

**MINUTES**  
**PUBLIC SAFETY COMMISSION**  
**February 18, 2010**  
**Austin, TX**

The Public Safety Commission met in Austin, Texas on February 18, 2010. Attending the meeting were Commissioners Carin Barth, Ada Brown, John Steen and C. Tom Clowe, who at the request of Chairman Polunsky Co-Chaired this meeting. Chairman Allan Polunsky was absent due to being ill. A quorum was present for the meeting. DPS staff members and guests were also present.

**Call to order**

The meeting was called to order by Co-Chairman Clowe at 10:43 a.m. All members were present, except Chairman Polunsky. Proper notice had been posted.

**Approval of Minutes** (00:52 indicates time stamp from audio)

**A motion was made by Commissioner Steen and seconded by Commissioner Barth approving the minutes for the January 29, 2010 meeting. Motion carried unanimously (4-0).**

**Public comment** (01:11)

There was no public comment

**Director's Report** (01:35)

Director McCraw highlighted the Third Annual Homeland Security Conference held in San Antonio, Texas stating 5,782 attended. He also reported he had a meeting with the Governor of Pennsylvania and they reviewed the Department and Homeland Security. He gave a detailed "score card" of the department, by division, noting events such as the DPS response to the Ft. Hood shooting, the serial rapist case and the recent church arsons.

Director McCraw reported the recruiting initiative would focus on the four "R's" – Recruiters, Recruit School, Regionalism and Responsibility.

Commissioner Brown inquired about the name for the shorter training school. She asked Retired Sgt. Mike Griffin of Caldwell in the audience to present his idea about naming of the school. Sgt. Griffin suggested calling it the "Advanced School" to reflect the cream of the crop recruit selection from other law enforcement agencies. He stated the school would give them advanced training on what they already know. Director McCraw stated he and Deputy Director Beckworth liked the idea and agreed the school would be called the "Advanced School". Commissioner Brown thought the idea was great and thanked Sgt. Griffin.

Commissioner Steen inquired about the current issuance of Concealed Handgun Licenses. Director McCraw stated the challenge was people, not just technology, but a process was being adapted and the CHL division was working to improve the timeliness.

Commissioner Steen then addressed the delays in inspecting Commercial Vehicles hauling cattle. He thanked Colonel McCraw for his expeditious handling of a recent issue he brought to

the Directors attention. Director McCraw reported on the initiation of a PrePass truck program. He stated the program would be for trusted trucking companies with drivers who have good driving records in order to spare the risk to livestock with long waits. He stated the program should be running within several months.

Co-Chair Clowe made a general comment on Director McCraw's remarks, noting specifically the changes in the Department the Director had made. He stated often we did not look back at where we had come from. He stated he was impressed with the quality of individuals, the loyalty, dedication and level of training currently at DPS, adding we had some of the best people in law enforcement. He stated having a retired employee who was still involved and those serving our country were examples of the type of people who will get the department where it needs to be in the future.

Co-Chair Clowe asked Director McCraw, Deputy Director Beckworth and Diamond Jubilee Committee Chairperson Barbara Hinesley to come to the front and make a presentation to Jimmy Guckian as winner of the 75<sup>th</sup> Anniversary logo design competition. Mr. Guckian's wife and three of his four children accompanied him for the presentation of the award and \$100 check he won for the design.

### **New Business** (32:23)

Co-Chair Clowe presented the agenda item A which Chairman Polunsky previously requested regarding the Physical Readiness Test to the Commission members for questions. Being no questions, he asked the item be deferred to the next Public Safety Commission meeting.

Co-Chair Clowe introduced his inquiry, Item B on the FBI National Academy. Colonel Beckworth explained the popular program and stated the Department had a list of high ranking individuals scheduled to attend the 11-week Academy, which cost \$1500 per individual. He stated DPS is allotted 3 individuals per year. Commissioner Brown inquired how nominees were selected; Colonel Beckworth stated the Assistant Directors nominate the candidates from officers ranking above Sergeant and of the highest caliber. Co-Chair Clowe asked if DPS was restrained by the quantity allowed, or money. Colonel Beckworth stated it was on the quantity, but if the academy had vacant positions, more could be scheduled to attend.

Deputy Director Services, Brad Rable presented Item C, an update report on Information Technology which Co-Chair Clowe previously requested. He reported there were 250 IT professionals and a tremendous group of senior leaders who led the last six-month journey. He stated this agenda item was informative only, and no action was required. DD Rable commented that IT wanted to be able to handle all of their own IT issues without having to rely on outside resources. He presented his modernization at a glance that included IT's Mission, Leadership, Organization, Strategy and Maturity Model. He stressed an "ownership" culture. He informed the IT division is divided into three layers: Develop Strategy and Approach - led by Bryan Lane; Deliver Capabilities - led by Mark Doggett and Manage and Monitor Services - led by Glenn Rosamond. DD Rable stated communication is improving within IT and all knew who was working on what. He provided detailed information on the process model. He addressed the savings, which he said were actually avoidances rather than savings, such as eliminating optical disks, consolidating office printers, service virtualization, reducing high volume printing and other IT stewardship. He then presented the IT maturity model stating not a lot of progress had yet occurred - they were trying to get their shop in shape first, but the future included DL Photos to TDEX, pilot THP ticketing to county courts and JP's, facial recognition - DL fraud, and Case management and technology to support the Fusion Center.

(57:45) At 11:35 a.m. Chairman Polunsky joined the meeting taking his seat as Chair at the meeting. He inquired of the members if any questions on DD Rable's presentation. Commissioner Steen inquired about when they would attain the IT Maturity Model Level 3 (Service) and Rable stated by 2012. He explained at that point everyone should know what they would be working on and surprises would not be a part of the everyday life. DD Rable stated IT was his foremost important priority/job. Commissioner Barth inquired about the projects and priorities and money going forward. Rable responded he would not spend any more investment money than what the IT division had today and stated DPS owned their IT equipment.

Agenda items A, D, and E were passed deferring item A to the next Public Safety Commission meeting.

Valerie Fulmer, AD Administration presented Item F, the Texas On Road Vehicle Emissions Testing Program one year contract for renewal. This was a review item requiring no motion.

#### **Executive Session** (01:04:03)

The Commission went into Executive Session to discuss security issues, 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; and ongoing criminal investigations. Executive Session began at 11:40 a.m. and ended at 2:47 p.m.

#### **Ongoing Business** (01:05:00)

Item A - Chairman Polunsky introduced the new Inspector General LaFayette Collins. He provided a brief background on IG Collins. IG Collins responded stating it was a distinguished honor and pleasure to be with the Department. He has 39 years in law enforcement. Chairman Polunsky expressed the fact the members were pleased he accepted the position and responsibilities.

Item B was passed.

Item C was discussed in Executive Session. Commissioner Steen asked if Commander Ortiz could return to the meeting, he would like a public recap of the Headquarter building safety and security item.

Item D - AD Michael Kelley, Drivers License, reported on the current status of the Driver Responsibility Program including the Amnesty, Incentive and Indigence Program and consideration of authorizing the publication of the proposed repeal of current rule 15.163 and authorizing the publication of proposed new rule 15.163, 37 TAC 15.163 for notice and public comment in the Texas Register. He reviewed the revised letterhead, collection practices, benchmarks in vendor contracts and proposed indigence rule. Commissioner Steen inquired about who gave the final approval on letters using DPS letterhead from the collection agency. AD Kelley replied he was the final approver. He continued with his update stating the proposed indigence program would be combined into one rule with both indigence and amnesty. The requirements would require 125% of poverty level; requiring individuals to submit supporting documents, proof of insurance and make a one-time payment. Commissioner Barth asked what the one-time payments would be. Rebekah Hibbs outlined the one-time payment structure: DWI - \$500; no insurance - \$250; and no driver's license - \$175, no matter how many times it

would be one-time per each conviction. She confirmed the dollar level of 12% poverty level was a little less than \$10,000 annual income per individual. AD Kelley stated the request would be to post the new rule for public comment and come back to the Commission with the responses. Commissioner Barth stated while biased she thought multiple convictions impacted this level of income. Commissioner Clowe stressed that AD Kelley let the Commission know when the public hearings would occur. Timeline would be: publish to the register and allow 30 days for public comment; combine comments; then bring to the Commission in two months for final recommendation. **A motion was made by Commissioner Steen and seconded by Commissioner Brown to approve the publication of the new rule. Motion carried unanimously (5-0).** Commissioner Steen inquired about the 37% collection rate which has not been improving. AD Kelley said the economic difficulties and individuals caught up in repetitive violations were the primary reasons for the rate.

(1:31:14)

Chairman Polunsky asked to return to the Headquarter Safety and Security item and have Commander Joe Ortiz present the current status. Commissioner Steen asked for an update. Commander Ortiz reported the TFC contract had been accepted. He stated it would be 60-90 days from execution before knowing the determination of the traffic impact study and survey reports.

(1:34:05)

Item E - AD Finance Cheryl MacBride provided an update on the FY2010 Operating Budget and Variance Items. The operating costs included the TFC assessment, lodging expense for the academy; the 8 and 18 week recruit schools and the survey and traffic study for the HQ security fence. The current variance balance was \$5,014,022.

(1:36:58)

Item F - AD Finance Cheryl MacBride and DD Lamar Beckworth requested action by the Commission to approve the use of seized funds towards a helicopter (Rider 3) variable, and high retention holsters. DD Beckworth explained the need for the holsters. The amount being requested for the holsters was \$227,200. A motion was made by Commissioner Steen and seconded by Commissioner Brown to approve the use of up to \$227,200 seized funds toward the purchase of the high retention holsters. Commissioner Clowe voiced concern regarding the information passed out at the meeting versus what was provided in the members binders and requested an explanation. AD MacBride stated the highlighted items such as body armor, ballistic helmets and tactical light and rail system made the differences as well as 2012 replacement aircraft; and the two additional items being requested.

Assistant Chief Aircraft Section John Brannon provided an in-depth report and video presentation on the Helicopter (Rider 3) variance. His request was for an AS350B3 with hoist vs. long line rescue; and an airplane. LBB authority granted \$2,990,010 at the 81<sup>st</sup> Legislative session, but \$4,315,529 would be required. Per a current Rider 3 authority, a total of \$3,737,512 was available (\$2,990,010 and 25% transferability of \$747,502). This would mean an additional capital authority request of \$578,017. The 25% transferability plus the capital authority request total for action was \$1,325,519. Commissioner Steen raised the question to AD MacBride about use of seized funds; in terms of the safety and security of Headquarters complex. AD MacBride stated the funds could not be used to build a new building, but could do improvements.



AD MacBride summarized \$227,200 for holsters and \$1,325,519 for the helicopter and plane (rider 3) variance was being requested from seized funds and go to the LBB to ask for approval to exceed the cap by \$578K. Chairman Polunsky requested clarification on where this helicopter would be placed in service. Chief Brannon stated the B3 would be placed where the use of equipment would most adequately serve, such as Alpine and the border area, but there was flexibility to move about where the equipment was needed most.

**A motion was made again by Commissioner Steen and seconded by Commissioner Brown to authorize the use of seized funds to be used for the high retention holsters. Motion passed unanimously (5-0).**

**A motion was made by Commissioner Clowe and seconded by Commissioner Barth to authorize the use of seized funds to be used for the helicopter (rider 3) variance. Motion passed (4-1).** Commissioner Steen stated for the record, "we had learned we can use these funds for the safety and security of the DPS headquarters complex, starting with a wall, and I would rather use the funds in that way than for a new helicopter". Chairman Polunsky stated future use of seized funds for helicopters should not be sought, in his opinion; stating Commissioner Steen's comments were a legitimate point. Commissioner Clowe clarified the Commission's concerns for using money in the most appropriate way and asked for matters such as the helicopter be briefed prior to the actual meeting/voting point in order to assist them in being more comfortable with their votes.

Item G - DAD Human Resources Jesse White had no update other than dates for the short and long course training schools starting May 16 and June 27 respectively. He stated 465 individuals signed up for the long course. He provided status on recruiting efforts in Tulsa, OK and Phoenix, AZ where both were anticipating layoffs of officers. DPS would be reviewing applicants, testing and conducting interviews at both locations. He stated an average of one reinstatement per month was occurring. Commissioner Brown stated a non appropriate appearance at events had been expressed. DAD White said monitors with stands and a continuous DVD slideshow would be presented and some other table displays to improve the appearance.

Item H - Barbara Hinesley, Chairperson of the Diamond Jubilee Committee and DD Lamar Beckworth presented the update to the Commission. She informed that 18 subcommittees were working to meet deadlines. She further stated PIO Tela Mange had a communication plan in the works for all events including Texas Highway magazine and other media. The badges for commissioned employees were currently available and non-commissioned would be available for purchase through DPSOA. Yearbook photos are being taken and on schedule. The list for donations will be on the DPS website. The DPS history film was being finalized. Commissioner Brown inquired about the Garland events, which Ms. Hinesley stated those would be conducted on July 27. Commissioner Steen inquired about the donations and offered to donate if contacted, Commissioner Clowe stated he would match Steen's donation; as well as Chairman Polunsky stated he would also match! Chairman Polunsky expressed the appreciation of the job Barbara was doing in leading of the Diamond Jubilee effort.

Chairman Polunsky returned to the New Business Item D, Report, discussion and possible action including executive search firm services for interview process for Audit and Review position per GC411.242. **A motion was made by Commissioner Barth and seconded by Commissioner Clowe authorizing retaining an executive search firm service for purpose**

**of finding a replacement for the lead position in Audit and Review. Commissioner Barth clarified no interim would be appointed at the time. Motion passed unanimously (5-0).**

**Reports (2:40:38)**

There were no additional reports by the Commission members.

AD MacBride presented the update report for Finance. She stated Paula Logan transferred from HR to Risk Management. She further reported 81 out of 273 building fire inspections had been completed; 85 more were scheduled. Accounts Payable would continue to work on a new accounting program for travel, grant management software and review of the credit cards issued to reduce the quantity distributed.

There was not an Audit & Inspection Report.

No additional reports were necessary from Administration, Criminal Investigation, Emergency Management, Government Relations, IT, Intelligence & Counter Terrorism, Law Enforcement Support, Office of Inspector General, Regulatory & Licensing or Texas Rangers.

AD Michael Kelley, Drivers License provided an update on the metrics as previously requested. He stated the wait time was taking more time and he would report back in June with more complete data after the roll out, on the average wait time.

Chairman Polunsky commented on Emergency Management's spectacular success at the annual conference in San Antonio.

(2:53:59) AD Highway Patrol David Baker commented on the PrePass status that locations for them had been submitted to TxDot for approval. He stated it would be 3-4 months before the new system could be up and running.

Commissioner Clowe addressed the excellent job Captain Hank Whitman did standing in as the interim Inspector General. Chairman Polunsky agreed and expanded on the professionalism while juggling two jobs and expressed the appreciation for the extra duty Captain Whitman took on.

**Consent items (2:57:13)**

The Consent Items were discussed. **A motion was made by Commissioner Clowe and seconded by Commissioner Barth to approve the consent items. Motion passed unanimously (5-0).**

**Items for future agenda (2:57:47)**

Commissioner Brown requested an April agenda item for report, discussion and possible action regarding promotional policies.

Commissioner Brown requested an April agenda item for report, discussion and possible action regarding 28-day work cycle.

Commissioner Steen requested a June agenda item from AD Kelley to return with the metrics for driver's license wait times.

**Future meeting date (2:58:40)**

The next meeting of the Public Safety Commission was set for March 23, 2010 to be held in Austin, Texas.

(2:59:25)

There being no further business, the meeting was adjourned at 4:45 p.m.

Read and approved this 31<sup>st</sup> day of March, 2010.



Chairman

## SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS

### Special Ranger Applicant

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Williams, Wayne C.	DLD	Amarillo	12/31/2009	33 years	

No Special Texas Ranger applicants.

Approved by the Public Safety Commission on: February 18, 2010



TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On February 18, 2010, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Crime Records  
Title 37 T.A.C. Part I, Chapter 27  
Subchapter A  
Section 27.1

The Texas Department of Public Safety (the department) adopts amendments to Section 27.1, concerning Review of Personal Criminal History Record, without changes to the proposed text as published in the December 18, 2009 issue of the *Texas Register* (34 TexReg 9108).

The adopted amendments are necessary to clarify the methods by which a person may access and receive a copy of criminal history record information maintained by the department that relates to the person.

No comments were received regarding the adoption of these amendments.

The amendments are adopted pursuant to: Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; Texas Government Code, Section 411.086, which requires the department to adopt rules that provide a uniform method of requesting criminal history record information from the department; Texas Government Code, Section 411.083(b)(3), which requires the department to grant access to criminal history record information to the person who is the subject of the information; and Texas Government Code, Section 411.088, which allows the department to charge an individual a fee for processing inquiries for criminal history record information.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
Allan B. Polunsky, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On February 18, 2010, the Public Safety Commission (Commission) by majority vote approved rules concerning:

DNA, CODIS, Forensic Analysis, and Crime Laboratories  
Title 37 T.A.C. Part I, Chapter 28  
Subchapter K  
Sections 28.171 – 28.175

The Texas Department of Public Safety (the department) adopts new Subchapter K, Section 28.171 - 28.175 concerning Preservation of Biological Evidence without changes to the proposed text as published in the December 25, 2009 issue of the *Texas Register* (34 TexReg 9382).

These rules are required by HB 3594, which added Section 411.052, Texas Government Code and amended Article 38.43, Code of Criminal Procedure. The rules provide a mechanism for counties of less than 100,000 population to deliver biological evidence, used in the prosecution and conviction of a defendant sentenced to 10 years or more in prison for an offense under Chapter 19, 21, or 22, Penal Code, to the department for storage, in compliance with Article 38.43, Code of Criminal Procedure.

No comments were received regarding the adoption of these new sections.

These new sections are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Government Code, Section 411.052, which states the department shall adopt rules relating to the delivery, cataloging, and preservation of evidence stored under these sections.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the Commission required by the Administrative Procedures Act, Government Code, Section 2001.033.

  
Allan B. Polunsky, Chair  
Public Safety Commission

# TEXAS DEPARTMENT OF PUBLIC SAFETY

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STEVEN C. MCCRAW  
DIRECTOR  
LAMAR BECKWORTH  
BRAD RABLE  
DEPUTY DIRECTORS

February 24, 2010



COMMISSION  
ALLAN B. POLUNSKY, CHAIR  
C. TOM CLOWE, JR.  
ADA BROWN  
JOHN STEEN  
CARIN MARCY BARTH

On this date, February 18, 2010, an audit report was presented to the Public Safety Commission. The Commission members had no questions and no further action has been taken on the report.

Print: Allan B. Polunsky, Chairman

Signed: 

Date: 2-18-2010