



Public Safety Commission Meeting

September 20, 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.)

I. CALL TO ORDER

9:00 – 9:05 a.m.

9:00 am – Chairwoman Cynthia Leon called the meeting to order. In attendance: Chairwoman Cynthia Leon, Commissioners Allan Polunsky, Carin Barth, John Steen and Ada Brown. 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 and seconded to approve the Minutes from the August 15, 2012, PSC meeting. The motion 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.)

There was no public comment.

IV. DIRECTORS REPORT **9:15 – 10:30 a.m.**

A. Presentations

Director Steve McCraw presented a Director's Citation to Agent Leo Pena. In May of 2012, Agent Pena was instrumental in providing key intelligence that ultimately saved the lives of more than 40 people. This was a highly classified operation, and no additional details can be shared with the public at this time.





Director McCraw also presented Criminal Intelligence Awards to five agents. My apologies if some of the names are not correct, but I often rely on the PIO to send out a notice of these awards, but have not seen a release at the time that this memo is being sent. The five award recipients are (from L to R) Jason Baurer, Leo Pena, Patricia Nukor, John "J.J." Jones, Jason Jones

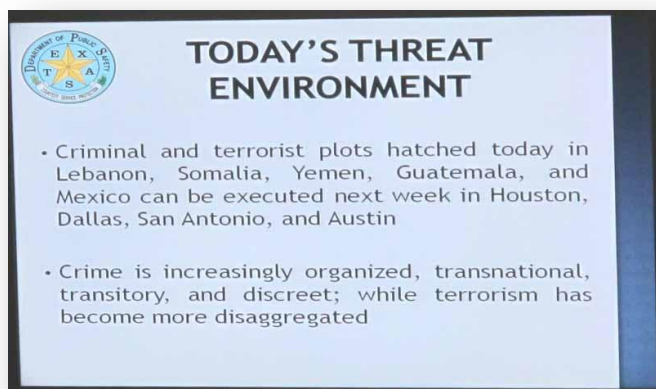
B. Legislative Hearings

Director Steve McCraw stated that he testified at a joint hearing of the Appropriations Committee and Homeland Security Committee. The focus of the testimony related to the progress that has been made in the improvements to the Drivers License operations. Dir. McCraw brought them up to date regarding where we started from and where we are today, including our new technologies. We also discussed the challenges that we are still working through.

He stated that there is another Committee Meeting on September 27, 2012, that the Department isn't expected to testify before, but will provide written testimony.

The Legislative Budget Board will be holding a Budget Hearing on October 19, 2012. DPS will be on hand to testify for that meeting. There was some discussion of altering the agenda for the Oct. 19 PSC meeting to accommodate those who will need to leave early in order to testify.

C. Public Safety Threat Framework



Director Steve McCraw discussed the challenges of our enterprise-wide public safety plan and outlined the seven general areas involved:

- 1. Crime*
- 2. Terrorism*
- 3. Motor Vehicle Crashes*
- 4. Natural Disasters*
- 5. Public Health Threats*
- 6. Cyber Threats*
- 7. Industrial Accidents*


One of the major challenges is how we gather data from all of the stakeholders and effectively

analyze and respond to the data. Our threats transcend borders and boundaries and we have to keep that in mind.

Commissioner Polunsky asked if the Categories are laid out in any order of priority. Dir. McCraw said that the categories are not in priority order, but we do prioritize within the categories.


Comm. Polunsky asked if the Public Safety Commission should have input on setting a priority to these categories, and on the threats within these categories.

Director McCraw responded that he really didn't think so. Certainly the PSC could have input on the systems that we have in place.



TODAY'S THREAT ENVIRONMENT

- The cowardly attacks on 9/11 that killed thousands of innocent Americans forever changed how we live, and are a constant reminder that there is no greater responsibility in government than protecting its citizens
- Today's threats transcend all boundaries and evolve faster than ever before, as a result of the globalization and convergence of crime and terrorism



The Public Safety Threat Assessment Framework

- Texas faces the full spectrum of threats, and serves on the front line in protecting our nation with a 1,254-mile international border with Mexico, and a 367-mile coastline
- The Texas Department of Public Safety has developed a Public Safety Threat Assessment Framework to better enable us to detect, assess, categorize, prioritize, and allocate resources to combat these threats
- This framework takes into account multiple factors associated with these threats, and facilitates a proactive approach to combating them

Comm. Polunsky went on to ask why "Public Health Threats" were under the purview of the Department of Public Safety. Shouldn't this be the responsibility of the Texas Department of Health?


Director McCraw responded that since DPS is charged with all forms of emergency management, Public Health has an impact on all emergency response systems. To not monitor and assess Public Health would be neglecting our responsibility.

Director McCraw said that the Department is proud of the progress that they have made in addressing the organized gang problem in the state, and the Feds have adopted some of our tracking matrixes.

Comm. John Steen thanked Dir. McCraw for the work it takes to monitor all of the multi-faceted areas of Public Safety.

Texas Gang Threat Rankings

- An example of this framework is the Department's approach to evaluating gang threats
- A gang threat matrix is used to evaluate the threat posed by individual gangs statewide – it is an essential tool to measure and prioritize this dynamic threat
- Tier 1 gangs constitute the greatest threat, but they are by no means the only gang threat
- Criteria include:
 - Relationships with cartels
 - Transnational activity
 - Level of violence
 - Prevalence throughout Texas
 - Relationships with gangs
 - Total membership
 - Organizational effectiveness
 - Juvenile involvement



V. NEW BUSINESS

10:30 – 10:55 a.m.

A. Report, discussion and possible action regarding the DPS Foundation (15 min)

Former Commissioner Tom Clowe and his new wife Carla came to report on the new DPS Foundation. Chairman Leon thanked him for all of his service to the Commission and to the Texas Rangers Museum. She stated that she couldn't think of anyone who has contributed more to the Department of Public Safety over the past several years.

Commissioner Clowe began by introducing his new wife, and stated how she has changed his world.



Former Commissioner Clowe reported that the Board is working carefully and deliberately towards developing the DPS Foundation. He said that they have filed a certificate of formation with the Secretary of State's office, and are developing the bylaws. We have hired Locke Lord in Dallas to assist us through the process of applying for a 501C3 non-profit status from the IRS. We are using the Texas Parks and Wildlife Foundation as a model and Executive Director Anne Brown and her staff have provided helpful guidance. The Board will consist of 17 members; 9 appointed by the Public Safety Commission, and 7 members from the public. The three appointees of the PSC currently in place are Tom Clowe, Ada Brown, and Alan Polunsky.

The decision was made to locate the Foundation's office in Austin, and we are beginning a search for an Executive Director whose primary function will be fundraising.



CIO Chris Sarandos and Bryan Lane

B. Introduction of new Chief Information Officer (10 min)

Deputy Director Cheryl McBride introduced Chris Sarandos, the new Assistant Director for Information Technology and Chief Information Officer (CIO). Mr. Saunders has had career experience in the Air Force, and has worked for NATO and for the Peace Corp. Mr. Sarandos stated that he is currently operating in the "sponge" mode, and is excited about the opportunity and the challenges ahead.

C. Report, discussion and possible action on the proposed Department Rule Review Plan for publication in accordance with Texas Government Code, Section 2001.039 (10 min)

General Counsel Phil Adkins – Under government Code, we are required to review our rules to determine if they are still effective. Recommendations will be made in 2013 to either re-adopt or remove the rules.

A motion was made and seconded to publish in the Texas Register the intent of the Department to initiate this rule review process.

The motion passed unanimously.

VI. ADJOURN INTO EXECUTIVE SESSION

11:00 a.m. – 1:00 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 10:56 am.

Reconvened, 2:16 pm.

VII. ONGOING BUSINESS

1:00 – 2:20 p.m.

Reports, discussion and possible action regarding the following:

A. Report, discussion and possible action regarding discharge appeal hearing process and scheduling (15 min)

General Counsel Phil Adkins - We are pleased with the efficiencies that we are achieving by adjusting our current procedures. I am not sure that we will need a complete revamping of our rules, but some adjustments may be necessary. Comm. Ada Brown said that she is reviewing the procedures and the rules and she hopes to have a report for the next meeting.

Comm. Steen suggested that doubling up the discharge hearings on a given day has been very helpful. He recommended moving to one and a half hour hearings (down from the 2 hour maximum hearings currently) and trying to get as many as four hearings accomplished in a day (we are currently trying to do three in a day). GC Adkins thought that it would be very difficult to get four hearings conducted in a single day. Comm. Ada Brown suggested that often at least one out of four cases can be settled very quickly. GC Adkins said that we could schedule four cases per day, with the knowledge that it is possible that one may have to be re-set on a different day if time runs out. We have 12 attorneys, but it is possible that one attorney may be handling more than one of the cases on any given day.

The next discharge hearings will be set for October 18, 2012, and the PSC Meeting will be held on October 19, 2012.

B. Report and discussion on preliminary steps to provide for video or audio presentation of Public Safety Commission meetings (10 min)

DAD Bryan Lane – We had several challenges and concerns that needed to be addressed before moving forward with a plan to expand the audio/visual offerings of the PSC Meetings. Mr. Lane conducted a survey and of the agencies in Texas, and of those that responded, 6 did no recording at all; 7 recorded only audio; 13 recorded audio and video; and 11 recorded audio and video as well as did streaming. The prices for streaming ranged from \$5,800 per meeting.

DPS options:

Audio streamed live to authorized users (with secure login): One time investment of \$3,600.00. – 12 microphones at \$300 each added to our current capabilities.

*Live Audio to authorized users and controlled access to video recording after the meeting: \$24,600.00. –
Equipment: 1 camera or more - \$3,000 each
A/V Mixer - \$5,000
Encoder - \$10,000
Microphones (12) - \$300 ea.*

Ability to archive audio and video and provide authorized access to recordings: \$40,100.00 – Includes all of above plus a Multicast Vendor would be required plus there would be a charge of \$500 per meeting.

DAD Lane recommended that the PSC authorize the Audio streaming to authorized users at \$3,600.00 and then learn more about our audience needs and expand from there as needed.

Chair Leon asked for comments and concerns. Comm. Steen stated that he was comfortable with what the Commission is currently doing. Dir. McCraw stated that for a relatively investment of \$3,600.00 we could free up time of some of the staff that currently sit through the entire meeting. They could monitor the progress of the meeting from their desk and come over to the meeting as their reporting time nears. Comm. Polunsky said that his concern is that issues often come up where the resources of a particular Assistant Director is needed and their input would not be readily available. Comm. Barth agreed. Comm. Polunsky clarified that he does not have a problem streaming the meeting to a wider audience, but not for the purpose of keeping key personnel from attending the meeting in person. Comm. Steen restated his comfort with the status quo. Comm. Brown agreed that the \$3,600.00 investment was well worth it. Comm. Barth left the meeting temporarily and the vote on the expenditure was differed until she returns.

- A. Report, discussion and possible action regarding the adoption of the repeal of Practice and Procedure Rule 29.11, 37 TAC Sec. 29.11, concerning Entry of Appearance; Continuance, as previously published in the Texas Register (5 min)**

General Counsel – Asked for the adoption.

Motion made and seconded

Approved unanimously.

- 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 (10 min)**

Assistant Director Steve Goodson – Chief Auditor of DPS – Since we last met we have concluded 11 audits.

- E. Update report, discussion and possible action regarding recruitment (10 min)**

Captain Jason Hester, Education, Training and Research – We are currently in the 9th week of this recruit class, and we have 78 still enrolled (down from 97). We have 746 applicants in the pipeline, and will begin interviews on Monday with 16 applicants, and we will continue holding interviews until we get through the qualified applicants. Graduation is on December 19, 2012, at a location to be determined.

- F. Report, discussion and possible action on Driver License monthly updates (10 min)**

Assistant Director Rebecca Davio – Drivers License Division – showed charts illustrating the change in transaction times which have been reduced by 38%. Some offices had reductions up to 80%. This came as the result of both temporary summer hires and the addition of 210 FTEs. We also had the benefit of training new employees for Mega-Centers that were available to assist in servicing the customers.

We are also beginning to see the benefit of utilizing the pre-transaction kiosks that will speed the transaction at the window.

Commissioner Barth stated that she is very interested in getting real data on the time the customer checks in to the system, until they walk out the door. AD Davio stated that it gets complicated in that with the new system, the customer can request additional time and we are working on how to figure those delays into our calculations so that we monitor the processes that we have control over. But our

ultimate goal is totally aligned with Comm. Barth's request and we hope to be able to provide that type of data.

Comm. Barth also had questions regarding the recent contract entered into regarding these new systems.

AD Davio also presented an update on the six mega-centers. The last center to open, Fort Worth, is still on track to open on December 3, 2012. The biggest delay at all of the centers at this time is the AT&T installation and infrastructure for the Ethernet. AT&T requires 120 days, and the order was placed within those guidelines.

Comm. Polunsky asked what type of festivities are being planned in conjunction with the opening of these mega-centers. Dir. McCraw said that the plan is to have a "media day" on the day prior to their openings. Chair Leon recommended that the facility operations are fully tested prior to that media day.

Regarding online scheduling, AD Davio reported that the system is in place at 41 facilities for scheduling Class C driving tests. The process is running smoothly.

We are overhauling the Parent-Taught Driver Education packages. We have reduced the size from 40 pages down to 13 pages, which saves on printing costs and is much more user friendly and understandable to the users. Comm. Barth asked if this could be made available online. AD Davio said that they would look into that. Comm. Steen thanked AD Davio for the good report and for all that she is doing to revamp the Division.

**G. Report, discussion and possible action on the Fiscal Year 2012 Operating Budget
(5 min)**

AD Denise Hudson – As of the end of July, we had approximately \$36 million left in our budget, having used 86%, with August and September funding left. There is \$3 million remaining in the gasoline budget.

**H. Report, discussion and possible action regarding purchases using seized funds
(5 min)**

AD Denise Hudson – Seized Funds – We have \$18.6 million in the seized fund account. \$9 million has already been spent, leaving a \$12 million cash balance. We have a \$7 million non-obligated cash balance.

I. Review of pending contract/renewal/change order/awards from Contract Review Board (10 min)

- 1. \$5,000 donation to refurbish CNT Motor Home/Crime Scene Trailer – Texas Rangers**

AD Wayne Mueller – This was offered to the Rangers and accepted by Director McCraw, and I come to the Commission to approve the donation.

A motion was made and seconded.

The motion carried unanimously.

2. Four Stall Canine Trailer – Highway Patrol

AD Wayne Mueller – This was donated by Mario Williams, former defensive end for the Houston Texans. The Department currently has a larger trailer, but this new trailer will give us more flexibility in transporting canine teams.

A motion was made and seconded.

The motion carried unanimously.

3. El Paso Land Donation – Region 4 – El Paso Regional Headquarters and Crime Lab

AD Wayne Mueller – described the donation.

A motion was made and seconded.

The motion carried unanimously.

Two additional awards were acknowledged in the afternoon, but I'm afraid I did not get the details of the awards. One or both had to do with radio towers, and involved national recognition. Below are photos of the recipients



4. Report, discussion and possible action for the Public Safety Commission

- J.** 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 (5 min)

Director Steve McCraw – Announced that Candace, formerly with the Lieutenant Governor's Office, will be added to our Government Relations Team as a Government Liaison. "There is no substitute for talent," stated Dir. McCraw. Ms. Nolte is very well respected at the Capitol by legislators and staff.

- K.** 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 (5 min)

Director Steve McCraw – Comm. Polunsky asked if the organizational chart needed modification and Dir. McCraw said that the addition of Ms. Nolte to the staff fits in the current organizational structure.

VIII. REPORTS

2:20 – 2:35 p.m.

A. Commission member reports and discussion

No reports.

B. Finance Report

AD Hudson – Nothing further to report

C. Chief Auditors Office

AD Goodson – 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.*
- *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 report.*
- *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 – Stuart Platt said that we had an opportunity for some free office space in San Antonio, but we didn't act quickly enough and lost that opportunity. We have a new opportunity for free space that I am reporting that we will be acting on.*

IX. CONSENT ITEMS

2:35 – 2:40 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 appointments of Special Rangers and Special Texas Rangers pursuant to Government Code chapter 411, Secs. 411.023 & 411.024; Special Ranger: Jesus E. Alatorre, John H. Landrum and John R. Smith

Commissioner Steen asked Deputy Director David Baker if there were any problems with any of the consent items.

Motion by Comm. Steen, Seconded by Comm. Brown to approve Consent Item A

Approved unanimously.

X. ITEMS FOR FUTURE AGENDA

2:40 – 2:55 p.m.

Nothing at this time.

XII. ADJOURN

2:55 – 3:00 p.m.

The hearings will be set for October 18, 2012, and the PSC Meeting will be held on October 19, 2012.

Adjourn at 3:09 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