



Public Safety Commission Meeting

July 19, 2012, 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

9:06 am – Chairwoman Cynthia Leon called the meeting to order. In attendance: Chairwoman Cindy Leon, Commissioners Allan Polunsky, Carin Barth, Ada Brown and John Steen. Also present were Director Steve McCraw, Deputy Director David Baker, Deputy Director Cheryl McBride, and General Counsel Phil Adkins.



II. APPROVAL OF MINUTES

9:05 – 9:10 a.m.

Motion made by Commissioner Steen, and seconded by Commissioner Barth, to approve the Minutes from the June 12, 2012 meeting. Passed Unanimously.

Motion made by Commissioner Barth, and seconded by Commissioner Polunsky, to approve the Minutes from the June 21, 2012 meeting. Passed Unanimously.

III. PUBLIC COMMENT

9:10 – 9:15 a.m.

(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. Should a member of the public bring an item to the Commission for which the subject was not posted on the agenda of the meeting, state law provides that the

Commission may receive the information but cannot act upon it at the meeting. The Commission may direct staff to contact the requestor or request that the issue be placed on a future agenda for discussion.)

Chair Cindy Leon asked if anyone wished to make public comment. There was no response.

IV. DIRECTORS REPORT

9:15 – 10:45 a.m.

A. Presentations

Director Steve McCraw asked Walt Goodman to announce the following awards and Director McCraw and the PSC made the presentation of the awards:

The Medal of Merit Award was presented to Derek Prestridge for his work in researching and creating a program for the Interdiction for the Protection of Children (ITPC). Finding no such program for training, Derek Prestridge transferred to the DPS Research and Education Division where he took it upon himself to develop what would become a model program. This program has been expanded and adopted nationally and internationally. ITPC is now taught as an in-service class, and since it was introduced there have been 90 reports, 17 arrests for child pornography, and 15 missing or exploited children found.



The Medal of Merit Award was presented to Texas Ranger John “Nick” Hanna, who spent countless hours developing a case against the leaders of the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS) in their compound “Yearning for Zion Ranch” near El Dorado, TX.. His tireless efforts, in conjunction with many law enforcement agencies, lead to 11 convictions of sexual assault of a minor, and lead FLDS leader, Warren Jeffs, to a conviction and life sentence. Dir. McCraw pointed out that both Utah and Arizona had tried to convict Jeffs and the FLDS leadership, but Texas succeeded.



A Unit Citation Award was presented to Ranger Company E for their combined effort in investigating and building a solid case against FLDS and Warren Jeffs. Director McCraw pointed out that while Ranger

Company E spearheaded the investigation and brought it ultimately to its successful conclusion, he also wanted to acknowledge the combined efforts of the Texas Highway Patrol and a multitude of local, county and federal law enforcement agencies whose unprecedented cooperation and coordination made this a model investigation.

Commissioner Allan Polunsky said that he had had the opportunity to spend some time around this investigation, and was very impressed with the entire Department's efforts, including Highway Patrol, Emergency Management, Communications, and everyone who assisted, proving this is the elite law enforcement agency. This was a watershed moment for the Department. This well deserved Award to Company E is representative of the efforts of all involved in this complex and important case.

A Directors Award was presented to Schleicher County Sheriff David Doran for providing vital knowledge and information in the investigation of the FLDS sect at the Yearning for Zion Ranch. His intelligence and logistical support throughout the investigation proved invaluable in bringing the case to arrests and convictions.



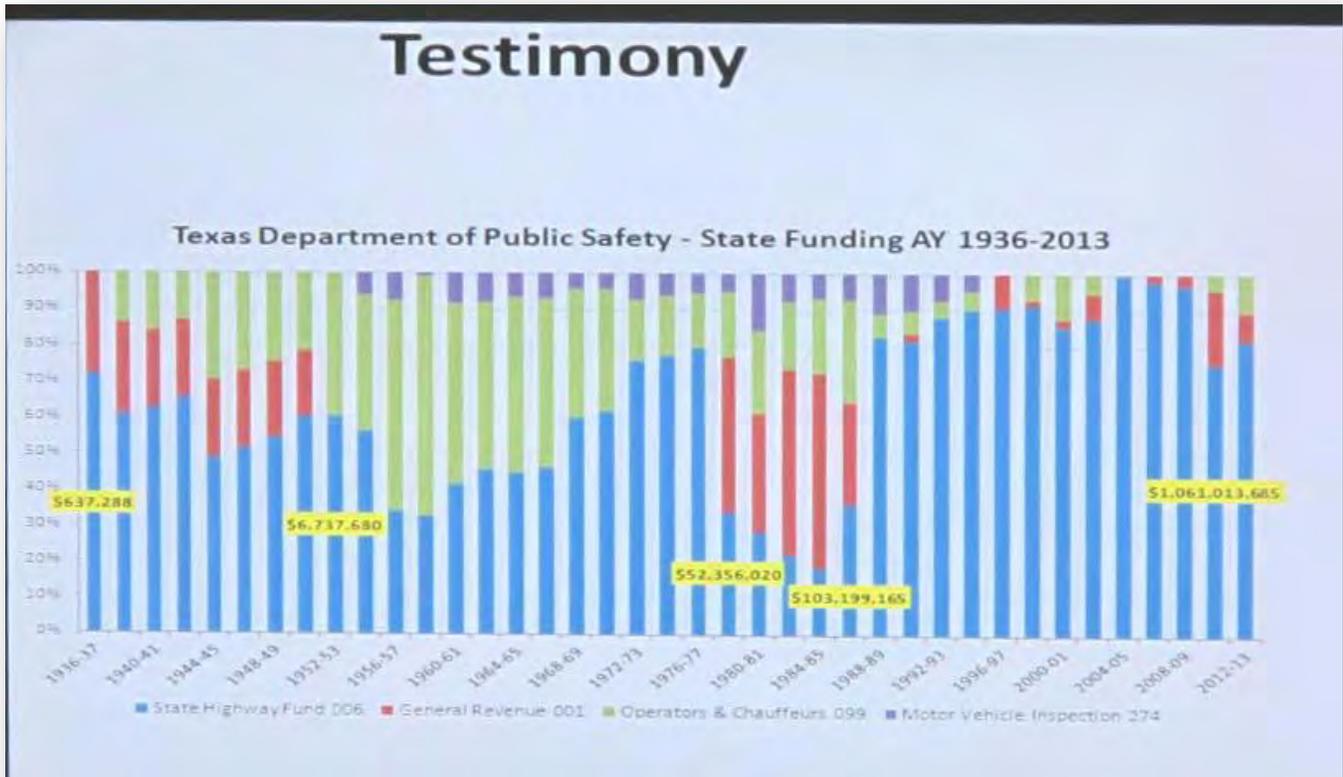
A Directors Award was presented to Attorney General Sergeant Wesley Hensley who also provided tremendous assistance in the compiling of information and the bringing to trial and the conviction of the FLDS leadership. His effort included extended periods of time away from his home and family. Commissioner Polunsky noted that this is indicative of the multitude of law enforcement agencies that came together to address this serious issue. This was a textbook example of law enforcement cooperation and working for the common good.



A Directors Award was presented to FBI Special Agent Johnathan Broadway for more than three years of investigation of the FLDS, particularly focusing on their finances and tax evasion.



B. Testimony (7/9/12 House Transportation Subcommittee Transportation Funding with the House Appropriations Subcommittee on Article VI, VII and VIII)



Director Steve McCraw reported on testimony made before the House Transportation Subcommittee on Transportation Funding. 81% of DPS funding comes from Fund 6. Our current biennium budget is \$1.3 billion. During this biennium DPS raised \$1.37 billion from the 6% of collected fees and licensing that is retained by the Department. We are hearing some interest from key legislators to return to dedicating funds collected to the agency/(ies) for which they were originally intended, rather than diverted to other uses or the State's general fund.

C. Crime Report

Director Steve McCraw went through slides showing how Index Crimes are down by 8.3%. These Index Crimes are divided by property and violent crime. In addition to the required reporting of Index Crimes, DPS also tracks Non Index Crimes through the National Incident Based Reporting System (NIBRS) system. Currently less than 10% of our local law enforcement partners are using NIBRS to track Non Index Crimes. Commissioners Brown and Leon asked how we can help to get more on board in reporting these Non Index Crimes through the NIBRS system.

CRIME RATE BY OFFENSE

Offense	2011	2010	% Change
Murder	4.2	4.9	-14.3
Rape	29.0	30.3	-4.3
Robbery	110.6	130.7	-15.4
Aggravated Assault	265.0	284.6	-6.9
Violent Crime Total	408.8	450.6	-9.3
Burglary	839.4	911.8	-7.9
Larceny-Theft	2389.6	2602.8	-8.2
Motor Vehicle Theft	246.9	271.3	-9.0
Property Crime Total	3475.9	3785.8	-8.2
Index Crime Total	3884.7	4236.4	-8.3

D. Call Center

Deputy Director reported June metrics that had a 3 year comparison. The total incoming calls have dropped significantly since 2010, primarily through the implementation of the interactive voice response (IVR) system allows callers to self direct and get some information on their own. IVR has reduced repeated calls from the same caller who has a difficult time getting through. On hold times have also been reduced.

On June 28th we started a pilot program of re-routing the calls of 5 of our field offices to the centralized call center. In the first 12 days, over 9,000 calls were handled from these offices, thereby freeing up those field offices to handle the customers on hand.

Commissioner Steen asked Director McCraw for comments regarding improvements in the DL Division. Dir. McCraw spoke about how the DL offices around the state are some of the most high profile representation of our Department to the public. Not only do we hear complaints, but legislators around the state as well field complaints regarding inefficiencies and problems. We have received additional funding to address the problems and have taken great strides in making the necessary changes to correct our customer service response, and handling the volume that we are charged to handle. AD Rebecca Davio responded to Commissioner Barth's question by stating that the DL Division makes every effort to provide individual responses to all complaints and concerns from the public.

V. NEW BUSINESS

10:45 – 11:30 a.m.

A. Report and discussion on preliminary steps to provide for video or audio presentation of Public Safety Commission meetings

Interim Assistant Director Brian Laine -

AUDIO AND VIDEO RECORDING WITH DELAYED PLAYBACK

Provide public access to recording of Public Safety Commission meeting approximately 24 hours after conclusion of meeting.

Equipment	
Camera 1 or more - \$3,000 each (Depending HD, Standard, Automatic Pan/Tilt/Zoom or Stand Alone)	\$24,600 2 Camera 12 Microphones Video Hosting
Audio/Video mixer - \$5,000	
Encoder - \$10,000	
Microphones - \$300 each	

Option 1: Audio & Video recording and providing access to the recordings within 24 hours of the meeting to the general public. Cost: \$24,600.

AUDIO AND VIDEO WITH LIMITED LIVE STREAM PLUS RECORDING FOR DELAYED PLAYBACK

Provide limited live stream access in addition to public access to recording of Public Safety Commission meeting approximately 24 hours after conclusion of meeting

Equipment	
Camera 1 or more - \$3,000 each (Depending HD, Standard, Automatic Pan/Tilt/Zoom or Stand Alone)	\$45,100 2 Camera 12 Microphones A/Y Hosting Additional Cost per Meeting
Audio/Video mixer - \$5,000	
Encoder - \$20,000	
Microphones - \$3,600	
Multicast Vendor Required	
300 Listeners/Users - \$800 per event	

Option 2: Providing immediate Audio & Visual streaming of the meeting to areas on the DPS campus with perhaps a 45 second delay plus the 24 hour delayed streaming for the general public. Cost: \$45,100.



Commissioner Barth asked if this would preclude the PSC from meeting in alternate locations, such as the January PSC meeting in Weslaco. Interim AD Laine stated that he did not see insurmountable obstacle to doing remote recording with some additional costs, but nothing too significant.

Comm. Brown asked if the video could be made for viewing only, and not allow for downloading of the video. AD Lane said that that could be done, and may add a nominal cost.

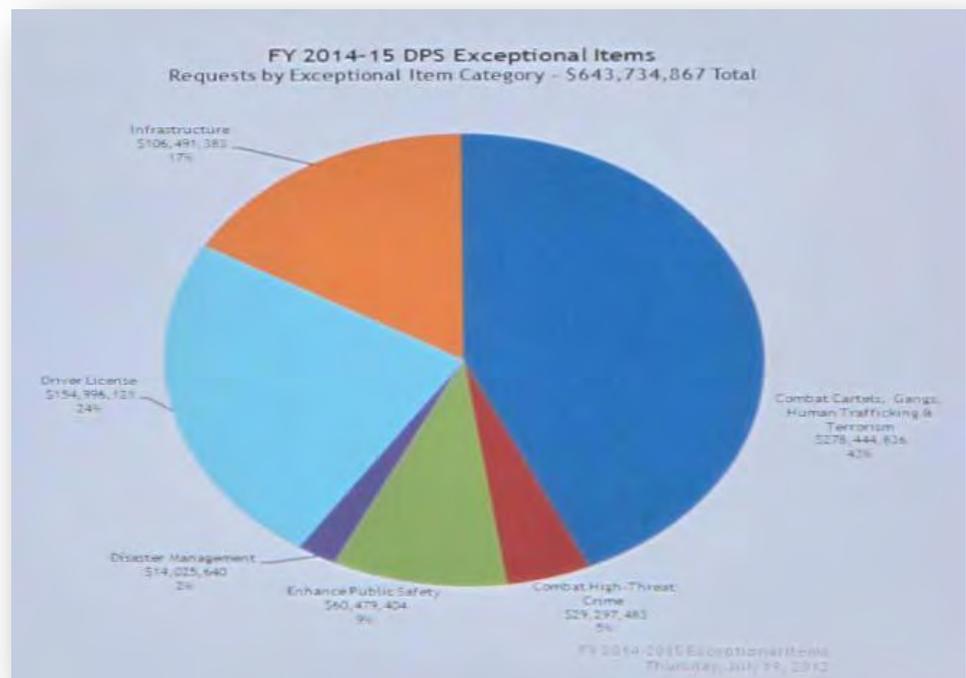
B. Report, discussion and possible action regarding FY 2014-2015 Legislative Appropriations Request



Assistant Director/ CFO Denise Hudson – We currently are operating on a \$3.1 billion budget and we are proposing a \$3.67 billion budget for FY2014-2015. This represents the base budget request. Exceptional Items would be added to this.

AD Hudson went on to address the Exceptional Items, stating the Commission has previously approved 30 exceptional items and now have a late arrival for consideration. Director McCraw took responsibility for this late request. The request is for adding modular dormitories

for the training facility in Florence as item 31 in the exceptional items request. The preference is always to build a permanent, brick and mortar dormitories. The modular unit, which cost approximately \$25,000 each, would also require pad preparation, plumbing and electric at additional cost. Additionally, restrooms, showers and kitchen facilities would have to be provided. This would only be an option (temporary) if funding isn't provided for the permanent dormitory. AD Hudson and AD Wayne Mueller (Administration) could not put and exact cost for these modular "dorms", and the number of units is still being determined. Initially, we estimated as many as 240 persons would need to be housed, but that number has been scaled back



somewhat. Each module, which measure 8' X 8' X 10' would house 4 people.

Comm. Steen suggested that rather than an additional exceptional item, that this request should be added as an "or" option on item #30, requesting the brick and mortar housing facilities at the Florence training facility. Director McCraw suggested that if we had to settle for this option temporarily if funding isn't provided for the permanent dormitory, the units would still be useful as mobile housing facilities across the state (hurricane response, etc.). We are currently spending \$30,000 per month on hotels for the recruits.



Comm. Polunsky asked what the cost for the permanent dormitory would be. Deputy Director Cheryl McBride stated that it was approximately \$35 million for the dorm alone (no kitchen), so Comm. Polunsky suggested that \$50 million would be a rough estimate for what we need. Our Budget and Exceptional Items requests are due to the Legislative Budget Board (LBB) by August 1, 2012,

so a decision needs to be made. Comm. Polunsky pointed out that in the 2014-2015 biennium, the modular option will be more expensive over the initial two years than the construction of the permanent dorms, which would be costed out over a long term.

A motion was made by Comm. Steen, and seconded by Comm. Brown to approve the addition of the modular dorm option to the Exceptional Items request. The motion passed on a vote of 4-1, with Commissioner Polunsky voting NO. When asked, Director McCraw stated that this option is far more expensive than the current hotel housing model.

Although approved, Chairman Leon stated that this is an uncomfortable option, and directed staff to continuing to research other options and alternatives.

Director McCraw, in response to Comm. Polunsky's question, stated that ideally, we would like to build a facility in Florence that will be adequate to handle current and future needs for both our internal training and our responsibility for training other law enforcement agencies/partners from around the state and nation. There was some discussion of partnering with a university or universities that are anxious to expand their Criminal Justice departments and offerings, and DPS should explore these opportunities and partnerships.

AD Hudson asked for an approval of the Legislative Appropriations Request (LAR) and revised legislative riders. Many of the riders were to request state funding for programs that are currently funded through federal funds, in the event that those funds are cut and not renewed.

A motion was made to approve the LAR by Comm. Barth, and seconded by Comm. Polunsky. The motion passed unanimously.

C. Report, discussion and possible action on the proposed repeal of Practice and

Procedure Rule for publication to receive public comment: Rule 29.11, 37 TAC
Sec. 29.11, concerning Entry of Appearance; Continuance

General Counsel Philip Adkins – this is a fairly straightforward request to clean up our rule and we are asking for a motion to post. Motion made by Comm. Steen, seconded by Comm. Polunsky. Passed unanimously.

- E.** Report, discussion and possible action regarding deployment of security personnel and devices for Public Safety Commission meetings. This item may be presented in Executive Session pursuant to Government Code Section 551.076

Discussed in Executive Session.

- F.** Report, discussion and possible action regarding criminal investigations including update on tactical operations as provided by Government Code 411.0041. This item may be presented in Executive Session

Discussed in Executive Session.

VI. ADJOURN INTO EXECUTIVE SESSION 11:30 a.m. – 1:30 p.m.

(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

Chair Leon adjourned the meeting to executive session at 11:57 am. Reconvened, 1:37 pm.

VII. ONGOING BUSINESS 1:30 – 3:30 p.m.

Reports, discussion and possible action regarding the following:

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

Chief of Staff, Robert "Duke" Bodisch – We have re-written our Safety Ethics Policy under the direction of Amanda Arriaga. A motion was made and seconded to approve the Ethics Policy. Passed unanimously.

- B.** Report, discussion and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor's Office. Updates regarding status of semi-annual follow-up, contract management, emergency response supplies, compliance audit of records retention requirements, internal control/risk management and bulk fuel tanks-cost benefit audits.

Assistant Director Steve Goodson – Audit & Inspections – Since I last presented, we have completed several audits and are conducting a semi-annual follow-up on previous audits. We have implemented 52 audits, and have 82 in progress. 5 have been delayed.

We are moving in the right direction as far as cleaning up our backlog in audits.

Contract Management

Emergency Response Supplies

Record Retention Requirements

Enterprise Risk Management

Bulk Fuel Tanks – Cost Benefit

Special Requests

C. Update report, discussion and possible action regarding recruitment

Deputy Assistant Director Frank Woodall – We had 103 applicants that we extended offers to, and had 94 accept, all of whom we hope show up for duty on Monday morning at 7:30 am. If we retain all 94 through the driving and firearms portion of the training, we will be exceeding our maximum and may have to consider extending the academy. We typically run between 20-25% attrition, so if we have 80 or fewer, we will be able to handle the class. We hope to have a new class starting in January. We have in the past looked at having as many as seven schools per year with an average of 60 students per class. Driving and firearms is where we back up if there are more recruits than we can handle. Captains Hester and Tacquard (sp?) and I have been looking at this to recommend solutions to this situation.

Comm. Polunsky asked if reducing the timeline for the school two years ago has had an impact. Dir. McCraw responded that we initially had a 28 week academy, and reduced it to 18 weeks initially, but later adjusted it to 20 weeks, which is currently in place. We feel that this is working well, but are certainly open to considering adjustments as needed. He went on to say that the Department will adjust to however many qualified recruits that we can bring in. The number one key to drawing qualified recruits is providing adequate starting salary.

We are also conducting four week Leadership Academies for supervisors, which have been well received, and we are considering an Advanced Leadership Academy as well as a 2 day Senior Leadership Seminar.

D. 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

Nothing to report.

F. 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

Nothing to report.

G. Report, discussion and possible action regarding discharge appeal hearing process and scheduling

General Counsel – The current docket is down to 11 appeals from the previous 14. We are still looking at ways to improve and streamline the process. We set four cases this month, and took care of three of them, with one withdrawing. We have one scheduled for Wednesday, August 15, and Chairman Leon asked if we can schedule additional hearings the day before or after the meeting on the 15th. Chairman Leon will be out of town next month, and asked Comm. Polunsky to Chair the hearings. We have four responses for September, and September 19 (a Wednesday) looks like a good day for the hearings – the day before the Commission Meeting. Friday, October 19, looks like the best day in October, and we have 3 confirmed and 1 possible hearing scheduled. In November, we have a PSC Meeting scheduled for the 15th, and Wednesday the 14th may work for the dismissal hearings. If we can hold to this schedule, we should clear up the backlog.

H. Update, report, discussion and possible action on the presentation of the Office of Inspector General 2011 Annual Report of Operations and OIG resource allocations/regional assignments of personnel

Commissioner Barth made a motion, and seconded by Commissioner Polunsky to make the 3 floating AG Inspectors permanent, and to add one administrative position, and that the Temporary Inspector Generals (TAGs) would be dedicated to full time investigations as tasked with no other routine duties to interfere.

Inspector General Stuart Platt – One of the problems with the TAG program in the past was that we had so many TAGS and they were hard to manage. I would like to have a smaller number of quality TAGS, maybe 35 or 40, and perhaps have them involved in our annual training program, which would involve some travel cost, but will improve efficiency and effectiveness of the TAGS. Commissioner Brown and Commissioner Polunsky agreed, and Chairman Leon asked IG Platt to put a proposal in writing for the Commission to consider. The cost is approximately \$600 per trainee, plus travel.

I. Report, discussion and possible action on Driver License monthly updates

Assistant Director Rebecca Davio, Drivers License Division – Our wait times continue to improve. There is an overall 15% drop in wait time in our major DL offices. Summer hires have helped.

Online scheduling continues to improve and prove successful.

Performance of MSB for surcharge collection –

Comm. Brown showed concern that repeat DWI offenders are allowed to qualify for both the now expired Amnesty Program and the Indigent Exemption Program.

J. Report, discussion and possible action on the Fiscal Year 2012 Operating Budget

Assistant Director – Nothing to add.

K. Report, discussion and possible action regarding purchases using seized funds

Assistant Director Denise Woodson – We currently have a balance of \$12,456.

K. Report, discussion and possible action regarding Emergency Management's procurement status of RFP for audit services with respect to Federal monies for past grants

Assistant Director Nim Kidd – stated that they are making progress working through the proposals and will have more to report next month.

- L. Review of pending contract/renewal/change order/awards from Contract Review Board
1. Amendment 4 (programming changes) – L-1 Secure Credentialing, Inc.
 2. Amendment 5 (equipment for megacenters) – L-1 Secure Credentialing, Inc.
 3. Discussion and possible action on changes to Contract Review Board Charter

Assistant Director Wayne Mueller – these are requests from the DL Division for additional equipment and programs.

Move by Commissioner Barth and Seconded by Commissioner Brown to approve. Passed unanimously.

VIII. REPORTS

3:30 – 3:45 p.m.

A. Commission member reports and discussion

None

B. Finance Report

Nothing Further to report.

C. Chief Auditors Office

Nothing Further to report.

D. Division status reports on activities and action

- *Administration – Nothing further to add to my report*
- *Emergency Management – Nothing further to report.*
- *Highway Patrol – Nothing further to add to my report. Commissioner Brown congratulated AD Gonzalez for the report on seizures and interdictions.*
- *Information Technology – Nothing further to add to my report*
- *Intelligence and Counterterrorism – Nothing further to add to my report*
- *Law Enforcement Support – Mike Lasco – Reported on the Reporting standards across the state..*
- *Office of the Inspector General – Nothing further to add to my report*
- *Policies Projects and Portfolio – 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 – Nothing further to add to my report*

IX. CONSENT ITEMS

3:45 – 3:50 p.m.

All of the following items may be enacted with one motion. These items are typically self-explanatory or have been previously considered by the Commission. There will be no separate discussion of these items unless a commissioner so requests.

A. Discussion and possible action on the Director's action of discharging probationary employee Bana Wilkins

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: John W. Barton, James L. Griffey, Randahl L. Gustafson, Norris L. Hayter, David J. Johnson, Tracy Kensing, Glenn W. Lisso, Raymond Roussett Jr., Clinton Sinderud, Bobby R. Tucker and Michael Turner; Special Texas Ranger: none

Commissioner Steen asked Deputy Director Baker if the Consent Items were vetted and OK. Deputy Director Baker indicated that that was the case. Comm. Steen made a motion to approve the two

Consent Items, and the motion was seconded. Passed unanimously.

X. ITEMS FOR FUTURE AGENDA

3:50 – 3:55 p.m.

Previously discussed.

XI. DATE FOR FUTURE MEETING

August 15, 2012, with the Dismissal Hearings scheduled for August 16, 2012.

XII. ADJOURN

3:55 – 4:00 p.m.

Chairman Leon adjourned the meeting at 3:30 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 government 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

