



Public Safety Commission Meeting

May 16, 2011, 10:00 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

10:07 am - Chairman Polunsky called the meeting to order. In attendance: Chairman Allan Polunsky, Commissioners Carin Barth, Ada Brown, and John Steen. Commissioner Cynthia Leon was not in attendance. Also present were Director Steve McCraw, Dep. Director Lamar Beckworth, Deputy Director Cheryl McBride, Chief of Staff Duke Bodisch, and General Counsel Phil Adkins.

II. APPROVAL OF MINUTES

Motion made by Commissioner Steen, and seconded by Commissioner Barth, to approve the Minutes. 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)

None

IV. DIRECTORS REPORT

Director Steve McCraw – Began with telling what CID and ITT have been working on regarding the DPS Ten Most Wanted List. Ads will be placed on Time-Warner Cable outlining the most dangerous fugitives.

Dir. McCraw went on to discuss the Crash Reports, previously showing an error rate as high as 39%. We started looking at it and Chief David Baker has addressed it and in August, I reported to the Directors that after review, the Department error rate was not that high. The error rate has been running only 2-6% with the controls that we now have in place.

Comm. Carin Barth said that she had asked to see comparisons of new troopers fresh from the Academy with those of more tenured troopers. She asked if DPS was still monitoring this. Dir. McCraw responded that that monitoring is done at the supervisory level and is not currently being tracked specifically.

Comm. Steen clarified that the Director was stating that the problem is solved and the department has moved on. Comm. Steen asked to hear from Chief David Baker. AD Baker reiterated that the controls in place now is evidence that we have done the right way and the system is working.

V. NEW BUSINESS

- A.** Renaming ceremony of State Operations Center to the Jack Colley State Operations Center

Chairman Polunsky – Not discussed today.

- B.** Report, discussion and possible action on proposed adjustments to the 2011 approved audit plan

Chairman Polunsky called Chief Auditor Steve Goodson – Proposing an amendment that would remove the Central Billing Operations audit from the Div. of Emergency Management and the Call Center Operations audit. And would add Regional/Divisional Administration Reviews.

Comm. Steen asked AD Goodson how long he has been in his position and how his division is doing. AD Goodson stated that it has been one year this week and that they are at 21 FTEs and headed to 25 FTEs.

- C.** Report and discussion on Call Center Modernization

Chairman Polunsky called Assistant Director Mark Doggett – The DPS call center had been receiving 30,000+ calls per day, with an average 45+ min. hold time, and 50% busy signals. With changes implemented, we have reduced call volume by 50% and on-hold times by 50% and we are handling 50% of our callers receiving satisfactory information. Call times are shorter due to focused routing. More customers are finding the information that they need online through self service and this is expanding. We have added FAQ's to the on-hold recordings. Our goal is to reduce the on-hold time to 5 minutes or less, and are looking at adding an on-line chat center. Possibly in the next 90 days we can reach our goal of 5 min. hold times. We are still working on routing calls to low volume DL centers which have time to take the calls, but the rollout of the test is still a few months away.

- 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 10:45 am.

Reconvened at 12:50 pm.

VII. ONGOING BUSINESS

Reports, discussion and possible action regarding the following:

- A.** Committee report and discussion on 28-day work cycle and Overtime and Compensatory Time policy

Chairman Polunsky – Commissioner Ada Brown stated that there is nothing to report at this time and will resume 10 days following the legislative Session.

- 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

Chairman Polunsky – Pass on this item.

- C.** 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

Chairman Polunsky – Pass on this item.

- D.** Follow up report, discussion and possible action regarding Legislative initiatives for modification of the provisions of Government Code 411.244 DPS Office of Inspector General

Stewart Platt reported that the bill is passed out of committee and is progressing.

- E.** Update report, discussion and possible action regarding the status of building safety and security at the DPS campus on North Lamar

Chairman Polunsky – Pass on this item.

- F.** Report, discussion and possible action on the Fiscal Year 2011 Operating Budget

Assistant Director Hudson – We have had very few changes since the last PSC meeting. We currently have 364 vacancies with 41 recruits in the Academy.

- G.** Report, discussion and possible action regarding purchases using seized funds

Chairman Polunsky – Pass on this item.

- H.** Update Report, discussion and possible action regarding recruitment

Deputy Assistant Director Frank Woodall – We currently have a commissioned officer shortage of 364, and have 41 recruits in the Academy. We have 112 prospects in Phase 1, 2 or 3 of the recruit process (1-Testing, 2-Polygraph, 3-Background Checking). Chairman Polunsky stated that the recruiting process is not doing the job to fill our current needs, and I hope that Comm. Brown and Comm. Leon's committee will be able to turn this process around. I will repeat that we do not want to compromise our standards as to physical, mental and integrity when recruiting.

- I.** Report, discussion and possible action regarding Continuity Plan at the Department of Public Safety

Chairman Polunsky – Pass on this item.

- J.** Follow-up report, discussion and possible action regarding creation of a foundation to benefit the Texas Department of Public Safety

Chairman Polunsky – Pass on this item.

- K.** Follow-up report, discussion and possible action on the Department of Public Safety ethics policy and reporting requirements

Chairman Polunsky – Director Steve McCraw stated that with the legislative session in process, we have made our point that the recruiting process is reaching a critical level, and that we are not going to lower our standards. We are beginning work and have contracted a consultant (Public Agency Training Company out of Delaware) to put together a policy manual. I would like to have a draft for the Commission to review by the next PSC meeting. There are 12 high risk/critical areas that we will be reviewing and updating policy on including deadly force, high speed pursuits, search warrants, etc.

Chairman Polunsky went on record saying that he supports the Director's retire-rehire initiative as a stopgap measure until we can get the recruiting effort up to where it needs to be.

- L.** Status report, discussion and possible action on TxDOT median dividers and effectiveness in deterring vehicles crossing over and law enforcement turn around areas

Assistant Director David Baker, Highway Patrol said that the current situation is that we have requested 268 cross overs and 71 have been installed. This will take a while since there is a process involved that includes

engineering studies etc.

VIII. REPORTS

A. Commission member reports and discussion

Chairman Polunsky - Asked for any Commission Reports: None

B. Finance Report

Nothing further to report.

C. Chief Auditors Office Report

(Given out of sequence) AD Goodson – SAO has release one report: Follow up on Audit and Inspection Reports – 13 of the 254 recommendations have been delayed. Comm. Barth asked that more priority be placed on responding to the SAO’s concerns. Dir. McCraw stated that AD Goodson is very committed and responsive and he is proud of the progress that he is making, but we will continue to push to speed the process. Comm. Barth stated that she respectfully disagreed and Dir. McCraw said that he will defer to Comm. Barth’s expertise.

The status of response to SAO’s Issues over the last 3 years:

18% Implemented

50% In Progress

5% Delayed

3% Withdrawn

24% No Response

AD Goodson said that he would hope to have progress to report for the June meeting, particularly with regards to the “no responses”. Chairman Polunsky said that the Commission is making this a higher priority and would like to see better percentages by the next meeting.

D. Division status reports on activities and action

- *Administration – Nothing further to add to my report*
- *CID – Nothing further to add to my report*
- *Drivers License – Nothing further to add to my report*
- *Emergency Management – Nothing further to add to my report*
- *Government Relations – Nothing further to add to my report*
- *Highway Patrol – Nothing further to add to my report*
- *Information Technology – Nothing further to add to my report*
- *Intelligence and Counterterrorism – Nothing further to add to my report*
- *Law Enforcement Support – Nothing further to add to my report*
- *Office of the Inspector General – Nothing further to add to my report*
- *Regulatory Services – Nothing further to add to my report*

Texas Rangers – Assistant Director Hank Whitman introduced his new Deputy Assistant Director Kirby Dendy, who has been with the Department for 40 years, including time in HP, CID, and now comes from Ranger Company F in Waco.



New Texas Ranger DAD Kirby Dendy with AD Hank Whitman

IX. CONSENT ITEMS

- A.** Discussion and possible action on the Director's Action of discharging probationary employee Alesha Scott
- 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 Ranger: Dwight L. Gray, Kennis Miles, Jr., Gregory F. Ramirez; Special Texas Ranger: Bryan K. Ray, and Gerald W. Hildebrand
- C.** Discussion and possible action on proposed new rules for publication: Emergency Management Rules 7.61 – 7.84, 37 TAC Secs. 7.61 – 7.84, concerning the establishment of the Disaster Contingency Fund

Chairman Polunsky asked if any of the rules need to be reviewed separately. Director McCraw withdrew item C and A & B were motioned for approval.

Motion to approve A&B, and seconded. Passed unanimously.

X. ITEMS FOR FUTURE AGENDA

Commissioner Steen – Update on Sexual Harassment Policy

XI. DATE FOR FUTURE

June 16th is tentatively scheduled, including a discharge hearing and possible dedication of the Strategic Operations Center to Jack Colley.

MEETINGS XII. ADJOURN

Chairman Polunsky adjourned the meeting at 1:30 PM.

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.

The Public Safety Commission may meet and discuss in Executive Session and have action taken in an Open Meeting where required on the following items

Government Code Sec. 551.071 Consultation and deliberation with legal counsel about pending or contemplated litigation or a settlement offer, or on a matter where the Commissioners seek the advice of their attorney as privileged communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, and to discuss the Open Meetings Act and the Administrative Procedures Act with their attorney

Government Code Sec. 551.074 Appointment, employment, evaluation, reassignment, duties, discipline or dismissal of director, assistant director, and persons appointed to management team positions pursuant to Govt. Code Sec. 411.0071

Government Code Sec. 551.076 Deliberations about security audits, security devices, including deployment and implementation of security personnel and devices Government Code Chapter 411, Sec. 411.0041 Ongoing criminal investigations

Government Code Sec. 551.072 Deliberation of the purchase, exchange, lease, or value of real property, if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person

Government Code Sec. 551.073 Deliberation of a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person.

