

**MINUTES**  
**PUBLIC SAFETY COMMISSION**  
**August 19, 2010**  
**Austin, TX**

The Public Safety Commission met in Austin, Texas on August 19, 2010. Attending the meeting were Chairman Allan Polunsky, Commissioners Carin Barth, C. Tom Clowe and John Steen. Commissioner Ada Brown was absent. 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 except Commissioner Brown were present. 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 Steen approving the minutes as prepared for the July 15, 2010 meeting. Motion carried unanimously.**

**Public Comment** (01:11)

There was no public comment.

**Director's Report** (01:23)

The Director commented on the departure of Deputy Director Brad Rable from the Department of Public Safety. He added the Department was a better organization because of DD Rable.

He next reported on the completed draft policy regarding cooperating individuals. He commended AD's Leal and Ruocco on the job they did in drafting the policy.

The Director then provided crash error report data, stating TXDOT had taken on the initiative. DPS crash error rate is 7.28% and the state error rate is 22.68%. Commissioner Barth inquired where the 7.28% came from. The Director stated the previously reported number was our Sergeants' internal crash error report - prior to errors being found, corrected and submitted to TXDOT. AD Baker clarified the 7.28% was the final cut - what was sent to TXDOT, after our 15% reported monthly before the errors were found and corrected.

Director McCraw mentioned a secure communities program. Mike Dusko, previously of Homeland Security, is the National Leader. This program will identify criminal aliens through the booking system in our prisons and jails.

Director McCraw reported on the 29 recruits who recently graduated. He stated there were 42 recruits in Class B and 44 in Class C currently training. He commented on the attrition rate which was not good but added everything was being considered in order to reduce. He provided details on a 60-day program that would orient the students to the tough training rather than it be a shock. Commissioner Barth requested that they step back and look at the pre-screening process, since she felt something was obviously wrong. Commissioner Clowe stated what he had seen from the issue, was that it was a mistake to just look at the Physical Readiness Test (PRT) and think that was the problem. He said the program training is a substantial change from the normal routine life of these recruits. He added the new routine was just as much of a shock as the PRT. He stressed – educate beforehand. Commissioner Steen commented he felt the 60-day program was an excellent idea. A lengthy discussion followed on the procedures and ideas for the future. Chairman made it clear the attrition rate was unacceptable. He asked they look at conducting a preliminary course perhaps a week in advance in order to cull those unqualified to begin the actual recruit school. Commissioner Steen asked that the statistics on why

people dropped out be graphed to help towards improving attrition. Commissioner Clowe said key is the mental and physical preparation. Colonel McCraw stated they would come back with a plan. Commissioner Clowe suggested he talk with the FBI, Marines, Air Force etc. to help, since DPS is tougher than any state academy and they should go to a level higher in planning the preliminary course and screening ideas.

Commissioner Steen inquired about the August, 2010 Texas Monthly "Near/Far" article and Director McCraw's reaction to the Border no spillover reports. Director McCraw explained it had moved over based on cartel related, indexed crime reports. He stated gangs are working as an arm of the cartel, drugs are coming across the border, kidnappings were occurring in McAllen who were taken across the border where killed, human trafficking all of these are examples of the spillover. Houston has seen a 250% increase in gang related crimes, cartel related. Commissioner Steen quoted the article stating El Paso was one of the safest cities in America. McCraw said they were talking about index crime. Commissioner Clowe stated he did not agree with the Texas Monthly article at all, based on conversations with people he knew who lived along the border and what they had told him and did a disservice not only to the Governor but the entire state of Texas.

After the Director had concluded his report, Chairman Polunsky thanked Deputy Director Rable for his excellent work. He added that DD Rable would be missed for the excellent job he did in both IT and Services.

#### **New Business (53:23)**

Interim OGC, Duncan Fox, provided details relative to the request for the Commission's approval for the Department to request delegated leasing authority from the Texas Facilities Commission for the lease of real estate in Lubbock, Texas. **A motion was made by Commissioner Steen and seconded by Commissioner Clowe approving the delegated leasing authority to Texas Facilities Commission for action in moving forward with a land transaction for land on which to build a new DPS regional office in Lubbock. Motion carried unanimously.**

(54:58) AD Finance Cheryl MacBride provided a detailed report on the \$462,426,237 in Exception Items for the Fiscal Year 2012 -13 Legislative Appropriation Request. A lengthy discussion ensued regarding the five percent general revenue recovery, salaries, and IT tier changes the Commission requested. The members also clarified everything on the list needed to be presented since it had been scaled down from approximately \$1billion originally and all of the items were needed. **A motion was made by Commissioner Clowe and seconded by Commissioner Barth accepting the revised exception items listed for the FY2012-13 LAR. Motion carried unanimously.** (The revision requested by the Public Safety Commission is attached as a copy to these minutes.) Commissioner Steen stated while he supported the motion, he had concern putting anything ahead of the operational gap items. Commissioner Clowe shared Commissioner Steen's concerns and stated he was responsive to that as well.

AD MacBride presented the updated list of Rider revisions and additional baseline level requests. **A motion was made by Commissioner Barth and seconded by Commissioner Clowe accepting the listed items for the FY2012-13 LAR. Motion carried unanimously.**

AD MacBride provided the strategy detail estimates. **A motion was made by Commissioner Barth and seconded by Commissioner Clowe accepting the listed items for the FY2012-13 LAR. Motion carried unanimously.**

AD MacBride reviewed the LAR Ten Percent GR Reduction exercise for FY 2012-13 in five percent increments. **A motion was made by Commissioner Clowe and seconded by Commissioner Barth accepting the targets for the reductions as proposed. Motion carried unanimously.**

AD MacBride reported on the purchases using seized funds. **A motion was made by Commissioner Clowe and seconded by Commissioner Barth approving the recruit school reserved fund items. Motion carried unanimously.**

#### **Executive Session (02:02:27)**

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 12:33 p.m. and ended at 1:14 p.m.

(02:03:21) The Public Safety Commission reconvened at 1:14 p.m. A quorum was present.

#### **Ongoing Business (02:03:41)**

Director McCraw requested the advice and consent of the Commission to name Cheryl MacBride as Deputy Director of Services. **A motion was made by Commissioner Steen and seconded by Commissioner Barth confirming the appointment. Motion carried unanimously.** Commissioner Steen stated he thought she had done an excellent job and he looked forward to having Cheryl in this new position. Chairman and Commissioner Clowe agreed. Chairman Polunsky commended the Director on his choice.

Chairman Polunsky commented on the vacancy in the Office of Inspector General. He informed the members that the interim IG, Mr. Platt was interested in taking on the role on a permanent basis. Stuart Platt confirmed he was interested in the position as the Inspector General and stated he had applied. Chairman informed the Commission they could take action without any further process. He continued to comment on the professionalism and tremendous contribution to the Department Mr. Platt had exhibited. He continued stating he personally felt it would be a positive action to hire Mr. Platt permanently for the position. **A motion was made by Commissioner Steen and seconded by Commissioner Clowe that the Commission hire Stuart Platt permanently for the position of Inspector General. Motion carried unanimously.**

Cheryl MacBride returned to the meeting and the Chairman informed her it had been consented by the Commission that she be appointed the Deputy Director of Services, replacing Brad Rable. Mrs. MacBride stated she appreciated the confidence of the Commission, and was looked forward to serving in that capacity.

The agenda item on the 28-day work cycle and Overtime and Compensatory Time policy were deferred to the September Public Safety Commission meeting.

(02:11:30) General Platt stated he took the liberty of addressing Commissioner Steen's usual inquiry regarding the top three challenges. He continued in providing the three challenges he faced: #1 build lack in foundation, #2 establish oversight of all IG case allegations and #3 establish an accurate and user friendly database. Not a challenge is the willingness of others in support of the OIG office. He brought the Commission's attention to the information in their binders that he provided for adoption on the policy guidance for OIG policies and procedures. Commissioner Steen asked the information be placed on the next agenda for action. Commissioner Steen inquired about the physical setup for the OIG. General Platt provided details and added he had not made space a priority rather the policy guidance. Sandra Fulenwider is working with Texas Facilities Commission on space allocation and within the next month or two would have a plan. Currently there are 16 with two additions anticipated in the OIG. Commission Steen asked General Platt keep them informed of the plans, and General Platt stated he would return with an update on this item at the next meeting.

Note to the minutes, Commissioner Carin Barth left the meeting at 1:25 p.m. during the IG report.

(02:21:58) Major Carey Matthews gave an update on the pilot promotion project, providing the process and results. **A motion was made by Commissioner Steen seconded by Commissioner Clowe to expand the promotion process policy statewide with the recommendations Major Matthews provided. Motion carried unanimously.** Commissioner Steen commented on the excellent job Major Matthews had done on this project. Major Matthews credited all involved in the process. Commissioner Steen asked if they could return with the results of the rollout periodically. Director McCraw stated in coordination with Commissioner Brown they planned to present with the performance appraisal process.

(02:32:59) Chairman deferred the 2010-11 Budget to the next meeting, due to the time constraint.

Commander Ortiz stated the actual dollar amounts for the HQ security measures were not yet provided, hence the \$1 placeholder in the budget. He said while the traffic impact was still in draft form, they were hopeful, if no additional adjustments, the numbers could be available for the next meeting.

(02:34:48) DAD Sandra Fulenwider presented the two contract for information only on the adapter development, application, maintenance and support for the TDEX web-based application; and 4 months critical personnel needed for the operations of the Texas-Mexico Border Security Operations Center. There were no objections.

(02:46:31) Barbara Hinesley provided a wrap-up on the Diamond Jubilee. She showcased a slide presentation showing the audience the day-to-day journey of this two-week successful celebration. In wrap-up she stated her final report would be provided at the September Commission meeting. Chairman Polunsky thanked everyone across the State, especially Barbara for her leading the committee for all they had done.

(02:44:12)

AD MacBride distributed the updated exceptional items report Commissioner Steen had requested earlier and stated she had nothing further in Finance to report.

AD Audit & Inspection Steve Goodson informed the Commission of the six new Audit staff members. He stated the report on the State Auditor's office activities and a follow-up on Sunset Recommendations would be considered next month. He added A&I were continuing with the DL audit and ongoing audit planning.

There were no further division reports.

(02:50:28) The department requested item C.2. be withdrawn due to the request made by staff to further evaluate the proposed rules. **A motion was made by Commissioner Clowe and seconded by Commissioner Steen to approve the consent items as amended to approve the consent items A., B., and C. 1.**

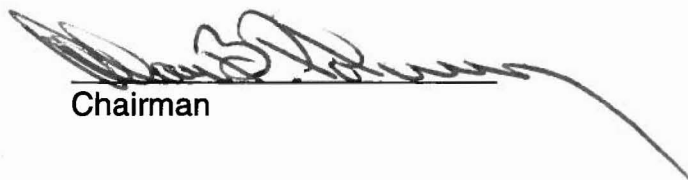
Commissioner Clowe requested a future agenda item to discuss and take possible action on the vacant position of the Office of General Counsel and that it is placed on the next meeting agenda.

The next meeting of the Public Safety Commission will be held on September 16, 2010.

Commissioner Steen noted it would be the last meeting Brad Rable would attend and asked everyone to join in a round of applause for Deputy Director Rable. He also received a standing ovation.

The meeting was adjourned at 2:04 p.m.

Read and approved this 16<sup>th</sup> day of September, 2010.

A handwritten signature in black ink, featuring a series of loops and a long, sweeping tail that extends to the right. The signature is positioned above a horizontal line.

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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 the discharge of these employees:

| Employee Name | Employee Title/Division                | Date of Discharge |
|---------------|--|-------------------|
| Walter Scott  | Maintenance Technician II, Region 2    | 07/12/10          |
| Norma Alcalde | Driver License Examiner/Driver License | 07/29/10          |

Approved:

Allan B. Polunsky, Chairman  
Public Safety Commission  
Date: August 19, 2010

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On August 19, 2010, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Texas Highway Patrol  
Title 37 T.A.C. Part I, Chapter 3  
Subchapter A  
Section 3.1 and Section 3.4

The Texas Department of Public Safety (the department) adopts the amendments to Section 3.1 and Section 3.4, concerning Crash Investigations without changes to the proposed text as published in the July 2, 2010 issue of the *Texas Register* (35 TexReg 5793).

Adoption of these amendments are necessary to provide guidance to the Texas Highway Patrol and the department's regional commanders for using limited resources in public places outside highways (such as parking lots.)

No comments were received regarding the adoption of these amendments.

The amendments are adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work.

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 |
|--------------------|----------|------------------|-------------|------------------|----------|
| Corbell, Albert G. | HP       | CVE/Center       | 7/31/2002   | 28 years         |          |
| Coyle, George M.   | HP       | HP/Wichita Falls | 5/31/2010   | 29 years         |          |
| Crosthwait, Tony   | HP       | CVE/Lubbock      | 6/30/2010   | 21 years         |          |
| Duncan, Michael    | HP       | HP/Henrietta     | 5/31/2010   | 27 years         |          |
| Pearce, James      | HP       | CVE/San Antonio  | 8/31/2009   | 23 years         |          |
| Salinas, Mario     | HP       | CVE/Laredo       | 4/30/2010   | 33 years         |          |
| Stamper, Harvey    | HP       | HP/Atlanta       | 5/31/2010   | 27 years         |          |
| Wheeler, Russell   | HP       | HP/Dallas        | 9/30/1996   | 21 years         |          |

No Special Texas Ranger applicants.

Approved by the Public Safety Commission on: *August 19, 2010*



# **FY12-13 Exceptional Items**

Texas Department of Public Safety  
Presentation to Public Safety Commission  
August 19, 2010

## FY12-13 Exceptional Items by Category

| Category                                       | FY12-13 Requested     |
|--|-----------------------|
| Five Percent General Revenue Recovery – Tier 1 | 14,627,153            |
| Salary – Tier 2                                | 137,035,789           |
| Operational Gap – Tier 3                       | 65,131,670            |
| IT – Tier 4                                    | 46,930,823            |
| Facilities – Tier 5                            | 181,567,458           |
| Border – Tier 6                                | 17,133,344            |
| <b>TOTALS</b>                                  | <b>\$462, 426,237</b> |

# GR Recovery Detail – Tier 1

| Description                                 | Priority |
|---|----------|
| Five Percent General Revenue Recovery       | 1        |
| <b>Border Request Total    \$14,627,153</b> |          |

## Salary Detail – Tier 2

| Description                                    | Priority |
|--|----------|
| Salary Variance for Schedule A and B Employees | 1        |
| Commissioned Officer Compensation (Schedule C) | 2        |
| Commissioned Expanded Work Week                | 3        |
| <b>Salary Total    \$137,035,789</b>           |          |

## Operational Gap Detail – Tier 3

| Description   | Priority            |
|---|---------------------|
| Gasoline Variance                                   | 1                   |
| Utility and Telecom Variance                        | 2                   |
| Texas Rangers SWAT and Special Response Teams (SRT) | 3                   |
| Recruit School                                      | 4                   |
| Capitol Complex Security                            | 5                   |
| Major Aircraft Components and Replacement           | 6                   |
| Regional Structure                                  | 7                   |
| Commission Position Stipends                        | 8                   |
| Concealed Handguns                                  | 9                   |
| <b>Operational Gap Total</b>                        | <b>\$65,131,670</b> |

## IT Detail – Tier 4

| Description                                 | Priority |
|---|----------|
| Disaster Recovery                           | 1        |
| Trooper Mobile Technology                   | 2        |
| Case Management                             | 3        |
| IT Infrastructure Upgrades                  | 4        |
| Enterprise Architecture                     | 5        |
| Enterprise Resource Planning (ERP) Projects | 6        |
| <b>IT Total \$46,930,823</b>                |          |

## Facilities Detail – Tier 5

| Description   | Priority             |
|---|----------------------|
| Repairs and Rehab (Deferred Maintenance)                              | 1                    |
| Tactical Training Center Dormitories and Physical Training Facilities | 2                    |
| San Antonio Regional Office   | 3                    |
| El Paso Regional Office   | 4                    |
| Law Enforcement Communications  | 5                    |
| <b>Facilities Total</b>   | <b>\$181,567,458</b> |



# Border Detail – Tier 6

| Description          |  | Priority     |
|----------------------|--|--------------|
| Border Security      |  | 1            |
| Border Request Total |  | \$17,133,344 |