



Public Safety Commission Meeting

April 16, 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

9:02 am – Chairwoman Cynthia Leon called the meeting to order. In attendance: Chairwoman Cindy Leon, Commissioners Randy Watson, Faith Johnson, Steven Mach and Manny Flores. A quorum was present. Also present were, Director Steve McCraw, Deputy Director David Baker, Deputy Director Duke Bodisch and General Counsel Phil Adkins.



APPROVAL OF MINUTES

A motion was made by Commissioner Watson, and seconded by Commissioner Johnson to approve the minutes from the February 13, 2015 PSC Meeting.

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 made the following presentations.

DPSOA thanks the DPS Media and Communications Office for the following report regarding the Awards.

Texas Public Safety Commission, DPS Honor Outstanding Employees

AUSTIN – The Texas Public Safety Commission (PSC) and the Texas Department of Public Safety (DPS) Director Steven McCraw presented a *Purple Heart* and five *Life Saving Awards* to DPS employees for their exemplary service. In addition, two DPS employees were recognized with *William P. Clements Excellence Awards* for outstanding service throughout their careers, and two Highway Patrol troopers received *Top Trooper* awards for 2015.

“These exceptional employees epitomize what it means to serve and protect Texas, and in some cases, they have faced grave danger when called upon to help others,” said Director McCraw. “Today is a proud moment for all of our award recipients, and DPS is grateful for their continued dedication to the department and the communities they serve.”

The *William P. Clements Excellence Award* was created to honor employees who display exceptional performance of duties throughout the course of their career at DPS. The commissioned recipient was **Agent Leo Pena**, Intelligence and Counterterrorism Division (ICT) in Austin, and the non-commissioned recipient was **Jorge Molina**, Texas Rangers Forensic Artist in Austin.

Pena began his career at DPS in 1986 and has been with the ICT since its inception in 2009. Within ICT, Pena works to gather knowledge on the activities of drug cartels and transnational criminal organizations operating in Mexico, Texas and throughout the United States. Pena’s expertise is frequently requested by local, state

and federal agencies, and he has trained approximately 3,000 members of law enforcement about cartel tactics and techniques.

Molina began his career with the department in February of 2011, and since 2013, he has assisted with more than 80 investigations by completing composite drawings, facial reconstructions and more. Molina provides investigative support to other agencies when requested and has worked with the Missing Persons Clearinghouse to help identify human remains. He also has implemented new forensic art techniques at DPS and been instrumental in acquiring state-of-the-art digital imaging computer applications and hardware.

Additional awards were presented to the following DPS employees:

- **Trooper Nicole Sanchez**, Texas Highway Patrol in El Paso, and **Trooper Roggan Stanzel**, Texas Highway Patrol in Wallisville, each received the *Javier Arana Jr. Top Trooper Award*, given each year to the top male and female competitors. Sanchez and Stanzel competed against other DPS Highway Patrol troopers in the Top Trooper Competition that tests troopers on core competencies, including job knowledge, driving skills, physical fitness and firearms proficiency.
- **Trooper Chad Foster**, Texas Highway Patrol in Dumas, received a *Purple Heart* for his personal sacrifice and performance of law enforcement duties during a dangerous traffic stop. On January 18, 2009, Foster was working stationary radar on U.S. 87 in Hartley County when he observed a suspicious vehicle. Foster ultimately pulled the car over and the driver exited the vehicle and pointed a pistol at Foster, leading to an exchange of gunfire. Foster was injured and the driver was fatally wounded in the shootout.
- **Trooper Brant Johnston**, Texas Highway Patrol in Waco, received two *Lifesaving Awards* for separate incidents in 2014. On September 19, Johnston was responding to a call for service at a gas station in McLennan County when he encountered a woman unrelated to the call who said her baby was choking. Johnston began to provide first aid to the 16-month-old girl and instructed a bystander to contact 911. Johnston was able to dislodge the obstruction blocking the child's airway while waiting for an ambulance to arrive.

On December 17, Johnston responded to an active shooter incident occurring at the KCEN television station in Eddy and was the first emergency responder to arrive on the scene. After assessing the situation, Johnston began to administer first aid to the newscaster Patrick Crawford who had been shot. Johnston applied bandaging and pressure to Crawford's wounds to minimize blood loss. After stabilizing Crawford and instructing bystanders how to care for him until EMS could arrive, Johnston then turned his attention to searching for the suspected gunman.

- **Lieutenant Pilot Glen Stafford**, Aircraft Operations in Austin, **Tactical Flight Officer Cody Klaehn**, Aircraft Operations in Austin, and **Tactical Flight Officer Curtis LaRue**, Aircraft Operations in Amarillo, all received *Lifesaving Awards* for helping save the life of a fellow DPS employee. On January 6, 2015, Klaehn, LaRue and Stafford were in the Edinburg hanger when they learned that a DPS employee

needed medical assistance. They assessed the man's condition, determining that he had no pulse and was not breathing. Cody Klaehn began chest compressions until the automated external defibrillator (AED) could be deployed by LaRue and Stafford. Once attached, the AED was used to provide a shock in addition to chest compressions. After approximately two minutes, the individual began to come to. Due to the length of time it would take for EMS to arrive, Stafford made the decision to use the DPS helicopter to transport the individual to the nearest trauma center located in McAllen.

- **Trooper Edwin Lara**, Texas Highway Patrol in Rosenberg, received a *Lifesaving Award* for his response to a life-threatening situation on Nov. 8, 2014. While on duty, Lara was traveling southbound on U.S. Highway 59 near Rosenberg when he came upon a pickup that was on its side and on fire. Lara used his fire extinguisher to help battle the flames. Ultimately, Lara and two Rosenberg police officers smashed in the back window of the truck and pulled the driver to safety.

In addition to the awards above, three DPS personnel were recognized by outside agencies or organizations.

- **Amy Herchek**, Intelligence and Counterterrorism Division in Austin, received a *Federal 100 Award* from FCE, the government media brand focused on the business of federal technology. The award recognizes government, industry and academic leaders who have played pivotal roles that affect how the federal government acquires, develops and manages information technology.
- **Trooper Leopoldo Sanchez**, Texas Highway Patrol in Weslaco, was named the 2014 *Motorola Trooper of the Year for the Southern Region*. While on duty July 22, 2014, near the Texas-Mexico border, Sanchez heard and responded to two officer-down transmissions and discovered two Edinburg police officers, who had been shot while attempting to serve a capital murder arrest warrant. Sanchez exchanged gunfire with the suspect to provide cover for two fellow troopers assisting the two injured officers and ensuring the safety of other officers at the scene. After a lengthy standoff, the suspect was fatally shot during a gunfight with officers.
- **Special Agent Paul Quintanilla**, Criminal Investigations Division in Beeville, received a *U.S. Attorney's Award* for his work on a drug trafficking and money laundering investigation in South Texas that spanned more than two years. The investigation resulted in the indictment of 21 individuals and the seizure of more than 60 pounds of methamphetamines, heroin and cocaine.

B. Operation Strong Safety Update

Director Steve McCraw – The data elements that we collect are invaluable in reporting back to the legislature. There are 8 different federal agencies at work at the border, and by identifying consistent data elements to collect, which goes out to over 2,000 recipients,



including the PSC members and key legislators and the governor's office. These indicators provide a pretty clear picture of what is happening at the border and how we are addressing the issues. We have data going back to June 2014 which was the highest apprehension month.

The dashboard is posted on our website. The spot reports (a military term) provides a daily update report of what is happening and highlights key indicators. We also provide a Border Operations Sector Assessment that is provided for the ranchers in the area to keep them updated on what is happening in and around their property. We also provide an Operation Drawbridge Report. We have our own DPS Dashboard Report.

Performance measures are key to determining if we are achieving our objectives that we have set for ourselves. Securing the border certainly makes it more difficult to transport drugs, weapons, and cash across the border, and it also makes conducting their business more expensive and difficult to carry out.

Our recommendation is to move towards these types of satisfying interdictions, but also to secure the boarder, zone by zone. Once a zone is secure, we will move on to secure the next zone. Apprehension and interdiction numbers are important, but they do not tell the whole story. When those numbers go down or up, it can mean either that we are being more, or less effective.

Unified command has been critical.

Commissioner Mott stated that he was asked by a legislator how DPS knows that they are responsible for the success rather than the other agencies that are working in the area, including federal and local law enforcement agencies. Director McCraw stated that we have all of the data regarding our activities and results, but sometimes the raw data isn't the best indicators of how effective we are in the area. We can go back, with some effort,

V. NEW BUSINESS

A. Report and discussion on Legislative Update



Deputy Assistant Director Candace Nolte – Reported that DPS has been very actively involved in providing a resource for many bills related to public safety, including (but not limited to) bills related to: Border security, cell phone use and texting while driving, open carry, on-campus carry of firearms, voter ID, finger printing, overweight vehicles, etc. Ms. Nolte pointed out that since the 84 Legislative Session convened on January 13, 2015, 6,240 bills were filed before the March 13 filing deadline, of which the DPS is active tracking approximately 1,200 bills. As the regular session moves closer to the June 1, 2015 closing day, Ms. Nolte promised to provide timely updates to the Commission as key bills move forward in the process. The House and the Senate have

both passed substantially different Budget Bills, which obviously are critical to DPS. They will now go to a Conference Committee which will be named soon (typically 5 Senators and 5 House Representatives) to work through the differences in the two versions. Chairman Leon asked DAD Nolte to provide the Commissioners with an updated side by side comparison of the two bills (House and Senate) so that they could be better informed and follow the discussion more closely). DAD Nolte said that she would be happy to provide that information.

B. Report, discussion and possible action on Vehicle Inspection Advisory Committee Membership

Assistant Director, Renearl Bowie – we are making recommendations to fill two open positions on the Vehicle Inspection Advisory Committee. We have already approved one of the nominations, and are asking for a vote to approve the additional nomination. A motion was made and seconded to approve the nominee. The motion carried.

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. Update report, discussion and possible action regarding recruitment

Assistant Director Frank Woodall – Training and Research – The Command College is approximately ¾ of the way through. We have had some very good dialogue with the leaders in the field, and looking forward to the continued success of this program. This class is scheduled to graduate on May 14, 2015 at 3:00 pm in the DPS auditorium. AD Woodall invited the Commissioners to attend if they were available to do so.

AD Woodall also reported on the A-15 Recruit Class which currently has 77 recruits scheduled to graduate on June 19, 2015. He also said that they have had 855 applicants for the B-15 Recruit Class which is scheduled to begin on June 21, 2015. There are 199 still active in the pipeline for that class. He anticipates a class beginning with approximately 100 students.

AD Woodall said that DPS also has an additional 615 applicants for a C-15 Recruit Class, with 266 still active in that pipeline. That class is scheduled to begin on July 8, 2015. On April 1 of this year, DPS went to a year round recruiting schedule, and they are already taking applications for the A-16 Recruit Class.

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

1. Amendments to 37 TAC Section 15.62, concerning Additional Requirements
2. Amendments to 37 TAC Section 15.171, concerning Identifying Document for Offenders/Memorandum of Understanding

Assistant Director Joe Peters – Driver License Division. We have received no comments on the two published amendments and we request adoption of both amendments.

A motion was made and seconded to approve the amendments; Motion carries.

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

None

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

None

- 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
- B. Finance Report
- C. Chief Auditors Office
- D. Division status reports on activities and action

Nothing to add to the filed 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 January 2015.
- 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 Bernard Jr., Joseph T. Birt, Charles C. Carpenter, William J. Haynes, Stephen D. Holloway, Fred R. Little, Garry E. Pollard, Charles A. Richardson, Ronnie M. Tacquard, and David A. Trevino; Special Texas Rangers: Wesley K. Denning

Nothing to discuss on items A & B. With no discussion, a motion was made and seconded; Motion carries

- C. Donations:
 - 1. Additional donation items, as needed

None.

IX. ITEMS FOR FUTURE AGENDA

Commissioner Mach asked for a presentation on a certain fingerprinting procedure based on legislative inquiries and possible actions.

X. DATE FOR FUTURE MEETING

The Public Safety Commission meeting is scheduled for June 18, 2015.

The discharge hearing will be held on June 17, 2015.

The next PSC Meeting will be held on June 18, 2015.

The A-15 Recruit Class Graduation will be held on June 19, 2015.

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

Adjourn to Executive Session at 11:04 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