

MINUTES
PUBLIC SAFETY COMMISSION
December 11, 2009 meeting
Austin, Texas

Call to order

The Public Safety Commission met in Austin, Texas on December 11, 2009. Attending the meeting were Chairman Allan Polunsky, Commissioners Carin Barth, Ada Brown, Tom Clowe, and John Steen. DPS staff members and guests were also present. The meeting was called to order by Chairman Polunsky at 10:35 a.m. Proper notice had been posted.

Approval of Minutes (00:42 indicates time stamp from audio)

A motion was made by Commissioner Barth and seconded by Commissioner Brown approving the minutes for the November 19, 2009 meeting. Motion carried unanimously.

Public comment (1:22)

No one from the audience had public comment.

Director's Report (1:57)

Colonel Steven McCraw provided information on the Texas District and County Attorneys Association meeting he recently attended in Ft. Worth. He stated he was encouraged with the progress and potential of the partnership with the 16 Border prosecutors.

Colonel McCraw gave a detailed report on the Texas Fusion Center Policy Council, which he chairs. He stated there are currently 72 nationwide fusion center. Texas has 7 fusion centers, each with one representative in: Houston, Dallas, Austin, San Antonio, El Paso, the statewide center at DPS-Austin, and a rep from the Attorney Generals office. Chairman Polunsky inquired if the norm for other urbanized states was to have one central fusion center. Colonel McCraw responded while fusion centers started at the state level it was not uncommon for larger states, with high density population, to have multiple local fusion centers. Chairman Polunsky asked if it would be better for Texas to have only one statewide fusion center. Colonel McCraw replied he felt there were benefits to having the local coordination of the remote centers such as distributive processes that enable statewide sharing and coordination.

New Business (21:55)

Commissioner Clowe asked DD Rable, Services, to bring the Commission members up to date with regards to the building safety at the DPS North Lamar campus. DD Rable and AD Fulmer, Administration, outlined the three phases for the short and long term plans. Phase I - which was completed - Implemented an emergency contract for recruits at a local hotel on November 20, 2009 for alternate accommodations and travel arrangements with no issues. Phase II - Consists of working out procurement of accommodations for the remainder of the B-2009 recruit school, development of a plan for tracking of lodging expenses for recruits and in-service, and securing a TFC Condition Assessment. DAD Sandra Fulenwider spoke of the details of the TFC Condition Assessment for every DPS statewide building. (123 sites; 271 buildings/ 2,000,000 sq. ft. cumulatively). The assessment would include TFC's evaluation and deliverables based on a "life cycle" tracking system. The estimated timeline would be: contract executed by end of

January, build process by end of February; vendor assessment in March and final report and training end of May, 2010.

Commissioner Clowe stated that he and the other Commissioners who had toured the hotel found the facilities very acceptable. He verified there had been no complaints. DAD Woodall, Director of the Academy, said the early concerns regarding security at the facility had been addressed. The recruits were keeping their vehicles at the DPS campus and were bused to the Academy daily. Commissioner Clowe addressed the current costs of moving the recruits November 20-December 31. AD Fulmer said the cost was \$21 per recruit, per night or approximately \$2,000 per day for all of the recruits.

Commissioner Steen commented he felt DPS needed to take care of the training academy first then evaluate the entire DPS facilities statewide. DD Rable stated that would be the plan. Commissioner Clowe spoke on the rehab figure of \$4M for the dormitory being unreliable. DD Rable said they would deal with the dorm first and then the long term solutions. Chairman Polunsky asked if long-range meant a new facility. AD Fulmer confirmed it was.

(43:33) AD Cheryl MacBride, Finance, presented a slide for Phase III, the long term strategy. Fixed and variable costs solutions needed to be researched and assembled, break even costs analyzed and dorm facility analysis done. Chairman Polunsky asked AD MacBride to clarify her comment on the break-even costs, if she meant that some threshold were exceeded would that prevent a class from being conducting. She confirmed if there were not enough students to conduct a class. Commissioner Clowe asked how the profit side was quantified. AD MacBride replied it was based on number of recruits in each class. DD Rable stated determining what the minimum feasible class size was and if there is potential to run 2-3 simultaneous classes were being considered. Chairman Polunsky agreed that one of the things we should be looking at is the bigger picture of how to build a better mousetrap.

Commissioner Steen asked AD MacBride to return later in the meeting with the exact daily expense it is costing to have the recruits at the hotel facility including transportation. Commissioner Clowe clarified the break-even analysis comments, stating the overall thrust was DPS wants to produce officers as a result of providing excellent training, resulting in filling the FTE's available.

The OIG staffing and services agenda item was deferred until after Executive Session.

Executive Session (57:25)

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 11:45 a.m. and ended at 3:04 p.m.

Ongoing Business (58:10)

Captain Whitman, interim Officer of Inspector General and Lt. Jay Alexander provided costs for staff vs. outsourcing services of an Administrative Assistant to transcribe OIG investigation reports. AD MacBride stated she had identified Internal Affairs budget of \$775,000 to fund costs associated with the OIG. The particular position would be a transfer from THP, yet the position is new to OIG. THP would have to hire a replacement. Commissioner Steen made a comment

on the item later in the agenda of appointing a new Inspector General. Chairman Polunsky felt it advantageous to wait until that individual was on board and allow that person the opportunity to review the budget and needs, and then proceed. He asked to revisit this item in January.

AD MacBride presented an updated slide on the Budget Variances stating there was a balance of \$5.8M. She pointed out the IT Critical Salary of \$1.1 M and Private Security Technology Request of \$2.2M was removed from the items to be considered. Chairman Polunsky asked Colonel McCraw to address the recruit school issue, and he asked DAD HR, Jesse White to provide study results. DAD White based the results on Commissioner Brown's presentation findings she presented at the November meeting. He stated the 26 week school was too long and a shorter school would result in reduced costs and improved recruiting. He provided the options in order to have the duty assignment guaranteed prior to the start of the next class. He spoke on aggressively seeking high potential applicants from military/colleges for trooper-trainee internship programs. He said there would be 6 full-time regional recruiters by March 2010, who would come from the seven part-time recruiters presently on board. These recruiters would work with the Regional Commanders resulting in the Regional Commanders being accountable for their region's recruiting efforts. DAD White stated the marketing emphasis would be based on public service not remuneration. He is currently looking into recruiter presence at Ft. Hood and Ft. Bliss. Graduation and recruiting bonuses were being examined. The Comptroller's office had given opinion that these bonuses are okay for Commissioned employees – Sch C., as well as non-commissioned personnel. Lastly, he stated Colonel McCraw would be signing a MOA for Army Reserve Employer Partnership Initiative on January 8, 2010 during the All-American Bowl event. This initiative would provide for DPS to be able to post jobs on the Army Reserve website. He concluded with a request of the Commission to approve the priority actions. DAD White stated \$250K was in the budget for recruiting. Chairman Polunsky stated the actions were an important priority with him. Commissioner Clowe requested more detail on the length of the school. DAD Woodall, director of the Academy detailed the courses and various courses that could be dropped in order to bring the duration to 18-20 weeks. They could quantify the savings. Commissioner Clowe said he was apprehensive of voting on the priority actions until all details were gathered. DAD White gave a lengthy report on how guaranteed duty assignments could be attained by working to give the individuals three choices and abide by their first choice when possible. Chairman Polunsky said salaries for the troopers were priority #1. He then stated he had no problem with the priority actions going forward, but to come back with the fixed costs and plans at the January Commission meeting.

AD MacBride provided the answer to Commissioner Steen's earlier request about recruit school costs. The current costs are \$3700/day; and the April-August in-service class would be \$1700/day.

Chairman Polunsky returned to the Budget Variance agenda item. AD MacBride recommended keeping the balance of \$5.8M available for future use. The Commission discussed using approximately \$80K for the DPS HQ Security TFC Design spec in order to prepare an exceptional item request for the 2011 Legislative Session. Commissioner Steen went on record to state his primary concern was the overall safety and security of the HQ property. He was not in favor of shelving this item until the full facility upgrade study was completed in May, 2010. A lengthy discussion ensued which included AD MacBride informing the Commission members of bond funds available for deferred maintenance which could be used to rehab the HQ property, but not build a new fence. A motion was made by Commissioner Barth and seconded by Commissioner Steen to act on spending \$350,000 to have TFC do a design spec on the DPS HQ. Commissioners Barth and Steen withdrew their original motion. **A motion was made by**

Commissioner Barth and seconded by Commissioner Steen to go forward with spending \$85K towards a survey of HQ property and traffic impact analysis. Motion passed unanimously.

(2:08:02) A motion was made by Commissioner Barth and seconded by Commissioner Steen authorizing the Chairman to begin employment negotiations with LaFayette Collins, offering him the Inspector General position. Motion passed unanimously.

(2:08:56) There were no new updates to discuss on the DPS organization structure.

Commissioner Barth at this time left the meeting and was not present to participate in any further votes at the meeting.

(02:09:53) AD MacBride gave the updated seized funds balance available of \$2.8 million. She stated in January the DPS Seized Fund Committee will bring back a proposal for action at the February PSC meeting. No action was required.

(02:12:21) Barbara Hinesley, Diamond Jubilee Committee, provided an update on the 75th Diamond Jubilee Anniversary. A badge was passed around which was designed by Sgt. Michael Cantu with the new logo. The commemorative firearm information was presented. It will be a Sig Sauer P-226 SAO Bi-Tone single-action automatic with rosewood grips in a glass topped or solid wood display case. The DPS 75th logo had been voted on and Jimmy Guckian a Program Specialist V in the Support Bureau of Crime Records, Law Enforcement Support Division, with the agency for over 26 years, won and received a \$100 check. Chairman Polunsky congratulated Barbara and her committee on the initiative launched and stated it was an unbelievable job in the effort to date.

Reports

(02:17:39) AD MacBride, Finance provided the updated Finance report noting the agency had been using a very outdated general ledger system. She stated she was looking at systems used at other agencies to bring the system up to date.

(02:21:27) AD Kelley, Drivers License, provided the DL rollout update. He stated 18 facilities have rolled out and the Gestner location would be rolling out next week. He commented that it would be the largest office in the state.

Commissioner Steen inquired about what worked in other states. AD Kelley provided an update from the Blue Ribbon Task Force who looked at other states in order to adopt some things that have worked for them including uniform signage, having personnel wear same "uniform"/khakis and shirt, and placing the office manager's picture at each office. He stated they have asked for a similar online model such as Indiana Gov. He did say he would not recommend closing offices due to the needs of teens and elder individuals, but suggested looking at revamping where DPS needed to serve the public. Commissioner Steen inquired about wait times and AD Kelley replied how offices are set up and staffing of offices affected the wait times and stated they were working in revamping to improve.

(02:32:02) Commissioner Steen asked for an H1N1 update. AD Colley, Emergency Management, commented the vaccine is in Texas, and now available to all statewide. He mentioned a second round of the H1N1 flu was projected for January-February, 2010 timeframe. To date, H1N1 resulted in 117 deaths.

(02:35:45) Commissioner Steen inquired about THP troopers being assigned to guard the Capitol and Governor's Mansion and concerns in the field. AD Baker, Texas Highway Patrol, stated until the Governor Patrol Division permanently fills all of its positions; they had to fill from the field with THP support. Colonel McCraw stated the positions would be permanently filled by May.

(02:38:14) Commissioner Steen inquired about the website update. DD Rable said they were trying to get the resources together in order to pursue the update.

(02:39:02) AD Mike Simpson, Law Enforcement Support, informed the Commission of a milestone event - the Houston DPS Crime Lab processed the 200,000th case presented on 12/3/2009. He also stated the new Austin DPS HQ Crime Lab had been topped out with completion date of September, 2010. December 18 the Corpus Christi lab would have a ground breaking ceremony. He stated there would be an open house in Garland on January 20th at the new 60,000 sq. ft. Crime Lab. He commented on the CLE use of a Federal Grant and how proud he was of the 29% reduction in non-DNA backlog this helped to achieve. He added the toxicology backlog was reduced in the past 18 months by 72%. AD Simpson stated there is now 2 month turn-around time for crime lab evidence and he felt this could be maintained. Commissioner Brown commented on the tremendous advantage in the turn-around times. She applauded AD Simpson on his report, and his last two month's reports, stating they were impressive. Chairman Polunsky stated he thought ground breakings, etc. were appropriate for inviting elected officials to attend. Commissioner Clowe suggested having the January PSC meeting in Garland to attend the Open House event, if possible.

(02:47:20) Stuart Platt, Office of General Counsel, commented on the nine priority actions presented by DAD White that the last item of entering into an agreement with Army Reserve Employer Partnership would need action for the record since the event would occur prior to the next Commission meeting. **A motion was made by Commissioner Steen and seconded by Commissioner Clowe authorizing the Director to enter into a MOA with the Army Reserve Employer Partnership Initiative to be held during the All American Bowl event in San Antonio on January 8, 2010. Motion passed unanimously.**

Consent items (02:48:39)

The Consent Items were discussed.

- A. Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code chapter 411, Secs. 411.023 & 411.024: Special Rangers-Tomas Hernandez Valdez
- B. Discussion and possible action on adoption of proposed rules:
 - 1. Proposed amendment to Rule 14.52, 37 TAC Sec. 14.52, regarding Texas School Bus Specifications, as published in 34 TexReg 7043, October 9, 2009
 - 2. Proposed amendments to Rule 27.121, 37 TAC Sec. 27.121, regarding Sexual Assault Reporting, as published in 34 TexReg 7044, October 9, 2009

A motion was made by Commissioner Clowe and seconded by Commissioner Steen to accept Consent Items A., B. 1. & 2. Motion passed unanimously.

Items for future agenda (02:49:56)

Commissioner Clowe requested - Review, discussion and possible action regarding the status of building safety at the DPS campus on North Lamar with update from DD Rable at the January meeting.

Future meeting date (02:50:29)

The next meeting of the Public Safety Commission will be January 21, 2009. It will be held in Garland, Texas at the Grand Opening of the new crime lab there.

There being no further business, the meeting was adjourned at 4:58 p.m.

Read and approved this 29th day of January, 2009.



Chairman

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 11, 2009, the Public Safety Commission (Commission) by majority vote approved rules concerning:

School Bus Safety Standards
Title 37 T.A.C. Part I, Chapter 14
Subchapter D
Section 14.52

The Texas Department of Public Safety (the Department) adopts an amendment to Section 14.52, concerning School Bus Safety Standards, without changes to the proposed text as published in the October 9, 2009 issue of the *Texas Register* (34 TexReg 7043).

Adoption of the amendment is necessary in order to update the rule so that it reflects the revised 2010 Texas School Bus Specifications as the current publication for model school buses that will be operated in the State of Texas.

No comments were received regarding adoption of the amendment.

The amendment 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 Education Code, Section 34.002, which authorizes the Department to adopt safety standards for school buses; and Texas Transportation Code, Section 547.102, which authorizes the Department to adopt standards and specifications for school bus equipment; and Section 547.7015, which authorizes the Department to adopt rules governing the design, color, lighting, and other equipment, construction, and operation of a school bus for the transportation of schoolchildren.

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, Texas Government Code, Section 2001.033.


Allan B. Polunsky, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On December 11, 2009, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Crime Records
Title 37 T.A.C. Part I, Chapter 27
Subchapter J
Section 27.121

The Texas Department of Public Safety adopts amendments to Section 27.121, concerning Sexual Assault Reporting, without changes to the proposed text as published in the October 9, 2009 issue of the *Texas Register* (34 TexReg 7044).

Adoption of the amendments is necessary in order to implement provisions of Texas Government Code, Section 411.042, directing the Texas Department of Public Safety, in consultation with statewide, nonprofit sexual assault programs, to establish rules and procedures to ensure law enforcement agencies report sexual assault offenses in the proper form and manner and at regular intervals.


No comments were received regarding the adoption of these amendments.

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 Government Code, Section 411.042(i).

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, Texas Government Code, Section 2001.033.


Allan B. Polunsky, Chair
Public Safety Commission