

**MINUTES**  
**PUBLIC SAFETY COMMISSION**  
**October 23, 2009**  
**Austin, Texas**

**Call to order**

The Public Safety Commission met in Austin, Texas on October 23, 2009. Attending the meeting were Chairman Allan Polunsky, Commissioners Tom Clowe, Carin Barth, John Steen and Ada Brown. DPS staff members and guests were also present. The meeting was called to order by Chairman Polunsky at 10:34 a.m. Proper notice had been posted.

**Approval of Minutes** (0:41 indicates time stamp from audio)

**A motion was made by Commissioner Steen and seconded by Commissioner Brown approving the minutes for the September 17, 2009 meeting. Motion carried unanimously.**

**Public comment** (0:1:59)

El Paso County District Attorney Jaime Esparza reported on the Border Prosecutor Partnership meetings with DPS stating this provided new initiatives for increased prosecution along the border. He stated border prosecutors were very excited about working closely with DPS and the new regional commanders on border crime issues. Commissioner Steen inquired about status on the border. Mr. Esparza commented the El Paso murder rate had not changed in several years. The Commission thanked him for his presence, service and comments. Director McCraw added DPS is trying to identify and prioritize threats and the Border Prosecutor Partnership will help in doing that.

**Director's Report** (13:49)

Colonel Steven McCraw gave a detailed report on the Department's participation in the multi location operation targeting LaFamilia. He commended Jack Webster, Regional Commander in Garland, for his leadership in this take down. DPS partnered with CID, DEA, FBI, U.S. Immigration and Customs Enforcement and local law enforcement agencies in various cities in this tremendous effort.

**Executive Session** (18:49)

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 10:58 a.m. and ended at 2:04 p.m.

**New Business** ( 20:20)

Director McCraw discussed action pursuant to Government Code 411.062 relating to the Commissions authorization of the Director to determine and impose necessary measures to protect the safety of persons and property within the Capitol Complex. The Director stated he had met with the Governor's office, Secretary of State and other stakeholders and if the plan was approved he was requesting Commission approval to move forward on procurement with \$1.5M stimulus money authorized for technical security equipment necessary to secure the

Capitol. Training would be part of the equipment charge. **A motion was made by Commissioner Steen and seconded by Commissioner Clowe to authorize the purchase of the security technology equipment valued at \$1.5 million for Capitol and other designated areas within the complex security, the funding to come from federal stimulus dollars. Motion passed unanimously.** A letter from the Chairman will be sent to State leadership stating urgency of this matter and implementation.

(33:33) Director McCraw requested approval from the Commission to authorize retroactive Purple Heart awards for those eligible who would have received one prior to the time we recognized these individuals. Deputy Director Law Enforcement Beckworth stated there would be 4-5 individuals. **A motion was made by Commissioner Steen and seconded by Commissioner Clowe to allow eligibility for rewarding Purple Hearts to employees who were seriously injured in the line of duty before the award was initiated and policy in place. Motion passed unanimously.** Chairman Polunsky stated anything we can do to have these individuals recognized at the duty stations, a PSC meeting or separate occasions the Commission would support.

(41:03) AD Brad Rable discussed naming the statewide DPS tactical training center and detailed what a phenomenal site and recruiting tool DPS has. He commented on the amenities the location provided, size and purpose for each portion of the training center. **A motion was made by Commissioner Clowe and seconded by Commissioner Brown to name the location DPS Tactical Training Center. Motion carried unanimously.** AD Rable stated it was one of the top three centers in the United States. AD Beckworth referenced the north end of the property had acreage large enough for an academy. Chairman Polunsky stated the academy would be a very high priority for the Department at the next session of the Legislature.

(49:54) Director McCraw distributed recommended language for the Departments proposal for new policy on integrity expectations for employee conduct. Commissioner Clowe asked the item be passed until each of the Commissioners had time to review and become familiar with the proposal and get comfortable with the serious issue. Chairman Polunsky agreed.

Chairman Polunsky stressed a request that any future action items needed be sent in advance in order to consult and show on the presentation screen all details in order that the Commission would be able to discuss and take action.

(53:48) Director McCraw discussed procedural changes for appointing and monitoring the status of specially commissioned persons as Special Rangers and Special Texas Rangers. OGC, Stuart Platt asked the Commission to review the rules presented in order to adopt over time, and provide guidance to work in helping move the process in a new direction. No action was necessary, only notification of the process change. OGC Platt will look into the possibilities of other agencies commissioning or recognizing these individuals in order for us to not have the liability of non-DPS applicants carrying a badge. The commission discussed the lack of supervision of those groups being a concern. **A motion was made by Commissioner Steen seconded by Commissioner Clowe to change the procedure for appointments as Special Rangers and Special Texas Rangers. The motion passed unanimously.** Commissioner Clowe stated these individual are performing law enforcement activity, performing exemplary, and he saw it as a plus for these individuals to be commissioned. Commissioning these individuals provides statewide authority allowing them to cross state lines in their duties. A need exists to make sure there are no oversights by the DPS. The Commission asked the OGC, Director, AD and Rangers work on the vetting and scrutiny of applicants.

(1:15:12) AD Valerie Fulmer reported briefly on DPS recruitment, classes and graduate projection for the year stating 69 graduated in October, 2009. A modified class will be conducted in March for officers already commissioned. Another class will begin in July. This fiscal year an estimated total of 190 are expected to graduate. These are compared with 212 in 2008 and 350 in 2007. Chairman Polunsky questioned why the totals were going down. The Chairman stated trend was not good and he had a problem understanding why we had a problem filling our recruit classes, especially with the economic and unemployment status. Director McCraw agreed and added we needed to take a pro active approach. DD Brad Rable stated they would be putting together the top 5 vehicles to recruit. The plan would be to change the website to better demonstrate what we have to offer and reward for bringing in referrals. He stated at the next Commission meeting he would work in union with Commissioner Brown and her recruiting policy committee to wrap up a presentation that considers all avenues to see what can be done better. Commissioner Barth asked they emphasize quality – that quality remains high. Commissioner Steen stated referral amounts should be cash awards and awarded after the individual graduates. The Commission asked the combined report be on the November meeting agenda.

### **Ongoing Business**

Commissioner Brown stated the recruitment policy committee would be discussed at the November meeting in union with AD Rable's recruitment report. Her committee is meeting November 18<sup>th</sup>. She stated our website lacked PR that we needed to address our public image and brand so that it does not just associate DPS to "Click It Or Ticket". Pay, no spousal support, relocation, not paying moving fees are issues. Guaranteed duty region, shorter term recruit school, and a relocation agent in the relocation areas would be helpful.

(1:42:45) Interviews for the appointment of an Inspector General are being conducted in order to narrow the search. Once the search has narrowed candidates, final interviews with the PSC members will be conducted at a later meeting. Commissioner Barth asked this item remain on the PSC meeting agenda until selection is made.

(1:42:46) Director McCraw requested capital expense authority from the Commission since the LBB amount for equipment and armor had been exceeded. Commissioner Barth inquired about the tasers in terms of manufacturers and deficiency of using tasers on chests. Director stated we would offer a robust taser training program. Commissioner Barth asked if this \$3.3 million would be from seized funds and commented it would leave a \$2.1 million balance after this purchase. **A motion was made by Commissioner Barth and seconded by Commissioner Steen granting authority to use seized funds for the balance needed in order to procure the safety equipment and armor including flak jackets, helmets, tasers and light rails, pending LBB approval. Motion passed unanimously.**

(1:52:50) AD Valerie Fulmer discussed the Contract Review Board stating they would like to designate a Commission member to the Board. She stated contract management software was identified. **A motion was made by Commissioner Clowe and seconded by Commission Barth to approve the Contract Review Board. Motion passed unanimously.**

OGC Stuart Platt presented an action item for approving an exception to the current contract Review Policy adopted October 16, 2008 to allow for exigent circumstances approval of certain procurement through the action of the Contract Review Board and designated Commission member, Commissioner Barth. **A motion was made by Commissioner Steen and seconded**

**by Commissioner Clowe to appoint Commissioner Barth to the Contract Review Board as the Commissioner member for exigent circumstances. Motion passed unanimously.**

(1:58:30) AD Fulmer stated the agenda item addressing the security measures for the Department was passed to the November agenda.

(1:58:53) Deputy Director-Law Enforcement Beckworth gave an update on the 75<sup>th</sup> Diamond Jubilee Anniversary. He stated at the first planning meeting the celebration date was determined for Friday, August 6, 2010. The event will be held on the DPS campus and committees have been formed. A webpage has been set up, and local competition established for the logo design. The event will include a BBQ, demonstrations, badge, commemorative coins and baseball caps for sale and a memorial ride. \$1,000 was donated by DPS Foundation Association for startup. Commissioner Clowe stated events around the state would coordinate with the memorial ride. The motorcycle memorial ride route map was provided in order for the Commissioners to look at attending these statewide events in Houston July 26th, Dallas July 27th, Lubbock July 28th, El Paso July 30th, McAllen August 3<sup>rd</sup>, San Antonio August 5<sup>th</sup> and finishing in Austin on August 6th. Commissioner Clowe stressed to the other Commissioners to support and attend the statewide events on the motorcycle route. Chairman Polunsky informed the Commissioners they would be able to buy commemorative badges and the order form with information would be provided.

#### **Reports** (2:07:39)

AD Brad Rable provided information on the budget stating our budget was what the Legislature gave us to work with. He addressed unfunded variances, but stated he was not at a point to discuss. A new AD Finance would report to work on Wednesday and help in the process. No action was required today. Commissioner Clowe advised AD Rable to schedule individual conferences with each Commissioner in order to provide an extensive briefing. He stated this will not be a fifteen minute item on the November agenda. The issues needed to be addressed early on and all Commissioners would want to become involved to approach in an intensive detail-oriented approach, stating further if a workshop may be needed, to set one up. Chairman Polunsky reminded all that Commissioner Barth was the Commission Liaison on Budget matters.

(2:15:08) Commissioner Brown inquired about the 150 volunteer hours in one month listed in the Psychological Services/Chaplain Program in the Administrative section of the binders. DD Beckworth informed since 1995 DPS had a chaplain program across regions whereby chaplains volunteered to go to employees or victims and their families.

Commissioner Clowe inquired about Sgt. Lopez who was shot while serving a warrant in Dallas. Director McCraw informed the Sergeant was released from the hospital and underway with a full recovery expected and he would return to duty. Chairman Polunsky requested to be notified when a Purple Heart was awarded to Sgt. Lopez in order for the Commissioners to attend.

Commissioner Barth inquired about the remedial plan for fire and safety at the training center. Director McCraw informed that he was working with the State Fire Marshall and what actions could be taken were done. He stated the center was not in full compliance and DD Rable would have a plan to present to the Commission for budgeting and implementing at a later date.

(2:20:43) Commissioner Steen requested to hear from AD Jack Colley on seasonal and swine flu. AD Colley updated the Commission on the plan response stating the focus was to have



antiviral available across the state. He emphasized the success with the private sector partners such as HEB, Walgreens, and Wal-Mart to distribute the vaccines. He stated DPS has no control over, but the vaccines were coming in lesser amounts. He said key to success is situational awareness and informed that 4,000 people are on the conference calls in an effort of keeping all informed. He finalized stating the virus is spreading and spreading very quickly. Commissioner Clowe commented on the great job Jack Colley was doing.

(2:25:27) Commissioner Steen's asked AD Michael Kelley to brief the Commission on the changes and interfaces in rolling out more offices in January. AD Kelley stated offices were equipped and ready. He thanked Brian Smallwood in Strategic Transformation, Planning and Innovation, the IT and Administration departments in the team effort of turning around the business model. He stated the drivers' license system is making great stride. Offices will be located in each regional area as training basis for rest of the state and that this system will be something DPS will be proud of.

(2:31:00) AD RenEarl Bowie, interim AD Regulatory Licensing, provided an update on CHL stating applications were current and being entered as they came in. Two-thousand had errors to resolve, but currently on track. AD John Jones joined to comment on the errors stating it was primarily in the applicant not completing the application with necessary information. 1,000 are in manufacturing process and over 60 days. AD Bowie stated 6,700 received October, month-to-date are in process and indicated volume has decreased some. Chairman Polunsky congratulated AD Bowie and Jones on their interim appointments.

#### **Consent items** (2:36:30)

- A. Discussion and possible action on the Director's action of discharging probationary employee: Cary Brown
- 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 – Gregory S. Bedford, Robert G. Bourland, Ruben R. Elizondo, Paul K. Frazier, Bradley T. Hardin, Caroline Y. Knauth, Rodney W. Knox, Gilbert S. Lozano, Rosendo L. Martinez, James D. Murray, Richard Pinon, Albert Rodriguez, and Douglas Vance; Special Texas Rangers - Lance D. Coleman, Israel Pacheco, Jr., and Ray G. Ramon
- 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
- D. Contracts for discussion, review and possible action by Commission :
  - 1. Review of pending contract: Information subscription service (Dallas Computer Services, Inc.)
- E. Discussion and possible action on proposed amendments to Rule 3.171, 37 TAC Sec. 3.171 regarding Parking and Traffic Administration
- F. Discussion and possible action on proposed repeal of Rule 13.86, 37 TAC Sec. 13.86, regarding Controlled Substances
- G. Discussion and possible action on proposed amendments to Chapter 13: Rules 13.1, 13.7, 13.10, 13.21, 13.25, 13.26, 13.28, 13.30, 13.71 – 13.73, 13.75, 13.76, 13.86 – 13.99, 13.131 – 13.134, 13.137, 13.161, 13.182, 13.208, 13.233, 13.234, 13.237, 13.253, 13.254, 13.272 – 13.276, 13.278, 13.301, and 13.304, 37 TAC Secs. 13.1, 13.7, 13.10, 13.21, 13.25, 13.26, 13.28, 13.30, 13.71 – 13.73, 13.75, 13.76, 13.86 – 13.99, 13.131 – 13.134, 13.137, 13.161, 13.182, 13.208, 13.233, 13.234, 13.237,

13.253, 13.254, 13.272 – 13.276, 13.278, 13.301, and 13.304, regarding Controlled Substances

The Consent Items were discussed. **A motion was made by Commissioner Barth and seconded by Commission Clowe to approve A, B, E, F, and G. Motion carried unanimously.** Commissioner Steen requested Item C be kept on the agenda going forward, but to place it under "Ongoing Business". Item D was deferred to the November meeting agenda.

**Items for future agenda** (2:41:45)

Commission Barth requested the status of the search for Office of Inspector General candidate discussion, report and possible action be placed on the agenda until filled.

**Future meeting date** (2:42:05)

The next meeting of the Public Safety Commission will be November 19, 2009.

There being no further business, the meeting was adjourned at 4:30 p.m.

Read and approved this 19 day of November, 2009.



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
Cary Brown	Probationary Trooper, Highway Patrol	09/23/09

Approved:

Allan B. Polunsky, Chairman  
Public Safety Commission  
Date: October 23, 2009