



# Public Safety Commission Meeting

August 14, 2020, 10:00 a.m.

6100 Guadalupe, Building E Austin,  
TX 78752

## Summary

(This report represents a summary of events of the meeting,  
and is not necessarily complete nor an exact transcript of testimony.)

The Public Safety Commission convened as posted to consider and take formal action, if necessary, on the following agenda items:

Meeting was conducted by Telephonic Conference Public Access to the meeting was provided at the following link:  
[https://www.dps.texas.gov/public\\_safety\\_commission/calendar/index.htm](https://www.dps.texas.gov/public_safety_commission/calendar/index.htm)

### I. CALL TO ORDER

*10:00 am – Chairman Steven Mach called the meeting to order. In attendance: Chairman Steve Mach, Commissioners Steve H. Stodghill, Commissioner Nelda L. Blair, and Commissioner Dale Wainwright. A quorum was present. Also present were, Director Steve McCraw, and General Counsel Phil Adkins.*

### II. INVOCATION

*Chaplain Ferman Carpenter gave the invocation.*

### III. APPROVAL OF MINUTES

*A Motion made by Commissioner Dale Wainwright to approve the minutes from the June 11, 2020 Public Safety Commission Meeting, and Seconded by Commissioner Nelda Blair; with a roll call vote, the motion carried.*

IV. PUBLIC COMMENT (Members of the public wishing to address the Commission are subject to a time limit of 5 minutes and must register in advance at the link provided above. Should a member of the public bring an item to the Commission for which the subject was not posted on the agenda of the meeting, state law provides that the Commission may receive the information but cannot act upon it at the meeting. The Commission may direct staff to contact the requestor or request that the issue be placed on a future agenda for discussion.)

*Chairman Mach said that one person had registered to speak.*

*Sarah Black spoke regarding being kidnapped by Capitol Metro, a complaint with APD and to Texas Rangers. Her complaint is that her report was ignored for several months. The report ultimately found that the crime did not rise to the level of kidnapping. She discussed at length how she felt that she was not receiving the attention that she felt the situation warranted until her allotted 5 minutes were up.*

## **V. DIRECTORS REPORT**

*Director Steve McCraw - We are putting the finishing touches on our 2019 Annual Crime Statistics Report. We have been using a uniform crime reporting system for many years, and last year Governor Abbot asked to have the uniform crime reporting system updated to provide more transparency and additional crime categories, so this will be the last report from the old system. Our 2019 statistics show a 1.1% increase in indexed crimes, and a 0.5% increase in violent crimes. These numbers are based on the then state population of 20 million and represent 805,879 crimes recorded. These crime statistics discussed today will be published in the report sometime next week once it is finalized. Some key findings include an increase in hate crime and that Texas led the country in mass casualty shooting attacks. We also saw an increase in the number of repeat arrests of convicted felons.*

*We have been instructed by Governor Abbot to provide support to other LE agencies across the state during protests to identify and protect protesters and bystanders from violent elements who might use the protest as cover for their violent activity. We will set up on standby at these events with commissioned officers and a mobile arrest team.*

*There were no questions from the Commission*

*Commissioner Mack took a moment to acknowledge several Legislative staffers who were attending the call.*

## **VI. NEW BUSINESS**

### **A. Report, discussion, and possible action on the Fiscal Year 2021 Internal Operating Budget**

*Suzy Whittenton, Chief Financial Officer, said that she is here to ask the Commission for approval of the FY 2021 budget. The budget calls for \$1.1 billion. We expect to collect approximately \$792,000 in seized funds, and will likely to come back to the Commission next summer to ask for permission to use these funds for specific equipment purchases.*

*Commissioner Wainwright asked for a clarification on one of the items in Chief Whittenton's report, which referred to a 3 year comparison for 2019, 2020, and 2021. In 2019 there is \$5.9 Billion that seems to drop down by \$4.9 Billion. Chief Whittenton explained that in 2019 the Division of Emergency Management was under DPS and those funds were pass through funds for Hurricane Harvey.*

*A motion to approve the Fiscal Year 2021 Internal Operating Budget as laid out by Chief Whittenton was made by Commissioner Nelda Blair, seconded by Commissioner Stodghill; with a roll call vote, the motion carried.*

### **B. Report, discussion, and possible action on the 2022-2023 Legislative Appropriations Request, including Requested Exceptional Items**

*Director McCraw said that he would address this agenda item. With the understanding that Covid-19 has deeply cut the state's funding budget, I have prioritized 6 Exceptional Items for funding:*

- 1. Mass Casualty Attacks in Public Places – We had 4 active shooter incidents in 2019 in addition to 3 mass casualty attacks. Through our proactive initiative addressing this problem we have documented 3 attacks that were prevented through our efforts. To continue with this initiative we are asking for \$32.9 million.*

2. *Capitol Security Enhancement - we have approximately 125 individuals working at the Capitol complex and we need to be continually vigilant in upgrading our security measures to keep the very important work that goes on there happening, and protect all of our state elected officers and staff from attacks at this very high profile facility. We are asking for \$49 million for this exceptional item.*
3. *Cyber Security – DPS is entrusted with millions of Texans’ personal information and it is imperative that we continue to guard against attacks to get this information. Our data also serves over 80,000 law enforcement officers throughout the state who rely on DPS as a resource for their jobs. We are asking for \$17 million for this item.*
4. *Upgrading our outdated IT systems – we need \$30 million for this request.*
5. *Maintaining staffing levels, particularly commissioned officers. We currently have 282 vacancies (when just a short time ago we had 0 vacancies), and we typically lose about 150 per year through retirements, and moving to other jobs. We were authorized for two recruit classes, one of which graduated in July and the other class will begin in January 2021. We expect to have 150 recruits start that class in January, and hope to graduate at least 100. We have over 2,000 qualified applicants identified and screened, so we hope to take advantage of that qualified group of applicants. (I did not hear Director McCraw state a dollar amount for this request).*
6. *And finally, an area that no one wants to talk about, but the reality is it is there and has to be addressed: Deferred Facility Maintenance. We are not asking for improvements or new facilities, but just to keep the facilities that we have operational. When an AC unit goes out at a DL office, that office has to shut down in 100+ degree temperatures. Essential maintenance has to be funded. (Again, no dollar figure was stated for this exceptional item.)*

*Director McCraw went on to state that the Department started with a list of Exceptional Items that total a need of more than \$1 billion dollars, but did our very best to cut the list to the very most essential items.*

*Chief Whittenton added that in addition to the Exceptional Items requests, there were 4 things that they were requesting changes on to Riders:*

1. *The contingency rider on DNA analysis – that would require 14 additional positions*
2. *If DPS sells state lands, that the money can be used for offices*
3. *Concealed handgun licensing is currently done at no charge to the applicant, but DPS incurs costs in getting FBI and other background checks – so we would like to get some funding for that*
4. *The authority to pre-purchase water in anticipation of a natural disaster such as a hurricane.*

*Chairman Mach thanked both Director McCraw and Chief Whittenton, and commented that DPS needs to make the Governor and legislators aware of the fact that our Exceptional Items list and other asked were pared down considerably from our true needs, and a list of major items cut, including new Regional HQ facilities in two regions, new aircraft and maintenance, and other items.*

*There no questions from the Commissioners, however, Comm. Wainwright pointed out how DPS has been called upon to support every inch of the state and I wanted to point out the excellent work being done by our troopers, agents and Rangers.*

*Motion made by Commissioner Nelda Blair to approve the 2020/2021 budget and the Exceptional Items, seconded by Commissioner Stodghill; with a roll call vote, the motion carried.*

C. Final Determination in Contested Case – consideration and possible action on Proposal for Decision: 1. SOAH Docket No. 405-20-2580.PSB – Alexander Thornley, Jr.

*General Counsel Phil Atkins – we denied Mr. Thornley’s application to be a commissioned security guard based on his conviction of simple assault in a domestic situation. Federal law prohibits convicted felons from possessing firearm so we could not issue a security license.*

*There no questions from the Commissioners.*

*Motion made by Commissioner Wainwright to confirm the final determination, seconded by Commissioner Stodghill; with a roll call vote, the motion carried.*

D. Report, discussion, and possible action on the following rule proposals for publication to receive public comment:

1. Amendments to 37 TAC Section 21.6 and Section 21.7, concerning Equipment and Vehicle Safety Standards
2. Repeal of 37 TAC Section 21.8, concerning All Terrain Vehicle (ATV) Warning Flag
3. Repeal of 37 TAC Chapter 31, concerning Standards for an Approved Motorcycle Operator Training Course
4. Repeal of 37 TAC Chapter 33, concerning All Terrain Vehicle Operator Education and Certification Program

*Chief Renewal Bowie – Item1 is regarding the wearing of motorcycle head gear for riders 21 and over and that certain scooters must be registered, and items 2,3, & 4 have to do with taking these items down since the motorcycle training program has been moved from DPS to Texas Department of Licensing.*

*There no questions from the Commissioners.*

*Motion made by Commissioner Blair to approve the publication of items 1-4 for publication in the Texas Register for public view and comments, and seconded by Commissioner Wainwright; with a roll call vote, the motion carried.*

E. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)

*This item was handled in Executive Session.*

## VII. ONGOING BUSINESS

A. Report, discussion and possible adoption of the following previously published rules:

1. Amendments to 37 TAC Section 15.6, concerning Motorcycle License
2. Repeal of 37 TAC Section 15.29, concerning Driver Education Forms
3. Amendments to 37 TAC Section 15.55, concerning Waiver of Knowledge and/or Skills Tests

*Chief Sheri Gipson – Driver License Division – we posted these rules in the Texas Register, and received no comments so we are requesting adoption of rules listed in 1 & 2.*

*Commissioner Blair made a motion to adopt the previously published rules listed in items 1 & 2; the motion was seconded by commissioner Wainwright. With a roll call vote, the motion carried.*

B. Report, discussion, update and possible action regarding Driver License Action Plan

*Chief Sheri Gipson – Driver License Division – We continue to work on all of the necessary compliance requirements and are currently operating at about a 75% capacity. Much of the loss now is due to staffing that is either taking leave or not able to return due to distancing limitations. We have installed the plexiglass shields in all of the newer offices (59 offices)*

*and have ordered the plexiglass for the remaining older offices, many of which have limited space so can only operate at every other work station, which limits their capacity.*

*Our new appointment systems continues to work very well and we are able to monitor our offices activity level. No shows continue to be an issue with about a 28% rate. We adjust to those no shows by allowing walk in customers with no appointment the option of lining up in the standby line and they can fill any openings available when someone does not show up for an appointment or if an appointment meeting does not take as long as anticipated. There are no guarantees for those cued up in the standby line as to how long their wait may be.*

*We have two work days in August on Saturdays for renewals and replacements only, and the first one on the 8<sup>th</sup> was filled to capacity. The next date is August 22.*

*The extension granted by the Governor is still valid, and we do not yet have a date that the public notice will go out allowing another 60 days in the extension.*

*We are also getting questions regarding the major election coming up in November, and we are working with the Secretary of State to get notices out to let people and election officials know that an expired license or ID is still considered a valid ID per Voter ID Law as long as it has not been expired for more than 4 years (or any length of time if you are 70 or older).*

*One major update that we had in July is to allow customers to donate to a fund to assist homeless or foster youth. In July that fund has raised \$55,182 in donations.*

*As for staffing, we still have 177 vacancies which we are actively trying to fill.*

*Real ID, we will be at 89% compliance by the deadline of October 2021, and we have two groups that we will be trying to reach, 1 that has an expiration date after that October 2021 date, and the other that have and indefinite expirations. We will try to notify them of their options for getting a Real ID card.*

*Chairman Mach commented that Chief Gipson's report was excellent and she answered most of his questions. He did ask if DPS sends a notification to remind customers of their appointments to avoid the no shows. There are a variety of reasons for no shows. Chairman Mach followed up asking if there is a link in their notifications to confirm or cancel their appointments.*

- C. Report, discussion, and possible action regarding the modification of the DPS organizational structure and the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team

*Director Steve McCraw – Asked that Major Brian Baxter of the Training Division be promoted to the Assistant Chief of the Training Division and that Major Floyd Goodwin in Criminal Investigations Division be promoted to the Assistant Chief of the Criminal Investigations Division.*

*Comm. Stodghill made a motion to approve the promotions of Major Baxter and Major Floyd to the Assistant Chief positions as requested by Dir. McCraw. The motion was seconded by Comm. Blair. With a roll call vote, the motion carried.*

- D. Report, discussion, and possible action regarding ongoing criminal investigations pursuant to Government Code § 411.0041 (Executive Session anticipated)

*This item was taken up in Executive Session.*

## VIII. REPORTS

### A. Commission member reports and discussion

B. Finance Report C. Chief Auditors Office 2

*Chief Whittenton just added that we have about completed work granted by bonds, so we will no longer be under any bond funding.*

D. Division status reports on activities and action

*There were no additional reports presented.*

IX. CONSENT ITEMS All of the following items may be enacted with one motion. These items are typically self-explanatory or have been previously considered by the Commission. There will be no separate discussion of these items unless a commissioner so requests.

- A. Advice and consent regarding director's determination that a certain probationary employee was found unsuitable for work during June 2020

*Director McCraw – nothing further to add.*

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: David G. Corbell, Justin B. House, Christopher J. Hughes, Michael W. Hulburt, Jr., Dorinisha L. Livingston, John C. Nelson, John R. Perdue, Jr., Michael S. Scullin, Cynthia G. Sparks, Kirk W. Washington, and William T. Wilson; Texas and Southwestern Cattle Raisers Association Special Ranger: Mary Olen Baker

*Deputy Director Randy Prince stated that all of the prospective Special Rangers and Special Texas Rangers were vetted and qualified for this designation.*

*Comm. Wainwright asked what the qualifications were, and D.D. Prince stated that the Special Rangers must have been commissioned with the department for 20 years or more, and have retired in good standing. The Special Texas Rangers had to have served as a Texas Ranger for a minimum of 8 years, and have retired in good standing.*

C. Donations:

1. Driver License Division – donation of Toyota Production System Support Center efficiency study
2. Additional donation items, as needed

*Deputy Director Pence said that item 1 was reviewed and approved by the E-Board.*

*A motion was made by Commissioner Wainwright to approve all of the Consent Items, and seconded by Commissioner Wainwright; with a roll call vote, the motion carried.*

X. ITEMS FOR FUTURE AGENDA

*Chairman Mach reminded the Commissioners to get any items for future meetings to Sophie Yanez two weeks prior to the meeting date.*

XI. DATE FOR FUTURE MEETING Discharge hearings will be scheduled on October 14, 2020, and the regular Public Safety Commission meeting is scheduled for October 15, 2020.

*The next Public Safety Commission Meeting is scheduled for October 15, 2020.*

XII. ADJOURN INTO EXECUTIVE SESSION (If required) 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

*Chairman Mach adjourned the meeting to Executive Session at 11:09 am.*

XIII. ADJOURN The Commission may take items out of the order in which they are posted on this agenda. Also, an item that has been adopted, passed upon, delayed or tabled for a later meeting may be considered or reconsidered at the same meeting. The Public Safety Commission may meet and discuss in Executive Session and have action taken in an Open Meeting where required on the following items: 3 Government Code Sec. 551.071 Consultation and deliberation with legal counsel about pending or contemplated litigation or a settlement offer, or on a matter where the Commissioners seek the advice of their attorney as privileged communications under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas, and to discuss the Open Meetings Act and the Administrative Procedures Act with their attorney Government Code Sec. 551.074 Appointment, employment, evaluation, reassignment, duties, discipline or dismissal of director, assistant director, and persons appointed to management team positions pursuant to Govt. Code Sec. 411.0071 Government Code Sec. 551.076 Deliberations about security audits, security devices, including deployment and implementation of security personnel and devices Government Code Chapter 411, Sec. 411.0041 Ongoing criminal investigations Government Code Sec. 551.072 Deliberation of the purchase, exchange, lease, or value of real property, if deliberation in an open meeting would have a detrimental effect on the position of the government body in negotiations with a third person Government Code Sec. 551.073 Deliberation of a negotiated contract for a prospective gift or donation to the state or the governmental body if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person 4