MINUTES
PUBLIC SAFETY COMMISSION
December 10, 2012
AUSTIN, TX

The Public Safety Commission met in Austin, Texas on December 10, 2012. Attending the meeting were Chairman Cynthia Leon, Commissioners Carin Barth and Ada Brown. A quorum was present at the meeting. DPS staff members and guests were also present.

Call to Order (0:00:25)
The meeting was called to order by Chairman Leon at 9:04 a.m. Proper notice had been posted.

Approval of Minutes (0:01:13)
A motion was made by Commissioner Barth seconded by Commissioner Brown approving the minutes as submitted for the October 18 and 19, 2012 meetings. Motion passed unanimously.

Public Comment (0:01:45)
None

Director's Report (0:01:55)

A. Presentations
-Recognition from the Anchorage Police Department for Corporal Bryan Henry and Ranger Steven Rayburn
-Director's Award
Killeen Police Department – Lieutenant Patrick Boon and Sergeant Richard Bradley

B. Senior Leadership Development Conference
-Senior Leadership Conference was held for all Assistant Directors and Regional Commanders on November 29 – 30, in review of the Department's mission, goals and values. Training topics include: Media & Communications, Office of the Ombudsman, Legislative Process, Records Management/Policies/Projects/Contract Management, Government Liability, Texas Public Information Act, Strategic Issues, Equal Employment Opportunity, Americans with Disabilities Act, Fair Labor Standards Act, Family Medical Leave Act, Return to Work Police and Drug Testing.

C. Legislative Testimony
-Testimony provided on December 3, 2012, House Committee on Criminal Jurisprudence pertaining to DWI and fatal accidents (34% of all fatal crashes in 2011 were alcohol related)

D. Senate Bill 197 Response

-SB 197 required DPS and the Department of Motor Vehicles to provide a joint study to streamline the process of inspection and registration stickers. Both agencies are in agreement that a single certificate model will considerably cut down on costs as well as sticker fraud. Proposed process would involve getting your vehicle inspected and being given record of passing the inspection in order to get renew your vehicle registration.

New Business (0:19:57)

A. Report, discussion and potential action regarding the Department's Cardiopulmonary Resuscitation (CPR) and Automatic External Defibrillator (AED) Programs

AD Kidd and Dr. Paul Hensche (Austin-Travis County EMS) reported that 1.5 million heart attacks occur each year with .5 million deaths; Monday mornings are the most common time for a heart attack; women take two hours longer to respond from a heart attack and 88% of cardiac arrests occur in the home and sudden death occurs most among women. Sudden cardiac arrest means the electrical activity in your heart doesn't work and you will need an Automatic External Defibrillator (AED) to shock the heart.

The demonstration was paused to acknowledge former commissioner, John Steen, for his service to DPS and to congratulate him on his new position as Secretary of State. Mr. Steen was designated as an Honorary Texas Ranger Captain.

A motion was made by Commissioner Brown seconded by Commissioner Barth designating John Steen as an Honorary Texas Ranger Captain. Motion passed unanimously. In addition, Mr. Steen was presented with a Texas flag/certificate from the DPS leadership team as well as a DPS flag/certificate on behalf of the Public Safety Commission for his leadership and dedication to the State of Texas.

Mr. Steen acknowledged his wife, Weezie, and thanked her for her support. Coby Shorter, Deputy Secretary of State, was also present and recognized.

Continuation of the CPR demonstration – Commission and senior leadership were taught the "Take Ten" program which is an innovative hands-only approach that teaches CPR in 10 minutes. The program consists of the three C's: Check, Call, and Compress. The mission is to teach the "Take Ten" Program to all DPS employees. Procedures for the AED were also discussed and it was explained that the system talks through each step and provides instruction as well as pictures of where to place the probes.

B. Report and discussion on public safety communications interoperability process

-AD Hearn and Todd Early provided an update on the Private Public Safety Network (FirstNet). In 2010, the federal government issued 21 waivers to build out networks for first responders. May 2011, Texas was granted a waiver and partnered with Harris County to establish a network using $10 million from Port Funds. Texas is the only one in the nation to have this system up and running out of the 21 waivers issued.

C. Report, discussion and possible action regarding Public Safety Commission meeting schedule for 2013 and ongoing

-Chairman Leon opened discussion to having Public Safety Commission meetings occur every two months.

-Commissioner Brown is open to having meetings every two months, unless for exceptions.

-Commissioner Barth has concerns with meeting every two months depending on the amount of communication between meetings. She would like to look into a committee structure and possibly Webex. PSC will determine what type of communication they would like to receive to increase their comfort level (i.e. dashboards).

-This item to be placed on the next agenda for further discussion.

D. Report, discussion and possible action on Equal Employment Opportunity compliance/refresher training

EEO Officer, Rhonda Fleming provided a two-year training update:

-8,449 staff have taken the mandatory refresher, 136 remain to complete training by December 31, 2012

-158 allegations reported for 2012 (59 sustained thru investigations and 95 we found no violation of Section 18.25)

-Breakout of 59 sustained: 1 Discrimination/1 Sexual Harassment/1 Harassment/51 Unprofessional Conduct/4 Failure to Report/1 Confidentiality

-EEO investigation timeline determined the Assistant Director review time has averaged 15 days and according to DPS policy should be 3 days. Director McCraw will address issue with Assistant Directors and will submit a 90 day report if AD review time does not improve.

E. Report, discussion and possible action on proposed new Driver License Rule for publication to receive public comment: Rule 15.171, 37 TAC Sec. 15.171, concerning Identifying Documents for Offenders/Memorandum of Understanding

A motion was made by Commissioner Brown seconded by Commissioner Barth approving the publication to receive public comment. Motion passed unanimously.

F. Report, discussion and possible action on proposed reorganization of Chapter 23, Vehicle Inspection for publication to receive public comment, including: repeal of Rules 23.1 – 23.15, 23.18, 23.19, 23.21 – 23.29, 23.41, 23.42, 23.51 – 23.53, 23.61, 23.62, 23.71 – 23.81, and 23.93 – 23.97, 37 TAC Secs. 23.1 – 23.15, 23.18, 23.19, 23.21 – 23.29, 23.41, 23.42, 23.51 – 23.53, 23.61, 23.62, 23.71 – 23.81, and 23.93 – 23.97 and new Rules 23.1 – 23.6, 23.11 – 23.14, 23.21 – 23.30, 23.41, 23.42, 23.51 – 23.58, 23.61, and 23.62, 37 TAC Secs. 23.1 – 23.6, 23.11 – 23.14, 23.21 – 23.30, 23.41, 23.42, 23.51 – 23.58, 23.61, and 23.62

A motion was made by Commissioner Brown seconded by Commissioner Barth approving the publication to receive public comment. Motion passed unanimously.

G. Report and discussion regarding ongoing investigation related to October 25, 2012 use of force in Hidalgo County - Executive Session

H. Report, discussion and possible action regarding assessment of Capitol Complex security – Executive Session

I. Report, discussion and possible action regarding land requisition for El Paso and San Antonio regional headquarters and crime lab – Executive Session

Executive Session (2:04:57)

The Commission adjourned 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; ongoing criminal investigations. Executive Session began at 11:09 a.m.

(2:05:34) The Public Safety Commission reconvened this open session at 1:46 p.m. Commissioners present were Chairman Cynthia Leon, Carin Barth and Ada Brown.

Ongoing Business (2:06:01)

A. Report, discussion and possible action on Driver License monthly updates
   -Average reduction of 20% for October
   -Average reduction of 32% for November, attributed to additional staff
   -L1 contract status – meeting service standards
   -Spring/Rosenberg mega centers to open on 12/13/12
   -Garland mega center scheduled to open 12/18/12
   -Pflugerville center opened for business 10/30/12 and reported an average of 500+ customers per day during the last week of November with a wait time of under 20 minutes
   -San Antonio and Fort Worth centers are scheduled to open January 2013

B. Report, discussion and possible action on the Annual Year 2013 Operating Budget
   -Overall vacancy rate of 8% for first two months of FY 2013

C. Report, discussion and possible action regarding purchases using seized funds
   -Currently $7.3 million in seized funds

D. Report, discussion and possible action regarding Commission requests for additional auditing to be performed by the Chief Auditor's Office. Updates regarding status of recent CAO activity
   -FY 2012 completed 32 audits and 9 advisory projects
   -Two reports completed since October: FY 2012 Annual Report and Identity & Access Management Advisory

E. Update report, discussion and possible action regarding recruitment
-Recruit Graduation will take place on 12/19/12 with 74 graduates
-109 applicants are recruit school ready (16 have conditional job offers/23 interviews scheduled next week)
-New recruit school is scheduled to begin 1/28/13 with an expectation of 128 recruits
-900 applicants will be considered for B school – attributed to change from an Interview Board to an Assessment Board
-Current recruit class is graduating with 99% receiving PRT Fitness Stars

F. 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
None

G. Report, discussion and possible action regarding the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team
None

Reports (2:33:43)

A. Commission member reports and discussion - none
B. Finance Report - none
C. Chief Auditors Office - none
D. Division status reports on activities and action
-Commissioner Barth requested an update on the close out contract for TDEM. Awarding of bids should be in February to early March 2013 for audit and monitoring services.
-Chairman Leon requested Candace Nolte provide legislative updates to the Commission on any DPS hearings, testimony, etc.

Consent Items (2:39:14)

A. Discussion and possible action on the Director's action of discharging probationary employees Jarrett Daniels and [redacted]
A motion was made by Commissioner Brown seconded by Commissioner Barth approving Consent Item A. Motion passed unanimously.

Items for Future Agenda (2:40:05)

-Commissioner Barth requested Chris Sarandos provide an update on the assessment of our IT system
-Commissioner Brown identified Amanda Arriaga as the point person for updating the General Manual
-PSC Committee Structure

Date for Future Meeting
No discussion on future meeting date.

Adjourn (2:42:28)
The meeting was adjourned at 2:23 p.m.

Read and approved this 14th day of February, 2013.

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:

Employee Name	Employee Title/Division	Date of Discharge
Jarrett Daniels	Trooper Trainee/Administration	10/29/12
[redacted]	Customer Service Representative/Driver License	10/31/12

Approved:

A. Cynthia Leon, Chair
Public Safety Commission
Date: December 10, 2012