



Public Safety Commission Meeting

October 15, 2020, 9:00 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:

I. CALL TO ORDER

9:00 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. PLEDGES

Trooper Brandon Zellos lead the meeting in the Pledge of Alliance and the Texas Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A Motion was made by Commissioner Dale Wainwright to approve the minutes from the August 14, 2020 Public Safety Commission Meeting and Seconded by Commissioner Nelda Blair; with a roll call vote, the motion carried.

V. 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

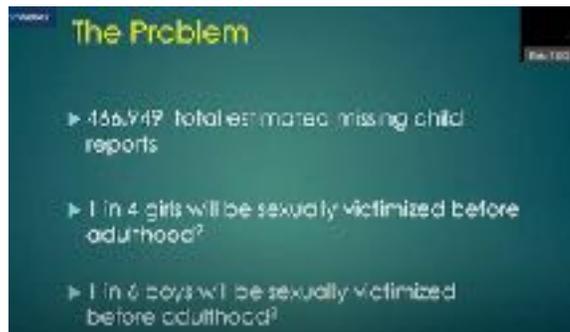
member of the public bring an item to the Commission for which the subject was not posted on the agenda of the meeting, state law provides that the Commission may receive the information but cannot act upon it at the meeting. The Commission may direct staff to contact the requestor or request that the issue be placed on a future agenda for discussion.)

Chairman Mach said that one person had registered to speak.

VI. DIRECTORS REPORT

A. Case Update: Introduction to IPC (Interdiction for the Protection of Children)

Director Steve McCraw asked Major Derrick Prestridge to provide an update regarding the IPC Program.



Major Prestridge said that start of the IPC program began in 2007. There were approximately 400,000 missing children reported, with 1 in 4 girls and 1 in 6 boys victimized before adulthood.

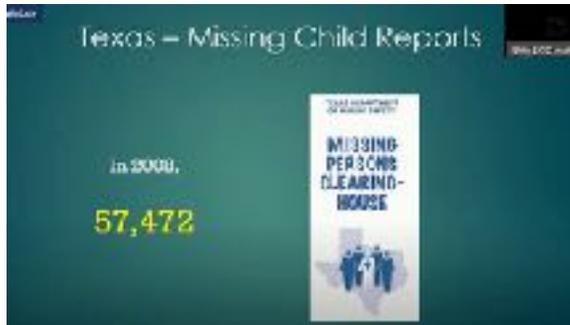


Of the more than 800,000 registered sex offenders in Texas, more than 50,000 are non-compliant, meaning that their location is unknown. These often are searching for a state or city where they can remain hidden.



There are between 700,000 and 800,000 commissioned law enforcement officers in the

US. Involving as many of these officers in IPC is a force multiplier.



In 2008, there were more than 57,000 children reported missing.



Also, in 2008, DPS HP made nearly 3 million traffic stops.



During those nearly 3 million stops, Troopers discovered 1,812 stolen vehicles, 12,615 wanted persons were arrested, 69,064 lbs. of marijuana was impounded, and \$16,351,102 was recovered related to illegal activity, but there were 0 child rescues reported.



This does not necessarily mean that children were not rescued or helped, but we were not reporting and recording that information at the time and it was not necessarily a stated priority.



Successful IPC programs require coordination and cooperation and training of multiple agencies and disciplines including law enforcement victim services professionals, prosecutors, and criminal analysts.



Several years ago, then Major Ron Joy asked the question "What is our measurement of success" related to IPC? There are three major areas critical to measuring success:

1. Rescued Children
2. Investigations
3. Suspicious Activity Reports



Major Prestridge said that it is important to understand that you cannot wait for a child to speak up and report abuse and neglect. They generally will never do that. For this reason, we have adopted a child centered approach.



Below are examples of child interdiction successes and multi-agency/division/and service cooperation:

Via Cisco Webex

Multi-Agency, Division, and Service

February 2, 2020,

- ▶ Trooper Will Richter conducted a traffic stop with a driver in the United States Military
- ▶ Two children, a 16-year-old female and a 15-year-old female were present
- ▶ Evidence of snapchat communication.
- ▶ Adult male was pursuing illegal sexual contact.
- ▶ (TXDPS) Special Agent (SA) Ben Wolf responded
- ▶ SA Anthony Bennet conducted a polygraph interview with the adult male.
- ▶ TXDPS Victim Services Counselor Jessica Grimes.
- ▶ The children were released to their legal guardian.
- ▶ Joint Investigation

Via Cisco Webex

Katy Texas



Another stop in Katy, TX, caught the eye of an alert trooper who stopped an RV returning to Florida from New Mexico. The trooper received permission to search the vehicle and discovered a life-size doll of a child that had evidence of

sexual activity. While no specific crime could be charged, the stop information was shared with our Fusion Center, and the suspicious activity was shared with other LE agencies from New Mexico to Florida so that it could help them to be on the watch,

and perhaps help them to link the individual to ongoing investigations.



Major Prestridge went on to display a Texas map outlining hotspots for child predator activity, with the light spots noting State Park locations. DPS is working with Texas Parks and Wildlife and Texas Game Wardens on this IPC training initiative as well.

IPC Partnership With the USMS

Published Research

- More than 300 interviews with officers
- USMS personnel systematically log and track over 500 IPC related indicators for all submitted IPC stops
- Interactive data dashboards are used to dynamically explore indicators, develop intelligence, and identify best practices

IPC has partnered with the US Marshall's Service as well.

11 Years of IPC

▶ Texas DPS – IPC Rescues:	504
▶ IPC Suspicious Activity Reports Submitted to the Texas Fusion Center:	1,398
▶ Multi-discipline IPC Training Teams established:	30

These slides show the impact that IPC has made in the protection of children and law enforcement activities.

- ▶ International
 - RCMP – Canada
 - Interpol – France
 - Ontario Provincial Police, Canada
 - Durham Constabulary, England
 - Queensland Police – Australia

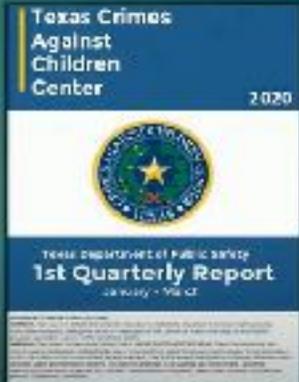
Training...

Via Cisco Webex

Department Influence

Traffic Enforcement Operations

Texas Crimes Against Children Center



Department Influence...

Via Cisco Webex

Department Influence

Traffic Enforcement Operations

Texas Crimes Against Children Center

Child Protection Team

Texas DPS Policy – Child Placement Procedures HQ-80



Department Influence....
Reporting....

Texas Influence....



National Influences...

Major Prestridge stated that IPC is also beginning to partner with the Bureau of Indian Affairs and Tribal Nations.

Via Glass/Webex

Crimes Against Children Traffic Enforcement Operation

Officers assigned / utilized during the operation:	8,169
Number of traffic stops during the operation:	79,783
Number of non-traffic contacts:	4,036
Children rescued:	9
Reports of abuse / neglect sent to Child Protective Services:	66
Registered Sex Offenders contacted:	260
Crimes Against Children Suspicious Activity Reports :	25

RESULTS...

Chairman Mach thanked Major Prestridge and his team for excellent work and report and for their contributions to DPS, National LE, and International LE. Maj. Prestridge responded that he is very proud of the team and the IPC program, all made possible by the support of Director McCraw and his leadership team. Director McCraw has stated that any agency who asks for help with IPC programs will receive it from DPS.

Commissioner Wainwright asked if "Prevention" should be included in the major measurement categories along with Rescue, Investigation, and Suspicious Activity

Reporting. Prestridge replied that it is much harder to report on prevention in that the activity was prevented from taking place. There is more anecdotal information that is difficult to quantify.

Director McCraw added that child abuse generally involves serial offenders. The sooner we can identify an offender or person of suspicion, the better chance that we can keep children safe. Once an offender is identified, it often leads to the discovery of more victims.

McCraw went on to state that most good ideas such as the IPC program come from the bottom up. In this case it was a highway patrol Sergeant that saw a need and took the initiative to do something about it. I think we all know who that Sergeant was (now Major Prestridge). He stated without his passion and diligence in developing this program with his team using scientific, evidence based analysis, this program would never have developed to the place where it is today. The only downside is the realization that we may have missed opportunities to intervene in the past may have let some victims fall through the cracks.

Director Mach took a moment to thank visitors from the Governor's office, the Lt. Governor's office and from the LBB.

NEW BUSINESS

B. Report, discussion, and possible action regarding the Proposed FY2021 Internal Audit Strategy

Chief Auditor Catherine Melvin – In the commissioners' binder is the DPS FY2021 Internal Audit Strategy for which she is seeking PSC approval. She pointed out that while the strategy covers a wide range of Department activities and mission, it does not, and does not intend to, cover all the Department's activities and services. Throughout the year, we also receive specific requests for audits for department and division heads that we are happy to conduct as needed.

Chief Melvin asked for approval of the FY2021 Internal Audit Strategy.

With no questions from the Commission, a motion was made by Commissioner Blair and Seconded by Commissioner Wainwright to approve the FY2021 Internal Audit Strategy.

The motion passed.

C. Report, discussion, and possible action regarding appointment of members to the Vehicle Inspection Advisory Committee and appointing co-chair as required by Transportation Code § 548.006

Chief Wayne Mueller, Regulatory Services Division – The Vehicle Inspection Advisory Committee is

one of 3 programs that DPS oversees. There are 9 members on the committee, 8 of which are appointed by the Texas Department of Public Safety, including 1 co-Chair, and the other co-chair is appointed by the Texas Commission on Environmental Quality. There are 4 positions to be filled due to resignations. I am recommending the following for these positions:

1. Julie Crossin from near Fort Worth with Take 5 Oil Change – for a Safety Only seat.
2. Charles Ray from Argyle, TX – For an Emissions Only Seat
3. David Campbell from Longview, TX with Pine Tree Inspections – for a Safety Only seat
4. Kevin Fiscar – Katy, TX – Sinco Auto – for an Emissions Only seat.

All four candidates passed background checks and have been found to be contributing members to their communities and are well qualified for positions on the VIAC.

Chief Mueller asked for the Commission's Approval.

A Motion was made by Comm. Blair and Seconded by Comm. Stodghill to approve all 4 appointments.

The motion passed.

One of the vacancies that occurred was a Co-Chair, and the PSC has previously approved to the VIAC Robert Perez and I recommend, based on his active participation since his appointment in February, that he be appointed as Co-Chair of the VIAC.

A motion was made by Comm. Wainwright and Seconded by Comm. Blair to appoint Mr. Perez as Co-Chair of the VIAC.

The motion passed.

Final Determination in Contested Cases – consideration and possible action on Proposal for Decision:

1. SOAH Docket No. 405-20-3827.MVI – Raul Nieto
2. SOAH Docket No. 405-20-3720.MVI – Frank Padilla
3. SOAH Docket No. 405-20-2492.PSB – Jose Juan Ortiz

General Counsel Phil Adkins - in Item 1, Raul Nieto was found to be "clear scanning" vehicles, a practice that scans a different, "passable" vehicle and assigning the results to another vehicle which otherwise would not have passed. We are asking to rescind his license to inspect. We found evidence that he had done this to at least 11 vehicles.

In item 2, we also found evidence of clear scanning, and are asking to rescind Frank Padilla's license.

And finally, in item 3, Jose Juan Ortiz background check found a conviction of domestic violence, which prohibits his ability to carry a firearm, so therefore his application to be a licensed security officer cannot be approved.

A motion was made for final determination on these three SOAH cases by Commissioner Wainwright and seconded by Commissioner Stodghill.

The motion passed.

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

1. Withdrawal of Amendments to 37 TAC Section 21.7, concerning Certification of Certain Vehicles

2. Repeal of 37 TAC Section 21.7, concerning Certification of Certain Vehicles

Gen. Counsel Adkins - In August we were tasked with preparing a list of certified Moped vehicles, but since that time, it has been determined that no such list was needed, so first I am asking to withdraw the amendments to the rule, and second, I am asking to repeal the rule itself since it is no longer needed.

A motion to withdraw the amendments, and to repeal 37 TAC Section 21.7 was made by Comm. Blair and seconded by Comm. Wainwright.

The motion passed.

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 21.6, concerning Motorcycle Operator and Passengers Protective Headgear Minimum Safety Standards and Exemption for Motorcycle Protective Headgear

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, All Terrain Vehicle Operator Education and Certification Program

Chief Renearl Bowie stated that he had received no public comment on the above 4 rules as previously published in the Texas Register, and asked for the changes be approved.

A motion was made by Comm. Wainwright and seconded by Comm. Stodghill to approve the changes. The motion passed.

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

Chief Sherie Gipson, Driver License Division – Of the 700,000 Driver Licenses that have expired while we were closed due to the pandemic; 300,000 or so have not yet renewed since we resumed our

operations. We are reaching out to these 300,000 to try to get them to renew, even though the extension is still in place and we have not made the formal 60-day notice as to when the extension will lapse. We are also in communication with the Secretary of State office to inform them that all DL's with a lapse date from less than 4 years ago (and any for persons 70 years old or older), are still valid for identification purposes for voting.

Also, all our DL office are now open, with 158 offices staying open on Saturdays until December 19 (except for the Saturday following Thanksgiving).

Our appointment reservation system is working; however, we are still having 24-25% no shows (down from 29-31%, but still 1 in 4 do not show up at their appointed time. The average wait time with an appointment is 29 minutes, with the average wait time for those cuing up to take a no-show position is 31 minutes.

The University of Texas DL study was completed and submitted by August 31 to the Governor's and Lt. Governor's office and all legislators, subsequently the statutory changes that would move Drivers License to the Department of Motor Vehicles beginning on Sept. 1, 2021, did not take effect.

The installation of plexiglass in our DL offices is approximately 79% complete and should be completed by the end of October.

The Mega-Centers and some of our larger offices can accommodate appropriate social distancing, but many of our smaller offices only have 2-3 feet between workstations so we are continuing to explore solution options for these offices.

We currently have 148.5 FTE positions open. We started out with about 200 openings and were granted 713 additional FTEs, so we are making good progress in filling these positions.

To assist our Customer Service responses, we are asking some of our DL personnel to answer email inquiries, which they can interrupt any time a person comes into the office needing assistance. Additionally, we are asking for volunteers from the agency's administrative staff to take Level 1 calls (easier) for up to 10 hours per week to leave the harder calls to be handled by our more experienced staff.

Chairman Mach complimented Chief Gipson and her staff for the great job they are doing. He stated that most of the feedback he gets from the public is related to DL and the tone has changed dramatically, particularly with regards to the appointment system and how courteous everyone is. The Director has pointed out that customers may have to wait a little while in line, but there is no excuse for not being courteous.

- 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 McCraw said that he had no modifications for the organizational structure.

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

Handled in Executive Session.

Contract Compliance

The procurement process and contracting practices for a Texas state agency require adherence to the Texas Government Code, Texas Administrative Code (TAC), and other requirements set by oversight agencies, such as the Comptroller of Public Accounts (CPA) and the Department of Information Resources (DIR).

All DPS employees involved in procurement and contracting activities must also adhere to the regulations in Chapter 28 of the DPS General Manual.



VIII.REPORTS

A.Commission member reports and discussion

B.Finance Report

C.Chief Auditors Office

There were no additions to the Commission reports, Finance Report not the Chief Auditor's Report.

D.Division status reports on activities and action

Jessica Ballew, Chief of Infrastructure Operations, provided the Annual

Assessment and Report of DPS Contract Management.

Report of DPS Contract Management

THE SUNSET ADVISORS COMMISSION STATE REPORT RECOMMENDATION 3.3



Senate Bill 65

SB65 required the State Auditor's Office to assign a level of contract monitoring to each of the 25 largest state agencies as determined by the Legislative Budget Board (LBB).



To begin, I want to assure the Commission that when we are working on compliance we are sure to crosswalk any changes with internal processes and procedures to make sure that we don't "break" anything with our fixes.

The State Auditor's Office recommended that DPS should have enhanced monitoring of Contracts and

Planning and Management and Terminations.

We take this very seriously.

We reached out to agencies that had a recommendation for reduced monitoring to find out what they were doing that we could perhaps adopt. One thing that we found is that they had a dedicated team to contract oversight, something we did not have. We have started a pilot program with a contract oversight committee to see if this would work for DPS. By Utilizing the Enterprise Project Management Office, we will monitor it for success.

Below is a list of “Best Practices” that we are reviewing and adopting.

The screenshot shows a Cisco Webex presentation slide titled "Best Practices in FY20". The slide lists 14 best practices in two columns. The Cisco Webex logo is in the top left, and a "Big E 20 Auditor" icon is in the top right. The Texas Department of Public Safety logo is in the bottom right. At the bottom of the slide, it says "A WWW AGREEMENT AND REPORT OF CONTRACT MANAGEMENT".

- Utilizing a Contract Review Board
- Moving Oversight of the Vendor Interaction Policy
- Providing Additional Information for the Executive Contract Review Board
- Utilizing Blanket Contracts
- Updating the Acquisition Plan and Acquisition Schedule Template
- Basing Approval Levels on Risk
- Mandating a Needs Assessment and Cost Benefit Analysis
- Implementing Templates for Recommendations for Negotiations and Awards
- Performing Periodic Risk Assessments
- Updating the DPS Procurement Guide
- Utilizing a Contract Deliverables Document and Contract Monitor Report
- Conducting After Action Reviews
- Updating the Vendor Interaction Policy
- Routing Documents Electronically
- Utilizing Project Management Practices, Principles, and Methodologies

The screenshot shows a Cisco Webex presentation slide titled "Trends in 20". The slide lists five trends. The Cisco Webex logo is in the top left, and a "Big E 20 Auditor" icon is in the top right. The Texas Department of Public Safety logo is in the bottom right. At the bottom of the slide, it says "A WWW AGREEMENT AND REPORT OF CONTRACT MANAGEMENT".

- Manual Processes Invite risk
- The Procurement and Contract Life Cycle Does Not Always Meet DPS Needs
- The Definition of a Major Contract at DPS Needs Review
- Training for Vendor Performance Scores is Needed for DPS staff
- Training for Specification Writing is Needed for DPS staff

We are actively pursuing a Contract Management System. It is important to note that the CAPPS System is a Financial Management System that has a Contract Management element built in, but it is not adequate for our scale of operation

and needs.

We are working hard to improve our HUB contract expenditures, and we expect to fall somewhere between 15-18% for FY2020, where we were around 11-12% in FY 2019.

GlabeWebex

Historically Underutilized Business Program

Blkg ECD A.L.L. (R)

Preliminary report on FY20 HUB performance toward Statewide Goals

Procurement Category	Statewide HUB Goals	DPS HUB YTD %
BUILDING CONSTRUCTION	21.10%	15.64%
COMMODITIES	21.10%	24.89%
HEAVY CONSTRUCTION	11.20%	1.57%
OTHER SERVICES	25.80%	19.32%
PROFESSIONAL SERVICES	23.70%	1.30%
SPECIAL TRADE	32.90%	22.72%

DPS notified over 139,000 HUBs of procurement opportunities



APPROPRIATE NAME WORKING SUBJECTS BY CONTRACT MANAGEMENT

Chairman Mach pointed out to the Commission that all the contracts that go before the Contract Review Board are found in their PSC packets.

FY20 Significant Statistics

Major Contracts

DPS awarded more than 50 major contracts valued at over \$102,000,000.

DPS actively manages almost 200 major contracts valued at over \$1,200,000,000.

Purchasing Volume

DPS issued 14,928 POs with 34,170 lines valued at \$229,833,037.89.

Non-competitive purchases

Non-competitive purchases represent approximately 2% of total purchases in FY20 (\$4.5M non-competitive vs. \$229M total purchases). \$3.7M of the Non-competitive procurements were executed as a result of a declared emergency. Without the declared emergencies included, non-competitive procurements would be 878K (approximately 38% of total purchases).

These numbers are from the CAPPS system.



Commitment

DPS is committed to continuing to improve service delivery, ensure ongoing compliance with all applicable requirements, and attain best value for DPS and the State of Texas.



IX. CONSENT ITEMS

All 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 certain probationary employees were found unsuitable for work during August and September 2020
- 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: Robert D. Bradshaw, Stephen F. Bynum, Victor M. Cabrera, August W. Crais III, Nicolas De Leon, Jr., Juan C. Diaz, George A. Dominguez, Jr., Arthur R. Garza, Jr., Anthony M. Hester, Michael W. Klein, Darrell J. Kolek, Melinda L. Lowery, Rick C. Magana, Arthur F. Morgan, Eldridge J. Nunez, Jr., Justin B. Owen, Xavier Perez, Wynn J. Reynolds, Shannon S. Tilton, Armando P. Villescay, Warren W. Wallace, Curtis L. West, John K. Wise, and Thomas W. Wylie; Special Texas Rangers: Marquis M. Cantu and Bryant D. Wells

Deputy Director Randall Prince offered 26 officers who have retired in good standing to be awarded the Special Ranger commission.

C. Donations:

- 1. Texas Highway Patrol – donation of fitness equipment from Elizabeth Ramirez Noble and Kevin Noble
- 2. Additional donation items, as needed

A motion to approve all the above listed Consent Items was made by Commissioner Blair and Seconded by Commissioner Wainwright.

The motion passed.

X. ITEMS FOR FUTURE AGENDA

Chairman Mach reminded all the Commissioners to provide any agenda item recommendations to Sophie Yanez.

XI. DATE FOR FUTURE MEETING

Discharge hearings will be scheduled on December 9, 2020, and the regular Public Safety Commission meeting is scheduled for December 10, 2020.

The next PSC Meeting will be held on Thursday, December 10, 2020, with a Discharge hearing scheduled for December 9, 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 PSC Meeting to Executive Session at 10:22 am.

XIII. ADJOURN