



# Public Safety Commission Meeting

October 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

*9:03 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 MacBride, and General Counsel Phil Adkins.*



### II. APPROVAL OF MINUTES

*Motion made by Commissioner Steen, and seconded by Commissioner Polunsky, to approve the Minutes from the September 20, 2012 meeting. Passed Unanimously.*

*The Commission also approved the minutes from the September 19, 2012 dismissal hearing.*

### 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. 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**

##### **A. Presentations**

*The following press release regarding the Director's presentation of awards was sent out from the Department's Public Affairs and Policy Office, the photos were taken at the meeting by John Pike:*

### **DPS Heroes Recognized at Public Safety Commission Meeting**

AUSTIN – The Texas Public Safety Commission (PSC) and the Department of Public Safety (DPS) Director Steven McCraw today presented a *Purple Heart* to a DPS trooper and *Life Saving Awards* to several officers for their valiant efforts. Trooper Max Honesto received a *Purple Heart* after being shot in a traffic stop last year in Ector County. The other officers at the Public Safety Commission meeting were recognized for helping to save someone's life.

"Each of the individuals honored today is a hero in their own right, distinguishing themselves in extraordinary fashion with their courage and selfless service to others," said Director McCraw. "Trooper Honesto survived a roadside shooting and we are proud to have him back at work protecting the citizens of Texas. Our other recipients acted instinctively and used their training to save the lives of others. In one incident, a DPS captain received a second chance at life when three of his fellow DPS officers performed CPR on him."

The following awards were presented today:

- **Trooper Max Honesto**, Highway Patrol in Pampa, received a *Purple Heart* for injuries suffered in a May 2011 roadside incident. Trooper Honesto was patrolling I-20 in Ector County when he stopped a vehicle for speeding. He learned that the driver was recently released from prison and noticed the smell of marijuana from inside the vehicle. When a passenger was asked to remove something from his shoe, he instead pulled a pistol from his pocket and pointed it at the trooper. The two men exchanged gunfire; the suspect was struck in the leg and Honesto sustained a wound to his right shoulder. As a result of the gunshot, Trooper Honesto sustained muscle and nerve damage to his right shoulder. He has since returned to full active duty.



- Three DPS officers received *Life Saving Awards* for performing CPR on a fellow DPS officer who collapsed during an exercise session in September of 2012. The DPS captain, stationed in Austin, did not have a pulse and was not breathing. Without hesitation, **Assistant Director Tom Ruocco** (Criminal Investigations Division), **Deputy Assistant Director Greg Gloria** (Leadership and Operational Review Unit) and **Sgt. Greg Davis** (Training)



AD Ruocco, Sgt. Davis, and DAD Gary

began performing CPR until EMS personnel arrived. Ultimately, an external defibrillator shock was needed to restore the victim's breathing and heart functions. Witnesses to this event stated that there was no doubt that the efforts of the three DPS officers helped save the captain's life.

- **Trooper Jonathan "Shane" Lawrence**, Highway Patrol in Atlanta, received a *Life Saving Award* for administering first aid to a car crash victim in May of 2012. Trooper Lawrence was returning to his duty station after attending in-service training in Florence when he drove upon a one-vehicle, rollover collision. The victim's left arm was severed below the elbow and he was bleeding profusely. Lawrence fashioned a tourniquet with a shirt from the vehicle and was able to stop the bleeding until EMS personnel arrived on the scene.



- **Trooper Jeffrey Wachtendorf**, Highway Patrol in Waco, received a *Life Saving Award* for helping a choking victim at a restaurant in June of 2012. Trooper Wachtendorf was eating lunch when he observed a young woman unsuccessfully performing the Heimlich maneuver on a 17-year-old man. Another restaurant patron intervened, but his efforts were also ultimately unsuccessful and the victim was again unable to breathe. Trooper Wachtendorf applied the Heimlich





maneuver three times and was eventually able to completely dislodge the food from the victim's airway.

- **Sgt. Michael Nix**, Highway Patrol in Austin, and **Cameron Police Department Officer Jason Lantz** both received awards for assisting a woman who had a seizure in April of 2012. Sgt. Nix was going home at the end of his shift and noticed a Cameron Police Department patrol unit responding to an emergency call with its lights and siren activated, and Sgt. Nix went to assist. Once inside the residence, the officers found an unconscious woman without a pulse. They immediately began CPR and continued for several minutes until paramedics arrived. After the arrival of the paramedics, Sgt. Nix continued to give chest compressions for 20-30 minutes while the paramedics rendered aid. Their efforts restored the victim's heartbeat, which allowed medical personnel to transport her to a local hospital via helicopter. Sgt. Nix received a *Life Saving Award* and Officer Lantz received a *Director's Award* for their actions.



Cameron Officer Lantz, Sgt. Nix, Dir. McCraw

## B. Legislative Testimony

*Director Steve McCraw - We need a proactive approach to law enforcement in this changed environment and to do that we have to be adequately staffed in the field. We expect on front line troopers on the road to take a leadership role in making critical decisions, and to do that we need to pay for and hire professionals capable of taking on that responsibility. We have done a detail analysis of their job duties, and the jobs that they are doing warrants moving them to a higher pay grade level. That is what we have recommended to the Commission, and what the PSC has approved in our Legislative Items request. We are asking for a reallocation of funds within Schedule C to pay our commissioned officers for the jobs that they are already performing. We also support in an increase (pay raise) for Schedule C as recommended by the State Auditors Office.*





## SAO Report Officer Pay – C Salary Schedule

Department	Max Base Pay	Base +Supplemental	% Exceeding DPS
City of Austin	\$95,464	\$109,364	61%
Fort Worth	\$85,322	\$102,260	51%
San Antonio	\$70,212	\$ 97,730	44%
Dallas	\$73,980	\$ 90,189	33%
Harris Co.	\$70,366	\$ 85,566	28%
Houston	\$60,375	\$ 81,597	20%
El Paso	\$66,081	\$ 75,627	12%
DPS/TX	\$61,793	\$ 67,793	-0-

Chair Leon asked Director McCraw to include in his testimony before the Legislature the point that in addition to the loss of qualified personnel to the other law enforcement agencies around the state, that DPS is also losing officers to the private sector due to low pay within the Department.

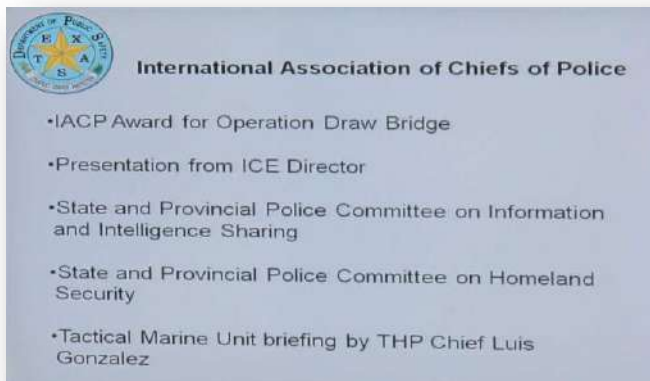
Commissioner Polunsky urged McCraw to emphasize that Public Safety is job number one for DPS, and that our inability to successfully recruit in the current marketplace is jeopardizing our credibility and without adequate funding, we will not fully be able to fulfill our duty to public safety. If we don't reach that funding goal, it will be a sad day for Texas.

There was a great deal of discussion regarding the loss of DPS officers to other LE agencies in the state, and the recommendation was made that the HR department should begin asking the question and collecting data regarding reason for leaving DPS and where they are headed (other LE, private sector or other). This information will be helpful in the future, even if it is never going to be 100% accurate due to the voluntary nature of the information request. It is unfortunate that we do not have any specific data to support our claim for this legislative session.

Director McCraw said that he hopes that we are eloquent enough to adequately state our case before the legislature. I know that we are determined and passionate enough.

### C. IACP Report

Director Steve McCraw – While attending the International Association of Chiefs of Police Conference in San Diego a couple of weeks ago, DPS received an IACP Award for our Operation Draw Bridge on the border that has contributed to the seizure of 10 tons of marijuana, detection of 9,600 individuals, and the apprehension of 4,000 persons.



Our presentation at the Conference on the Tactical Marine Unit by Assistant Director Luis Gonzales before other state police agencies around the country was a highlight of the meeting. We are quickly being recognized as a model program for border security.

**V. NEW BUSINESS**

**A. Presentation of Texas Department of Public Safety Foundation seal design competition winner**



Valarie Brown and DPS Foundation President Clowe

*Former Commissioner and President of the Department of Public Safety Foundation – We are in the process of developing the foundation and making all of the legal steps to move the foundation forward, including gaining the 501C3 status from the IRS. We gained permission to hold a contest to design a logo/seal for the Foundation. The winner of the design contest is Floyd Kurio in the DPS graphic design department, and is the recipient of the \$100 award. We feel that the design is close to the Department seal, but different enough to keep it separate.*

*We hope that over the next two to five years, we will grow the Foundation to become a very important element in the success of the Department. We would like to come in front of you periodically to give you updates and reports on our progress.*



Lloyd Kurio accepts his design award check.



**B. Report and discussion regarding 360 Leadership & Operational Review Unit**



Deputy Assistant Director Greg Gloria was asked by Chairwoman Leon to provide an update and review of the Departments 360 Leadership & Operational Review Unit. DAD Gloria explained that the 360 Leadership Survey is a tool that the Department adopted to assist in evaluating the leadership effectiveness and potential of supervisory staff level leaders within the Department. It involves a 25 page survey whose answers are on a scale of 1 to 6, with 1 being “strongly disagree” and 6 being “strongly agree”. There are also comment fields. The completed survey allows the production of 90 different reports. This program was initiated in January of 2011, and the Department’s 8 person staff have completed about

**MISSION STATEMENT**

To assess leadership and operational effectiveness and efficiency.

800 surveys and have about 20-25 law enforcement personnel remaining to survey. They began at the top with the Director and the Deputy Directors taking the survey and are working their way all the way through the rank of Sergeant. All new Sergeants are required to complete the survey approximately 6 months after they have been in the position.

**GOALS**  
Provide Management with:

- Review of leadership’s core categories;
- Review of operational effectiveness and efficiency; and
- Review of exceptional job performance and best practices.

DAD Gloria went on to show samples of some of the 90 available reports, and explained how the 360 Leadership Survey has proven to be an effective tool for identifying strengths and

weaknesses of our DPS leadership, and shows areas that could use some improvement. We intend to revisit the survey approximately every two years for all in leadership positions.

This 360 Survey tool helps our leadership to improve their skills by managing up, managing to the side, and managing down.

**LEADERSHIP CORE CATEGORIES**

- **LEADERSHIP:** (motivates, inspires and develops others to accomplish goals)
- **INTERPERSONAL SKILLS:** (effectively relates with others)
- **COMMUNICATION:** (relaying and receiving information effectively)
- **LIAISON:** (establishes positive relationships with internal and external stakeholders)
- **JOB KNOWLEDGE:** (knowledge, skills and abilities required for the position)
- **PLANNING AND ORGANIZING:** (establishes priorities, timetables, and goals to achieve desired results)
- **DELEGATION:** (relying on others to perform tasks)
- **PROBLEM SOLVING/JUDGMENT:** (makes appropriate decisions after evaluating all available options)
- **FLEXIBILITY/ADAPTABILITY:** (ability to adjust to changes in the work environment)
- **INITIATIVE:** (recognizes what needs to be done and does it without prompting)
- **ACCOUNTABILITY:** (taking responsibility for performance)

**C. Report, discussion and possible action regarding Awards and Recognition Program**



Assistant Director Louis Gonzales and Major Joy – We wanted to put together a more consistent awards program to recognize the achievements of our uniformed personal. We have added two new awards: “Divisions Chief Award” and the “Missing and Exploited Children Award”. We will move years of service to this ribbon type awards, and we will allow a total of 6 awards on the current uniform at any given time. We are considering a more formal “Dress” uniform, and will explore allowing more awards to be worn on that dress uniform. The ribbon awards will be arranged in the order of importance, and

similar to military protocol: most important closest to the heart (middle) and on the top.

Director Steve McCraw asked the Commission for formal approval to move forward with the new award recognition system. A motion was made by Commissioner Steen and seconded by Commissioner Brown to approve the recommendation as presented.

Passed Unanimously.

**Department Director's Awards**  
Awarded through Chain of Command by the Director

Current Award Bars		Proposed Award Bars
	Medal of Valor	
(No current bar)	Star of Texas Award	
	Purple Heart	 (No change)
	Director's Citation	 (No change in color)
	Medal of Merit	
	Lifesaving Award	
	Veteran's National Defense Service Award	 (No change)
(No current bar)	William P. Clements Leadership Award	

**Proposed New Assistant Director Award Bars**  
Awarded through Chain of Command by the Assistant Director

 Trooper of the Year Award

**Trooper of the Year** awarded to one male and one female trooper each year that wins the Javier Arana Jr. Top Trooper Competition.

 Division Chief's Award

**Division Chief's Award** awarded by the Assistant Director for a significant accomplishment during the performance of duty.

**Proposed New Regional Award Bars**  
Awarded through Chain of Command by the Major and Regional Commander

	Investigation Excellence Award		Traffic Enforcement Award
	Missing and Exploited Children Award		Fleet Safety Award
	Fitness Award		Marksmanship Award
	Law Enforcement Training Award		Community Service Award

*(In blue background with gold letters)*

**Proposed Recognition Bars**  
Approved through Chain of Command by the Service Commander

 **Years of Service Bar**  
(shown in 5 year increments)

**Leadership Development Completion**  
Deployed after completing a command staff school such as the FBI Academy, Northeastern University Command School, Southern Police Institute Command School, etc.

**Degree Bars**  
(Highest Degree earned displayed)  
(Unique, specifically requested)

- Associate Degree
- Bachelor Degree
- Master Degree
- Doctorate Degree

*(Unique, specifically requested)*

**Proposed Group Membership Bars**  
Approved through Chain of Command by the Service Commander





- D.** Report, discussion and possible action on proposed amendment to School Bus Safety Standards Rule for publication to receive public comment: Rule 14.52, 37 TAC Sec. 14.52, concerning School Bus Safety Standards

*Assistant Director Luis Gonzalez- Asked to publish the rule regarding school bus markings to the Texas Register for comment.*

*Motion by Comm. Polunsky, and seconded by Comm. Steen. Passed with 4 votes, with Comm. Brown out of the room.*

- E.** Report, discussion and possible action on proposed reorganization of Chapter 36, Metals Registration for publication to receive public comment, including: amendments to Rules 36.1 – 36.7, 36.9 – 36.14, 36.17, and 36.18, 37 TAC Secs. 36.1 – 36.7, 36.9 – 36.14, 36.17, and 36.18, repeal of Rules 36.15, 36.16, 36.19 – 36.21, 37 TAC Secs. 36.15, 36.16, 36.19 – 36.21, and new Rules 36.15, 36.16, 36.19 - 36.24, 37 TAC Secs. 36.15, 36.16, 36.19 – 36.24

*Assistant Director RenEarl Bowie, Regulatory Services Division - adjustments and removal of rules proposing to post to the Texas Register. Motion was made and seconded.*

*Passed unanimously.*

- F.** Report, discussion and possible action on proposed reorganization of Chapter 28, DNA, CODIS, Forensic Analysis, and Crime Laboratories, Subchapters K – M, for publication to receive public comment, including: repeal of Rules 28.181 – 28.185, and 28.191, 37 TAC Secs. 28.181 – 28.185, and 28.191, and new Rules 28.181 – 28.183, 28.191 – 28.194, and 28.201, 37 TAC Secs. 28.181 – 28.183, 28.191 – 28.194, and 28.201, concerning Biological Evidence

*Assistant Director Skyler Hearn – asked to have new rules posted to the Texas Register for public scrutiny and comment. Motion by Comm. Steen and seconded by Comm. Brown.*

*Passed unanimously.*

- G.** Report on potential land acquisition in El Paso - Executive Session

*Did not hear this discussed.*

## **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

*Chair Leon adjourned the meeting to executive session at 11:04 am.*

*Reconvened, 1:20 pm.*

## **VII. ONGOING BUSINESS**

Reports, discussion and possible action regarding the following:

- A.** 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

*Did not hear this discussed.*

- B.** 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

*Did not discuss.*

**C.** Report, discussion and possible action on the Fiscal Year 2012 Operating Budget  
*Assistant Director Denise Hudson – CFO Accounting – We ended the month of August with \$28 million in the budget, but this will still be adjusted as final reviews and payments are made.*

**D.** Report, discussion and possible action regarding purchases using seized funds  
*Assistant Director Denise Hudson – CFO Accounting – Did not hear any specifics for usage.*

- E.** Report, discussion and possible action regarding discharge appeal hearing process and scheduling

*General Counsel Philip Adkins – The PSC had scheduled 4 hearings for yesterday, October 18, 2012. Two appeals were settled before the hearing, one discharge was upheld by the Commission and one discharge was reversed.*

- F.** Report, discussion and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor's Office. Updates regarding status of recent CAO activity

*Assistant Director Steve Goodson – Audit and Inspections*

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

*Deputy Assistant Director Frank Woodson, Education and Training - (I was not on hand for this report and did not get the update).*

- H.** Report, discussion and possible action on Driver License monthly updates

*Assistant Director Rebecca Davio, Drivers License Division – We have made significant headway in reducing the wait times around the state, and I am very proud of that. There is still significant work to do to get where we ultimately want to be.*

*As for the 6 mega-centers, AD Davio reported that the media day has been scheduled for Monday, October 29, 2012, beginning at 9:00 for the Pflugerville mega-center.*

*Chairwoman Steen asked that the PSC be notified regarding all of the mega-center openings. Comm. Polunsky asked that all regional and appropriate legislators and community leaders be invited to these media events for the openings whenever they occur.*

*All of the staff that make the mega-center work have been hired and are being trained and working in other DL offices, and ready to be transferred upon the opening.*

*Commissioner Polunsky suggested that they post signs at nearby DL offices when a new mega-center is opened to inform customers that they have an alternative if the wait time is too long at the current location. AD Davio agreed and will implement such a procedure.*

*Comm. Steen asked for and update on the new cuing system. AD Davio reported that it was up and running and they are receiving very positive feedback from the customers.*

- I. Review of pending contract/renewal/change order/awards from Contract Review Board
  - 1. Two donated Harley Motorcycles from Cowboy Motorsports of Austin for Region VII – Capitol Complex

*I'm afraid that I missed this report if it was made.*

## **VIII. REPORTS**

- A. Commission member reports and discussion

*No reports.*

- B. Finance Report

*Assistant Director Denise Hudson – CFO Accounting, was at the Capital with the director testifying.*

- C. Chief Auditors Office

*Assistant Director Steve Goodson, Audit and Inspections – provided an update on recently completed audits.*

- D. Division status reports on activities and action

*Chairwoman Leon asked if any of the Divisions had anything to add to their submitted reports. There was no response.*

## **IX. CONSENT ITEMS**

*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 Matthew Jackson
- B. Discussion and possible action on appointments of and renewals of Special Rangers and Special Texas Rangers pursuant to Government Code chapter 411, Secs. 411.023 & 411.024; Special Texas Ranger: Henry L. Whitman Jr.

*A motion was made and seconded to approve Consent Items A and B.*

*Approved unanimously.*

## **X. ITEMS FOR FUTURE AGENDA**

*None*

## **XI. DATE FOR FUTURE MEETINGS**

*The Public Safety Commission will not meet in November. The next meeting of the Public Safety Commission is scheduled for December 10, 2012 with a Discharge Appeals Hearing scheduled for December 11, 2012.*



## **XII. ADJOURN**

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.

*A motion was made and seconded to adjourn.*

*Chairman Leon adjourned the meeting at 2:20 pm.*

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