

**MINUTES  
PUBLIC SAFETY COMMISSION  
February 22, 2011  
Austin, TX**

The Public Safety Commission met in Austin, Texas on February 22, 2011. Attending the meeting were Chairman Allan Polunsky, Commissioners Carin Barth, Ada Brown, Cynthia Leon 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. Proper notice had been posted.

(00:48 indicates time stamp from audio file 001) The Commission moved the meeting to the new Department of Public Safety Crime Lab for the dedication and tour of that facility.

**Approval of Minutes** (00:10 - indicates time stamp from audio file 002)

**A motion was made by Commissioner Steen and seconded by Commissioner Leon approving the minutes as submitted for the January 14, 2011 meeting. Motion passed unanimously.**

**Public Comment** (00:37)

There was no public comment.

**Director's Report** (00:51)

Director McCraw reported on the presentation he gave at the 9<sup>th</sup> Annual Policy Orientation for the Texas Legislature. He demonstrated TXMap and the vast capabilities of this tool showing the ports of entry, the cartels, seizures (adding that cash seizures for calendar year 2010 were \$1.2 billion), DPS Trooper locations, gangs, and activity to gauge placement of resources statewide. Commissioner Leon requested a copy of the presentation. Director McCraw stated he would prepare and distribute at the March meeting as he had not made his presentation from prepared remarks. Director McCraw said he would be giving an overview of 20 recommendations and other related border security issues to the Senate Transportation and Homeland Security the next morning. He stated the number one priority was Border Security and included everything in the Department of Public Safety LAR. He mentioned the state grew by 5 million people yet the Department of Public Safety Driver License division had no increase in staff or facilities. He proposed three mega centers – Dallas, San Antonio, and Austin and a \$1 increase in the driver license fee to fund additional resources. Mega centers would include mobile centers. DPS currently has only one mega center. Commissioner Steen asked if consideration was being given in closing down any centers. Director McCraw replied no, in fact there was a demand for more offices. This concluded the Director's report.

**New Business** (27:27)

Chairman Polunsky stated the agenda item on the Continuity Plan would be addressed in Executive Session.

The Chairman introduced an idea of creating a foundation to benefit the Texas Department of Public Safety employees and their families. He had requested this item on the agenda in order to consider thoughts about it and to see if there was interest in pursuing it. Director McCraw said the idea evolved during the Memorial Ride, but the source of funding needed to be determined. He further reported he had visited with his counterpart at the Department of Parks and Wildlife, since they have a foundation, and in that visit learned that they obtain funding from private sectors. Chairman Polunsky stated he felt it a noble endeavor and asked for the thoughts of the other members and if they were in favor to move forward. After further discussion each member expressed what a terrific idea this was and each stated they were in favor of moving forward on the foundation. The members spoke about individuals with

expertise to head up the foundation and make it happen in a very positive and substantial way. Chairman asked General Counsel Adkins for comments. Mr. Adkins stated the Parks & Wildlife foundation had been through the Sunset review and he felt many things could be learned there. Commissioner Steen asked the Director if other states had been looked at in what they did for these types of foundations. The Director responded he had not, but would. Chairman said if there was no further opposition he wanted more concrete ideas gathered and results brought back to the Commission in order to take action. It was decided that a proposal would be provided and this would be revisited within a couple of months.

Commissioner Steen said he had reviewed the Ethics policy regarding gift policy and reporting requirements provided in the binder. He asked the Director what experts were looking at the policy to provide the best policy and standards. The Director responded it would be a legal review. General Counsel Adkins clarified the binder content was the State policy on Ethics, which Commissioner Steen stated he accepted the language but asked about the reporting requirement. The Director commented the State statute provided the reporting requirement through the Ethics Commission of any item over \$50. He added the law was that no gift over \$50 was to be accepted by any employee. Mr. Adkins provided information for state officials reporting gifts under \$50. Commissioner Barth asked if there was a formalized policy in place. Mr. Adkins stated there was none in place at the department. The Director stressed this was a State policy but he would provide a recommendation of the best practice and policy. He felt it too premature to provide his recommendation, but said he would have his recommendation in about 60 days. Commissioner Steen asked for an update in May if possible by that time.

AD David Baker Highway Patrol provided a report on TxDOT median dividers requested by Chairman Polunsky at the last meeting. He reported that several studies had been done in Texas. Two of the studies resulted in TxDOT being given authority to issue \$3 billion in bonds for highway improvement projects. 20% had to be used to fund safety projects that reduced accidents or corrected hazardous locations on the state highway system and one of 15 categories eligible to fund safety projects was installing cable barrier systems. He provided statistics for one-year pre-construction start (before) vs. one-year post-installation completion (after) of the cable barrier system effectiveness in fatal crashes, fatalities, incapacitating injury crashes and incapacitating injuries. He provided the timeline when Director McCraw recommended via letter to TxDOT that crossovers be installed in the cable median barriers and their response in installing 52 throughout the state. Some cities had not made requests. Commissioner Barth asked what it took to install the barriers. AD Baker stated he would need to obtain that information from an engineer. He further stated there had been a lack of coordination between TxDOT and emergency responders during the project planning and maintenance phases of cable barrier system projects. He stated he had asked his Captains to go back and pursue the coordination. Commissioner Steen suggested that Chairman Polunsky and Director McCraw visit with their counterparts at TxDOT to address the importance of this issue. Chairman agreed with the need to go to the top and added he felt this was an important component in public safety. Commissioner Brown asked if it may help to have a PSC Liaison on this project. Commissioner Barth said we needed a stronger message from the top, not to depend on DPS Captains and TxDOT engineers. Chairman said he was willing to go to a meeting set up on this subject in order to convey the strong message of priority in expediting the matter. He asked for an update at the March meeting. This was followed by a request from Commissioner Barth of the numbers of cable barriers requested with timelines as Commissioner Leon suggested earlier in the discussion to be included in each monthly report.

Chairman brought up to AD Baker another topic brought about by his discussions with Troopers of problems or issues they were having. He said the taser gun holsters were not adequate. AD Baker said he had a good filtering system of issues so was aware of the problem and it was being looked into. He said the holster is thin and has no support; therefore it took two hands to get the taser out of the holster. Commissioner Steen inquired about the costs. AD Baker stated a vendor named Black Hawk offered a two for one trade and added there was grant money to cover it, therefore no additional costs.

AD Regulatory Services RenEarl Bowie spoke on the seven rules proposed for adoption as listed on the agenda. Commissioner Steen asked if the Private Security Board could adopt rules or were they limited

to only recommending them. AD Bowie said they could only recommend them and the Public Safety Commission had to take action to approve them. Commissioner Brown had questions on convictions barring issuance of a private security license. AD Bowie said with respect to convictions, if the individual completed their sentence, they would be eligible to obtain a license. Commissioner Brown said the list included crimes that concerned her and asked about barring individuals with these convictions all together. Mike Sandlin, past vice chairman from the Private Security Board, commented on Senator Whitmire's belief in second chances and the statutes put together last session by Sunset. Commissioner Brown stressed her concern about the victims of these crimes being considered. Commissioner Steen asked what they were expected to do today. He said with the good points Commissioner Brown was introducing, he wanted to know what they could do to address them. General Counsel Adkins said if statutory the Commission could not change the rules. Commissioner Barth requested the item be deferred due to the confusion of what was statutory by Sunset, and what could be amended by the Commission. Commissioner Brown said she also wanted to know what input could be offered in consideration of amending. Mr. Sandlin stated he felt pretty positive it was statutory. Commissioner Steen said since there were other questions he felt it necessary to look into this and defer the item. General Counsel Adkins said Steve Moninger could provide Security Board counsel. Mr. Moninger said the list had been before the Commission before that the difference was in wording, not additions to the list, not the terms, which was done during the Sunset review. He stated a rule could be amended. Commissioner Steen asked Commissioner Brown what she suggested and she responded that certain crimes would never allow for a private security officer to obtain a license. Commissioner Leon said it may be interesting to hear from the Chairman of the Private Security Board in addressing the concerns of the Commission before a conclusion was reached. Chairman Polunsky deferred and added Commissioner Brown would represent the Commission in formulating a review of rules to be discussed at a future meeting. **Commissioner Barth made a motion seconded by Commissioner Steen to defer this item to a future date with Commissioner Brown as liaison to work with the Private Security Board to revisit and revise rules to be acted on at a future meeting. Motion passed unanimously.**

AD Bowie inquired if the Commission was satisfied with the Concealed Handgun Report provided. Commissioner Barth confirmed she was satisfied with the report and added he did an excellent job.

AD Administration Valerie Fulmer presented the five pending contract renewals on the agenda, which did not require action by the Commission. Commissioner Barth commented the contract review process was always up for improvement and she had no comments on these five items.

#### **Executive Session (01:26:26)**

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 1:13 p.m. and ended at 5:55 p.m.

(01:27:08) The Public Safety Commission reconvened at 5:55 p.m. A quorum was present.

#### **Ongoing Business**

Commissioner Brown reported on the 28-day work cycle and overtime and compensatory time policy. She asked her committee members Troopers Randy Jones from Garland and Jimmy Jackson from Tyler to present the overview of FLSA guidelines. Details were displayed addressing compensatory overtime earned – how earned and compensated (monetary/time). Commissioner Brown thanked her committee and stated she wanted to continue the agenda item next month in order to report what other states are doing with this regards.

Chairman Polunsky suggested due to the late hour, stopping the meeting and deferring the remaining items to the next meeting.

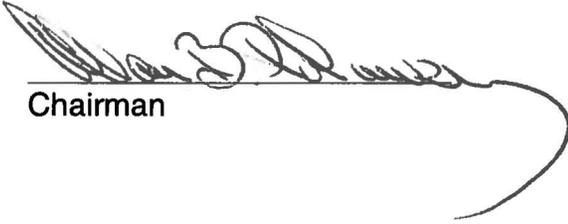
Commissioner Barth asked the Director if any of the remaining items may be time sensitive. The Director replied that there were and requested action on the Consent Items. **Commissioner Steen made a motion seconded by Commissioner Barth approving all Consent Items A – D. Motion passed unanimously.**

Commissioner Brown asked about Rule 15.163, the indigency program. She inquired if a new offense was committed would it result in additional surcharges. She provided an example if someone is already on the indigency program and gets a new offense would the surcharges be reduced. AD Rebecca Davio Driver License stated yes, if the individual qualified. AD Davio said there was no urgency on any of the other proposed Driver License Rules on the agenda and they could be deferred for discussion and action until the next month.

The next meeting of the Public Safety Commission date was discussed to move to earlier in the month. The Director confirmed some issues could come up in Session that may necessitate an earlier meeting. It was decided the date would be determined for earlier in March.

(01:43:46) The meeting was adjourned at 6:11p.m.

Read and approved this 24<sup>th</sup> day of March, 2011.



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:

<b>Employee Name</b>	<b>Employee Title/Division</b>	<b>Date of Discharge</b>
Tyler Broughton	Trooper Trainee/Administration Division	01/06/11
Dan R. Jones, III	Trooper Trainee/Administration Division	01/31/11

Approved:



Allan B. Polunsky, Chairman  
Public Safety Commission

Date: February 22, 2011

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On February 22, 2011, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration  
Title 37 T.A.C. Part I, Chapter 1  
Subchapter C  
Section 1.44

The Texas Department of Public Safety (the department) adopts new Section 1.44, concerning Legislative Leave Pool without changes to the proposed text as published in the December 24, 2010 issue of the *Texas Register* (35 TexReg 11556).

This new section is necessary to implement Texas Government Code, Section 411.0161, which requires the department to have a legislative leave policy relating to the operation of the legislative leave pool.

No comments were received regarding the adoption of this new section.

The new section 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; and Texas Government Code, Section 411.0161 which authorizes the commission to adopt rules and prescribe procedures relating to the operation of the legislative leave pool.

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
Detlefsen, Barry	THP	CVE/Georgetown	11/30/2003	29 years	
Ford, Robert Wade	Aircraft	Lubbock	10/31/2010	26 years	
Maynard, Roger	THP	HP/Sulphur Springs	12/31/1991	28 years	
Munoz, Jr., Arturo	THP	CVE/Eagle Pass	04/30/2001	22 years	
Walker, James M.	CID	Corpus Christi	10/31/2004	27 years	
Walker, Rex A	THP	HP/Hallettsville	11/30/2010	25 years	

### Special Texas Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Havrda, Charlie	Texas Rangers	Headquarters	04/30/2004	32 years	

### National Insurance Crime Bureau Applicants:

Name	Division	Service/Station	Approved
Aguilar, Juan J.	NICB	El Paso	
Harrison, Anthony A.	NICB	Katy	

Approved by the Public Safety Commission on: 2/22/2011