

**MINUTES  
PUBLIC SAFETY COMMISSION  
DECEMBER 5, 2013  
AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on December 5, 2013. Attending the meeting were Chairman Cynthia Leon, Commissioners Carin Barth, Randy Watson and Steven Mach. A quorum was present at the meeting. DPS staff members and guests were also present.

**Call to Order** (0:00:09)

The meeting was called to order by Chairman Leon at 9:02 a.m. Proper notice had been posted.

Chairman Leon introduced Steven Mach as the newest member of the Public Safety Commission. Commissioner Mach is the Vice President and CFO of Mach Industrial Group in Houston.

**Approval of Minutes** (0:03:10)

**A motion was made by Commissioner Watson seconded by Commissioner Barth approving the minutes as submitted for October 16 and 17, 2013. Motion passed unanimously.**

**Public Comment** (0:03:44)

None

**Directors Report** (0:03:56)

**B.Presentations**

**Director's Citation**

Sergeant Bryan Henry

**Medal of Merit**

Senior Corporal John Gonzalez

**Director's Award**

Lubbock Fire Chief Mike Kemp

**Service Awards**

Charles Arnold – 40 years

Timothy Nielsen – 40 years  
Robert Thorp – 40 years  
Dierdre Cumberland – 30 years  
Charlene Patschke – 30 years  
Desiree Taylor – 30 years

A.Recognition of service for Allan B. Polunsky – Former Commissioner and Chairman Texas Public Safety Commission

Former Commissioner Allan Polunsky was named an Honorary Texas Ranger Captain in recognition for his more than six years of service on the Public Safety Commission.

**A motion was made by Commissioner Mach seconded by Commissioner Watson approving the motion to name Allan Polunsky as an Honorary Texas Ranger Captain. Motion was passed unanimously.**

B.Presentations cont'd (0:28:00)

Enrique Lucero, ICE San Antonio, presented Assistant Director Tom Ruocco with the US Department of Homeland Security Law Enforcement Information Sharing Outstanding Achiever Award and Director McCraw with the US Immigration and Customs Enforcement Director's Service to the Homeland Award.

C.Impact Texas Teen Drivers Program (0:32:13)

- In May 2009, DPS lost the authority to delegate authority for the skills tests for driving
- Chairman Larry Phillips, House Transportation Committee, is concerned with the rising number of teen deaths
- SB 1705 (approved this last session) DPS regained authority and incorporates training into driving schools (driving schools can now issue driving tests)
- To implement SB 1705, TEA will incorporate a 1 ½ hour distracted driving training to the curriculum
- Texas will use the California model (Impact Teen Drivers Program), which was introduced at the International Association of Chiefs of Police conference, and modify the curriculum for Texas (Impact Texas Teen Drivers Program)

New Business (0:45:25)

A.Report, discussion, and possible action on proposed amendments to Professional Conduct Rule for publication to receive public comment

Director McCraw is seeking approval to post Professional Conduct Rule for publication.

**A motion was made by Commissioner Barth seconded by Commissioner Mach approving revision of the Ten General Orders to receive public comment. Motion passed unanimously.**

B.Report and discussion regarding the contracting policies (0:48:08)

AD Arriaga provided an update on the improvement of contracting policies.

- Front end review by Contract Review Board
- Weekly updates and constant monitoring
- As of November 18, 2013, 53 requested contracts reviewed in FY 14 (\$65.8M)

C.Report, discussion and possible action on Equal Employment Opportunity compliance/refresher training (0:58:42)

DAD Nathanael Haddox provided an EEO annual update:

- 8,572 permanent employees have taken training
- 607 employees must complete training by 12/31/13
- 2013 Allegations and Investigations (January 2013 – November 15, 2013):
  - 172 allegations reported (18 still under investigation)
  - 63 sustained (2 discrimination/2 sexual harassment/1 harassment/53 unprofessional conduct/4 failure to report/1 retaliation)
  - Investigation timeline is 31 – 34 days

The Commission adjourned for a small break at 10:08 a.m. before continuing with the agenda. The Commission reconvened at 10:17 a.m.

D.Report and discussion regarding Texas Anti-Gang Center (1:06:50)

Regional Commander Duane Steen reported on the Texas Anti-Gang Center located in Houston:

- Operational since April 2013
- Governor's Criminal Justice Division awarded a grant for \$1,699,520
- Grant executor is the Harris County District Attorney's Office
- Participating agencies: DPS, FBI, DEA, ATF, ICE, Houston Police Department, Harris County Sheriff's Office, TDCJ-OIG and the Texas National Guard
- 2013 Stats (January 2013 – October 2013):
  - 448 investigations opened
  - 352 arrests
  - 229 high risk arrests
  - 144 weapons seized
  - \$3,592,000 property seized
  - \$5,500,000 drugs seized

E.Report and discussion on mounted patrols at Capitol (1:23:04)

Regional Commander Joe Ortiz provided a brief on mounted patrols:

- Currently have 2 – Trooper and Ranger – who are a 4 and 5 year old gelding horses in training

- Both were donated by an organization in Houston and the trailer was seized property
- Utilizing the Parelli training method used by Houston and City of Austin
- Trooper and Ranger are scheduled to be released to patrol in December or January
- Austin Police Department has 88 acres of land and will be getting a new 24-stall facility and they have offered DPS 6 stalls at a cost of \$1.00 per year.

#### F.Report and discussion regarding the DPS Physical Fitness Program (1:34:58)

Lieutenant Greg Davis provided an update on the Physical Fitness Program:

- Started in March 2010

Stats:

- Commissioned PRT Percentages – 498 individuals – 494 passed, 4 failed
- Commissioned VO2 Percentages – 7,349 individuals – 7,227 passed, 122 failed
- Combat Fitness – 427 individuals – 425 passed, 2 failed

DPS Capitol Fitness Initiative:

- 17 state agencies participating
- 306 participants

#### G.Report, discussion and possible action on administrative rule posting and adoption process (1:56:08)

General Counsel Adkins presented a proposed modification of the manner in which the Commission adopts administrative rules. Currently, staff presents proposed rules to the commission twice. First, rules are presented to the Commission for the purpose of approving the publication of a proposed rule in the Texas Register to receive public comment. Second, after rules have been published and commented upon, the rules are brought back before the commission for consideration and adoption. GC Adkins proposed that on procedural or “housekeeping” type rules the Commission grant staff authority to publish and seek comment before presenting the rules to the Commission. After receiving comment, the rules and any comments received would be presented to the Commission for potential action adopting the rule.

The commission discussed the proposal. Commissioner Mach suggested that the proposal be modified to use a rules liaison from the commission who would be given notice of the staff’s intent to publish rules for comment prior to commission approval.

**A motion was made by Commission Mach and seconded by Commissioner Barth that the modified rules adoption process be adopted with the specific requirement that staff inform the commission rules liaison of occasions in which staff seeks to publish a rule for comment prior to commission action. The Motion passed unanimously. Chairman Leon will serve as the commission rules liaison.**

H.Report, discussion, and possible action on proposed new Public Safety Communications Rules for publication to receive public comment: 37 TAC Sections 9.61 – 9.68, concerning State Amateur Radio Operator Service (2:07:20)

AD Kidd is seeking approval to receive public comment for Rule 9.61 – 9.68 concerning State Amateur Radio Operator Service.

**A motion was made by Commissioner Barth seconded by Commissioner Mach approving the proposed new Public Safety Communications Rule 9.61 – 9.68 to receive public comment. Motion passed unanimously.**

I.Report, discussion, and possible action on proposed new Driver License Rule for publication to receive public comment: 37 TAC Section 15.61, concerning Third Party Skills Testing (2:10:44)

AD Peters is seeking approval to receive public comment on Driver License Rule 15.61 concerning Third Party Skills Testing.

**A motion was made by Commissioner Barth seconded by Commissioner Watson approving the proposed new Driver License Rule 15.61 to receive public comment. Motion passed unanimously.**

AD Peters also provided an Electronic Identification Card (EIC) update:

- 149 cards issued
- 12 were invalid

#### **Ongoing Business (2:25:11)**

A.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

Three projects were completed since October 2013:

- South Texas HIDTA Grants Management
- Performance Measures Audit
- Annual Report for the Internal Auditor

B.Update report, discussion and possible action regarding recruitment (2:27:53)

AD Woodall provided the following update:

- Recruit graduation is scheduled for December 20, 2013, at 10 a.m. with a total of 102 recruits anticipated
- Next recruit school will start 1/12/14 with 140 recruits
- 69 applicants completed
- 82 in conditional job offer status
- 76 are in background investigation
- 158 applicants are still being processed

-275 applications were received online (receiving an average of 69 applicants per day)

C.Report, discussion, and possible action by the Commission regarding modification and transformation of the DPS organizational structure approval of personnel placements and salaries pursuant to Government Code chapter 411, Secs. 411.005, 411.006 and 411.0071 (2:32:29)

None

D.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 (2:32:34)

None

### **Reports (2:32:38)**

A.Commission member reports and discussion - none

B.Finance Report - none

C.Chief Auditors Office - none

D.Division status reports on activities and action

Candace Nolte recognized legislative staff in attendance:

-Heather Hill – Governor’s office

-Kimberly Schmid – Lieutenant Governor’s office

-Gretchen Essell – Senator Estes’ office

John Wielmaker – Legislative Budget Board

Director McCraw participated in a recent press conference with Lieutenant Governor Dewhurst to extend border operations. Lieutenant Governor Dewhurst will request \$60 million per year.

Representatives Joe Pickett and Tony Dale will be attending recruit graduation.

### **Consent Items (2:40:31)**

A.Discussion and possible action on the Director’s action of discharging probationary employees: Janese Williams, Kristina Wade, Denise Fleming and Jesse Foster

B.Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code Chapter 411, Secs. 411.023 & 411.024: Special Rangers: Sparky Phillip D. Dean, Robert D. Dial, Adam A. Gonzales, David M. Pueschel, Joseph A. Sagnibene, Robert S. Shatley and Timothy W. Stewart; Special Texas Rangers: Adolphus Pressley Jr.; Special Ranger Applicant from the Texas and Southwestern Cattle Raisers Association: Michael J. Barr

C.Donations

1. Seat Belt Convincer – Highway Patrol

2. Additional donation items, as needed

**A motion was made by Commissioner Watson seconded by Commissioner Barth approving Consent Items A, B, and C. Motion passed unanimously.**

**Items for Future Agenda** (2:41:05)

1. Presentation to Former Commissioner Ada Brown (any day but Tuesdays)
2. Scope of Contracts requiring CRB or Commission approval – Commissioner Barth

**Date for Future Meeting** (2:41:15)

February 12 – 13, 2014 were established for the next Public Safety Commission meeting and discharge hearings dates.

**Adjourn Into Executive Session** (2:44:14)

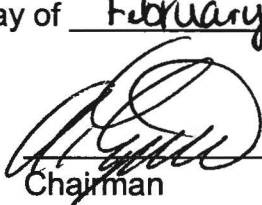
The Commission adjourned into Executive Session to discuss security issues, to consult with legal counsel regarding pending or contemplated litigation or settlement offers or to receive legal advice on items posted on this agenda; deliberation regarding real estate matters; consideration of any other items authorized by law, including personnel matters, the Director's action of discharging employees as identified in this agenda; ongoing criminal investigations. Executive Session began at 11:55 a.m.

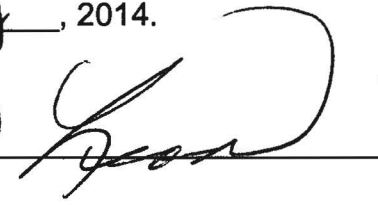
(2:45:24) The Public Safety Commission reconvened this open session at 12:50 p.m. Commissioners present were Chairman Leon, Commissioners Carin Barth, Randy Watson and Steven Mach.

**Adjourn** (2:45:48)

The meeting was adjourned at 12:51 p.m.

Read and approved this 13<sup>th</sup> day of February, 2014.

  
Chairman





IN THE MATTER OF                         §                 BEFORE THE

THE DISCHARGE OF                         §                 PUBLIC SAFETY COMMISSION

PROBATIONARY EMPLOYEES                 §                 IN AUSTIN, TRAVIS COUNTY, TX

## **Advice and Consent**

In accordance with Government Code Section 411.007(f), the Director found that the following named probationary employees were unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to discharge these employees:

Employee Name	Employee Title/Division	Date of Discharge
Janese Williams	Customer Service Representative/Driver License	10/08/13
Kristina Wade	Police Communications Operator/Law Enforcement Serv.	10/18/13
Denise Fleming	Customer Service Representative/Driver License	11/01/13
Jesse Foster	Customer Service Representative/Driver License	11/06/13

~~Approved:~~

Approved:   
A. Cynthia Leon, Chair  
Public Safety Commission  
Date: December 5, 2013



**SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS**  
**December 5, 2013**



**Special Ranger Applicants:**

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Dean, Sparky Phillip D.	THP	HP/Abilene	06/30/03	25 years	
Dial, Robert D.	THP	CVE/Graham	09/30/13	28 years	
Gonzales, Adam A.	CID	Harlingen	05/21/02	26 years	
Pueschel, David M.	THP	HP/Tuscola	06/30/01	28 years	
Sagnibene, Joseph A.	CID	Garland	09/30/13	25 years	
Shatley, Robert S.	THP	HP/Lubbock	10/31/13	31 years	
Stewart, Timothy W.	CID	Garland	08/31/08	33 years	

**Special Texas Ranger Applicant:**

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Pressley, Jr., Adolphus	OIG	Houston	09/30/13	23 years	

**Special Ranger Applicant from the Texas and Southwestern Cattle Raisers Association:**

Name	Approved
Barr, Michael J.	

Approved by the Public Safety Commission on: 12/5/13

Chairman