



# Public Safety Commission Meeting

February 12, 2015, 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 will convene as posted to consider and take formal action, if necessary, on the following agenda items:

### I. CALL TO ORDER

*9:24 am – Chairwoman Cynthia Leon called the meeting to order. In attendance: Chairwoman Cindy Leon, Commissioners Randy Watson, 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. Commissioner Mach was not in attendance.*



### II. APPROVAL OF MINUTES

*A motion was made and seconded to approve the minutes from the October 16, 2014 PSC Meeting. Moved by Commissioner Flores, Second by Commissioner Johnson. Motion carried.*

### 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 stated that there were no public comment requests.*

### IV. DIRECTORS REPORT

#### A. Presentations

*Director Steve McCraw – Presented the following Life Saving Award. DPSOA thanks the DPS Media and Communications Office for the following report regarding the Awards.*

## DPS Honors Sergeant from Denton for Exemplary Service

AUSTIN – The Texas Public Safety Commission (PSC) and the Texas Department of Public Safety (DPS) Director Steven McCraw presented a *Life Saving Award* to DPS Sgt. Trent Price for his outstanding service.

“Protecting the public in emergency situations is a crucial part of what it means to be a member DPS,” said Director McCraw. “We are proud to honor one of our own for his selfless actions and commitment to helping others; and the state of Texas is grateful for his admirable service.”



On August 11, 2014, Sgt. Trent Price, of the Tactical Marine Unit/Highway Patrol in Denton, and Sgt. Steven Tippett were conducting maritime patrol on the Rio Grande River in support of Operation Strong Safety when they observed individuals on a raft attempting to gain illegal entry into the United States. As the patrol vessel approached the group, approximately 15 people attempted to flee by jumping into the water and swimming back to Mexico. When it was apparent that several of the individuals could not swim, Tippett and Price jumped in to save the individuals from possible drowning.

The individuals were subsequently turned over to the U.S. Border Patrol. *(Sgt. Steven Tippett, Tactical Marine Unit/Highway Patrol in New Braunfels, was previously recognized during the December 2014 Public Safety Commission meeting.)*

*Director McCraw also awarded the 30 Year Service Award to the following members of the 1985 Recruit Class:*

*Doug Farber (THP Region 5)*

*Tony Fulton (THP Region 5)*

*Earl Heath (THP Region 3)*

*Marcus Hilton (Texas Rangers Company F)*

*Terry Jones (THP Region 1)*

*Timothy Kelm (THP Region 6)*

*Patrick Mulligan (TDEM Region 6)*

*Javier Reyes (THP Region 6)*

*Henry Sibley (THP Region 3)*

*James Woodrum (THP Region 1)*



30 Year Service Award - Class of '85

## **B. Operation Strong Safety Update**

*Director Steve McCraw – Reported that the numbers of detainments of illegal crossings is down significantly since the first Operation Strong Safety began two years ago. The numbers dropped from over 20,000 per month to around 12,000 today. There is always a seasonal drop during the Christmas holidays. Director McCraw stated that they briefed the Appropriations Committee yesterday and met with Governor Greg Abbott last week for an update. He provided updates on the Departments results and recommendations moving forward for Operation Strong Safety II. We are shifting focus from a pro-active deterrent process that saturates the area and results in interdictions. We cannot secure the border by throwing people at it alone (we could never recruit and train the manpower necessary for that – approximately 80,000) so we have to work smarter through a combination of manpower, technology, teamwork and coordination. We can make more interdictions through*

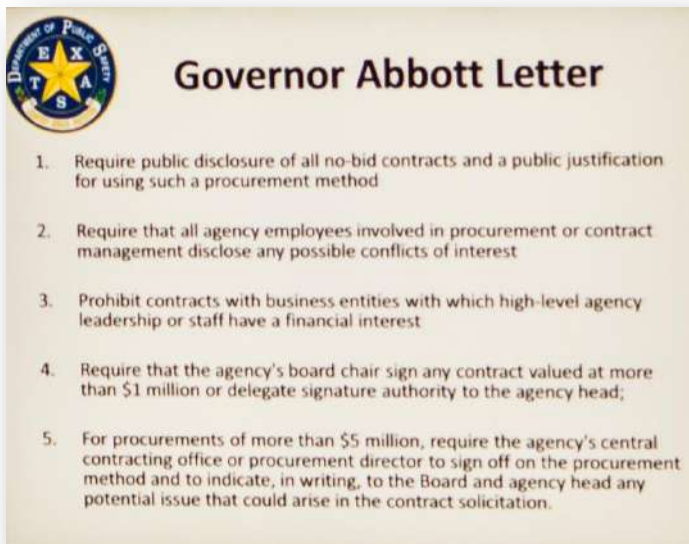


technology and observation than through routine patrol. Can the border be secured? Absolutely, and we need to prove that it can. The reporting and project management software that we use, Drawbridge, enables us to do this. Our cameras, and air patrols are a big part of our success. We can analyze our data and detect trends, rather than just reporting numbers. We have confiscated \$2.3 billion and 1.1 million pounds of marijuana. Commissioner Johnson and Commissioner Flores toured the border operations, riding patrol on the Marine Tactical Unit and flying in an air patrol, and stated that they were overwhelmingly impressed and proud of the work and success that is being achieved by the Department. On the ground, in the air, and on the water, we are making a difference. Colonel McCraw pointed out that it is a coordinated effort with Federal, State, and local authorities that makes the difference.

### C. Contracting Update

Director Stephen McCraw asked Assistant Director Amanda Arriaga to provide the update/report regarding the DPS contracting process.

AD Arriaga said that DPS initiated contracting protocol two years ago and have been using them long before contracting scrutiny became such a hot topic in Texas. New contracting legislation has been introduced, and we are working




proactively to comply, even before the new protocols are being followed prior to the passage of this legislation.


Chairman Leon – said that since this is so front and center on the Governor's mind and in the legislature, I would like to have updates as things progress and for the Commission to be copied on your slides.

## V. NEW BUSINESS

### A. Report and discussion on DPS Command College



## Texas Department of Public Safety Command College

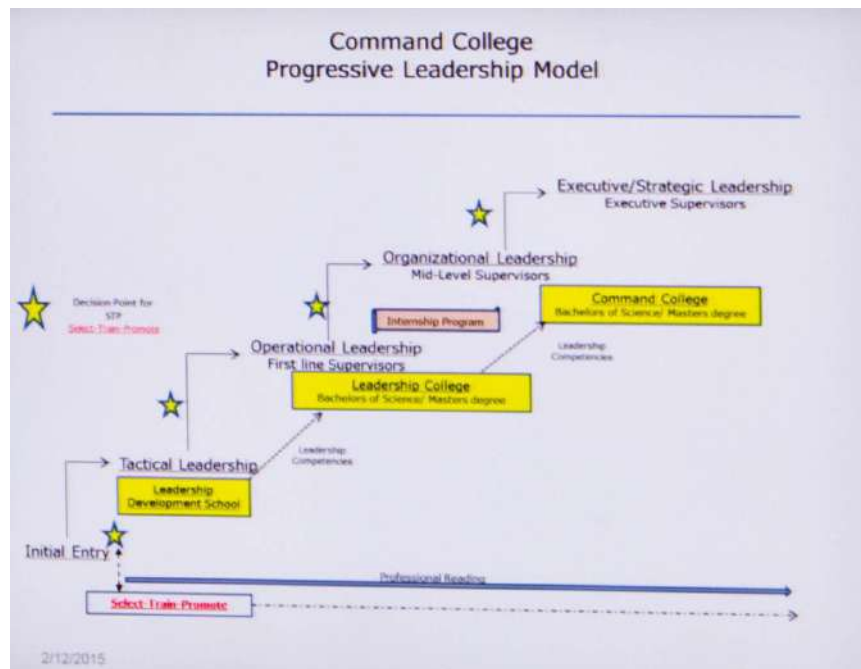


1. The Command College will utilize a "Blended" online and onsite curriculum.
  - This will be delivered over 44 Days of Direct Instruction for a total of 266 hrs. over a four month period. Students continue the "On-Line" instruction portion of the Command College while at their work location for 341 hrs. for a total of 607 hrs. This will reinforce new leadership skills to current leadership practitioners.
  - Successful completion of the Texas DPS Command college will yield 9 credit hours of Graduate or Undergraduate work from National Graduate School an accredited Institution of Higher education that may be transferred to further degree.
    - The 9 Credit hours reflect the TXDPS developed curriculum created to meet the current and anticipated needs of our agency.
  - The Command College will implement "Seminars" in which Senior Executives along with panelist will discuss leadership best practices in a joint, interagency environment to advance the art and science of the law enforcement and related profession in support of operational and organizational requirements.
    - The Seminars will allow our Agency to identify, address and resolve emerging issues with executive guidance.
  - The Command College will implement innovative curriculum in the areas of Leadership, Ethics, Communication and s Executive Fitness and Wellness.

2/12/2015

Assistant Director Frank Woodall and Brigadier General Orlando Salinas – educational specialist with ECR. DPS is breaking out of the law enforcement model where we promote people in hopes that we can train them for their new position. We want to build a model where we train people first, then promote. Select, train, promote. We wanted to develop this Command College by DPS and for DPS, but the intention is that we will share the training opportunity with other agencies as we move forward. We had other colleges offering to provide their law enforcement training programs to us, but we wanted this to be our own program. We started our first class of 27 students in January that were nominated to attend. The

program is a four month long that includes both 44 days in and field training as well as training sessions. We utilize a blended approach that includes mentoring by current leadership. are 256 hours of in-person combined with online course for a total of 607 hours. When completed, successful students have earned 9 college credit that can apply to undergraduate masters level certification. Coursework includes Leadership, Ethics, and Communications. Components tactical leadership, organizational skills, and operational instruction. Each element builds on the other. The class will be finished in May. We feel that this training sets our people up for success.



session class online  
There training work  
will hours or  
include  
current

Commissioner Flores stated that this is just the type of program the Department needs and is a great model. He stated that he wished that he had something like this available in his field of business. Commissioner Watson agreed and noted that he has seen a lot of executives fail in the private sector once they promote out of their comfort zone.

**B. Report, discussion, and possible action to authorize the Director to execute a deed conveying 0.9859 acres of real property for highway purposes in Webb County, Texas to the Department of Transportation under the authority of Transportation**

Assistant Director Amanda Arriaga introduced DAD Wayne Mullins – TxDOT needs .98 acres from our Laredo DL and Commercial DL office property (over 7 acres total). The land value is \$770,000 plus an operational loss expense of about \$1 million. The red area in the attached slide will be re -developed for access lanes and

the overpass. The blue area will be re-developed by the contractor (at TXDOT expense) to replace the parking and DL testing area. The yellow area will be developed for the Commercial DL cuing lanes.

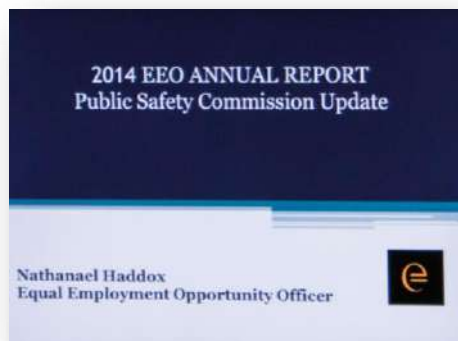


Before



Proposed

Director McCraw said that they will work closely with the LBB and that the Departments need for maintenance of facilities will justify keeping the funds.

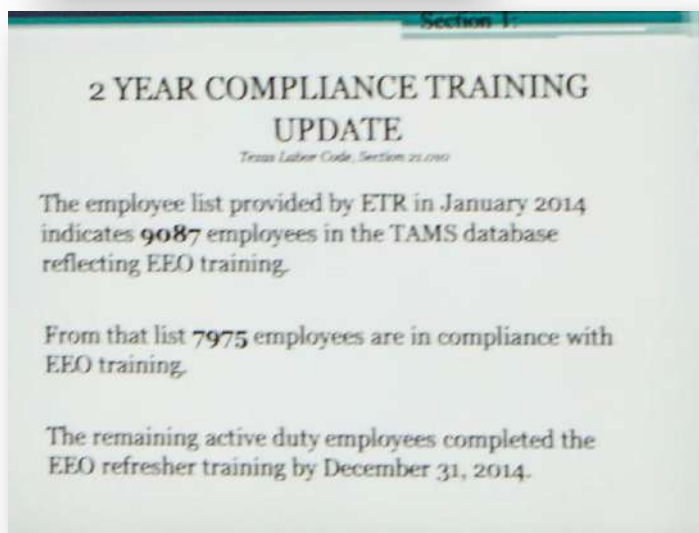


### C. Report and discussion on the Equal Employment Opportunity Annual Report

Nathaniel Haddox, EEO Compliance – All employees are to have EEO compliance training within 30 days of employment and subsequently every two years thereafter.

We looked at 205 allegation; 60 allegations were sustained with 53 were designated as unprofessional behavior, falling short of full discrimination and harassment..

He also went over investigation timelines. 2014 data showed that the overall investigation ran an average of 34 days (our goal is set at 31 to 34 days). In 2013, our average was 35 days.



### D. Report and discussion on the Office of Inspector General Annual Report

Inspector General Ronda Fleming – I've been the Inspector General for about a year and a half, and I want to thank all of the agency's leadership and the Texas Rangers for their overwhelming support. IG Fleming reported the information on the following slides:

## OIG Administrative Investigations

### THE YEAR IN NUMBERS

#### Calendar year 2013

• Total Complaints Received	290
• Division Referrals	131
• Total OIG Investigations	131
• VIP Investigations	28
• EEO Investigations	0
• ECI's tracked*	69

\* Not counted as part of total OIG cases

#### Calendar year 2014

• Total Complaints Received	404
• Division Referrals	219
• Total OIG Investigations	185
• VIP Investigations	8
• EEO Investigations	16
• ECI's tracked*	76

\* Not counted as part of total OIG cases

## MAJOR TRENDS

- Conduct Unbecoming
  - Off duty behaviors typically involving acting in a non-official capacity.
- Assaultive Behaviors
  - Off duty – Domestic Violence (non-comm./comm.)
  - On duty – Persons in custody
- Candor Issues
- Theft – non-commissioned employees

## OIG INVESTIGATION TIMELINESS

- 2013 - 22 working days
- 2014 - 19 working days

\*Chapter 7A, DPS General Manual, requires OIG investigations to be completed within 28 working days.

## Volunteer Investigator Program (VIP) 2<sup>nd</sup> Annual Training Session

Jan/Feb of 2015 – Over 300 investigators trained

The VIP investigator training consisted of courses designed to promote professional responsibilities for this role with topics such as:

- Communication and interviewing skills
- Legal education – applicable laws as they relate to department investigations
- Review of agency policies, procedures and practices
- Unique and specific training applicable to EEO investigations

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

#### 1. Amendments to 37 TAC Section 15.54, concerning Vehicle Inspection

*AD – Joe Peters - Pass on this proposal until next meeting.*

#### 2. Amendments to 37 TAC Section 15.62, concerning Additional Requirements

*Clarifies rules for teen driving relating to age. Request to publish in the Texas Register.*

#### 3. Amendments to 37 TAC Section 15.171, concerning Identifying Document for Offenders/Memorandum of Understanding

*Allows for minor updates via a link without requiring a rule change each time. Request to publish in the Texas Register.*

*Moved by Comm. Johnson, Second by Comm. Watson to approve both rule modifications for publication in the Texas Register. Motion carries.*

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

*Discussed in executive session.*

## **VI. ONGOING BUSINESS**

Reports, discussion and possible action regarding the following:

### **A. Update report, discussion and possible action regarding recruitment**

*Assistant Director Frank Woodall – Education, Training and Research Division – We are currently in the 4<sup>th</sup> week of the A-15 School. We will be assigning duty stations next week, which will likely cause one or two or more to drop out due to not getting their choice of duty assignments. We currently have 83 still in the A-15 class.*

*We have received 2,950 applications for the B-15 recruit class. 2,202 of those have met the minimum requirements and 1,800 are still in the testing phase.*

*We have expanded our two year waiver that we afford military personnel to members of the National Guard (both Texas National Guard and other states' National Guards). This has opened up a whole new pool of prospects, and so far we have 40*

### **B. Report, discussion, and possible adoption of the following previously published rules:**

#### **1. Amendments to 37 TAC Section 15.25, concerning Address**

*Assistant Director Joe Peters – Drivers License Division – Minor clean up and no comments received. Moved by Johnson, Second by Flores – No comments.*

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

*DAD Oscar Ybarra – cleanup language for inspection sticker changes. No comments submitted. Moved by Watkins, Second by Flores; Motion Carried*

### **C. 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 McCraw stated that there is nothing under this item.*

### **D. 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**

*Director McCraw stated that there is nothing under this item.*

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

*Discussed in Executive Session.*

## **VII. REPORTS**

### **A. Commission member reports and discussion**

*No Reports.*

### **B. Finance Report**

*Assistant Director and CFO, Denise Hudson, introduced Susie Whittington, who will assume the CFO position when Ms. Hudson retires at the end of May.*



**C. Chief Auditors Office**

*Nothing additional to report.*

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

*Nothing to add to submitted reports.*

**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 December 2014

**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: Terry W Driggers, Roger L. Martin, James Spencer, and Kenneth J. Whitehead; Special Texas Rangers: William M. Cawthon

**C.** Donations:

1. One (1) Horse, Bess – Region 7, Capitol Complex
2. Additional donation items, as needed

*Without questions or discussion, moved by Flores and seconded by Watkins. Motion carried.*

**IX. ITEMS FOR FUTURE AGENDA**

*No items discussed.*

**X. DATE FOR FUTURE MEETING**

Discharge hearings will be scheduled on April 15, 2015, and the regular Public Safety Commission meeting is scheduled for **April 16, 2015**.

*April 15, 2015 – Discharge Hearing*

*April 16, 2015 – 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

*Adjourned to executive session at 11:07 am.*

**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