



Public Safety Commission Meeting

August 14, 2014, 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 – Chairwoman Cynthia Leon called the meeting to order. In attendance: Chairwoman Cindy Leon, Commissioners Randy Watson, Steve Mach, Faith Johnson, and Manny Flores. A quorum was present. Also present were, Director Steve McCraw, Deputy Director David Baker, Deputy Director Cheryl MacBride, Deputy Director Duke Bodisch and General Counsel Phil Adkins.



II. APPROVAL OF MINUTES

A motion was made and seconded to approve the minutes from the April 13, 2014 PSC Meeting. Passed Unanimously.

(Also, approval of the April 12, Dismissal Hearing meeting minutes. Approved as modified by Comm. Johnson, who abstained from a vote.)

III. PUBLIC COMMENT

(Members of the public wishing to address the Commission are subject to a time limit of 5 minutes and must complete a Public Comment Registration Card located at the entry. 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.)

Chair Cindy Leon said that there was no public comment requested.

IV. DIRECTORS REPORT

A. Presentations

Director Steve McCraw invited Assistant Director Kirby Dendy – Texas Rangers, to the front to recognize him on his retirement. He noted that AD Dendy was the longest serving commissioned officer at DPS. He thanked him for his dedication and his service.



Director McCraw and the PSC also honored retiring Deputy Director Cheryl MacBride with a certification as a Yellow Rose of Texas, as well as other gifts of gratitude, including a proclamation from Governor Rick Perry. Deputy Director MacBride thanked all of the AD's, the Commissioners, and other leadership at DPS for the honor of working with them and for the wonderful opportunity.



The following report was provided by the DPS Media and Communications office regarding the presentations made at today's PSC Meeting:

AUSTIN – The Texas Public Safety Commission (PSC) and the Texas Department of Public Safety Director Steven McCraw presented three Director's Citations and a Life Saving Award to DPS employees for their outstanding service. In addition, three civilians received Director's Awards for their efforts to help others during emergency situations.

"These outstanding employees and selfless citizens have shown immeasurable commitment to serving the state of Texas, and in some cases, they have acted with great courage when called upon to help others," Director McCraw. "This is a proud day for all of our award recipients, and DPS is grateful for their continued service and dedication to assisting their fellow Texans."

The following awards were presented today:

- **Trooper William Alston**, Texas Highway Patrol in Canton, and **Trooper Marco Caro**, Texas Highway Patrol in Odessa, each received a *Director's Citation* for their help in apprehending a fugitive and protecting the lives of civilians. On October 25, 2013, the troopers responded to a radio broadcast of a stolen truck, and eventually took the lead in efforts to stop the fleeing truck while being fired upon by the passenger. The truck eventually stopped, and both suspects attempted to steal other vehicles. During the course of the incident, one suspect was shot by a trooper. The other suspect commandeered a vehicle from civilian Samuel Stamper, forcing his wife, Michelle Stamper, to remain in the car as his driver. Michelle Stamper subsequently was able to escape the vehicle after that suspect was also shot and injured.



- **Samuel Stamper** and **Michelle Stamper** received *Director's Awards* for their courageous actions and assistance in the capture of two dangerous criminals.

- **Trooper Jason Busby**, Texas Highway Patrol in Dallas, received the *Life Saving Award* for his actions during a life-threatening situation on April 10, 2014. During an on-duty break at a Dallas restaurant, Busby observed a woman choking on food. He responded immediately to perform the Heimlich maneuver until the woman was able to breathe normally, helping to save her life.



- **Kathleen Murphy-Darveau**, DPS Office of General Counsel, received a *Director's Citation* for her longstanding role as coordinator and supporter of the DPS Mentor Program with Reilly Elementary in Austin. DPS employees who volunteer in the program commit to spend an hour per week with a student. During Murphy's tenure as coordinator, employee participation has grown to include more than 120 department volunteers, with many mentors participating for more than 10 years.



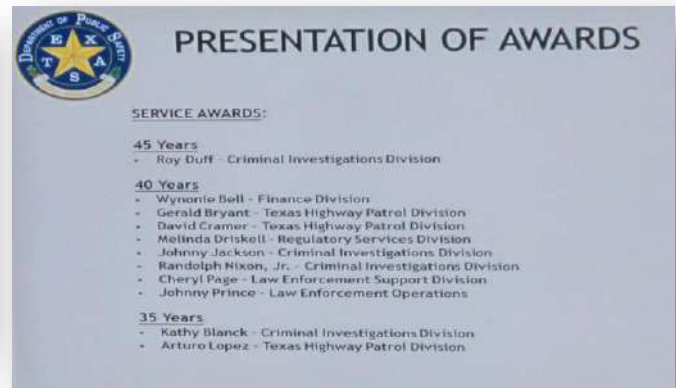
- **Nick Noy**, retired counselor at Reilly Elementary School, received a *Director's Award* for his contributions to the DPS Mentor Program and his 38 years of services to the education community. During his time at Reilly Elementary, Noy played an integral role in the growth of the program, which doubled in the number of volunteers to become the largest mentor partnership in Austin Independent School District.



- **Tyler Crime Laboratory Drug Section and Evidence Receiving Section** received a *Unit Citation* for their continued dedication to enhancing lab efficiency and assisting other DPS labs with controlled substance and alcohol cases. **Greg Hilbig, Karen Shumate, Karen Ream, Chance Cline, Trey Cloud, Bob Prince, Eloisa Esparza, Karen Collins, Caroline Allen, Stephanie Jackson, Melba King, Janie Cox, Christina Herman** and **Dennis York** were all recognized as part of the *Unit Citation*.



Also, Service Awards were made for 30, 35, 40, and 45 years of service.



B. Legislative Testimony and Briefings

Director Steve McCraw – We have been working to improve the driver education process for young drivers, Should the schools be allowed to test the students that they teach. Are they getting the right kind of testing? These were some of the concerns. And since it didn't pass last session, more discussion and educating needed to take place.

C. Operation Strong Safety

Director Steve McCraw – On June 18, the Governor called for a new surge operation at the Texas Border to address the unprecedented influx of unaccompanied children flooding into our state, mostly from Central and South America. By Monday, June 23, we had troopers deployed to the region to patrol the roads, the river, and in the air. With thousands of unaccompanied children pouring in, we have to increase our vigilance in stopping the trafficking of illegal drugs, guns and money as well as human trafficking by transnational gangs. The vast majority entering the U.S. illegally today (78%) are non Mexican nationals. The majority are fleeing poverty and violence in Honduras, Guatemala, San Salvador.

Comm. Johnson asked if we are seeing an increase in crossings from other nationalities other than from Mexico and Central and South America. Do you have any idea of the percentages? Director McCraw stated that we also catch people illegally entering the U.S. from known terrorist hotspots such as Yemen, Pakistan, Jordan, and Malaysia. We stop people from Russia, and 37 from China. There have been over 219,000 illegal entry stops so far in 2014, more than double the total for all of 2011. After the second week, we saw a 25% reduction in unaccompanied children trying to enter and as of today, the influx is down by 57%. We've seen the highest number of pursuit chases in the state in this area, and we are effectively curtailing the activities of the transnational gangs. Troopers spend 5 days working at the border, and work 12 hour days, with two days of travel. We are prepared to continue this until it is no longer needed. We are holding regular update briefings, and the advantage of having briefings at the border, is that it allows legislators and the people of Texas to see what is going on down in this region.

We actively gather information from all the various law enforcement agencies in the 53 counties along our border, and we do assessments of this data on a daily and monthly basis. We are able to share this information with other agencies as well. This allows us to monitor trends and act accordingly. We have a weekly unified command briefing. Some of the material is sensitive and not available to the public. Some legislators are asking for data that would be appropriate to release to the public, and we are working to produce a meaningful dashboard that will not compromise ongoing operations. Ranchers and farmers in the region will not accept an "It's not our job" statement from the DPS. We have to be there for them.

We received a letter from the Speaker of the House, Joe Straus, ordering a Strategic Fiscal Review (SFR) of a small number of important and visible agencies, including the Department of Public Safety, by the state budget writers "...to continue and further the House's commitment to fiscal restraint and sound priorities". Director McCraw stated that we are looking forward to this review. It will allow us to highlight the expanding challenges that the Department faces.

V. NEW BUSINESS

Item	Description	Amount Requested	Needed in Out-Years	Total FTEs	Commissioned Positions	Major Changes
1	Operation Strong Safety	\$ 309.9		253.5	122.0	\$170.2M, 10-Hour Workday, 4.0 Radio Technicians
2	Operation Rescue (Human Trafficking)	\$ 48.2		100.8	30.0	\$7.4M, 20 GID Agents, 2.5 Support FTEs
3	Operation Save Texas Lives	\$ 137.1	\$ 154.1	264.2	172.0	
4	Driver License - Expand Rural and High Volume Areas to meet Demand	\$ 72.0		268.7	-	
5	Protect State Highway Infrastructure	\$ 91.7		209.8	141.0	\$8.5M, 35 CVE Officers Transfer from Fed to State \$
6	Cyber Security	\$ 27.8		32.0	-	
7	Texas Anti-Gang Initiative	\$ 15.7		5.0	-	
8	Facilities	\$ 53.4	\$ 84.6	10.6	-	
9	Reduce Licensing Delivery Time (Concealed Carry, Private Security and others)	\$ 14.2		55.0	-	154.9M, in-house automation of CHI & Private Security
10	Law Enforcement - State and Local Training	\$ 9.7		27.1	17.0	\$2.4M added due to combination with Tactical Training
11	Centralized Accounting and Payroll / Personnel System (CAPPS)	\$ 6.8		15.0	-	\$6.8M, 15.0 FTEs, New Item
TOTALS		\$ 786.6	\$ 238.7	1,241.7	482.0	\$189.2M, 55 Commissioned, 22 Support FTEs

A. Report, discussion, and possible action on the AY 2016-2017 Legislative Appropriations Request including Exceptional Items

Assistant Director Denise Hudson – Finance – Seeking the approval of our 2016-2017 Legislative Appropriations Request and Exceptional items and the ability for the Director to make changes as directed by the LBB.

A motion was made by Comm. Mach, and Seconded by Comm. Johnson. Approved unanimously.

A motion to delegate authority to the Director to make conforming amendments to the LAR and Exceptional Items as necessary for LBB approval made by Comm. Flores, and seconded by Comm. Watson, with any changes be reported to the Commission. Motion passes.

B. Report, discussion, and possible action on SUV Patrol Fleet

Assistant Director Luis Gonzales and Major William Diggs – We have an obligation to provide appropriate gear to our officers that allow them to efficiently do their jobs and return home safely. We are limited in our options for patrol vehicles. As SUV performance has improved, we feel that they effectively provide a safer and more functional vehicle for our officers.



Recent studies have shown SUVs to be safer than passenger cars. We recently performed our own side impact crash safety tests with two Crown Vics, and clearly the passenger compartment was seriously compromised and would result in serious or fatal injury. The higher, heavier SUVs would fare much better in such a crash scenario.

The only safer vehicles currently on the market are mini-vans.

Storage capacity becomes a significant factor with all of the equipment that we are now carrying, and the Tahoe has more than 3 times the storage capacity than the Charger.

C. Report, discussion, and possible action on Trooper Demonstration of Tough Book

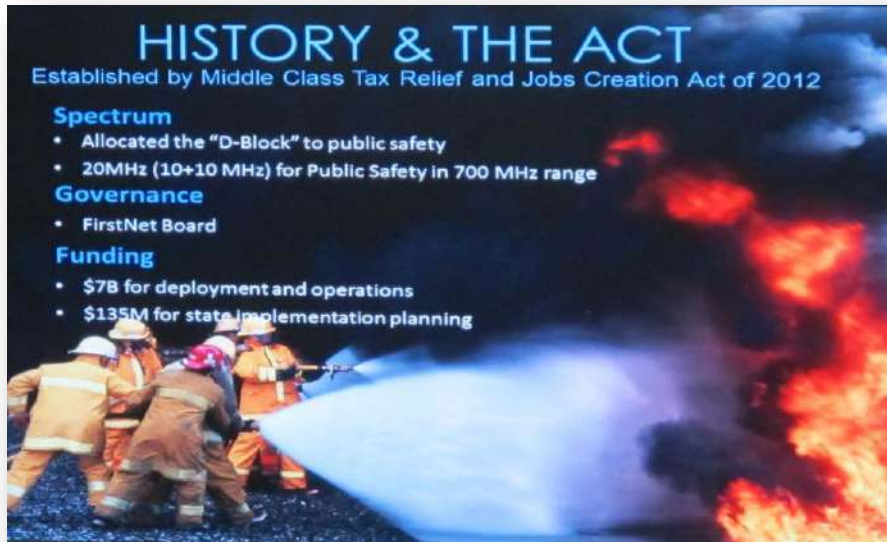
Assistant Director Luis Gonzalez and Major William Diggs – With our current laptops, we are pretty much tying the trooper to their car when making a traffic stop. We used to have a lot more interaction with the perpetrator when we stood next to their car while writing the ticket. We now are looking at a “Tough Pad” option that could be carried to the vehicle that is stopped. The Tough Pad, or Tough Tablet is an android based computer loaded with Windows 8. It features a touch screen, a barcode scanner for retrieving DL information, and can also be used to take photos to help document an incident when necessary. We have a Tahoe and Charger outside along with a new Tough Pad to demonstrate and compare.



The Commissioners went out to inspect the vehicles and the Tough Pad and were provided a Tough Pad demonstration by Trooper John Watson out of Fredericksburg, using the Director’s DL to scan (the ticket was voided).

D. Report, discussion, and possible action on the Texas Public Safety Broadband Program

Assistant Director Skylor Hearn – Law Enforcement Support, Todd Early, DAD LES.- Todd Early stated that the broadband capabilities for law enforcement will change the way we do everything. There will be a nationwide broadband network, FirstNet, available only to law enforcement.



Texas has the first PSLTE. FirstNet will first have to partner with existing infrastructure carriers and then build out under-served areas of the state to ensure 100% statewide coverage. Public safety also has certain requirements of broadband networks above and beyond the publicly used systems of broadband that will need to be addressed.

E. Report and discussion of DPS Mobile Application



Assistant Director Skylor Hearn – Law Enforcement Support, Brian Lane, DAD - IT Division - LES.- We have been developing a mobile application to be made available to the public with key areas we feel are important to share with the general public. While this information is currently available on our website, this

will put it in the public's hands (literally) through their smart phones. It will provide instant information to the public on most wanted fugitives, sex offenders, human trafficking, and also provide a method to report suspicious activity.



Commissioner Flores applauded the efforts to reach out to the millennials through this application.

F. Advice and consent regarding Assistant Director Information Technology – Chief Information Officer pursuant to Government Code 411.00



Deputy Director Cheryl MacBride – Our IT Assistant Director left the agency about a month and a half ago, and Brian Lane has acted as Interim IT Director. John Percy was deemed to be the most qualified candidate for Chief Information Officer. (both internal and external search).

A motion was made and seconded to approve John Percy as the new IT Director.

Motion carries.

G. Advice and consent regarding Assistant Director Texas Rangers pursuant to Government Code 411.005



Director McCraw, asked for advice and consent to appoint Regional Commander Randy Prince to be the Assistant Director of the Texas Rangers. The Commissioners made a motion and a second to approve. Motion Carries.

Assistant Director Randy Prince – Texas Rangers – Thanked the Commission and the Director for their support and vowed to work tirelessly to carry on the proud tradition of the Texas Rangers.

H. Report discussion and possible action regarding live video and video archive availability of Public Safety Commission Meetings

Chairman Leon said that she is happy to have visitors attend the PSC Meeting, so now we are looking forward to moving forward to opening these meetings to live broadcasting of our PSC Meetings. We will begin exploring the feasibility of moving in this direction. We want to improve transparency. I hope by our next PSC Meeting we can have a report on what it will take to move this forward and make it happen in the future. Chair Leon directed Brian Lane to update a previous study that he prepared a year or more ago for the next PSC Meeting.

I. Report, discussion, and possible action on proposals for publication to receive public comment:

1. Amendments to 37 TAC Section 19.1 and Section 19.2, repeal of 37 TAC Sections 19.3 – 19.8, and proposed new 37 TAC Sections 19.3 – 19.7, concerning Breath Alcohol Testing Regulations

Skylor Hearn – LES – briefly explained the publication proposal

2. Amendments to 37 TAC Section 23.41, concerning Passenger (Non-Commercial) Vehicle Inspection Items

Renearl Bowie – Regulatory Division – Request to repost after adjusting for comments received

3. Amendments to 37 TAC Sections 31.1 – 31.12, concerning Standards for an Approved Motorcycle Operator Training Course

Assistant Director Frank Woodall – Requesting amendment regarding motorcycle safety training. This would update and amend to bring us in alignment with the Motorcycle Safety Foundation. This would also put a two year limit on time between getting the certificate and when they get their license.

A motion was made and seconded to approve posting 1-3 in the Texas Register for public review.

VI. ONGOING BUSINESS

Reports, discussion and possible action regarding the following:

- A.** 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

Katherine Melvin – sitting in for retiring Assistant Director Robert Goodson. Nothing further to report.

B. Update report, discussion and possible action regarding recruitment

Assistant Director Frank Woodall - On July 13, 23 had 154 B-14 recruit class applications approved and invitations sent out. 148 accepted the invitation, and 146 showed up. By the end of the first week of testing, we had 129 remaining who could properly fill out paperwork and forms. We currently (week 5) have 111 remaining in the class. Most of the reasons for dropping out were in the “not for me”, or “harder than I thought it would be” vane. They will be receiving their duty assignments next week.

We have 2,449 applications in for the B-2014 school, and have culled that down to 1,493 qualified applicants that we are working on. September 1 is the deadline to apply and all of the testing has to be completed by September 17. We are seeing more military applicants.

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

1. Amendments to 37 TAC Section 1.41, concerning Americans with Disabilities Act Grievance Procedures
 2. Repeal of 37 TAC Section 1.60, concerning Alleged Abuse or Neglect Investigations
 3. Repeal of 37 TAC Section 1.121, concerning Laboratory Fees
 4. Repeal of 37 TAC Section 1.123, concerning Motor Carrier Lease Fees
 5. Repeal of 37 TAC Section 1.124, concerning Safety Responsibility Bureau Fees
 6. Amendments to 37 TAC Section 1.131, concerning Fee for National Driver Register (NDR) Search
 7. Amendments to 37 TAC Section 15.84, concerning Hearing
 8. Amendments to 37 TAC Section 15.89, concerning Moving Violations
 9. Amendments to 37 TAC Section 13.1, concerning Definitions, Section 13.23 and Section 13.25, concerning Registration, and Sections 13.71, 13.72, and 13.82 concerning Texas Prescription Program
- General Counsel Phil Adkins – explained that all of these rules had been published and we received no public comment on any of them. GC Adkins explained the first rule, followed by AD Hearn, Chief Gonzales, AD Peters (DL Division), and AD Bowie – all explained the various rule changes and recommended adoption.

A motion was made by Comm. Mach and seconded by Comm. Johnson to approve items 1-9 for adoption. Motion carries.

D. 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

Director Steve McCraw, showed one organizational chart that included Deputy Director Cheryl MacBride and another organizational chard without a Deputy Director of Administration and proposed combining that area with Homeland Security, making the position Deputy Director of Homeland Security and Services – with Robert “Duke” Bodisch taking that position.

A motion was made by Comm. Watson and seconded by Comm. Flores. Motion carries.

- E.** 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

Since AD Robert Goodson is resigning at the end of the month, I recommend that Comm. Mach and I review and vet the applicants for the Chief Auditor position, and bring a few choice candidates back to the full Commission for review and selection. Comm. Watson recommended that we include key DPS personnel in on the interview process, particularly the "short list" of vetted candidates. Comm. Flores stated that he would prefer more than two finalist options to choose from.

Comm. Johnson made the motion, second by Comm. Flores to move forward with the process of selecting a Chief Auditor. Motion carries.

Comm. Mach made a second motion to allow the PSC Chair to appoint an interim Chief Auditor. Chair Leon asked Katherine Melvin to serve as the interim Chief Auditor, including a pay raise for this interim. Seconded by Flores. Motion carries.

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

VII. REPORTS

- A.** Commission member reports and discussion
- B.** Finance Report
- C.** Chief Auditors Office
- D.** Division status reports on activities and action

Deputy Director Cheryl MacBride asked AD Denise Hudson to report on a new procurement system. AD Hudson said that they would be launching the new system in September. Chair Leon asked for a report after the implementation.

VIII. 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.** Discussion and possible action on the Director's action of discharging probationary employees: Bryan Gault
- 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: Greg J. Gloria, Joe R. Gonzales, John F. Hart Jr., Jason R. McMurray, Nolan G. Metz, Juan J. Navarro, Donnie G. Ranefeld, George E. Rhyne and Robert A. Rhynsburger; Special Texas Rangers: Kenneth R. Parks

C. Donations:

1. Additional donation items, as needed

A motion was made by Comm. Mach, second by Comm. Flores. Motion carries.

IX. ITEMS FOR FUTURE

AGENDA

None brought forth.

X. DATE FOR FUTURE

MEETING

Discharge hearings will be scheduled on October 15, 2014, and the regular Public Safety Commission meeting is scheduled for October 16, 2014.

October 15, for the Discharge Hearing, and October 16 for the PSC Meeting.

XI. 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

Chairwoman Leon adjourned the meeting to Executive Session at 1:10 pm.

XII. 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
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