All right. Great. We are back from executive session. Do I have a script for this part too? I have to say something. >> [Inaudible - no mic]. >> Flannigan: I think I left it. Hold on. It may be in my pocket. St. On pocket. Is it on my thing? Real professional governments here. We are out of closed session. In closed session we discussed related items discussed to jc05 and 06. Do I have a motion to proceed with the hr process as presented? Any opposition? That item passes unanimously with the three of us. This meeting is adjourned.