



Public Safety Commission Meeting
November 17, 2011, 9:00 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 the following agenda items:

I. CALL TO ORDER

9:07 am - Chairman Polunsky called the meeting to order. In attendance: Chairman Allan Polunsky, Commissioners Carin Barth, Ada Brown, John Steen and Cynthia Leon. Also present were Deputy Director David Baker, Deputy Director Cheryl McBride, and General Counsel Phil Adkins. Director Steve McCraw arrived later in the morning.

II. APPROVAL OF MINUTES

Motion made by Commissioner Steen, and seconded by Commissioner Leon, to approve the Minutes. Approved – Commissioner Steen abstained since he was not in attendance.

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)

Chairman Alan Polunsky asked if anyone wished to make public comment. There was no response.

IV. DIRECTORS REPORT

Director Steve McCraw first discussed The Patrol Function. We are working from a goal directed strategic plan. We have to pay attention to performance measures that matter. We take a threat based priority. We work in four areas:

*Combating Crime and Terrorism
Enhance Public Safety
Emergency Management
Regulatory and Agency Services*

The following statistics were compiled from January 1, 2010 through October 31, 2011.

*THP Patrol hours: 2,054,806.00
CVE Patrol hours: 834,626.50
High Threat Criminal Arrests: 13,346*

Terrorism-Related Contacts: 137

Seizures:

Marijuana: 2,054,806.00 lbs.

Cocaine: 71,794,548.87 lbs

Heroin: 296.8 lbs.

Weapons: 363

Stolen Vehicles: 1,098

DWI Arrests: 23,086

Accidents 281,869

Unsafe Commercial Vehicles Removed from the road: 66,189

Unsafe CV Drivers removed from the road: 12,301

Local Law Enforcement Arrests: 38,460

Public Assists: 41,519

Col. McCraw then stated that Commander Ortiz reports that the newly introduced motorcycle patrols at the Capitol Complex have proven to be very successful. At 31 mpg (rather than 7 mpg for cruisers) the cost to patrol is cut by about 1/3. Chairman Polunsky asked how the Director is measuring success. Chairman Polunsky stated that it was his understanding that they are almost exclusively working traffic enforcement. Col. McCraw agreed, but they are doing it more efficiently and at a third of the cost. Chairman Polunsky asked if that is a core responsibility of the DPS inside a city jurisdiction. Col. McCraw said that it is a shared jurisdiction and we shouldn't obfuscate our responsibility.

Chairman Polunsky asked to discuss the safety aspects of the motorcycle patrol. He said that he had been told that the Commander had decided to not use the motorcycles at night due to a concern for safety. He said that it is his understanding that motorcycles have been phased out of most state police operations around the country.



Chairman Polunsky asked if Dir. McCraw or Deputy Director Baker have any statistics that show that the utilization of motorcycles for patrol is more hazardous than in a car. Dir. McCraw agreed, even without statistics, that it is more hazardous. Chairman Polunsky said that he and the commission would like to see some studies and data related to the safety of the use of motorcycles for patrol before any discussion of expanding the program from its current use. Director McCraw stated that the only expansion recommendation that will come from him would be to expand it only within the Capitol Complex and not in the Regions. The pilot program is in place until next July, at which time we may make a recommendation to add to what seems to be an early success after only 2 months. Chairman Polunsky asked to have more information from other agencies across the country to see how motorcycle patrols are working, or not working.

Commissioner Steen asked Dir. McCraw to give a little background regarding the use of tasers. Col. McCraw said that the recommendation to use tasers came originally from the troopers on the road. We are in a somewhat unique situation where we are confronting very tough and dangerous individuals in isolated areas on the highway, and the taser allows us to control and out of control individual without having to resort to beating or use of deadly force. We all know that if we lose the fight, we could end up dead. In a fight with a

300 lb. drunk who is belligerent and wants to fight, it is either win the fight or die trying. Due to technology, we now have another tool at our disposal that provides us with an option other than beating someone with a club or shooting to kill. It has proven to be very effective. We have been using them for about a year now, and we do not have any reports of problems. The Commission asked the Director to assemble a report for the next PSC Meeting on the use and effectiveness within the Department since they were introduced a year ago. Commissioner Steen pointed out that their use is meeting some scrutiny nationally, and it will be good to document their use and effectiveness at DPS.

A. Discharge appeal hearing of DPS employee Gilbert Ruiz

Chairman Alan Polunsky stated that Mr. Ruiz has asked for a continuance and is moved to the end of the list.

B. Deliberation, discussion and possible action, including a final decision, on the discharge appeal of Juan Lozano

Chairman Alan Polunsky asked if there was any discussion from the motion made at last months meeting. Comm. Barth moved to affirm the discharge, seconded by Comm. Leon. Approved with 4 approvals and one abstention from Comm. Brown, who was not present at the last meeting.

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 9:59 am.

Reconvened at 2:33 pm. Commissioner Barth has left the meeting, but a quorum is still present.

VII. ONGOING BUSINESS

Reports, discussion and possible action regarding the following:

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

Chairman Alan Polunsky skipped to B.

Following the approval of the new position in VII-B, Director McCraw asked that Region 5 Commander, Billy Fulton be named to this new (unnamed) position. Motion by Comm. Steen, second by Comm. Brown to approve the appointment. Approved unanimously, with Comm. Barth absent.

With the new vacancy in the Commander position in Region 5, Director McCraw asked the Commission to approve his naming Major Randy Prince as the new Region 5 Commander. Motion by Comm. Brown, second by Comm. Leon to approve the appointment. Approved unanimously, with Comm. Barth absent.

Major Prince was present at the meeting and Chairman Polunsky asked him to say a few words. Commander Prince said that he has been with the Department for 23 years in Highway Patrol, Motor Vehicle Theft, Texas Rangers, and Region Commander. "I have the highest respect for Deputy Director David Baker as well as for Director Steve McCraw. I understand the importance of this role and accept the challenge".

B. 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 411.00

*Director Steve McCraw discussed the changing dynamic of dealing with transnational gangs, Cartels and terror threats. We need a capability to direct our efforts and to coordinate with other agencies including the TDCJ and the Office of the Attorney General at a very high level. I recommend that we create a temporary position for one year to lead this project who will answer directly to Deputy Director Baker. A motion was made, and seconded to approve such a position (no title for the position given).
Approved unanimously,*

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

Chairman Alan Polunsky - skipped

- D. Status Report and discussion regarding HB 2131 the development of rules for eligibility, application, approval, issuance, and renewal for a Capitol Access Card**

Chairman Alan Polunsky – Those rules have been approved and are in effect.

- E. Report, discussion and possible action on the Fiscal Year 2012 Operating Budget**

Assistant Director Denise Hudson – Presented a new format for reviewing the budget, dividing it into Operations, Capitol, and Federal Funds. She mentioned that they are budgeting gas at \$3.54/gal., and will be monitoring fuel prices to ensure that there are enough funds through the year. AD Hudson quickly went over detailed reports that the Commissioners had in their packets.

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

AD Hudson addressed this briefly in her report.

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

Captain Jason Hester, Law Enforcement Training, reported that there are currently 58 recruits enrolled in the Academy after one resigned yesterday to accept an invitation to the Air Force Flight Academy. We have 43 that have accepted our conditional job offers and are currently undergoing testing. When we get that number up to 50, we will announce the scheduling of our next class. There are some 742 persons currently in some stage of our application and screening process.

Captain Hester went on to discuss and show photos of two roadside billboard designs that have been installed in six locations within the state. One design specifically targets military personnel leaving service and uses the tag phrase “You have served your Country (proudly), come and serve Texas”. The design is more general and uses “Anytime, Anyplace, Anywhere – Join DPS”.

The six billboards are located on I-10 in Chambers County, near Del Rio on Hwy. 277, near El Paso on I-10, near San Antonio on I-35, in Amarillo on I-40, and near Kingsville on Hwy. 77. Chairman Polunsky questioned the placement, asking why nothing was located near the largest military facility in the state, Fort Hood/Killeen area. Capt. Hester responded that DPS has a very good relationship with Fort Hood and are on base 2 – 3 times per month, so we felt that our exposure was already adequate in that area. Chairman Polunsky was not convinced, and Capt. Hester assured him that if the campaign receives additional funding or when it is time to renew, Fort Hood area would be targeted.

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

Not discussed.

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

Chairman Alan Polunsky said that it was discussed in Executive Session, but asked General Counsel Phil Adkins to report. GC Adkins said that the Secretary of State has registered “The Department of Public Safety Foundation” as a non-profit organization. The Board of Directors will consist of Allen Polunsky, Ada Brown and Tom Clowe. The purpose of the Foundation is to advance the mission of the DPS. They hope to be able to benefit all DPS employees and their families and perhaps use it for facilities, similar to what the Department of Parks and Wildlife does.

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

Not discussed in open session.

- K.** 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 Luis Gonzalez – we have had 11 new cross overs installed and now have 86 of the 241 requested.

- L.** Status report, discussion and possible action on Department generators – specifically conversation updates with electrical companies around the state

Assistant Director Nim Kidd – we are moved to the top of the major utilities priority list, and we continue to add generators for backup on a planned priority basis.

- M.** Report, discussion, and possible action regarding the adoption of proposed amendments to Driver License Rule: Rule 15.24, 37 TAC Sec. 15.24 concerning Identification of Applicants

AD Rebecca Davio - Drivers License – This is a final rule for your adoption. These were originally proposed in September, and we have received no comments on these (both M, N). Moved for adoption by Steen, Seconded by Brown. Passed unanimously.

- N.** Report, discussion, and possible action regarding the adoption of proposed repeal of Driver License Rule: Rule 15.171, 37 TAC Sec. 15.171 concerning Issuance of Driver Licenses and Identification Certificates to Non-citizens

- O.** Report, discussion and possible action regarding the adoption of proposed new Driver License Rules: Rules 15.181 – 15.185, 37 TAC Secs. 15.181 – 15.185 concerning Election Identification Certificate

AD – We did receive two comments since introduction of this rule in September. One was from the League of Women’s Voters had questions regarding the acceptable documents could be used and the use of three names for women. We addressed these concerns and made slight modifications. The second comment was from Sen. Van De Putte, and her comment was regarding use of permissible documents that do not have a photo such as the Veteran’s Administration card. Her issue was discussed and addressed without change to the rule.

Motion made by Comm. Brown to approve, Seconded by Comm. Leon. Passed.

VIII. REPORTS

- A.** Commission member reports and discussion

None

- B.** Finance Report

Previously reported.

- C.** Chief Auditors Office Report

Assistant Director Steve Goodson – two reports have been submitted since we last met. We have a new format for our audits that will provide critical information right up front in a summary format. A proposal had been made regarding partial per diem reimbursement for meals to require being more than 20 miles from the duty station, however Director McCraw eliminated the partial per diem altogether. We have projected that by eliminating partial per diem we should have a five year savings of \$2.5 million.

D. Division status reports on activities and action

- *Administration – Assistant Director Valerie Brown –*
- *CID – Nothing further to add to my report*
- *Drivers License – AD Rebecca Davio reported that they are exceeding their 14 day goal of mailing out new DLs and are currently sending them in 6-8 days. Also, we are getting reports that our online scheduling in our one pilot office has been a great success and has reduced lines and traffic congestion. AD Davio also reported on the Mega Center plans.*
- *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 – Nothing further to add to my report*
- *Inspector General – Inspector General Stuart Platt reported that they are building the framework for an annual report. We are seeing some trends, and hope to have a report by the January, or certainly the February meeting. We have seen a drop in secondary employment issues.*

IX. CONSENT ITEMS

- A.** Discussion and possible action on the Director's action of discharging probationary employees Tracie Freeman and Christiana Cairnes
- 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: Alfred E Banks, Merle M. Collins, Walter H. Peterson, David L. Thompson
Special Texas Ranger: Robert V. Hunter
- C.** Discussion and possible action regarding the adoption of the proposed repeal to Crime Records Rule: Rule 27.31, 37 TAC Sec. 27.31, concerning Registration of Tattoo Marks
- D.** Report, discussion and possible action on STEP Grant application. The STEP Grant application requires "a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application"

A motion was made to approve all four consent items and was seconded. There was no discussion and the motion passed unanimously.

X. ITEMS FOR FUTURE AGENDA

None

XI. DATE FOR FUTURE

December 13, 2011

MEETINGS XII. ADJOURN

Chairman Polunsky adjourned the meeting at 3:58 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.