



Public Safety Commission Meeting
December 13, 2011, 9:00 a.m.
Criminal Law Enforcement Auditorium
6100 Guadalupe, Bldg E
Austin, TX 78752

Summary

(This report represents a summary of events of the meeting,
and is not necessarily complete nor an exact transcript of testimony.)

The Public Safety Commission convened as posted to consider and take formal action, if necessary, on the following agenda items:

I. CALL TO ORDER

9:10 am - Chairman Polunsky called the meeting to order. In attendance: Chairman Allan Polunsky, Commissioners Carin Barth, John Steen and Cynthia Leon. Commissioner Ada Brown was not in attendance. Also present were Director Steve McCraw, Deputy Director David Baker, Deputy Director Cheryl McBride, and General Counsel Phil Adkins.



II. APPROVAL OF MINUTES

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

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

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

IV. DIRECTORS REPORT

Director Steve McCraw – DPS is bringing a business model to licensing, regulatory and auditing. In 2011 DPS processed:

- *515,681 Concealed Handgun licenses*
- *96,352 Prescription Drug licenses*
- *4,051 Private Security Company licenses*
- *89,821 Private Security Inspector licenses*
- *4,051 Motor Vehicle Inspection Business licenses*
- *89,821 Motor Vehicle Inspector licenses*
- *429 Metal Recycling Owner licenses*
- *759 Metal Recycling Business Certificates*

Chairman Polunsky asked if fees distributed to DPS from CHL licensing is capped. Deputy Director Cheryl McBride responded that stated that the fees are capped and that DPS receives more once 99,000+ licenses have been processed. CHL fees generated \$7 million per year for DPS while the total collected was \$30-\$40 million. Chairman Polunsky noted that the legislature is the first to complain about a backlog in CHL licensing while at the same time being responsible for underfunding the agency.

We are working to share services and operations. Some areas of improvement include:

- *RSD Process Improvement Team*
- *Electronic Fingerprints are replacing paper fingerprint cards*
- *Standardizing processes used across all Regulatory Services*
- *Implemented web-based application processes*

From January, 2010 to October, 2011:

- *CHL generated \$14.1 million*
- *MVI generated \$177 million*
- *Private Security licensing generated \$7 million*
- *Controlled Substances licensing generated \$3 million*
- *Inspected 884 Security Guards*
- *Conducted 983 critical investigations*
- *Made 266 misdemeanor arrests*
- *Had 97 felony arrests*
- *Recovered stolen property*

On the topic of Officer Safety:

- *Equipment:*
- *Training*
- *Doctrine/Policy*
- *Capabilities (Protecting the Public)*

Equipment:

- *Tactical Ensemble, including ballistic helmet, plate carrier, etc.*



- *Level II Retention Holder*
- *Mossberg shotguns (\$194,877.30 to replace the Remington)*
- *M4 Rifle – long range weapon of choice*
- *Tactical Shallow Water Interceptor Boats with armored plates and 6 - M60 machine guns mounted (6 boats ordered)*
- *Mobile CAD with mobile voice recognition*
- *Piloting mobile tablet computers*



Chairman Polunsky asked about the handheld electronic device that will enable troopers to access data car-side instead of having to return to their black and whites. Director McCraw said that he and Deputy Director Baker had looked into the equipment in Chicago that will use OCR to read a photo taken of a license plate, provide facial recognition, and take a magnetic swipe to collect data from their license. One advantage that was pointed out to us by a Major in the field is that at night, when a trooper goes back to his vehicle to run information, the light from the computer can cause a temporary blindness when he returns to the darkness, which is obviously a compromising situation.

Chairman Polunsky asked if there are funds available from outside of the agency to pay for these devices. Director McCraw stated that there are funds that can cover the costs of the applications/software, but not for the hardware. Chairman Polunsky asked what the cost for providing these devices to all of the troopers on the road would be and Col. McCraw stated that he didn't have that figure at this time. Chairman Polunsky asked if this was something that could be paid for using seized funds, and Col. McCraw responded "yes".

- *Tasers – operate with 5,000 volts at .004 amps (in comparison to household outlets which operate at 110 volts and 16 amps).*

Tasers were rolled out at DPS in March of 2011. 2,220 Tasers were issued. Since then we have had 116,148 arrests of which 249 required use of force:

- *With tasers, 26% resulted in injuries reported*
- *Without tasers, 58% resulted in injuries reported*

Of the 26 % of injuries reported from use of tasers:

- *6% of the injuries were to employees*
- *20% of the injuries were to the other party*

We have had only two complaints referred to the Office of Inspector General, with neither case involving a subject. We are evaluating the policy.

Commissioner John Steen stated that 16,000 law enforcement agencies in the U.S. are using tasers, approximately 50%. There are some studies that indicate that officers sometimes reach for and use tasers too

quickly. The first year of use is when the problem is particularly acute. He asked how the Department was training for use of the tasers.

Director McCraw reported that recruits and active troopers are trained extensively on the proper use of the taser, and train them not to develop over dependence on their use. When confronting resistance we have the option to use batons and wands, guns or tasers as tools to control the perpetrator. The taser is effective in controlling aggressive resistance with a low risk of injury. The taser has limitations, such as it is not accurate and therefore not very effective in pursuit situations. So far, we do not have any instances of improper use of tasers in the Department.

Commissioner Steen agreed that it is an effective tool, and he appreciates the proper use and training, however, he suggested that we revisit these reports in a year.

- *Emergency Vehicle Operation*
 - *We are offering reality based training using marking cartridges*
 - *Shooting vehicles to disable them*
 - *Pursuit scenarios with felony stop at the end (for recruits)*
 - *Shoot, move, communicate training (a change from stand and fire)*
 - *Advanced driver training*
 - *Pursuit scenario with interference vehicles*
 - *Emergency response course at night*
 - *Tire deflation*
 - *Skid correction*
 - *SUV training (knowing the Tahoe)*
 - *Off pavement recovery*
 - *Arrest & Control tactics*
 - *Fighting techniques (you can't tase everyone)*
 - *Emphasis on simple movements*
 - *Action vs. Reaction*
 - *Training in a logical manner, starting with standing, then takedown, then takedown avoidance, then ground fighting.*
 - *Trains based on principles for variations of individual situations.*
- *Doctrine & Policy*
 - *Mandatory seatbelt use*
 - *Moving toward mandatory vest use*
 - *Replacement policy and funding for vests*
 - *Replacement policy and funding for patrol vehicles (currently at 80k-100k miles)*
 - *Replacement policy and funding for aircraft*
- *Motorcycle Units*
 - *California has continually utilized motorcycles since 1929, and currently has over 800*
 - *20 other states are using motorcycles, with Texas joining the ranks with the fewest (3)*
 - *Motorcycles have high visibility during the day, and low visibility at night (we do not currently operate motorcycles at night)*
 - *Use:*
 - *Traffic enforcement*
 - *Traffic control*
 - *Ceremonial escorts*
 - *Our pilot motorcycle project runs through August 2012*
- *Capabilities*

- Altitude surveillance aircraft
 - Texas Rangers Special Operations Forces
 - Went from part time to full time
 - Explosive Ordinance Disposal (EOD)
 - Reconnaissance
 - SWAT – 22 personnel full time
 - Surplus Military Armored Transport Vehicles acquired through the government's 10-33 Program (free, but \$11,500 to refurbish)
 - 26 Ballistic helmets (\$13,000)
 - Level III Tactical Gear (\$46,678)
 - Lapua .338 Sniper Rifle (\$8,500)
 - Less than Lethal weapons (Bean bag launcher, teargas launcher)
 - Thermal night vision scope (\$18,000)
- Explosive Ordinance Disposal
 - Requires FBI training
 - Regional Special Response Teams (RST)
 - 60 personnel
 - 6-10 person teams
 - 1 team per Region



Commissioner Leon thanked the Colonel and asked him to provide a copy of his report to the Commission.

V. NEW BUSINESS

A. Semi-annual update report, discussion and possible action on EEO/Sexual Harassment

Major Rhonda Fleming – EEO office in May of 2011 began notifying permanent employees to take refresher course on sexual harassment and appropriate behavior policies. 1300 employees will get their 2 year refresher course reminders. We have had 146 allegations reported to the EEO office, and 41 were sustained, of which 36 were in the “Unprofessional Conduct” area (telling racially charged jokes, etc.). The large majority of allegations are dismissed.

The DPS EEO/Sexual Harassment online training programs have been so successful, that the Texas Ethics Commission has asked permission to use the program.

In response to Commissioner Leon’s question from the last meeting, Maj. Fleming responded the EEO office has been effective investigating these allegations outside of the OIG office, and the time is running about 30 days but will likely grow to 38 days or so as the caseload grows.

B. 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 – Texas leads the nation in disasters. We have 20 more disasters than any other state. We are still working audits over the last 10 years. We have a 900 audit backlog from Hurricane Ike, and in 2008 we completed 197, in 2009 we completed 106, and in 2010 we completed 533. With our current resources we can never get caught up. I recommend contracting out to external auditors.

Commissioner Barth asked who would be selecting these outside auditors. She stated that she is interested in making a substantial dent in this backlog and recommended working with a committee to have a list of vendors and some estimate costs and report back at the January PSC Meeting.

C. Report, discussion and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor's Office



Assistant Director Steve Goodson – Chairman Polunsky said that now would be an appropriate time to discuss areas that the Commissioners would like to see further audits on. Chairman Polunsky asked for an audit regarding all aspects of the Departments real estate transactions across the state. He asked the other Commissioners for input and if they had any other areas of interest for future audits. With no objection from the Commission, Chairman Polunsky asked AD Goodson to move forward with his request for a Real Estate Audit most expeditiously.

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 10:45 am.

Reconvened at 1:00 pm. Commissioner Barth has left the meeting, but a quorum is still present.

VII. ONGOING BUSINESS

Reports, discussion and possible action regarding the following:

- A.** Report, discussion and possible action regarding the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team
- B.** Report, discussion, and possible action by the Commission regarding modification and transformation of the DPS organizational structure approval of personnel placements and salaries pursuant to Government Code chapter 411, Secs. 411.005,

411.006 and 411.071

A & B – Chairman Polunsky asked Director McCraw to prepare for the Commission a report on the Operational Restructuring, reviewing the successes and the failures, and to provide any recommendations that he has.

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

Discussed in Executive Session

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

Denise Hudson, Assistant Director Finance – reported that they are on track with the budget.

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

AD Hudson stated that there were no additional seized funds used for purchasing equipment in November.

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

Deputy Assistant Director Frank Woodall, Recruitment and Training, reported that the current class of 58 recruits are scheduled to graduate on January 19, 2012 (they started the class with 74 recruits). DPS has had 6,800 applications filed online, but only 57% of those were qualified, leaving approximately 4,000 applicants. As of this morning, there were 52 approved to start a class, but as of this afternoon, 2 of those have dropped out. We are shooting for 80 recruits per class, and hope to have at least 60 by January 1, for a class that will begin on January 25, 2012.

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

Discussed in Executive Session

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

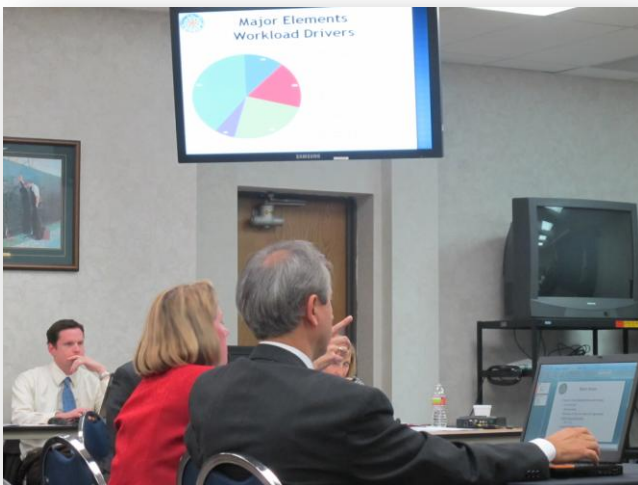
This is an issue that Comm. Ada Brown asked Director McCraw to review and since she is not present at this meeting, the Chairman asked to defer the report until the next PSC Meeting.

- I.** Status report, discussion and possible action on TxDOT median dividers and effectiveness in deterring vehicles crossing over and law enforcement turn around areas

Major John Madden – No new median dividers have been installed. We are still at 86 installed of the 241 requested. Comm. Leon asked if DPS had any kind of a schedule for completion of this project from the Texas Department of Transportation. Maj. Madden responded that we do not.

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

Not discussed in open session.



VIII. REPORTS

- A.** Commission member reports and discussion

None

B. Finance Report

AD Denise Hudson – Nothing to add.

C. Chief Auditors Office Report

AD Steve Goodson – Nothing to add.

D. Division status reports on activities and action

- *Administration – Assistant Director Valerie Brown – Nothing to add to my written report*
- *CID – Nothing further to add to my report*
- *Drivers License – AD Rebecca Davio reported with Enrique Gomez – Last month Commissioner Brown asked for a report on renewals. A graph showed that there wasn't a real pattern to the changes with regard to the new system. AD Davio said that she would work a comparable graph comparing month to month, 2010-2011. We have also reduced our mailing time for new DLs by 3 days which is very positive. Also, I was asked to report on the fulfillment of our L-1 Contract and they are meeting and exceeding the requirements laid out in the contract.*
 - *We have legislatively driven statutory changes to our L-1 contract which will add \$120,000 to the contract. Chairman Polunsky reminded all divisions that the Commission would like to be made aware of all contract amendments that require additional money (regardless of the approval threshold that has been set).*
 - *Developed a Program strategy – defined vision, hired a Program Manager – established governance, milestones, and change controls – developed the DL Transformation Roadmap*
 - *Mega Center update – San Antonio and Austin are under development and each will have 23,850 sq. ft. Fort Worth and Dallas (Garland), also 23,850 sq. ft., are scheduled for completion in September of 2012.*
 - *Leadership Development is provided to all 179 leaders and will include four weeks of training that will have all of our leaders speaking the same language and working towards the same goal. The first class will be graduating this week.*
 - *Contact Center Improvements – we have implemented the intelligent voice recognition that redirected many calls to the website or answered the questions directly. Our staff is the second tier, giving the customers a quicker response and gave some relief to the Austin staff. Also the small office rollover which allows some of the smaller offices to field excess calls to rural office that can handle the load.*
 - *Online scheduling launched in Austin, Dallas, and Fort Worth. We rolled out Region 2 (including Houston) yesterday and have already had 860 reservations made online without any advertising. We hope to roll out San Antonio and El Paso on Friday, and the rest of the state on Tuesday of next week. We hope that this will eliminate the “camping out” prior to opening to get a scheduled appointment.*
 - *We will be prepared to provide Election Identification Certificate by January 3, as required by the legislative mandate.*
 - *We will produce the Young Driver Collision Report as required legislatively.*
 - *Enrique Gomez made a presentation regarding Speed of Service – Three things affect the speed of delivery of service*
 - *Arrival rate*
 - *Service time*
 - *Number of Service Reps**Seconds matter. Adding 12 seconds to the service time, can add significantly to the waiting time. Scheduling can help us control the arrival rate/time. Kiosks help to speed the service time.*

Chairman Polunsky said that AD Davio's report of accomplishments was very impressive.

- *Emergency Management – AD Nim Kidd – Comm. Barth asked AD Kidd to come back to the Commission with a framework for how contractors are selected in emergency situations. AD Kidd*

agreed that he could provide that framework to the Commission, and went on to provide a summary of the current procedure and some general recommendations that he has for moving forward. AD Kidd went on to agree to provide this outline for the next Commission Meeting.

- *Public Affairs – Nothing further to add to my report*
- *Highway Patrol – Nothing further to add to my report*
- *Information Technology – Nothing further to add to my report*
- *Intelligence and Counterterrorism – Nothing further to add to my report*
- *Law Enforcement Support – Nothing further to add to my report*
- *Office of the Inspector General – Nothing further to add to my report*
- *Regulatory Services – Nothing further to add to my report*
- *Texas Rangers – Hank Whitman – reported that there are missions coming up but could not discuss details. We had two State Reps from New Mexico and a Chief of Staff from Arizona to come down and observe a border operation, and they seemed very impressed. We will have the Commissioners down to observe a mission soon.*
- *Inspector General – Inspector General Stuart Platt – Nothing further to report at this time.*

IX. CONSENT ITEMS

- A.** Discussion and possible action on the Director's action of discharging probationary employee: Cheryl Blake
- 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: Gilberto R. Capuchina, Tawana C. Henderson, Gerald G. Prince, Ray A. Woods; Special Ranger Applicants from National Insurance Crime Bureau: James M. Baird and Charles L. Roberts
- C.** Discussion and possible action on Impaired Driving Mobilization (IDM) Grant for approximately \$1.5 million

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

X. ITEMS FOR FUTURE AGENDA

Comm. Barth – Emergency Management Audits

XI. DATE FOR FUTURE MEETINGS

Commissioner Cindy Leon said that she is excited about hosting the January PSC Meeting in Weslaco at the new Region 3 Headquarters on January 26, 2012. The Commissioners will tour the facility at 9:00 am and the meeting will begin following the tour, at approximately 10:00.

XII. ADJOURN

Chairman Polunsky adjourned the meeting at 3:28 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 governmental 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

