

**MINUTES  
PUBLIC SAFETY COMMISSION  
March 24, 2011  
Austin, TX**

The Public Safety Commission met in Austin, Texas on March 24, 2011. Attending the meeting were Chairman Allan Polunsky, Commissioners Ada Brown, Cynthia Leon and John Steen. Commissioner Barth was unable to attend. 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 Chairman Polunsky at 10:37 a.m. Proper notice had been posted.

**Approval of Minutes (00:57 - indicates time stamp from audio file 1001)**

**A motion was made by Commissioner Steen and seconded by Commissioner Leon approving the minutes as submitted for the February 22, 2011 meeting. Motion passed unanimously.**

**Public Comment (01:34)**

There was no public comment.

Commissioner Brown asked Sergeant Derek Prestridge to present the "Interdiction for the Protection of Children" program which he contributed to developing and instituting training ideas for Troopers. This program began in 2008 to educate Troopers in the skills of using interdiction techniques in order to identify abducted or exploited children. He provided information on how this training began and what prevention, investigation, and recovery efforts to date had resulted. Commissioner Brown asked if the Troopers were trained prior to 2008 on interdiction of exploited children. He stated there had been no training at that time and no formal recording of missing children. In 2010, fourteen children were recovered and to date for 2011, four children have been recovered. He provided a slide presentation with examples of cases and the results from this program being put to use proving the success. Commissioner Steen asked if anything else may be needed to assist with the effort. Sergeant Prestridge said educating the personnel and developing long term investigators that specialize in this area would help.

Commissioner Brown said she had wanted Sergeant Prestridge to present the program overview as he had been recognized with a pretty impressive award by the National Center of Missing and Exploited Children. It was their highest award, the Heroes Award. Sergeant Prestridge added he was just the representative of the program and that several contributed. She added both she and AD Ruocco were board members of NCMEC. Chairman Polunsky commented on NCMEC's October presentation at which time an Officer of the Year was acknowledged and stated that the last two years DPS won the award. He added it was a great testimony to the department's success. He thanked Sergeant Prestridge, Commissioner Brown, AD Ruocco, the Director and all of DPS for their commitment. Sergeant Prestridge said they were receiving requests for training nationwide. Chairman Polunsky commented "this is exactly where we want to go with all of these things that is super". The crowd applauded Sergeant Prestridge.

Commissioner Brown asked Director McCraw to present statistics on missing and exploited children ongoing.

The Director commented that Sergeant Prestridge was modest in his acceptance. He added it was part of the core competencies of the Department.

### **Director's Report (16:00)**

Director McCraw led off reporting on the recent "Texas Drug Wars" program shown on the Discovery Channel. He added that copies of the video had been distributed to the 181 members of the Texas Legislature. He then showed a portion of the video to illustrate the tremendous leadership on the Border working with their teams to keep the Texas border safe. Commissioner Leon inquired if the program would be continued. Director McCraw stated there was no plan to continue the program at this time. Commissioner Brown recognized Chief of Staff Robert Bodisch for bringing this idea to the Department and added it would be a great training tool. She stated it was wonderful advertising of what the Department does.

Chairman Polunsky asked if some of the Regional Commanders were in the audience today. The Director stated they were and asked that each introduce themselves. Skylor Hearn from Region 4/EI Paso; Billy Fulton from Region 5/Lubbock and Joe Ortiz from the Austin Capitol Region stood and introduced themselves and stated which region they represented.

Director McCraw continued his report with a presentation on the Policy and Procedures of the department. He stated they were going through a process and that a review was underway for the "best practices." He reported that an outside organization, who had worked with other state agencies, was reviewing the policies and that he expects to have a report ready at the next Public Safety Commission meeting. He displayed the critical tasks in law enforcement: 1) use of force; 2) emergency vehicle operation/pursuit; 3) arrest search and seizure; 4) care custody control and restraint of prisoners; 5) Officer involved domestic violence; 6) sexual harassment and discrimination; 7) selection hiring and retention; 8) internal affairs and complaints; 9) special operations/SWAT; 10) persons of diminished capacity, emotionally disturbed 11) mentally ill; 12) persons with disabilities; 13) canine; 14) off duty conduct and 15) ethics.

Commissioner Steen asked how the price of gasoline was impacting the Department and what steps were being taken to mitigate. Director McCraw said the Department was reimbursed by the State at the rate of \$1.50 per gallon. He asked AD Denise Hudson, Finance to provide the impact. DD MacBride added that the state gasoline procurement cards the troopers use are contracted at a discount rate that averaged \$2.55 per gallon. DD Beckworth added DPS purchases gasoline in bulk for 20-25 facilities around the state and cumulative those tanks held about 700,000 gallons which saved \$.20-.25 cents a gallon. DD MacBride said DPS buys approximately 6 million gallons of gas each year from the retail market. Every ten cent increase cost another \$300,000. A 2% contingency was required to manage within the contingency dollars. To mitigate Director McCraw said cutting down in the mileage used, if the money was not there, would have to be an alternative. Commissioner Leon asked if we were looking at fuel-efficient cars. DD MacBride said on the pursuit side those would present a challenge, but in Administrative it would be a possibility. Chairman Polunsky asked if it would be prudent with state policy to hedge contract some of these with suppliers of gasoline. DD MacBride said she would have to do some research and get back to the Commission on this idea. She thought it might be an idea not only for DPS, but maybe statewide. DD MacBride said they would include the usage and costs in their monthly report. Chairman asked what the transit authorities do, i.e.: DART, Capitol Metro, etc. DD MacBride said she thought natural gas products but she would look at that also.

This concluded the Director's report.

### **New Business (36:55)**

General Platt and Deputy Inspector General Kent Radney of the Office of Inspector General reported on the division's hotline cost of \$22,500 which was coming up for renewal in April. He provided details differentiating the SAO hotline and the OIG hotline which showed more reports coming through the SAO hotline. General Platt's recommendation was not to renew the OIG hotline. He added while not a huge amount; it could go towards other things. Commissioner Leon inquired about the advertising of the hotline so people were aware of it. DIG Radney said it was on the internal and external websites and many of the reports received on the hotline had to do with traffic offenses. The THP reporting is still

available to individuals and that was where those calls should route through. Commissioner Leon said she wanted to be sure there was some way for people to be able to file complaints. General Platt said SAO screened the hotline reports and sent DPS' to OIG. Commissioner Steen asked why the hotline had been started. General Platt stated Commissioner Barth had suggested the use. Chairman Polunsky said it had been a hot button issue with him also as he knew anonymous tips came in against everyone that were sometimes unsubstantiated and a platform for the caller to call with emotionally driven calls. It was at that time when the hotline contact information was pulled from the public website and kept on the internal website only. Commissioner Leon stated to make sure a link to the SAO was on the DPS website for the public to file their complaints. Commissioner Steen commented that sometimes this was how you found out about problems before they became bigger problems and he was troubled with discontinuing the hotline. General Platt said in a tight budget year he felt it needed to be weighed since that money could be used elsewhere. He added that the DPS website provided a clear process on how to make a complaint. He stated they would improve the OIG webpage outlining the complaint process. Commissioner Steen said they needed to make it real easy. Commissioner Leon suggested putting "Have a Problem?" on the home page with a link to the actual process.

Commissioner Brown inquired about the IT report line item on abandoned calls she wondered if a call system such as their report could be put together for OIG by IT to capture calls and status. She further asked AD Doggett, IT, to explain abandoned calls. He said it was tracking calls and the amount that went away since they either hung up or figured their own problem out before reporting it to IT. He added with regards to OIG, that on Monday a new CISCO system would be put in place that would have the tracking capability. General Platt was not requesting action on this item rather wanted to pass this by the Commission as information only. Commissioner Steen asked for a follow up report in June showing the actual links on the webpage. Commissioner Brown asked for a tracking of abandoned calls. Chairman added he agreed with both of the requests and terminating the current contract.

(55:30) AD Goodson, Audit and Inspection presented the proposed revision to the Audit Charter that included a change of their name to Chief Auditor's Office and requested Commission action to approve. **A motion was made by Commissioner Brown and seconded by Commissioner Steen to accept the revisions as recommended. Motion passed unanimously.** Commissioner Steen thanked AD Goodson for taking the initiative to do this.

AD Goodson continued his report on the release of four reports done by his audit office: Protection of Personal Data in Human Resources, Cash Receipt Controls, Audit of 2008 Hurricane and Storm Expenditures and Development of an assurance framework/internal control continuum. Commissioner Steen asked about the 2008 Hurricane audit. AD Goodson stated the audit was requested by the Governor's office in order to put all the pieces together. Of over \$11M in expenditures a significant amount was not supported by documentation in the files. Commissioner Steen asked if steps were in place for the future to avoid this happening again. While AD Goodson could not assure that the controls are already in place, he did indicate that steps are being taken to address the issues. He felt with the leadership of Chief Kidd, proper controls should be put in place. AD Goodson also indicated that the historical storm events that happened in 2008 that attributed to the problem. Director McCraw highlighted the HR report stating the use of social security numbers would now be protected. A system to define an employee number will be implemented and this would safeguard sensitive employee personal information.

Chairman Polunsky expressed the responsibilities and functions done in the Chief Auditor's Office were extremely important towards the high level of the department's function and thanked AD Goodson for his stepping up to the plate on this and the good job done by him and his office. Commissioner Leon said she would like an appointment with AD Goodson to have a better understanding of what they do.

(01:14:24) AD Davio, Driver License reported on the proposed rule 37 TAC Sec. 15.25 Review of residential addresses for state-issued driver licenses and identification cards to include a two part review: address validation and search of 10 people or more at the same address. This was a Sunset request to put checks and validations in place to assure a higher quality of information about the applicants. This

process will be done in the background and would not extend the wait time for an applicant. Commissioner Steen asked about the costs associated with this – AD Davio stated in the ballpark of \$600,000 for the purchase. She said the annual expense would be based on an additional per transaction cost and she would report back on that amount. She reported the concern targets individuals out of status (expired I-94 coming to Texas and obtaining a 6-year license and going to another state). Commissioner Steen said he would like to know what DPS was getting into on this during these budgetary times before taking action. General Counsel Adkins stated the action requested would only publish the Rule, not approve, if they went forward. **A motion was made by Commissioner Leon and seconded by Commissioner Brown to approve the proposed rule being published in the Texas Register as presented. Commissioner Steen voted no. Motion passed 3-1.** Commissioner Steen asked that during these budgetary times he wanted to request that the financial implications be presented at the time any changes requiring action were proposed. Chairman Polunsky stated he was very much in favor of this tool that it behooved the national security and public safety. He said it also helped support the case in Texas for the Driver License function to be integrated into the state police department so the information could be accessed and utilized. Commissioner Steen asked about the referenced case from the federal government. Director McCraw reported that Texas was a victim because of these loopholes and it resulted in 4 nationals who were here illegally to overstay their status and they violated federal law. Commissioner Steen asked if there were any grants that may help with the substantial costs. Director McCraw said there were already REAL ID grants in the amount of \$6.6 million.

(01:18:13) AD Fulmer presented the Contract Review Board policy revisions. She said since the board was into the second year of being established, they were now seeing renewals and had found some reasons to revise the policy. She provided the revisions which included a change removing the exemption of SAA and TDEM contracts since they had become part of the agency and their contracts are reviewed by the Board. **A motion was made by Commissioner Steen and seconded by Commissioner Brown approving the revision to the PSC Contract Review Policy as reported. Motion passed unanimously.**

AD Fulmer continued with the review of the pending contract renewals/change order/awards. No action was required. This was an information only item. Commissioner Steen asked if Commissioner Barth had approved. AD Fulmer stated she had approved one and reviewed the other. Commissioner Steen said he felt it really needed her to review prior to informing the Commission. Chairman stated if any objection to let him know and he would have the others informed.

#### **Executive Session (01:25:25)**

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 12:01 p.m. and ended at 3:42 p.m.

The Public Safety Commission reconvened at 3:42 p.m. A quorum was present.

#### **Ongoing Business**

(CD1002 00:50) Commissioner Brown reported on the 28-day work cycle and overtime and compensatory time policy. She said her committee was still compiling information and they would ask to defer this to the next meeting.

The Director asked for the advice and consent of the Commission to name Hank Whitman as the new Captain of the Texas Rangers. **A motion was made by Commissioner Steen and seconded by Commissioner Leon approving the confirmation of Hank Whitman as the Assistant Director over the Texas Rangers reporting to Director McCraw. Motion passed unanimously.** The motion was followed by a round of applause from the audience. Captain Whitman thanked everyone for this

appointment and provided the audience an overview of his career. He stated he was hired by DPS in 1990, served 5.5 years in THP, 5 years in Intelligence and then to the Rangers adding he served a short stint as interim OIG, and during that time made the Deputy Assistant Director (Chief) of the Rangers. Commissioner Leon commented on the outstanding things she had heard about Mr. Whitman during her short time on the Commission. Chairman Polunsky echoed how fine an individual Mr. Whitman was, and added that he was highly capable and knowledgeable to fill this position and they were very happy Director McCraw had chosen him. Director McCraw stated Hank had put the Ranger Recon team together and thanked him.

Commissioner Brown then thanked Chief Leal for the 27 years he served DPS with his investigative services. Chairman added Chief Leal left a great legacy in law enforcement that distinguished him in a professional level and stated he wished him the best in his future endeavors.

(08:04) AD Hudson, Finance reported on the FY2011 operating budget noting the revamped report stating it reflected a \$17.5 million balance. She added there would be approximately \$4.6 million for agency funds utilized to cover grant expenditures and \$2.5 million for reserve for potential gasoline escalation and approximately \$2.8 million in unappropriated costs which would result in a \$7.4 million balance in available cash based on the AY2011.

AD Hudson continued with a report on the seized funds balance of \$6.6 million funds available for distribution. Commissioner Brown asked about the impermissible uses (g.) extravagant expenditures on their list and wanted to know what parameters that might have. AD MacBride stated another document supporting that would be sent to the Commissioners.

General Platt stated he was meeting the next day with Rep. Kolkhorst on the Legislative initiative for modification of the provisions of Government Code 411.244 DPS OIG. He would report further at the next Public Safety Commission meeting.

(13:25) DAD Woodall reported on the D school graduation and added the current schools were being housed in the academy on campus. He said 222 applications were currently in process and if past percentages applied, 60-80 would pass into the next school. He reported they would be going next week to Ft. Bragg to recruit. Commissioner Brown asked about the zero African American women enrolled and mentioned an ad where the military targeted recruiting them and asked that they think about advertising in this way to target this group. DAD Woodall reported in the movie theater trailer ads they planned to advertise DPS trooper positions. Commissioner Leon asked for date clarification on the graduation, Thursday, April 7<sup>th</sup> and DAD Woodall confirmed.

(18:02) AD Simpson and DAD Pat Johnson, Law Enforcement Support, provided a continued report on the costs of incinerator burning and options to include DPS reimbursement at 20 cent per pound which would result in bringing in about \$80,000. He reported it would still take 3 FTE's in the unwrapping process that would cost approximately \$170,000. With this being the case, he stated it would not be feasible to establish reimbursement. The Commission agreed stating they appreciated him looking into this.

The gift policy rewrite will be available at the April Public Safety Commission meeting.

(25:25) DAD John Madden Texas Highway Patrol reported 52 out of 256 cut outs had been completed in the TxDOT median divider project. He stated they had met with TxDOT who agreed to work with DPS in order to determine the best location for the cut-outs, which cost approximately \$20,000 each. DPS recommended one cut-out every two miles. One TxDOT district engineer was deferring action until new construction and not retrofitting what is already constructed. Chairman Polunsky asked the Director to prepare a letter for his signature to Chairman Delisi at TxDOT asking she have a discussion with that District engineer in Garland to implement the cut outs. Commissioner Leon requested a monthly report on progress towards all 256 until completed.

(30:37) Commissioner Brown addressed the Private Security rules which had been deferred from the February meeting. She reported they were housekeeping. She added that her concerns to do with the convictions would be addressed at a future meeting. **A motion was made by Commissioner Brown and seconded by Commissioner Leon to approve the rules. Motion passed unanimously.** Commissioner Steen asked Commissioner Brown to outline her concerns. She explained she was opposed to applicants who had a conviction of violent crimes obtaining a private security license.

For the record, Chairman Polunsky stepped out of the auditorium for a short period of time. Commissioner Brown chaired the meeting in his absence.

(37:40) AD Davio requested adoption of the proposed rule concerning the requirement of proof of domicile before the issuance of a non-commercial driver license or identification certificate.

She continued with an additional request for the adoption of the same proposed rule concerning the requirement of proof of domicile before the issuance of a commercial driver license or identification certificate – explaining the specifics that differed for commercial.

**A motion was made by Commissioner Steen and seconded by Commissioner Leon approving the two rules, agenda items VII. O. & P. as discussed. Motion passed.**

AD Davio requested action regarding the adoption of proposed amendments to Rule 15.163 TAC Sec. 15.163, concerning the removal of the inclusion of future surcharges in the Amnesty and Indigency Programs. Commissioner Brown had a couple of questions on the surcharges and conditions under which they were applied on a new surcharge and if a reduction for a new offense which differed with a statement in the rule “if reported in 90 days” surcharge reduction would be applied. AD Davio asked if she could restudy and address at the next meeting. Commissioner Steen asked to defer action on the item until it was looked into further and an answer provided.

(46:40) There were no further Commission reports or anything further on Finance or the Chief Auditor’s Office.

While no further reports were provided by the divisions, Commissioner Brown had a comment on how great she thought it was in the Administration report that services were provided by Psychological and Victims services not only to our own, but any law enforcement agency.

On CID Commissioner Brown wanted to brag on AD Ruocco and give him a pat on the back for the personnel shutting down intimidation of witnesses and violent sex offenders. She stated she felt this said a lot about their training.

AD Davio, Driver License returned with the estimate of the cost to implement the address verification discussed earlier and it was \$600,000 to implement and approximately \$4,000 per 1 million addresses verified, but hoped to get a better price. Commissioner Steen said that one of the DL assistants said there may be an off-setting savings. AD Davio agreed there would be some offset from the savings of not mailing out to bad addresses. Commissioner Steen thanked her for the quick information. DD MacBride said she thought the implementation could be done for significantly less.

Commissioner Brown asked the new AD Whitman of the Texas Rangers to come forward. She commended the Rangers for their excellent reporting and results.

(57:30) Chairman Polunsky returned. He asked if any items under consent needed to be pulled. Commissioner Steen asked not to lump the item for the appointment of Commissioner C. Tom Clowe as an Honorary Texas Ranger Captain in with the other items.

**A motion was made by Commissioner Brown and seconded by Commissioner Leon approving Consent Items A & B. Motion passed unanimously.**

**A motion was made by Commissioner Steen and seconded by Commissioner Brown approving the appointment of Commissioner C. Tom Clowe as an Honorary Texas Ranger Captain. Motion passed unanimously. Chairman Polunsky added what a gifted individual Commissioner Clowe was and how much his time and efforts to the Department of Public Safety were appreciated. He added that Commissioner Clowe would head the foundation to benefit the DPS employees/families as discussed previously.**

There were no future agenda items requested.

Chief Kidd asked to move the renaming of the SOC in honor of the late Jack Colley to May. Chairman agreed to the request.

The next meeting of the Public Safety Commission will be April 21, 2011.

(01:02:51) The meeting was adjourned at 4:47 p.m.

Read and approved this 21<sup>st</sup> day of April, 2011.

  
Chairman

# Chief Auditor's Office Charter

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## Department of Public Safety: Mission, Goals, Values and Motto

### MISSION

Protect and Serve Texas.

### GOALS

- Combat Terrorism and Crime
- Enhance Public Safety
- Strengthen Statewide Emergency Management
- Provide World-Class Services

### VALUES

**INTEGRITY:** We demonstrate honesty, openness, and respect in all we do.

**TEAMWORK:** We work together within the Department and with other agencies to achieve common objectives.

**ACCOUNTABILITY:** We seek and accept responsibility for our actions and results.

**EXCELLENCE:** We strive to be the best and continually improve our performance.

### MOTTO

Courtesy, Service, Protection

## Chief Auditor's Office: Mission, Vision & Philosophy, and Motto

### MISSION

Our mission is to assist the Department in achieving its operational goals by:

- Using innovative and disciplined methods to objectively evaluate the effectiveness, efficiency, and integrity of Department operations and governance processes.
- Making recommendations to improve operational performance and governance processes.

### VISION & PHILOSOPHY

***We are a world-class audit department.***

**LEADERSHIP** We lead our profession in the use of innovative audit techniques and will continue to update our audit approach to effectively address emerging risks, issues, and changes in the environment.

- INTEGRITY** We exemplify the highest degree of trust and integrity in our partnership with Department leadership and employees, and continually uphold professional standards.
- INNOVATION** We encourage initiative, creativity, and innovation, while recognizing the attendant risk. We benefit from diverse ideas. Recognition is bestowed upon those who are innovative and accept responsibility for their actions. Mistakes are considered challenges from which we learn.
- PREVENTION** We anticipate future issues and risks rather than merely report on past events. As Department operations change, we look ahead to address potential risks.
- QUALITY** We excel by practicing continuous improvement. We enrich the Department's performance by delivering timely, value-added services and information to key customers.
- TEAMWORK** We create a participatory environment that challenges our staff and allows them to fully utilize their talents. We maintain a positive, productive relationship with Department management and staff. By working together and capitalizing on our strengths, we continually improve our services.
- COMMUNICATION** We foster a culture that stimulates free and open communications with Department management and staff in improving processes and identifying solutions. We listen and ask the right questions.

## **MOTTO**

Integrity, Independence, Objectivity

## **PURPOSE AND AUTHORITY**

This charter defines the purpose of the Department of Public Safety Chief Auditor's Office (CAO) as well as the CAO's authority, responsibilities, and reporting requirements.

The Texas Internal Auditing Act (Government Code 2102) requires certain Texas state agencies, including the Texas Department of Public Safety (DPS) to conduct a program of internal auditing. Furthermore, Section 411.241 of the Government Code requires DPS to have an Office of Audit and Review. The CAO is established to meet these requirements. The Government Code also requires the Public Safety Commission to appoint an internal auditor / Director. The Chief Audit Executive (CAE) is the internal auditor required by the Act and serves as the Director called for in the Government Code.

## **Professional Standards**

The CAO follows the Texas Internal Auditing Act. The CAO must adhere to the Institute of Internal Auditors' *International Professional Practices Framework* (Definition of Internal Auditing, the Code of Ethics and the Standards) and the U.S. Government Accountability Office's *Government Auditing Standards*. This mandatory guidance provides the fundamental requirements for the professional practice of internal auditing and for evaluating the effectiveness of the CAO.

## **Definition of Internal Auditing**

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

## **Audit Program**

The CAO's work is guided by an annual risk-based audit plan which is approved by the Public Safety Commission. Amendments to the approved plan are approved by the Public Safety Commission. The CAO audit program includes both assurance and advisory services.

**Assurance Services** include the examination and evaluation of the adequacy and effectiveness of the Department's system of internal control and the quality of performance in carrying out its goals and objectives. Assurance Services also include inspections. Inspections are audit projects designed to evaluate compliance with established laws, rules, regulations, policies, procedures, contract provisions and other requirements. The CAO assurance activities may include, but are not limited to:

- Assessing the reliability and integrity of financial and operating information and the means used to identify, measure, classify, and report such information.
- Evaluating internal control processes established to ensure compliance with those policies, plans, procedures, laws, and regulations that could have a significant impact on operations and determining whether the Department is in compliance.

- Assessing Department governance processes.
- Reviewing the means of safeguarding Department assets and verifying the existence of those assets.
- Appraising the economy and efficiency with which Department processes are performed and resources are deployed.
- Reviewing Department operations and programs to ascertain whether results are consistent with established objectives and goals and whether the operations and programs are being carried out as planned.
- Reviewing Department information systems throughout the system lifecycle.
- Monitoring and assessing corrective actions taken in response to reported audit issues.
- Coordinating with the DPS Office of Inspector General to report to the Texas State Auditor's Office, as required by Texas Government Code, Section 321.022, when there is reasonable cause to believe that fraudulent or unlawful conduct has occurred in relation to the Department.

**Advisory Services** are requested by Department clients, the nature and scope of the service is agreed upon in advance with the client, and both parties believe the service will add value and improve the Department's operations. Advisory services can include the following:

- **Assessment Services.** The auditor examines/evaluates a past, present, or future aspect of operations, and supplies timely information to assist the client in making decisions. Unless requested, an assessment would not include recommendations.
- **Facilitation Services.** The auditor assists the client in examining organizational performance for the purpose of promoting change. As a facilitator the auditor does not judge organizational performance. In this role, the auditor guides the client in identifying organizational strengths and opportunities for improvement.
- **Liaison Services.** The CAO is the Department's primary point of contact assigned to coordinate and facilitate activities of external entities that oversee the work of the DPS. These entities include, but are not limited to the Texas State Auditor's Office, the Federal Bureau of Investigations, and the Government Accountability Office. Program Management, upon learning of an oversight entity's intent to review a program of the DPS, is required to immediately notify the CAO.

The CAO will not perform Remediation Services. Remediation services are those in which the auditor assumes a direct role designed to prevent or remediate known or suspected problems on behalf of management. Remediation services require the making of management type decisions and are thus inappropriate according to the Government Auditing Standards.

## **Authority**

The CAO is granted unlimited access to all Department operations, records (in any form), physical properties, activities, and employees pertinent to the performance of their duties outlined in this charter. The CAO staff is expected to take appropriate measures to maintain the confidentiality of

information gained in the course of their work and to safeguard any records entrusted to their care. Audit working papers are excepted from disclosure under the Public Information Act per the Texas Government Code 552.116.

### **Organizational Independence**

The CAO reports directly to the Public Safety Commission and is authorized to report to the Department Director for administrative purposes. The CAE is responsible for communicating and interacting directly with the Public Safety Commissioners. The Public Safety Commission, as required by the Texas Internal Auditing Act, shall determine if adequate resources are dedicated to the internal audit program to ensure that risks identified in the annual risk assessment are adequately covered within a reasonable time frame. These conditions allow the internal audit activity the organizational independence necessary to fulfill its responsibilities.

### **Individual Objectivity**

The CAO will exhibit the highest level of professional objectivity in gathering, evaluating, and communicating information about the process or activity being examined. Audit assignments are reviewed and staff is assigned to prevent potential and/or actual conflict of interest.

### **Proficiency**

The CAO will possess or obtain the knowledge, skills, and other competencies needed to perform the audit activities. Continuing professional development is essential to help ensure internal audit staff remains proficient. If audit staff lacks the knowledge, skills, or other competencies needed to accomplish an approved audit engagement, the CAE will obtain competent assistance, through contracting or partnering.

### **Continuing Professional Development**

Each fiscal year, the CAO will be allocated a budget for training and educational materials to ensure staff meet the continuing education requirements established in *the Standards*.

### **Quality Assurance and Improvement Program**

The CAO will maintain a quality assurance and improvement program to ensure conformance with applicable audit standards, policies, and audit programs. The program includes appropriate supervision, periodic internal assessments, and ongoing monitoring of work performed. In addition, an external quality assurance review will be performed at least once every three years.

### **Responsibilities**

Auditors have no direct responsibilities for, or authority over, the activities or operations they review. They should not develop and install procedures, prepare records, or engage in activities that would normally be reviewed by auditors. This does not preclude auditors from serving in an advisory capacity in the implementation of improvements or the establishment or redesign of activities, policies,

procedures, or information systems. Additionally, this restriction shall not prevent auditors from performing analyses and recommending alternative courses of action to management.

The performance of internal audits does not relieve management of its responsibility to effectively and efficiently assess and control operating risks. Additionally, Department management is responsible for reviewing audit conclusions, recommendations, and deciding what actions, if any, are warranted.

### Reporting

Audit reports, which generally include management’s responses, are issued to the Public Safety Commission and the Department Director following the conclusion of each audit. Draft audit reports are submitted to the audit Contact Commissioner for review and comment prior to final distribution.

As required by the Texas Internal Auditing Act, final audit reports are distributed to the Governor’s Office, Legislative Budget Board, Sunset Advisory Commission, and the State Auditor’s Office. Final reports are open records under the Texas Public Information Act.

The CAE has established a follow-up process to monitor Department managers’ progress in effectively resolving audit issues and implementing corrective action plans. The CAE process is also designed to verify when Department management has accepted the risk of delaying or not taking corrective action.

Advisory service reports are generally provided to the manager who requested and received the advisory service. Advisory services listed as projects in the approved audit plan will be communicated to the Public Safety Commission.

### Closing

The Chief Auditor’s Office has the support and backing of the Public Safety Commission as demonstrated by our approval of this charter on March 24, 2011.



Allan B. Polunsky  
Chairman, Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On March 24, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter C  
Section 35.46

The Texas Department of Public Safety (the department) adopts amendments to Section 35.46, concerning Guidelines for Disqualifying Convictions without changes to the proposed text as published in the December 31, 2010 issue of the *Texas Register* (35 TexReg 11820).

These amendments are necessary to clarify that all assaultive offenses are related to the provision of private security services, and are therefore potentially disqualifying from licensure under the Private Security Act, Chapter 1702 of the Texas Occupations Code, in compliance with the requirements of Chapter 53 of the Texas Occupations Code. This rule provides additional guidance to the regulated community, prospective applicants, and department staff, regarding the types of criminal offenses that are disqualifying under the Act.

No comments were received regarding the adoption of these amendments.

These 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, and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter, and Texas Occupations Code, Section 1702.004(b), which required the original adoption of this rule.

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 March 24, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter F  
Section 35.93

The Texas Department of Public Safety (the department) adopts amendments to Section 35.93, concerning Penalty Range without changes to the proposed text as published in the December 31, 2010 issue of the *Texas Register* (35 TexReg 11821).

These amendments are necessary to comply with the statutory mandate provided through the 81st Legislature's amendment of Texas Occupations Code, Section 1702.402, requiring a rule-based standardized penalty schedule. *See* H.B. 2730, Section 4.100. This rule will provide guidance to the Private Security Bureau staff and the regulated industry regarding the fines associated with various rule and statutory violations by the regulated community.

No comments were received regarding the adoption of these amendments.

These 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, and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter, and Texas Occupations Code, Section 1702.004(b), which required the original adoption of this rule.

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 March 24, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter I  
Section 35.142

The Texas Department of Public Safety (the department) adopts amendments to Section 35.142, concerning Application for a Security Officer Commission. The amendments are adopted with nonsubstantive changes to the proposed text as published in the December 31, 2010 issue of the *Texas Register* (35 TexReg 11822) and will be republished. Capitalization errors are corrected in subsection (a)(5) and subsection (c), the phrase "a copy of" has been added to subsection (a)(5), and the word "and" was moved from the end of subsection (a)(3) to the end of subsection (a)(4).

These amendments are necessary to authorize the submission of electronic fingerprints and proof of identification issued by other states, and to require documentation of federal firearm qualification, of those applying for security guard commissions. This rule will clarify for prospective applicants and department staff, the documents necessary for an application.

The department received a comment from Michael Samulin, representing Texas Burglar and Fire Alarm Association and Intruder Alert Systems, Inc. recommending the department add the phrase "a copy of" to the beginning of subsection (a)(5). The department agrees and the language has been added.

These 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, and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter, and Texas Occupations Code, Section 1702.004(b), which required the original adoption of this rule.

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 March 24, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter L  
Section 35.181

The Texas Department of Public Safety (the department) adopts amendments to Section 35.181, concerning Employment Requirements without changes to the proposed text as published in the December 31, 2010 issue of the *Texas Register* (35 TexReg 11823).

These amendments are necessary to clarify the nature of the employer/employee relationship required in order satisfy the statutory requirement of insurance coverage for regulated services. This rule will provide guidance to the Private Security Bureau staff and the regulated industry regarding appropriate employment arrangements.

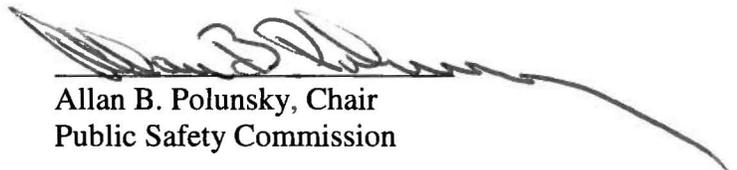
No comments were received regarding the adoption of these amendments.

These 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, and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter, and Texas Occupations Code, Section 1702.004(b), which required the original adoption of this rule.

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 March 24, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter L  
Section 35.186

The Texas Department of Public Safety (the department) adopts amendments to Section 35.186, concerning Registration Applications. The amendments are adopted with nonsubstantive changes to the proposed text as published in the December 31, 2010 issue of the *Texas Register* (35 TexReg 11824) and will be republished. A capitalization error is corrected in paragraph (4) and the phrase "a copy of" has also been added to paragraph (4).

These amendments are necessary to authorize the submission of electronic fingerprints and proof of identification issued by other states, and to require documentation of work authorization from non-resident alien applicants. This amendment will clarify for prospective applicants and department staff the documents necessary for application.

The department received a comment from Michael Samulin, representing Texas Burglar and Fire Alarm Association and Intruder Alert Systems, Inc. recommending the department add the phrase "a copy of" to the beginning of paragraph (4). The department agrees and the language has been added.

These 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, and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter, and Texas Occupations Code, Section 1702.004(b), which required the original adoption of this rule.

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 March 24, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security  
Title 37 T.A.C. Part I, Chapter 35  
Subchapter S  
Section 35.292

The Texas Department of Public Safety (the department) adopts amendments to Section 35.292, concerning Requirements for Continuing Education Courses without changes to the proposed text as published in the December 31, 2010 issue of the *Texas Register* (35 TexReg 11824).

These amendments are necessary to remove the references to fees for continuing education training courses and instructors of such courses, and thus eliminate potential conflicts with the previously amended Section 35.70 of this title (relating to Fees). The latter rule specifically addresses all fees charged by the department (including the fees for continuing education training courses and instructors). These amendments will clarify the fees to be charged to such training schools and instructors, and avoid confusion relating to the fee structure.

No comments were received regarding the adoption of these amendments.

These 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, and Texas Occupations Code, Section 1702.061(b), which authorizes the department to adopt rules to administer this chapter, and Texas Occupations Code, Section 1702.004(b), which required the original adoption of this rule.

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 March 24, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Commercial Driver License  
Title 37 T.A.C. Part I, Chapter 16  
Subchapter A  
Section 16.15

The Texas Department of Public Safety (the department) adopts new Section 16.15, concerning Proof of Domicile without changes to the proposed text as published in the December 24, 2010 issue of the *Texas Register* (35 TexReg 11559).

This new section is necessary to implement Texas Transportation Code, Section 522.0225, which requires the department to adopt rules for determining whether a domicile has been established under Texas Transportation Code, Section 522.022, including rules prescribing the types of documentation the department may require from the applicant to verify the validity of the claimed domicile.

No comments were received regarding the adoption of this new section.

This new section is 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 Transportation Code, Section 521.005 and Section 522.0225.

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 March 24, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules  
Title 37 T.A.C. Part I, Chapter 15  
Subchapter B  
Section 15.49

The Texas Department of Public Safety (the department) adopts new Section 15.49, concerning Proof of Domicile without changes to the proposed text as published in the December 24, 2010 issue of the *Texas Register* (35 TexReg 11556).

This new section is necessary to implement Texas Transportation Code, Section 521.1426, which requires the department to adopt rules for determining whether a domicile has been established, including rules prescribing the types of documentation the department may require from the applicant to verify the validity of the claimed domicile.

No comments were received regarding the adoption of this new section.

This new section is 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 Transportation Code, Section 521.005 and Section 521.1426.

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

## SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS

### Special Ranger Applicants

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Lindley, Robert R.	THP	CVE/Tyler	12/31/2010	27 years	
Stone, Jr., Ronald K.	THP	CVE/Seguin	01/31/2011	26 years	

### Special Texas Ranger Applicant:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Ratliff, Thomas E.	Rangers	San Marcos	08/31/2008	32 years	

Approved by the Public Safety Commission on: 3/24/2011