



Public Safety Commission Meeting

December 12, 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

9:00 – 9:05 a.m.

9:04 am – Chairwoman Cynthia Leon called the meeting to order. In attendance: Chairwoman Cindy Leon, Commissioners Carin Barth, and Ada Brown. Commissioner Alan Polunsky was not in attendance. Also present were Director Steve McCraw, Deputy Director David Baker, Deputy Director Cheryl MacBride, and General Counsel Phil Adkins.

II. APPROVAL OF MINUTES

9:05 – 9:10 a.m.

Motion made by Commissioner Barth, and seconded by Commissioner Brown, to approve the Minutes from the October 19, 2012 PSC 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 – 10:15 a.m.

A. Presentations

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

Captain Walt Goodson announced the following awards.

AUSTIN – The Texas Public Safety Commission (PSC) and the Department of Public Safety (DPS) Director Steven McCraw today honored recently appointed Texas Secretary of State John Steen for his service on the Public Safety Commission, two Killeen Police Department officers for foiling an attempt to kill Fort Hood soldiers, and two DPS officers who helped arrest a suspect wanted for an Alaska murder.



“Commissioner Steen’s dedicated service on the Texas Public Safety Commission the last four years supporting the department’s mission and goals has been invaluable, and today’s recognition is just a small token of our appreciation,” said Director McCraw.

“The Public Safety Commission greatly benefitted from Commissioner Steen's service to the people of Texas and to his commitment to the DPS. His presence will certainly be missed, but he will continue to serve the citizens of Texas in his new position as Texas Secretary of State,” said PSC Chair Cynthia Leon.



Steen received a flag flown over the Texas State Capitol and was made an honorary Texas Ranger Captain. He was also presented with a DPS flag that was carried aboard a DPS aircraft, on a DPS patrol boat and in a Highway Patrol car.

Also today, Killeen Police Department Lt. Patrick Boone and Sgt. Richard Eric Bradley were presented *Director’s Awards* for their efforts in the investigation and ultimate conviction of an AWOL Army soldier in a 2011 bomb plot. A call from a local gun store about a patron acting strangely as he paid cash for six

pounds of black powder and a high capacity pistol magazine started a fast-moving investigation that led to the arrest of an AWOL Army soldier from Kentucky. Killeen police, with the assistance of the FBI, found bomb construction in progress after a search warrant was executed at a local hotel. A nationwide investigation was launched that led to the conviction of Naser Jason Abdo in a Waco federal court in May of 2012. The attack was planned at a restaurant frequented by Fort Hood soldiers.



“This is our way of saying thank you on behalf of the DPS, the law enforcement community and the state of Texas to two officers who averted an evil, cowardly plot to murder Fort Hood soldiers,” said Director McCraw. “Lt. Boone and Sgt. Bradley brought distinction on themselves and the Killeen Police Department in saving lives and bringing the suspect to justice.”

DPS also received a special letter of recognition from the Chief of the Anchorage Police Department for the arrest of a suspect in the kidnapping and murder of Samantha Koenig. Corporal Bryan Henry and Texas Ranger Steven Rayburn were specifically recognized for their efforts. After his arrest in Lufkin in March of 2012, Israel Keyes allegedly confessed to a variety of crimes. However, he died in an apparent suicide earlier this month in Alaska while awaiting trial for the Samantha Koenig case.



B. Senate Bill 197 Response

Director Steve McCraw – We testified in support of a single sticker model for Motor Vehicle Registration and Inspection that would save millions in sticker costs and also reduce sticker fraud. This would also be an advantage to the consumer. We feel that it would also increase compliance. Deputy Director

MacBride stated that despite some cost to adjust the system, there would be a net savings in costs with only one sticker.

V. NEW BUSINESS

10:15 – 11:15 a.m.

A. Report, discussion and potential action regarding the Department's Cardiopulmonary Resuscitation (CPR) and Automatic External Defibrillator (AED) Programs

Assistant Director Nim Kidd – Department of Emergency Management, introduced Dr. Brian Hinchey, DPS Medical Director. AD Kimm told the Commissioners and attendees at the meeting that they were going to give a 10 minute training session on Cardio Pulmonary Resuscitation (CPR). AD Kidd explained that there are 1.5 million incidents of heart attacks in the US each year, resulting in 500,000 deaths. Sudden death incidents are more common in women than in men. Only 31% of women know that cardio/vascular death is the most common cause of death among women. The taking of plaque busting medication, or even common aspirin in a timely fashion can help significantly. 88% of cardiac arrests happen at home. The most incidents are reported as happening on Monday mornings, second most common time is Saturday evenings. All EMT's are authorized to perform their duties under the licensure of a physician.

The essentials of the 10 minute CPR Training are: Check, Call, and Compress.

Check for signs of life. "Are you OK". No response, no breathing, no pulse = no signs of life.

Call – "YOU, CALL 911" – be specific.

Compress – significant force with hands together. If you are not cracking ribs or cartilage, you're not doing it right. The tempo of the compressions is roughly the same as the Bee Gee's tune "Staying Alive" from Saturday Night Fever.

They also gave a demonstration and explanation of procedures for use of AED.

All DPS employees will be trained, and re-trained annually in CPR and AED.

B. Report and discussion on public safety communications interoperability process

Assistant Director Skyler Hearne and DAD Todd Early – We often face competing with the public for bandwidth when communicating. We are calling for a private public safety network. This system will put so many tools in the hands of our officers and first responders. It will greatly enhance our capabilities. We have been partnered with Harris County, and we are the only agency in the nation to have this system built out and authorized. "First Net" – First Responder Network, will provide a much faster dedicated network for first responders, and will give us the ability to access information on our handhelds. When will this be implemented? It will be 2-4 years before it goes nation-wide. Once deployed it will be the 5th largest network in the U.S.

Funding will come from \$7 billion authorized by legislation that has already pass, with several requirements that must be met. Over the last 18 months, we have submitted over 70 documents to the FCC and therefore are the first to be authorized to move forward, initially in the Houston area. We were able to partially fund this through security grants. The primary funding comes through a FEMA grant.

Chairman Leon asked if Commissioner Barth could be invited to a demonstration of the network when available. DAD Early promised that he would make that happen.

C. Report, discussion and possible action regarding Public Safety Commission meeting schedule for 2013 and ongoing

Chairman Cynthia Leon – I have taken an interest in how the PSC Meetings are scheduled, and it was my idea to skip the November meeting, rather than hold a meeting within two weeks of the October meeting. I would like to consider moving meetings to every other month, barring

special needs for a more frequent meeting. We could continue to have the discharge hearings with multiple hearings scheduled per day, and once we get fully caught up, we could perhaps schedule those quarterly. We expect to have someone appointed by the end of the year by the Governor to take Commissioner Steen's place on the Commission. We would also like to that person to weigh in on this proposal.

Commissioner Ada Brown agreed that monthly meetings may not be necessary, and stated that she is sensitive to the time that it takes for Assistant Directors and staff to prepare for each of the meetings.

Commissioner Barth agreed that monthly meetings may not be necessary and that she was open to going to an alternate month schedule for the PSC Meetings. I would like to reserve my final decision on the proposal until I see what information is forthcoming in the interim between meetings. If the information delivery is adequate and quality, I would not be opposed to moving to the new schedule. There is too much information to be digested in a short period of time before a meeting, but if we can review items as an ongoing routine, it could work.

Director McCraw asked General Counsel Phil Adkins if there was anything that would prohibit such a flow of information to the Commissioners and he responded that a system and structure could be put in place and perhaps personalized to the individual Commissioners. Chairman Leon asked if Commissioner Barth would be willing to work with Phil Adkins to set up such a chain of communication. Commissioner Brown suggested perhaps a "Web-Ex" online briefing, that would allow the view of documents.

Gen. Counsel Adkins reminded the Commissioners about some limitations related to open meetings would have to be followed, but no decisions or votes could be made, and for the most part, all information disseminated would be public information (with the exception of items that would have to be discussed in an Executive Session. GC Adkins said that he would work with Comm. Barth to prepare an agenda item for discussion at the next PSC meeting.

D. Report, discussion and possible action on Equal Employment Opportunity compliance/refresher training

Major Rhonda Fleming – Twice a year the Commission has asked for an update on our EEO compliance. Everyone has been through the EEO training twice. We have had 158 allegations, and of those, 59 allegations have been sustained:

1 discrimination

1 sexual harassment

95 allegations had no Section 18.25 violations involved.

Department policy dictates how long investigations should take, currently 31-34 days. Ours are currently averaging 39 days.

One of the delays is the time for AD's to respond to the reports. Director McCraw said that this issue will be taken care of. The commission asked for a 90 day follow-up report to see if the AD delay has been corrected, or to determine what is the problem and how can it be fixed. We would also consider looking at the policy to see if it needs to be adjusted. Col.

McCraw stated that there will have to be a method to file an exception to the policy to allow additional time in certain situations.

The report will contain two analysis and recommendations for action. It is up to the AD to recommend the appropriate disciplinary action. GC Adkins said that when it is a termination case, the AD would be expected to review the entire file. Comm. Brown suggested perhaps a sliding scale of time might be appropriate depending on the severity of the charge. Comm. Brown asked if there was a waiver process currently. Major Fleming said that there was nothing in place currently.

- E.** Report, discussion and possible action on proposed new Driver License Rule for publication to receive public comment: Rule 15.171, 37 TAC Sec. 15.171, concerning Identifying Documents for Offenders/Memorandum of Understanding

Assistant Director Rebecca Davio – Adopt a Memorandum of Understanding (MOU) for a ID Card for Inmates.

Moved by Comm. Brown, Seconded by Comm. Barth.

Passed Unanimously.

- F.** Report, discussion and possible action on proposed reorganization of Chapter 23, Vehicle Inspection for publication to receive public comment, including: repeal of Rules 23.1 – 23.15, 23.18, 23.19, 23.21 – 23.29, 23.41, 23.42, 23.51 – 23.53, 23.61, 23.62, 23.71 – 23.81, and 23.93 – 23.97, 37 TAC Secs. 23.1 – 23.15, 23.18, 23.19, 23.21 – 23.29, 23.41, 23.42, 23.51 – 23.53, 23.61, 23.62, 23.71 – 23.81, and 23.93 – 23.97 and new Rules 23.1 – 23.6, 23.11 – 23.14, 23.21 – 23.30, 23.41, 23.42, 23.51 – 23.58, 23.61, and 23.62, 37 TAC Secs. 23.1 – 23.6, 23.11 – 23.14, 23.21 – 23.30, 23.41, 23.42, 23.51 – 23.58, 23.61, and 23.62

Assistant Director RenEarl Bowie – Regulatory Services is requesting replacing several rules relating to facilities, conduct and procedures. These changes have been reviewed and approved.

Moved by Comm. Brown, Seconded by Comm. Barth.

Passed Unanimously.

- G.** Report and discussion regarding ongoing investigation related to October 25, 2012 use of force in Hidalgo County (Executive Session expected)

Discussed in executive session.

- H.** Report, discussion and possible action regarding assessment of Capitol Complex security (Executive Session expected)

Discussed in executive session.

- I.** Report, discussion and possible action regarding land requisition for El Paso and San Antonio regional headquarters and crime lab (Executive Session expected)

Discussed in executive session.

VI. ADJOURN INTO EXECUTIVE SESSION

11:15 a.m. – 1:15 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 11:09 am.

Reconvened, 1:47 pm.

VII. ONGOING BUSINESS

1:15 – 2:00 p.m.

Reports, discussion and possible action regarding the following:

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

Assistant Director Rebecca Davio – Drivers License Division – presented slides showing an average reduction in wait times across the state of 20% in October and 32% for November. Chairman Leon asked what the reductions could be attributed to, and AD Davio responded that it was primarily due to the increase in staffing. The staffing for the mega centers has been hired and trained and are currently serving in field DL offices until the mega centers open up.

AD Davio also reported that a brand new manager came up with a suggestion to delay the driver exams and other longer processing procedures should be delayed for one hour at the beginning of the day, thereby allowing the quicker processes to be cleared out efficiently, and keeps the centers from being backed up for the rest of the day.

AD Davio went on to discuss the openings of the Mega Centers. Pflugerville Mega Center is now open and operating at a very high level of efficiency. We are working to get the word out to the community that the center is now available with little or no wait times. In November, the Center handled 500+ customers per day. The Garland office will be opening soon, and Fort Worth is scheduled to open in January. See the customer 5 Star rating and comment from YELP.

Commissioner Brown thanked AD Davio for her hard work and accomplishments.

B. Report, discussion and possible action on the Annual Year 2013 Operating Budget

Assistant Director Denise Hudson – CFO Accounting –

Gas prices are working in our favor for now.

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

Assistant Director Denise Hudson – CFO Accounting –

D. 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 –

E. Update report, discussion and possible action regarding recruitment

Deputy Assistant Director Frank Woodall – We have 74 recruits in next Wednesday's B-12 graduating class. As of this morning we have 109 applicants who are class ready, and have 16 more that are awaiting medical and psychological tests. We have 23 awaiting interviews. We can handle as many of 183 (or as many as we can get). We intend to lengthen the school to 28 weeks due to the 120-130 recruits in the class and additional time that the firearm and driving training will take.

We currently have 900 in the recruiting pipeline.

- F.** 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

Director Steve McCraw – None.

- G.** 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

Director Steve McCraw – None.

VIII. REPORTS

2:00 – 2:15 p.m.

- A.** Commission member reports and discussion

No reports.

- B.** Finance Report

Assistant Director Denise Hudson – CFO Accounting – Nothing to add.

- C.** Chief Auditors Office

Assistant Director Steve Goodson, Audit and Inspections – Nothing to add.

- 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.

Commissioner Barth asked AD Wayne Mueller to provide an update on the outstanding FEMA funded contracts involving Homeland Security. AD Nim Kidd joined him.

Nothing further to add to provided reports.

IX. CONSENT ITEMS

2:15 – 2:20 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 employees.

Are there any items that need to be discussed further.

Motion made by Commissioner Brown, and seconded by Commissioner Barth.

Passed unanimously.

X. ITEMS FOR FUTURE AGENDA

2:20 – 2:30 p.m.

Commissioner Brown noted that the General Manual is woefully out of date, so I would ask Amanda Ariaga to provide an updated report.

Happy holidays, and thank you to everyone in the Department for their hard work and commitment.

XI. DATE FOR FUTURE MEETINGS

2:30 – 2:35 p.m.

None listed.

XII. ADJOURN

2:35 – 2:45 p.m.

A motion was made and seconded to adjourn.

Chairman Leon adjourned the meeting at 2:25 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

