

Message from the President



Public Safety Commission Meeting
January 14, 2011 9:30 a.m.
Criminal Law Enforcement Auditorium
6100 Guadalupe, Bldg E
Austin, TX 78752

Summary

(This report represents a summary of events of the meeting,
and is not necessarily complete nor an exact transcript of testimony.)

The Public Safety Commission convened as posted to consider and take formal action, if necessary, on the following agenda items:

I. CALL TO ORDER

9:30 am - Chairman Polunsky called the meeting to order. In attendance: Chairman Allan Polunsky, Commissioners Carin Barth, Ada Brown, and new Commissioner Cynthia Leon. Commissioner John Steen, was not able to attend. Also present were Director Steve McCraw, Dep. Director Lamar Beckworth, Dep. Director Cheryl McBride, Chief of Staff Duke Bodisch, Inspector General Stuart Platt, and Interim General Counsel Duncan Fox. A quorum was present.

Chairman Polunsky introduced the new Commissioner on the PSC, Cynthia Leon of Mission, Texas. Comm. Leon is a Capt. In the US Navy Reserves, and a member of the Naval Reserve Association, Retired Officer Association, and a graduate of Austin College,

Chairman Polunsky went on to thank Commissioner Tom Clowe for his service to the Commission and said that his hard work and energy will be missed.



II. APPROVAL OF MINUTES

A motion and second was made and the minutes were approved unanimously.

III. PUBLIC COMMENT (members of the public wishing to address the Commission are subject to a time limit of 5 minutes and must complete a Public Comment Registration Card located at the entry)



Gary Chandler, President of the Texas Department of Public Safety Commission Officers Association, also thanked Commissioner Clowe for his service to the Commission, and welcomed Comm. Leon to the PSC.

I'm here to present the DPSOA 2011 Legislative Agenda to the Commission and DPS leadership. Our primary initiatives will be to support funding requests for the Department of Public Safety to maintain its position as lead law enforcement agency in Texas, and to secure a Deferred Retirement Option Program (DROP) for commissioned officers.

Next, Joe Pluck, representing the Texas Hemp Campaign, addressed the Commission to ask for their support educating Troopers to help in enforce Cite & Release Policies that have been adopted in many areas around the state. He cited an incident where an Austin citizen was arrested and put in jail in Travis County by a DPS Trooper when both Austin and Travis County have adopted Cite and Release Policies. He said that much of the problem stems from lack of knowledge, or cities and counties that don't have the procedures in place to implement the policy.

Chairman Polunsky asked Acting General Counsel Duncan Fox to look into the situation and report back to the Commission.

IV. DIRECTOR'S REPORT

Deputy Director Lamar Beckworth also thanked Commissioner Tom Clowe for his eloquent service to the PSC and for his hard work to help move the Department forward. Col. Beckworth also welcomed new Comm. Leon to the Commission and stated that he looked forward to working with her.

Col. Beckworth said that he would like to address three (3) things:

1. On Tuesday at noon this week, the 82nd Texas Legislative Session convened, and DPS has stepped up security significantly, adding magnetrons, x-ray machines, scanning wands, etc. We are adding additional manpower to Capitol security as well. Capitol Commander, Joe Ortiz, has done an outstanding job ensuring that these measures have been implemented efficiently and effectively. I appreciate his efforts.
2. In our continuing effort to make our state more efficient and safe, we will ask the legislature to:
 - a. Conduct southbound drivers license checks
 - b. Regulate commercial driving schools in Texas whereby we would be able to issue CDL's upon successful completion of the schools, rather than requiring the drivers to come in and be tested again in our facilities.
 - c. Clean up our criminal tracking devices policy and allow us to use them without a court order
 - d. File a bill to make synthetic marijuana such as S2 Synthetic illegal in the state of Texas
 - e. Mandatory use of wireless handheld devices for phones when driving a vehicle
 - f. Increase DWI penalties
3. Expand the process introduced in 2009 where major cases use a Unified Command Process. This was used very effectively in the East Texas church arson case where DPS was able to coordinate efforts among divisions within DPS as well as with other law enforcement agencies. In January of 2009 there were a series of rapes in several central Texas towns where we also utilized a unified taskforce. With efforts of Tela Mange in our Public Information Office and our Chief of Staff Duke Bodisch, their research uncovered a connection to an assault in north Texas where the DNA evidence had not been properly entered into the state's evidence database.

V. NEW BUSINESS

A. Tour of Drivers License offices – Headquarter location

Chairman Polunsky- Asked AD Rebecca Davia to tell the Commission how she planned to do the tour. AD Davia asked the Commission to look over the packet that she presented to them, and proceeded to lead the Commissioners to cars that would take them to the DL Office at Lamar and Denson.

B. Report, discussion and possible action for allowing the Department to charge other agencies for services such as incinerator burning

Commissioner John Steen joined the PSC Meeting.

AD Mike Simpson, Duncan Fox – discussed the problems with transporting and contracting such arrangements. Commissioner Steen said that the Commission is just looking for options for generating revenue for services provided to other agencies.

Chairman Polunsky also thanked Mike Simpson for his moving the Department forward with radio interoperability. He said that he has received compliments from troopers about the advances.

C. Report, discussion and possible action regarding proposed written policy for the Office of Inspector General Field Investigator Augmentation System and related Appendix “A,” to include discussion of the current implementation progress of the concept

Stuart Platt, Inspector General – Welcomed Commissioner Leon. Mr. Platt asked the Commission to refer to his printed materials in their notebooks. C1’s and administration inquiries totaled 140 last year. Two OIG Captains receive all of the reports from the field. The Regional Commanders have been exceptional. You do not want the perception of rank command influencing the investigation, and we have effectively achieved the removal of this with the transition from reporting through chain of command in the field to reporting directly to the OIG.

I have included a proposed Policy in the notebook, as well as review the Appendix A, but not including it officially into the Policy.

Motion to adopt the Policy presented by IG Platt, and seconded. Approved unanimously.

D. Report, discussion and possible action regarding Legislative initiatives for modification of the provisions of Government Code 411.244, DPS Office of Inspector General

IG Platt – Our OIG office became effective in September of 2010. I met with Rep. Kolkhorst and Sen. Hinojosa about their Sunset recommendations for the OIG. In tab 5 in the notebook I have outlined 4 changes:

1. The way criminal investigations are delegated. Our office only monitors these criminal investigations. The change would recognize that these investigations begin in the field and do not get assigned from my office.

2. The language in the sunset bill did not allow for the Director to continue to approve investigations, with the Commission as the ultimate authority on the investigation. Also defines “investigations”.

3. At Sen. Hinojosa asked if we had any problems. I suggested that we do not have administrative subpoena authority to get phone records. Proposal 3 would allow such changes.

4. This change will change what would be allowed in open meetings. This would allow the Commission to approve investigations in closed session.

E. Report and possible action by the Chairman regarding the appointment of the presiding



officer for the Vehicle Inspection Advisory Committee under Transportation Code, section 548.006

AD Renearl Bowie – Regulatory Division. Roy Baird is the Chair for the Vehicle Inspection Advisory Committee under the Transportation Code. He currently serves on the committee, which is an advisory Committee, and is an owner/operator for CarPro in San Antonio.

Chairman Polunsky named Roy Baird as Chair of the Vehicle Inspection Advisory Committee.

- F.** Report, discussion, and possible action by the Commission regarding the appointment of members to the Vehicle Inspection Advisory Committee under Transportation Code, section 548.006

AD Renearl Bowie – recommended 3 new members for approval by the Commission. Comm. Steen made a motion, and seconded by Comm. Barth to approve the recommendations for the 3 year term. Passed unanimously.

VI. ADJOURN INTO EXECUTIVE SESSION (if required) to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; ongoing criminal investigations

Chairman Polunsky adjourned to executive session at 12:14 pm.

Chairman Polunsky reconvened the PSC meeting at 4:02 pm.

VII. ONGOING BUSINESS

Reports, discussion and possible action regarding the following:

- A.** Report, discussion and possible action in search to retain new General Counsel

Chairman Polunsky – Commissioner Brown – The Commission posted the position and conducted interviews in executive session. Comm. Barth motioned to name D. Phillip Adkins to be the new General Council. It was seconded and Col. McCraw accepted the charge and said that he was very pleased with the selection. The Commission voted unanimously to select Phillip Adkins as the General Counsel. Chairman Polunsky said that they had a strong group of candidates to choose from, and was very pleased with the selection. Mr. Adkins received his law degree from the University of Texas and has been working in the Office of Inspector General at DPS.

Comm. Steen thanked Duncan Fox for his stepping in as the Interim General Counsel (for the second time).

- B.** Committee report on 28-day work cycle and Overtime and Compensatory Time policy
Commissioner Brown – we had a teleconference meeting with our Committee and will have a presentation for the February Commission Meeting.

- B.** Report, discussion and possible action regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team

Deputy Director Cheryl McBride – Denise Hudson is recommended for the position of Chief Financial Officer. Motion by Steen, second by Barth, to agree to the appointment for CFO position. Passed unanimously.

- C.** Update report, discussion, and possible action by the Commission regarding modification and transformation of the DPS organizational structure approval of personnel placements and salaries pursuant to Government Code chapter 411, Secs. 411.005, 411.006 and 411.0071

Passed

- D.** Update report, discussion and possible action regarding the status of building safety and

security at the DPS campus on North Lamar

Passed

E. Report, discussion and possible action on the Fiscal Year 2011 Operating Budget
Deputy Director Cheryl McBride – we do not have information for December at this time, but the November numbers are in your packet.

F. Report, discussion and possible action regarding purchases using seized funds
DD McBride – reviewed permissible and non-permissible uses of seized funds and posted a listing of expenditures and monies available in the fund.

G. Update Report, discussion and possible action regarding recruitment to include costs, fixed and variable, per recruit/per school
DD McBride and Capt. Jason Hester – posted numbers for the fixed and variable costs per recruit for the Academy which totaled \$26,879 per recruit.

VIII. REPORTS

A. Commission member reports and discussion
Chairman Polunsky – No Commission member reports

B. Finance Report
DD McBride – Nothing more to add.

C. Audit & Inspection Report
AD Goodson – Report is in the binder, nothing more to add.

D. Division status reports on activities and action
No Division Reports
Chairman Polunsky thanked AD Rebecca Davia for the morning tour of the DL office and commended her on her progress in improving service in the DL division.

IX. CONSENT ITEMS

- A.** Discussion and possible action on the Director's Action of discharging probationary employee Oliver Snyder
- B.** Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code chapter 411, Secs. 411.023 & 411.024:
Special Rangers – Melvin W. Beighle, David K. Bullard, Pablo R. Garcia, Darryl G. Gelasco, Hector R. Luevano

X. ITEMS FOR FUTURE AGENDA

XI. DATE FOR FUTURE MEETINGS

XII. ADJOURN

Chairman Polunsky adjourned the meeting.

The Commission may take items out of the order in which they are posted on this agenda. Also, an item that has been adopted, passed upon, delayed or tabled for a later meeting may

be considered or reconsidered at the same meeting.