



## Public Safety Commission Meeting

March 24, 2011, 10:30 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

*10:37 am - Chairman Polunsky called the meeting to order. In attendance: Chairman Allan Polunsky, Commissioners Ada Brown, John Steen, and Cynthia Leon. Commissioner Carin Barth was not in attendance. Also present were Director Steve McCraw, Dep. Director Lamar Beckworth, Deputy Director Cheryl McBride, Chief of Staff Duke Bodisch, and General Counsel Phil Adkins.*



#### II. APPROVAL OF MINUTES

*Motion made by Commissioner Steen, and seconded by Commissioner Leon, to approve the Minutes. Approved unanimously.*

**III. PUBLIC COMMENT** (members of the public wishing to address the Commission are subject to a time limit of 5 minutes and must complete a Public Comment Registration Card located at the entry)



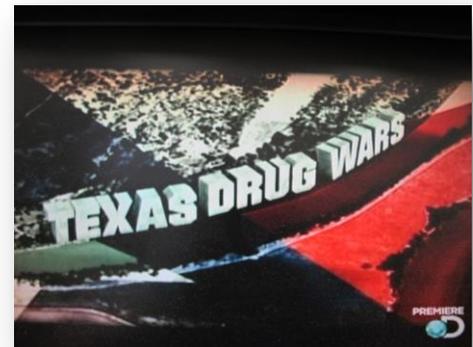
*Commissioner Ada Brown asked Sgt. Derek Prestridge to provide an overview of “Interdiction for the Protection of Children” program that he helped to develop and implement at the Department, and has recently received an award. Sgt. Prestridge explained that there are two main areas to the program: 1 Prevention; and 2 Investigation and Recovery. He noted that it is a very new program for the Department and in 2008, before the program was implemented, there were 57,000 children reported missing; during that year, DPS stopped over 3 million cars on Texas highways and recovered 1,812 stolen vehicles, but no missing children. Sgt. Prestridge went on to explain that the program has proven very effective and he noted several success stories.*

*No other comments from the Public.  
(File photo of Sgt. Prestridge)*

**IV. DIRECTOR’S REPORT**

*Director Steve McCraw – Stated by stating that the Dept. got permission from the Discovery Channel to distribute 181 copies of the “Texas Drug Wars” program that aired last week to all of the members of the Texas Legislature. He showed part of the video for the Commission and the audience. This is arguably the most significant threat to the nation at this time.*

*Col. McCraw introduced the Regional Commanders that were present: Region 4, Skyler Hearn, El Paso; Region 5, Billy Fulton, Lubbock; and Capitol Region, Joe Ortiz, Austin.*



*Director McCraw went on to discuss a review underway of Best Practices and the Department Policies. There are currently 3,502 pages of policy at the Department, with 876 currently available electronically. We’ve contracted with a private company, which has worked with other agencies including the Department of Justice, to review the policies and expect to have a report for the Commission at the next PSC Meeting.*

*There is a lot that needs to be covered by policy including use of force, emergency vehicle operation/pursuit, ethics, etc. We list at least 15 areas to be addressed. I don’t know if we will reduce the overall number of pages for our policies, but such a review is extremely important and critical to insuring that we are current, and do not have conflicting or outdated policies still on the books.*

*Commissioner Steen asked Director McCraw how the price of gasoline has affected the Department and how the affects are being mitigated. Director McCraw responded that when you are being reimbursed by the state at a rate of \$1.50 per gallon and the price of gas is rising rapidly, of course the Department is fiscally affected. Denise Hudson, Chief Financial Officer, added that the state gasoline procurement cards that the troopers use are contracted at a discount and the average amount paid is currently \$2.55 per gallon. DPS purchases gasoline in bulk for about 20-25 facilities around the state that have takes that can hold up to 700,000 gallons, at a negotiated discounted rate that saves \$.20 - \$.25 per gallon. The DPS uses about 6 million gallons of gas per year, and we are currently about half way through the fiscal year, so we will need about another 3 million gallons. The only way we have to mitigate the usage is to reduce the number of miles on patrol, which affects our ability to do pro-active patrols. We have to switch to a more reactive mode of operation.*

*Chairman Polunsky asked if the Department has considered offsetting some of the increases by purchasing gas on*

*the Commodities Market. Deputy Director Cheryl McBride said that she didn't think that that had been considered, and felt that it would require statutory authority from the Legislature to invest in the market, but that she would be happy to look into it.*

*Comm. Leon asked if any thought had been given to more fuel efficient vehicles. DD McBride replied that they have already purchased some hybrid vehicles on the Administrative side, but that such vehicles are impractical for the Law Enforcement side of the Department.*

## **V. NEW BUSINESS**

### **A. Report, discussion and possible action on the renewal of the DPS Office of Inspector General Hotline**

*Chairman Polunsky – called Inspector General Stuart Platt, and Deputy Inspector General Kent Radney – The cost is \$22,500 to renew the contract for the Hotline which is below the threshold that requires Commission approval. The Commission called for this hotline so IG Platt asked to add this issue to the agenda for discussion. So far, the hotline hasn't brought out many incidents of merit. We get a lot of matters dealing with issues that are not appropriate for this hotline, such as traffic tickets, rude officers, etc. IG Platt recommends not renewing the hotline. Avenues to report tips are still available through the website. Commissioner Steen showed concern that the DPS is losing an avenue to hear about issues of concern.*

*The Commission deferred to AG Platt's recommendation with some discussion about access.*

### **B. Discussion and possible action on the revised audit charter**

*Assistant Director Steve Goodson – changes name to Chief Auditor Department, and brings us to a professional auditing department.*

*Moved to approve by Brown, 2<sup>nd</sup> by Steen. Approved unanimously.*

*Comm. Steen asked AD Goodson about the Audit done for the Governor's Office regarding Hurricane Ike related expenditures. There were \$11 million in expenditures that were not supported by documentation. We were able to provide an audit (without having to use an outside auditor), and address the omissions.*

*The Commission and the Director thanked AD Goodson for bring professional audit capabilities to the Department.*

### **C. Report, discussion and possible action regarding proposed amendments to Rule 15.25, 37 TAC Sec. 15.25, concerning the review of residential addresses for state-issued driver licenses and identification cards**

*Assistant Director Rebecca Davio – This rule will allow us to verify and audit the information provided to us when applying for a driver's license. We do not have the exact cost for this service at this time, but it is included in the budget. Since this is to just publish the proposal in the Texas Register and does not obligate the Department, a motion was made and seconded. The motion passed with Commissioner Steen voting "NO", with the explanation that he was making a point that proposals for action before the Commission should always have an estimate of cost. Chairman Polunsky said that he was very much in favor of this verification process and that he felt that it is very necessary to tighten up the system.*

### **D. Report, discussion and possible action on revisions to the PSC Contract Review Policy**

*Assistant Director Valerie Fulmer - Our Contract Review Policy has been in place for a little over a year now. AD Fulmer recommended four revisions to the policy including even renewal provisions that exceed the threshold for review by the PSC, would be presented for approval by the PSC. These revisions were discussed with Comm. Barth and she was in agreement. Motion by Steen to approve, second by Brown. Passed Unanimously.*

- E. Review of pending contract renewals/change order/award
  - a. Texas On-Road Vehicle Emissions Testing (TORVET) Program – extension (Environmental Systems Products)
  - b. Texas On-Road Vehicle Emissions Testing (TORVET) Program – renewal (Environmental Systems Products)

*AD Fulmer said that this is an informational item, no action required. The Commission had no question. Chairman Polunsky asked that AD Fulmer report back to the PSC if Comm. Barth raises any questions or objections.*

**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 12:01 pm.  
Reconvened at 3:42 pm.*

**VII. ONGOING BUSINESS**

Reports, discussion and possible action regarding the following:

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

*Commissioner Ada Brown – the Committee is still researching and compiling information and hope to have a report soon.*

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

*Director McCraw asked that Hank Whitman be confirmed as the Assistant Director over the Texas Rangers Division. Motion made and seconded. Passed unanimously. Hired by DPS in 1990, 5 ½ years in HP, 5 yrs. as an Agent. AD Whitman holds a Masters degree in Administration.*



- C. Report, discussion, and possible action by the Commission regarding modification and transformation of the DPS organizational structure approval of personnel placements and salaries pursuant to Government Code chapter 411, Secs. 411.005, 411.006 and 411.0071

*Not discussed.*

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

*Nothing to report at this time.*

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

*Nothing to report at this time.*

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

*Assistant Director Hudson – we are getting additional information with some projections to give us a better picture going forward. We anticipate having \$17.5 million. With needed expenditures (including fuel increase), we should have about \$7.5 million or 1.5% of the budget remaining at the end of the fiscal year.*

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

*Deferred to later meeting.*

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

*Deputy Assistant Director Frank Woodall – We currently have 222 pending application and based on past experience that should result in 60-80 entering the Academy. We are going to Fort Bragg to recruit which has proven successful in the past. We are currently housing the A-11 Recruit Class at the Academy and will continue to do so until we are told that we can't.*

**I. Report, discussion and possible action on costs of incinerator burning and options to include DPS reimbursement**

*Assistant Director Mike Simpson – Law Enforcement Support – Also introduced Pat Johnson, Deputy Assistant Director of the Crime Lab. He discussed the incineration of marijuana and the arduous task of removing the plastic wrapping. Since we incinerate for other law enforcement agencies including ICE and Dept. of Homeland Security, we are looking into charging a servicing fee to handle material from other agencies. We have been offered \$.20 per lb. We would potentially take in about 400,000 at \$.20 /lb. would bring in about \$80,000 but it would take approximately 3 FTE's to take off the wrap resulting in approximately \$170,000 cost. We will keep the door open, but do not feel that it is practical at this time.*

**J. Report, discussion and possible action regarding Continuance Plan at the Department of Public Safety**

*Should have a report for the next PSC Meeting.*

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

*Not discussed, however Chairman Polunsky did mention later in the meeting that former Commissioner Tom Clowe would be heading up the Foundation.*

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

*Deferred to later meeting.*

**M. Follow up report, discussion and possible action on TxDOT median dividers and effectiveness in deterring vehicles crossing over and law enforcement turn around areas**

*Deputy Assistant Director John Madden, Highway Patrol. Chief Baker is currently in Washington, DC. 52 of the over 256 cut outs have been completed. We have met with TxDOT and they have agreed to work with DPS to determine the best location for these cut-throughs. The cost to add a cutout is approximately \$20,000. Every two miles is the recommendation. One TxDOT engineer in the Garland Region was not willing to put the cut-throughs in already construct barriers.*

**N. Follow-up report, discussion and possible action regarding the adoption of proposed amendments to Private Security Rules: 35.46, 37 TAC Sec. 35.46, concerning Guidelines for Disqualifying Convictions; Rule 35.93, 37 TAC Sec. 35.93, concerning Penalty Range; Rule 35.142, 37 TAC Sec. 35.142, concerning Application for a Security Officer Commission; Rule 35.181, 37 TAC Sec. 35.181, concerning Employment Requirements; Rule 35.186, 37 TAC Sec. 35.186, concerning Registration Applications; Rule 35.292, 37 TAC Sec. 35.292, concerning Requirements for Continuing Education**

## Courses

*(Chairman Allan Polunsky had to leave the meeting, and Comm. Brown assumed the Chair)*

*Assistant Director Renearl Bowie – Licensing and Regulatory - & Commissioner Brown. 5 of the rule changes are general housekeeping. Others would make it easier to disqualify potential applications by persons convicted of violent crimes. Moved for adoption by Comm. Ada Brown, and Seconded by Comm. Cindy Leon. Approved unanimously.*

- O.** Report, discussion and possible action regarding the adoption of proposed new Rule 15.49, 37 TAC Sec. 15.49, concerning the requirement of proof of domicile before the issuance of a non-commercial driver license or identification certificate

*AD Rebecca Davio – Drivers License Division – this rule was first proposed in January, and we have received no comments. Asking for final adoption. Motion by Comm. Steen and Seconded by Comm. Brown. Approved unanimously, with Chairman Steen abstaining (out of the room).*

- P.** Report, discussion and possible action regarding the adoption of proposed new Rule 16.15, 37 TAC Sec. 16.15, concerning the requirement of proof of domicile before the issuance of a commercial driver license

*AD Rebecca Davio – Drivers License Division – this rule was first proposed in January, and we have received no comments. Asking for final adoption. Motion by Comm. Steen and Seconded by Comm. Leon. Approved unanimously, with Chairman Steen abstaining (out of the room).*

- Q.** Report, discussion and possible action regarding the adoption of proposed amendments to Rule 15.163, 37 TAC Sec. 15.163, concerning the removal of the inclusion of future surcharges in the Amnesty and Indigency Programs

*AD Rebecca Davio – Drivers License Division – this rule was first proposed in January, it will exclude years subsequent to a certain date. Comm. Brown pointed out some discrepancies in the text and deferred action until AD Davio could look into them and reconcile the language.*

## VIII. REPORTS

- A.** Commission member reports and discussion

*None.*

- B.** Finance Report

*Nothing further to report from any of the Divisions*

- C.** Audit & Inspection Report

*Chairman Polunsky*

- D.** Division status reports on activities and action

*Nothing further to report from any of the Divisions*

*Comm. Brown – wanted to give AD Tom Ruocco kudos for the good work being reported by CID, particularly in the area of witness intimidation and violent sex offenders.*

*Drivers License – AD Davio – had estimates of cost to implement the address verification - \$600,000 to implement and about \$4,000 per 1 million addresses verified. We hope to get a better price.*

*Comm. Brown – called AD Whitman to come down to give kudos to the Rangers for excellent reporting.*

*Chairman Polunsky returns.*

## **IX. CONSENT ITEMS**

- A.** 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 Rangers: Robert R. Lindley, Ronald K. Stone, Jr.; and Special Texas Ranger:  
Thomas E. Ratliff

*Chairman Polunsky asked if there were any discussion on the consent items. There was none.*

- B.** Discussion and possible action approving a cargo trailer donation by HEB to be given to the Texas Ranger Association Foundation (TRAF) who will donate the trailer to Company "D" Texas Rangers for crime scene investigation, mobile command post and training purposes. Value of the trailer is approximately \$14,577.50.

*Chairman Polunsky asked for a motion on A. & B. Motions were made and the items passed unanimously.*



- C.** Discussion and possible action on appointments by the Public Safety Commission of  
Honorary Texas Ranger Captain – Commissioner C. Tom Clowe  
*Motion made by Comm. Steen and seconded by Comm. Brown. Passed unanimously.*

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

*Chairman Polunsky asked for suggested items for future meetings.*

*None*

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

*Normal Scheduled date is April 21, 2011. This hopefully be in conjunction with the naming of the State Operations Center in the name of Jack Colley. AD Nim Kidd asked that the Operations Center dedication be moved back until May.*

*April 21, 2011 – Next PSC Meeting.*

## **XII. ADJOURN**

*Chairman Polunsky adjourned the meeting at 4:47 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.

