

MINUTES
PUBLIC SAFETY COMMISSION
September 16, 2010
Austin, TX

The Public Safety Commission met in Austin, Texas on September 16, 2010. Attending the meeting were Chairman Allan Polunsky, Commissioners Carin Barth, C. Tom Clowe, Ada Brown and John Steen. 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 10:30 a.m. All members were present. Proper notice had been posted.

Approval of Minutes (00:43) indicates time stamp from audio)

A motion was made by Commissioner Steen and seconded by Commissioner Barth approving the minutes as submitted for the August 19, 2010 meeting. Motion carried unanimously.

Public Comment (01:16)

Jimmy Jackson, DPSOA Secretary-Treasurer, presented a check in the amount of \$5,000. to Director McCraw, Deputy Director Beckworth and Diamond Jubilee Co-Chair Barbara Hinesley towards the Diamond Jubilee.

Chairman thanked Mr. Jackson and the entire DPSOA association for their contribution and support.

Director's Report (03:10)

Director McCraw mentioned the Director's Award he and Deputy Director Beckworth previously presented on behalf of the Department to Barbara Hinesley for her outstanding work on the Diamond Jubilee celebration.

He continued with a report on the Strategic Plan and how it is tied to the budget process, goals and performance measures. He then provided details on the DPS Dashboard and the visibility and transparency it reflects in all the programs. He referenced metrics of several of the divisions. Commissioner Steen inquired about the timeframe the \$23 million in cash was seized by all agencies mentioned in the Director's division detail. Director McCraw confirmed the monies were seized FY2010, which ended August 31st. He continued his report detailing the changes in Recruiting and Training centralizing both. Frank Woodall was responsible for both. He stated that recruiting and training were moving from a 9th grade entry level testing to 14th grade (2 years of college). Another change was the training to be given prior to reporting, both mental and physical. Deputy Director Beckworth stated once an applicant was identified, they were given a specific assignment and sergeant whereby the applicant and the family would be coached and mentored throughout the entire recruit school process. He stated this would start with the next school.

Director McCraw provided the attrition rates for the current schools. He informed that high attrition rate was 28% and low 13% yet the goal was 10%. Chairman commented on the current class being at 25% five weeks into the class, and clarified standards would not be diminished, rather there was a desire that the standards be raised. He clarified it was not about the numbers, more so we get the finest candidates upon the intake of a recruit school being started. Commissioner Brown inquired if DPS conducted exit surveys in order to assess why recruits were leaving. Deputy Director Beckworth stated they did and went back even to the background checks to try and determine the reasons for the attrition.

Director McCraw reported on the cross border violence identifying what the primary threats were. He commented on the policy and procedures for responding to suicide bombers. He spoke about the state

intelligence estimates and stakeholders who developed and used the state assessment on gangs report. He then provided details from the report on gang rankings, the concentration areas in Texas, and the offense of record for incarcerated prison gang members in Texas prisons.

Lastly he spoke about the CONPLAN for terrorist attack and significant criminal attack response plan, which DPS developed and produced. Regardless of the incident, the Department can respond. The Department of Homeland Security has the plan and has adopted it across the nation.

Commissioner Steen brought up a recent session he attended with the agency at an August 26th meeting and asked the Director to inform the other commission members. Director McCraw stated the meeting was a senior level management course conducted by Major Fleming and an outside consultant on sexual harassment and the zero tolerance in the Department. Commissioner Steen recommended that Major Fleming continue to report to them on the progress.

New Business (41:22)

Troopers James Colunga and Dub Gillum spoke about the DPS Memorial Ride to raise money for building a DPS memorial for officers killed in the line of duty. They wanted to "get the word out" for participation in a 33-mile bicycle ride, which will occur on Saturday, September 25th beginning at 8:00 a.m. from the academy and return about 11:30 a.m. for a ceremony. They stressed the goal was to raise enough money to build a large memorial "A Place of Honor", at the new Florence facility, plus provide money to the Troopers Disability Fund which provides money to the families of Troopers in times of tragedy. They showed a brick paver, which individuals may purchase. The pavers will be placed at the memorial site. Trooper Gillum stated they were going to need about \$300,000. in order to build the memorial. Commissioner Steen pledged his support and challenged the other members. John Pike, DPSOA, stated they sponsored 6 riders. Chairman Polunsky stated he would sponsor Trooper Gillum again this year, and asked what could be done to help the group. The Director recommended working with the DPS Foundation. Commissioner Steen also informed Trooper Colunga he knew someone who could help them in producing the memorial. Chairman thanked them for coming.

(01:04:00) Chairman Polunsky introduced the agenda item to select a search committee in retaining the new General Counsel position. He asked Judge Brown and Commissioner Steen to serve on the committee and work with the Director in the selection process. Commissioner Steen inquired about thoughts on using a search firm. Chairman stated he felt we would have enough qualified applicants resulting from a general posting, without using a search firm, the committee agreed. **A motion was made by Commissioner Barth and seconded by Commissioner Clowe to create the search committee and naming the aforementioned to the committee. Motion carried unanimously.**

(01:07:27) The item on the agenda to authorize the Department to request approval to use unexpended local border security funds to enhance aerial surveillance along Texas/Mexico border for border security operations and transnational gang investigations was requested to be removed by the Director and not discussed at this time.

(01:08:05) Steve Goodson, Audit and Inspections, detailed the proposed FY2011 OAI Plan and role of Commission contact in audit and inspection processes for consideration. The list of 14 proposed assurance and advisory project areas was placed on the screen and included 17 proposed alternative projects. Commissioner Steen asked if Mr. Goodson had reviewed the list with all the Commissioners in order that it did not seem they were rushing through the item. Mr. Goodson confirmed he had previously discussed with most of the members. **A motion was made by Commissioner Steen and seconded by Commissioner Clowe to accept the recommendations of the proposed project areas. Motion carried unanimously.**

(01:13:45) Mr. Goodson continued with the proposal in approving a Commission contact concept. **A motion was made by Commissioner Barth and seconded by Commissioner Steen to accept the concept of Commission contact. Motion carried unanimously.** Commissioner Steen stressed his support of the concept thanking Mr. Goodson for the idea. Commissioner Clowe asked for clarification

how the contact would be assigned. Mr. Goodson stated it would be based on the contacts experience and background and he would randomly select each contact regarding their involvement. Commissioner Steen said it would be an interesting thing to try and reevaluate next year.

(01:17:57) Rebecca Davio, AD Driver License Division gave a detailed report on the reorganization and improvement plan underway in the DL division operation for action. She stated improving customer service, safety and security, and employee environment were the three project plans proposed in the DLD FY11 improvement project list. Customer service would provide customers easy to access, easy to understand information; minimize process time and provide a customer friendly environment; and provide stakeholders useful/interesting information about the DL operation. Safety/security would use internal contacts to reduce illegal activity and work to improve driver safety and safety on roads. Employee environment goals would be to hire good people and treat them right, provide training tools and enable employees to succeed. AD Davio presented the proposed DLD organization chart which would focus towards customer service, explaining the purpose of each group. Chairman Polunsky inquired of the fiscal impact. AD Davio clarified that no additional monies or FTE's would be needed. Commissioner Steen asked how goals would be measured. AD Davio responded they had a project listed which would measure metrics to monitor visits, wait times, process times, trips, and more. Commissioner Steen stated in addition to streamlining operations, these steps will address post 9/11 concerns. AD Davio expanded on how the protection of safety and security verified identity and the legitimate right of an individual to be here. Commissioner Barth requested concrete metrics. Commissioner Clowe commented on the fact AD Davio's presentation was the most detailed and sensible since he had been with the Commission but agreed with Commissioner Barth he did not feel he was seeing improvement in DL and had concerns with keeping up with the staffing and turnover rates, that were unknown, and the services provided at the drivers license offices with regards to wait times, how individuals are treated and addressing complaints. He stated he hoped she had a commitment to build a team and identify the needs in the tough job ahead of her. He stated he felt utilization of assets and resources were not where they should be. He commented on the OA&I having DL on the audit list and he felt it could be a good source for metrics. **A motion was made by Commissioner Steen and seconded by Commissioner Barth to approve the proposed reorganization chart and improvement plan presented by AD Davio. Motion passed unanimously.** Commissioner Clowe asked that each quarter a standard item be on the agenda to show the metrics in the DL improvement plan.

(02:05:59) Interim General Counsel, Duncan Fox presented the adoption of a proposed negotiated rulemaking policy as provided under Government Code 411.0044, the new rules 1.281-1.284, 37 TAC Secs. 1.281-1.284 regarding negotiated rulemaking Policy for action. Concept is for the Commission to encourage public input. **A motion was made by Commissioner Barth and seconded by Commissioner Steen to approve the publication of the proposed rule policy. Motion passed unanimously.**

Executive Session (02:08:07)

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 12:38 p.m. and ended at 2:01 p.m.

(02:08:50) The Public Safety Commission reconvened at 2:01 p.m. A quorum was present.

Ongoing Business (02:09:03)

Commissioner Brown provided a report on the 28-day work cycle and overtime and compensatory time policy stating the committee conducted their first meeting. They will be looking at what other states do and would have further information available at the next Commission meeting.

(02:10:20) Director McCraw provided an organization proposal of three Service Chiefs being added to the Regional structure for Houston, Dallas and San Antonio. Next he proposed making the current Chief of Staff, Robert Bodisch, Deputy Director of Homeland Security. Commissioner Steen asked if the Director was seeking a motion. The Director separated the first motion being proposed was for the Service Chiefs. A motion was made by Commissioner Steen and seconded by Commissioner Brown approving the addition of the Service Chiefs in Houston, Dallas and San Antonio. Chairman Polunsky asked for the fiscal impact. DD MacBride stated it was reallocating money already planned in the budget. Chairman did not agree with the assessment. He further inquired if at a previous meeting, it was decided they would not be adding more nor taking money from FTE's or other divisions to move to other divisions to cover these types of changes. Director McCraw stated it was not adding FTE's or money and in fact moving people from Austin out to the Regional areas, where we needed it the most in the field. Commissioner Clowe asked why the proposed organization chart had not been included in their binder information as he felt the members needed the information ahead of time in order to be able to ask questions but this was the first he had seen on this item. He said he would like to hear about it ahead of being asked to vote on it and it brought up questions - if for instance Bodisch would still continue to do the duties of the Chief of Staff. He gave as an example how AD Davio met with him in advance of presenting her information presented at today's meeting, and stated he wanted that level of comfort to better prepare them for making a motion. Chairman asked how many existing FTE's and where the money was coming from. DD MacBride stated they were taking the salaries of 100 DL vacancies (FTE's) and using the money from those for these proposed positions. Chairman Polunsky stated that was not the intent these were designed for. Director McCraw proposed pulling the item and deferring until he had a chance to review as discussed with the Commission members. Commissioner Steen asked what the negatives would be in waiting. The Director stated nothing life or death that could not wait until the next Commission meeting. He added the positions would need to be posted. Chairman Polunsky advised he would like to delay the item for a month. Commissioner Clowe stated it made sense to wait, therefore Commissioner Steen and Brown withdrew their previous motion.

(02:29:15) Director McCraw stated his proposal again for Robert Bodisch to become the DD Homeland Security. Commissioner Clowe asked again if he would continue to do his Chief of Staff responsibilities. Director McCraw responded that Bodisch would and added defacto he had been performing the job responsibilities. A motion was made by Commissioner Steen and seconded by Commissioner Clowe to make Robert Bodisch the DD Homeland Security. However this brought up another issue of a third Deputy Director and Chairman Polunsky asked why three Deputy Directors would be needed and if any salary increase would happen. The Director stated there would be no salary increase. Chairman stated he would abstain on the motion. Commissioner Clowe said he thought when the title was discussed they meant Assistant Director. He had concerns also with three Deputy Directors. He stated again he would like to know about these items and talk through them prior to the meeting. Chairman stated in his opinion this had no reflection on the capabilities or job duties being performed by Mr. Bodisch, but seeing this reorganization for the first time was no way to run. Commissioner Steen stated he supported the Director in how he best thought to set up the Department. The Director said he would wait until he had a chance to brief the members. Commissioner Steen withdrew his motion, and Commissioner Clowe withdrew his second to the motion asking to be given a heads up which he had always asked of every Director, Deputy Director and Assistant Director.

(02:38:10) General Platt of the Inspector General's office proposed his policies for the OIG operational oversight pursuant to Government Code 411.244(d) which had been deferred from the previous month. Some discussion followed clarifying questions on the proposed policies and recommended changes General Platt agreed he would make. **A motion was made by Commissioner Steen and seconded by Commissioner Barth to approve the proposed policies for the OIG operational oversight with the recommended changes. Motion passed unanimously.** General Platt continued his report introducing the three Captains selected to fill the vacancies and outlined the selection process. Lt. Louis

Sanchez, Michael Allan Bradberry, and H. D. "Dino" Henderson are the new OIG Captains. The Commission congratulated them all on their promotions. General Platt proceeded reporting on the current status of OIG office space and stated there was currently no space available on campus for OIG and there would be a need to move their offices off campus. Chairman clarified previous authority had been given to move the OIG office off campus and General Platt was proposing at this meeting that everyone was okay with that avenue being pursued. Chairman Polunsky stated OIG Platt could go forward with pursuing his search for space off site. Commissioner Clowe commented how pleased he and the Commission were with the Captain selections and the support in building a great team. Commissioner Brown applauded General Platt on his meaningful selection process demonstrated.

(02:53:30) DD of Service Cheryl MacBride provided the seized funds details. She requested action for Vehicle storage and make ready for \$15,000. **A motion was made by Commissioner Barth seconded by Commissioner Clowe to accept the recommendation made by DD MacBride. Motion passed unanimously.** Commissioner Barth requested clarification of what seized funds could be used for specifically and if they could be used to pay salaries for additional personnel. DD MacBride proceeded with a list of some of the items, but stated they could not be used for salaries. Commissioner Barth requested the list of items seized funds could be used for be put in their binders ongoing, for reference.

(02:59:53) DD MacBride reviewed the FY2010-11 budgets commenting on the differences between the two years showing slides reflecting the two year-to-date by each division. The drivers of the differences were: FY10 had \$683M in grants; \$115M in Agency benefits (not shown in FY11); \$37M in local border available as a UB into FY11; and \$26M in one-time capital items. **A motion was made by Commissioner Barth and seconded by Commissioner Clowe approving the proposed budgets. Motion passed unanimously.**

(03:09:30) AD Administration, Valerie Fulmer presented the three contracts for information only to the Commission. The TXDPS Livescan Maintenance & support services contract was not approved by the contract review board, because it had not yet been completed. The TexasSure and FEMA had been approved by the contract review board.

(03:10:58) DAD Recruitment and Training, Frank Woodall presented the report on recruitment. He provided the details of the current schools attrition percentages. DAD Woodall stated he could not give a percentage goal as DPS never had a goal of 10%, that the selection process of the recruits needed to be looked at. The recruits were either not mentally or physically ready for recruit school. Commissioner Clowe stated the better the candidates are prepared for school, the better the retention rate could be. He stated being short 300+ positions we were not making progress, and like the DL problem it was tough but felt it was being worked in the right direction. Chairman asked for comparisons with Texas Parks and Wildlife with DPS to look at the next meeting since they were Schedule C employees also. He felt their requirements might even be higher for entrance and it was worth taking a look at the next meeting. Commissioner Barth felt looking at Austin Police Department also would be beneficial.

(03:21:53) Barbara Hinesley, Co-Chair Diamond Jubilee, presented the final report on the Diamond Jubilee. Barbara introduced Tavia Wendlandt, Susan Estringel and Major Diggs (who was not present) as being instrumental in the planning and coordination of the events. She showed slides of the DPS Austin celebration highlighting many of the events. She provided that there would be a balance of \$10,000 going to the DPS Memorial Fund after all donations, including in-kind, and obligations were paid. She thanked everyone involved in the Diamond Jubilee. Chairman Polunsky stated he wanted to publicly thank everyone who worked on this committee and the events that it went way beyond anything he ever expected and it was a fantastic success. He took the time to personally thank Barbara for the many hours of time and effort she put into the Jubilee that would be remembered forever. He presented to her the "Yellow Rose" award and proclamation for the Diamond Jubilee, both given only through and signed by the Governor of Texas Rick Perry. He also presented a special Diamond Jubilee 75th anniversary commemorative badge titled Co-Chair – Diamond Jubilee with a special thank you inscribed on the back of the badge for her labors for this special event. She received a round of applause and standing ovation from the crowd.

Chairman Polunsky commented this was why it was such an honor to work with the group at DPS and everyone associated to devoting their lives to the State and thanked everyone.

(03:27:23) For the record, Commissioner Barth left the meeting at 3:15 p.m.

There were no further Commission or division reports needed.

(03:40:30) A motion was made by Commissioner Clowe and seconded by Commissioner Steen to approve Consent Items A, B, and C #2-4. Motion passed unanimously.

Commissioner Brown asked that the 28 day work week and Overtime and Compensatory time policies are included on the next meeting agenda.

The next meeting of the Public Safety Commission will be held on October 21, 2010.

The meeting was adjourned at 3:35 p.m.

Read and approved this _____ day of _____, 2010.



Chairman

IN THE MATTER OF § BEFORE THE

THE DISCHARGE OF § PUBLIC SAFETY COMMISSION

PROBATIONARY EMPLOYEE § 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 employee was unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to the discharge of this employee:

Employee Name	Employee Title/Division	Date of Discharge
Ana Adkison	Driver License Examiner, Driver License Division	08/11/10

Approved:

Allan B. Polunsky, Chairman
Public Safety Commission
Date: September 16, 2010