



Public Safety Commission Meeting

October 16, 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

9:04 am – Chairwoman Cynthia Leon called the meeting to order. In attendance: Chairwoman Cindy Leon, Commissioners Faith Johnson, Steve Mach, Manny Flores and Randy Watson. A quorum was present. Also present were, Director Steve McCraw, Deputy Director David Baker, 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 August 14, 2014 PSC Meeting. The motion passed unanimously.

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

The following report was provided by DPS Media and Communications:

DPS Honors Exemplary Employees, Texas Police Officer

AUSTIN – The Texas Public Safety Commission (PSC) and the Texas Department of Public Safety (DPS) Director Steven McCraw presented a *Purple Heart* and two *Director’s Citations* to DPS employees for their outstanding service. In addition, a Center Police Department officer received a *Director’s Award* for his efforts during an emergency situation.

“Law enforcement is a line of work that requires individuals to put the safety of others first, and these outstanding officers did just that – running toward danger when duty called,” said Director McCraw. “Today is a proud moment for these award recipients and their families. Texas is a safer place with them on the job.”

The following awards were presented today:

- **Trooper Dustin Ramos**, Texas Highway Patrol in Center, received a *Director’s Citation* for his actions during a dangerous incident. On May 4, 2014, Ramos responded to a call from the Shelby County Sheriff’s Office for assistance in apprehending a suspect allegedly under the influence of PCP, who had fled a scene. Ramos located the driver and attempted a traffic stop, but the suspect continued to evade police. Sgt. Duane Gordon of the Center Police Department and DPS Trooper Zachary Mills also assisted by deploying two separate sets of spikes across State Highway 87. The suspect then drove off the roadway, striking Mills with his vehicle. The suspect then maneuvered his vehicle back toward the injured Mills, and officers Ramos and Gordon fired at the suspect, mortally wounding him. Ramos then administered first aid on Mills until EMS personnel arrived. **Trooper Zachary Mills**, Texas Highway Patrol in Center, received a *Purple Heart* for his personal sacrifice and efforts to apprehend a dangerous suspect. **Sergeant Duane Gordon**, Center Police Department, received the *Director’s Award* for his efforts to rescue an injured officer and apprehend a dangerous suspect.



- **Trooper Laurence Adams Jr.**, Texas Highway Patrol in Haskell, received a *Director's Citation* for his actions during a life-threatening situation. While on duty traveling to Austin on State Highway 36 in Callahan County on June 17, 2014, Adams observed smoke in the distance and ultimately discovered a home on fire. Adams entered the home and evacuated a woman and pets inside, helping to save their lives.



In addition to the awards above, DPS and two individual troopers were recognized at the annual Motor Vehicle Criminal Interdiction Association (also commonly known as the Drug Interdiction Assistance Program) conference in Michigan. DPS received the *Department of the Year Award* for being the top interdiction state in the nation.



Trooper Ben Dollar, Texas Highway Patrol in Panhandle, was honored in the “largest seizure” category for his 100-pound methamphetamine seizure; and **Lt. Richard Jankovsky**, Texas Highway Patrol in Corpus Christi, received the *Networker of the Year Award*.



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B. Operation Strong Safety Update

Director Steve McCraw – Operation Strong Safety was initiated to curb the dramatic increase in illegal bordercc crossings and the criminal enterprises that accompany and hide behind the number of illegal immigrants flooding the border. On June 18, 2014, Governor Perry ordered the mobilization of DPS Troopers, Agents and Texas Rangers to the border area in Operation Strong Safety II, to address this critical situation. DPS had troopers on the ground in the area on June 23, 2014. DPS uses a rotation deployment from across the state to address this need. Coyotes, who are usually tied in to the cartels, receive \$2,000 or more per person that they bring across. Over 257,000 illegal immigrants have been detained so far this year, and we

realize that we are still only stopping less than 50%. 52% - 56% of all illegal crossings over the entire US/Mexico border take place in the Texas Rio Grande Valley.

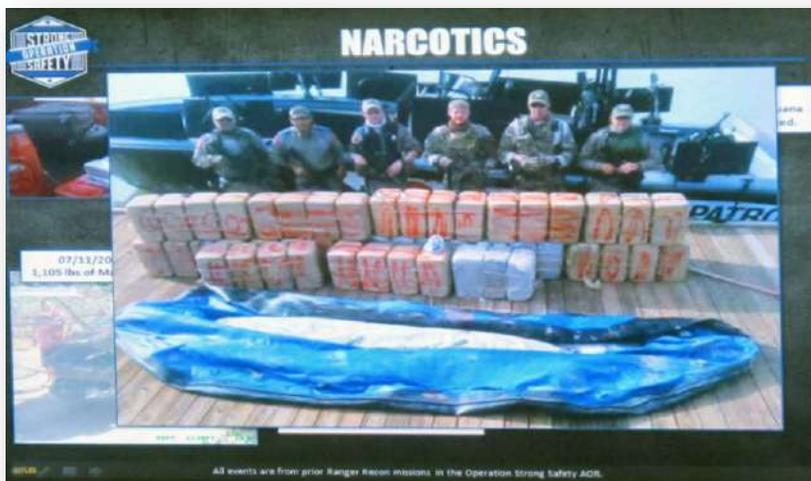
cccWe have had a huge influx of unaccompanied children coming in from Central and South America. While most of these children do not pose an eminent threat to our country, some of the “children have had ties to the ruthless MS13 transnational gang back in El Salvador. Director McCraw showed slides and videos of drug and money seizures, bail outs, splashdowns, and



high speed chases, often ending crashes.

He stated that it often takes only 2 minutes to move large quantities of drugs across the Rio Grande River using inflatable boats.

There are 13 zones of operations along the Rio Grande River. Director McCraw was clear that the law enforcement effort along the border relies on multi-agency cooperation, with DPS working closely with US Border Patrol, local police and sheriffs’ office officers, Game Wardens,



etc. The results of Operation Strong Safety are dramatic. Tracking numbers in one sector, RGV IA, beginning in January of 2011, the apprehensions began as about 1,000 per month and move up to about 2,000 per month until December of 2012 where they dropped again to about 1,000 (December is traditionally a slow month). Throughout 2013, the numbers hovered close to the 2,000 mark, but in February 2014 the numbers began to climb dramatically, peaking above 9,000 in June when the Governor initiated Operation Strong Safety. By September of 2014, the

STRONG OPERATION SAFETY

THE PROBLEM

The consequences of an unsecured border with Mexico has enabled drug trafficking organizations to evolve in vicious organized cartels posing a significant threat to the safety and security of the citizens of the Rio Grande Valley and Texas through the execution of a wide variety of criminal activities to include:

- CARTEL-RELATED KIDNAPPINGS
- RECRUITMENT OF CHILDREN
- PUBLIC CORRUPTION
- EXTORTIONS
- ASSAULTS/SHOOTINGS OF/AT LAW ENFORCEMENT
- DRUG SMUGGLING
- HIGH-SPEED, FELONY VEHICLE EVASIONS
- HUMAN SMUGGLING AND TRAFFICKING
- ROBBERIES
- TRANSNATIONAL GANGS
- MURDER FOR PROFIT
- HOME INVASIONS

apprehensions were back down below the 2,000 per month mark.

Commissioner Watson commented on his opportunity to ride along with a trooper in the RGV, and was happy to have the residents of the area provide positive comments to the trooper regarding their presence and work that they are doing. One man stated that he was able to sit on his front porch and drink his morning coffee for the first time in quite some time.

V. NEW BUSINESS

A. Report and update on Procurement and Contract Processes and e-Procurement

Assistant Director Amanda Arriaga – Administration, Deputy Director of Administration, Jessica Isell - Provided



a thorough report on the Procurement and Contracting process and e-Procurement, addressing specifically concerns raised by the Director and the Public Safety Commission. Some of the long list of improvements included:

- Office Max Solution (allowing departments to directly order routine office supplies as needed)
- Contracts Library
- e-Procurement

The newly implemented process includes:

- Look at the demand and set priorities
- Include all of the appropriate personnel who should be involved
- Gather all pertinent information
- Follow all state laws, rules, and guidelines
- Evaluate for the best value to the department
- Make the award
- Start monitoring and measuring the contract
- Formal close out process – review that all factions are in place and done properly.
- Make advice and recommendations for the next go round.

Some of the results include being able to provide the “customer” with an estimated timeline for the process,



which allows for better planning. We are always looking for ways to be more efficient. We have seen an almost 300% increase in the number of contracts that we can review, and tracking procurement and contracting through our program we are saving significant amounts of paper and ink in

making thick files for each contract. The system also provides for automatic reminders when an element of the procurement process requires attention or action by someone in the team.

AD Arriaga stated that we have procurement people who are generally bogged down in the paper trail portion of the procurement process and we have contract specialists who make sure all of the elements meet the requirements. She expects to make contract specialists out of most of the people involved in procurement.

Director McCraw noted that you can never eliminate the hassle or time it takes, but this will certainly make improvements.

B. Report and discussion on Pistol Testing and Evaluation

Assistant Director Frank Woodall –Education, Training & Research – One size pistol does not necessarily fit all. It has been 20 years since we evaluated pistols, so this evaluation is due.



4. Amendments to 37 TAC Sections 15.161, 15.162, 15.164 – 15.166, concerning Driver Responsibility Program

Assistant Director Joe Peters – Driver License – Explained the rule amendments, and asked for approval to publish them in the Texas Register for public review and comment.

*A motion was made and seconded to approve the request.
Passed unanimously.*

5. Simultaneous repeals of 37 TAC Sections 3.141 – 3.145 and Sections 3.147 – 3.150, concerning Protection of State Buildings and Grounds and proposed new 37 TAC Sections 8.1 – 8.6 and Sections 8.8 - 8.11, concerning State Building and Protection of State Buildings and Grounds

Region 7 Commander Joe Ortiz – Requested approval to publish proposed removals and changes in the Texas Register.

*Motion was made and seconded.
Passed unanimously.*

6. Repeal of 37 TAC Section 21.1 and proposed amendments to 37 TAC Section 21.2 and Section 21.3, concerning Equipment and Vehicle Safety Standards
7. Repeals, amendments, and new language reorganizing 37 TAC Chapter 23, concerning Vehicle Inspection
8. Simultaneous repeals of 37 TAC Sections 3.71 – 3.73 and Section 3.76, concerning Requirements for Displaying Vehicle Inspection Certificate and 37 TAC Section 3.91, concerning NATO Agreement Vehicle Inspection Exemptions and proposed new 37 TAC Sections 23.81 and 23.82, concerning Miscellaneous Vehicle Inspection Provisions

AD Renewal Bowie – Law Enforcement Support – Requested approval to publish proposed removals and changes in the Texas Register.

*Motion was made and seconded.
Passed unanimously*

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

Handled in executive session.

VI. ONGOING BUSINESS

Reports, discussion and possible action regarding the following:

- A.** Report, discussion and possible action regarding live video and video archive availability of Public Safety Commission Meetings

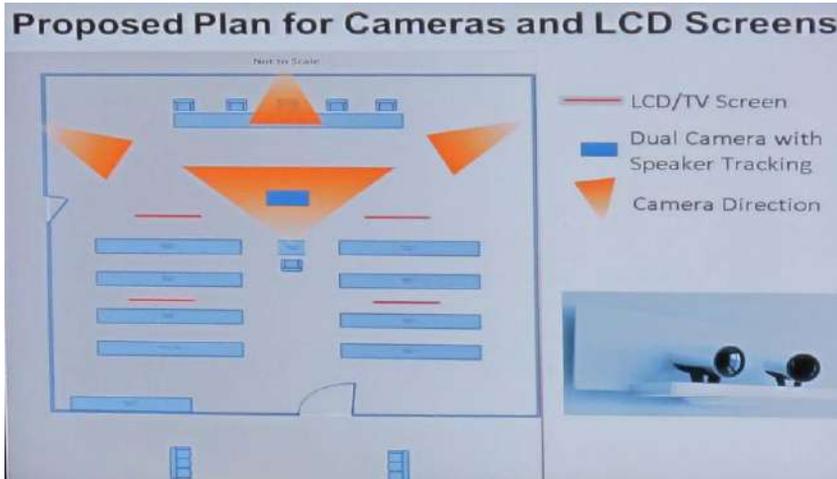
Deputy Assistant Director – CIO – We have evaluated, at the Public Safety Commission, how to provide live streaming of the PSC Meetings. We brought in AV consultants to evaluate the room and recommend appropriate equipment and set up to make live streaming of the meetings. The technology exists to show the current speaker, the entire PSC members, and the A/V presentation on a split screen.

We could either invest in the equipment and keep the entire process in-house, or we could contract with a service to handle the process as many other agencies do.

Commissioner Weston asked if the PSC has ever had any transparency issues brought up. Chair Leon stated that she was not aware of any, but thought any effort to improve transparency should be considered.

The approximate cost for live video streaming of the PSC Meetings is:

- Equipment - \$74,000 (Cameras, hardware, cabling, configuration)
- Implementation - \$28,500 (Installation and training)
- Video streaming - \$1,400 (per meeting)



Director McCraw told the Commission that Gary Chandler, President of the DPS Officer Association was present and could provide input as to whether or not our officers would be interested in having this service available to them. Gary Chandler stood and agreed with the Director that many troopers, agents, and Texas Rangers would like to have this service available for viewing.

The commissioners discussed making archived videos of the meetings available on the Departments website. The commissioners had several questions, including streaming only audio, and perhaps streaming (either video or audio only) to DPS employees only. They asked DAD Lane to research their questions and report back at the next PSC Meeting.

B. Update report, discussion and possible action regarding recruitment

Assistant Director Frank Woodall, Education, Training, and Research – Since the last PSC Meeting, we have had one recruit drop out due to a muscle injury, leaving us with 110 in the B-14 class. That person is still employed as an intern, and should be able to participate in the B-15 class.

We have had 3,082 applicants for the A-15 class, and 275 have made it through the preliminary process. We anticipate having between 150-175 make it through the background checks. The A-15 class will begin on January 18, 2015. B-14 class will graduate on December 18, 2014.

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

1. Amendments to 37 TAC Sections 31.1 – 31.12, concerning Standards For An Approved Motorcycle Operator Training Course

Motion was made and seconded.

Passed unanimously.

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

Assistant Director Skylor Hearn – Law Enforcement Support – we would like to table this item for now – no action taken.

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

Assistant Director – Renearl Bowie – Regulatory Services – Requested approval to repeal and publish proposed changes in the Texas Register.

*Motion was made and seconded.
Passed unanimously.*

- 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

Not addressed.

- 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

Not addressed.

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

Handled in executive session.

VII. REPORTS

- A.** Commission member reports and discussion

None.

- B.** Finance Report

DAD Maurine Coulehan – Grant Management, Financial Operations - stated that CFO Denice Hudson was called away, but had nothing to add to her submitted report.

- C.** Chief Auditors Office

None.

- D.** Division status reports on activities and action

Assistant Director Joe Peters – Driver License – Responded to a request from the Commission for a report on the Election ID Card program. He stated that 295 election IDs had been issued with 3 more pending. He also said that they had been requested to meet with a class of 33 students wishing to get their Election IDs.

AD Frank Woodall – Education, Training & Research – Reported that their first Teen Driving Course was conducted at the Florence driving class on January 20th with 11 students attending from 7:30 am to 5:00 pm. He said that it was very well received and popular with the participants. He expects to schedule more classes.

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.** Advice and consent regarding Director's determination that certain probationary employees were found unsuitable for work during August and September 2014
- B.** Discussion and possible action on appointments of and renewals of Special Rangers and Special Texas Rangers and Southwestern Cattle Raisers Association commission renewals pursuant to Government Code Chapter 411, Secs. 411.023 & 411.024: Special Rangers: Rudolph Aleman, Kenneth W. Authier, David W. Blackerby, Barry K. Bettis, Mark L. Carder, Mark W. Coonce, Michael W. Creech, Richard A. Diegelman, Donald G. Fleming, Oscar Guzman, Douglas W. Hatch, Jeff M. Hudson, John W. Madden, Duane J. Maldonado, Stanley L. Pachall, Donald G. Plunkett, Steven E. Potts, Juan F. Saldivar, Ronald G. Shank, Enrique Uribe, Harvey Ward and Patrick B. Zatopek; Special Texas Rangers: Kirby W. Dendy and James W. Denman
- C.** Donations:
 - 1. Additional donation items, as needed

Motion by Commissioner Mach, second by Commissioner Johnson

Motion Carries

IX. ITEMS FOR FUTURE AGENDA

Will be compiled from today's notes by the Directors Assistant, Sophie Yanez.

X. DATE FOR FUTURE MEETING

Discharge hearings will be scheduled on December 17, 2014, and the regular Public Safety Commission meeting is scheduled for December 18, 2014.

Likely will not have a dismissal meeting on the 17th. Left open.

The Public Safety Commission will meet on December 18, 2014, and those who are able to, will attend the December 19 graduation of the B-14 recruit class.

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

The Public Safety Commission adjourned to executive session at 11:47.

XII. ADJOURN

1:00 – 1:05 p.m.

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