



Public Safety Commission Meeting

December 17, 2015, 10:00 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

10:04 am – Chairwoman Cynthia Leon called the meeting to order. In attendance: Chairwoman Cindy Leon, Faith Johnson, Steven Mach and Manny Flores. A quorum was present. Also present were, Director Steve McCraw, Deputy Director David Baker, Deputy Director Robert “Duke” Bodisch, and General Counsel Phil Adkins. Commissioner Randy Watson was not present.



II. APPROVAL OF MINUTES

A motion was made by Commissioner Mach, and seconded by Commissioner Johnson to approve the minutes from the October 15, 2015 PSC Meeting. 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 two requests to address the Commission.

Andrea Brower – Texas for Gun Sense – First of all our organization is not anti-gun nor anti-second amendment. I'm here to speak about the Open Carry law that is about to go into effect to encourage some common sense discussion regarding appropriate open carry safety issues. New CHL licensees will receive information on appropriate holster and other information regarding open carry, but the other current license holders have no information of the open carry rules. I strongly recommend that you add information on the DPS website to include these common sense appropriate holster information and other rules. We feel that this is a public safety issue that should be addressed. I wrote a letter in November to Director McCraw and copied the Commissioners but as yet have received no response.

Chairwoman Leon thanked Ms. Brower for her comments and promised that she would receive a response to her letter.

Heather Fasio (sp?) – I would like to first mention that I hope that CHL holders will step up and assist any time a terrorist confronts the public in a shooting situation. I appreciate your assistance in these situations.

I am here to speak about the Texas Compassionate Use Act that was signed into law in June and is about to be enacted. While I applaud the legislature approving the use of medical cannabis for Epilepsy, I hope that in the future they will also include many other legitimate uses for medical cannabis including for helping cancer victims suffering through chemo therapy and returning soldiers suffering from PTSD.

IV. DIRECTORS REPORT

A. Presentations

Director Steve McCraw – Made the following presentations for Service Awards:

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

DPS Honors Employees, Civilian for Exemplary Service

AUSTIN – The Texas Public Safety Commission (PSC) and the Texas Department of Public Safety (DPS) Director Steven McCraw presented two *Lifesaving Awards* and one *Director's Award* to DPS employees and one civilian for their outstanding service.

“Today we honor these award recipients and thank them for their continued service to the state of Texas,” said Director McCraw. “In the face of harrowing circumstances, these individuals fearlessly answered the call of duty to help their fellow Texans, and we are grateful for their courageous actions – which absolutely saved lives.”

The following awards were presented today:

- **Trooper William Grauzer**, Highway Patrol in Corsicana, received a *Lifesaving Award* for his actions during a life-threatening incident on Aug. 29, 2015. While on duty, Grauzer responded to a Corsicana house fire and was summoned to assist an injured man at the scene. The man had suffered a deep cut to his right arm, and Grauzer applied a tourniquet to the injury to help control the bleeding. Grauzer then continued to monitor the man's condition until paramedics arrived. The man was flown to a Dallas hospital for emergency surgery.



- **Trooper Katrina Jones**, Highway Patrol in Lubbock, received the *Lifesaving Award* for her assistance during a life-threatening situation at a Lubbock school. On Sept. 18, 2014, Jones was visiting the Preston Smith Elementary School during lunch when she noticed several children motioning to a student who was choking. Jones then approached the boy and ultimately helped dislodge the item from his airway so that he was able to breathe on his own.



- **Tom Clutts** received the *Director's Award* for his support during a life-threatening situation. On Sept. 24, 2015, a DPS employee learned that her son – who had recently returned from military deployment in Iraq and Afghanistan – was feeling alarmingly distressed. She then contacted her co-workers and was put in contact with Clutts, a veteran who operates an organization that assists individuals suffering from post-traumatic stress disorder. Clutts immediately reached out to help counsel the son.



In addition to the awards above, the National Center for Missing and Exploited Children (NCMEC) recognized two DPS employees during the annual Texas Heroes for Children Gala in September. DPS Criminal Investigations Division **Special Agent Ryan Kindell** was named the *2015 NCMEC Hero* for his investigative work that ultimately led to locating a missing Dallas juvenile and the arrests of two suspects for sexual assault and compelling prostitution.



Trooper Bradley Vick was also honored as the runner-up for the Hero award for rescuing three missing juveniles during a traffic stop.



Also, the Texas Association of State Systems for Computing and Communications (TASSCC) recognized DPS Licensing Services Applications Manager **John Crawford** with the TASSCC *Excellence Award* for his work on the single-sticker for vehicle inspection/registration project.



B. Briefing on Operation Secure Texas

Director Steve McCraw – Asked Assistant Director Bill Peters, Drivers License Division, to provide an update on the improvements in the Drivers License Division. AD Peters stated that in 2015, one of our systems was down 60% of the time. 59% of that down time was due to down time on other systems that our database has to access.

The Drivers License system itself had 13 outages constituting 19.5%. 1% down time and above is considered unacceptable. .1% for E-Pay is considered unacceptable and we were running over 3%.

Chair Leon asked how he can improve these outages. AD Peters stated that they have made the vender for the system aware of the issues and are working with them and others to help address these deficiencies. It is likely to get most of the state on board in January.

Commissioner Flores asked for an update from the DL upgrades at the February PSC Meeting. Commissioner Mach said it would be interesting to see how all of the various systems work together in a graph form from the top to the customer. AD Peters said that they should have that available next week to the Commission.

Director McCraw began his discussion of Operation Secure Texas. Texas will provide direct support of US Border Patrol. We have put together an integrated network of technology. We do not have the personnel to do this job without this integrated network. We are attacking the smuggling operations that are working in this area. We also have to have the public's trust. We have been deployed since





June of 2014. We deploy troopers weekly. He showed a border patrol video produced by Rio Grande Valley Field Communications Branch showing DPS integrated work with the US Border Patrol.

Our Tactical Marine Units have run 2,144 missions. They run 14 hours on and 2 hours off with a rotating crew consisting of 39 officers. In the last 60 days we have installed 423 new cameras, making a total of 2,115 cameras since June of 2014. These are in addition to other sensors deployed in the area.

Operation Secure Texas

DPS Maritime Assets

Tactical Boats	Deployed	Pending	Totals
Medium and Deep Water	6	—	6
Shallow Water	2	2	4
Extreme Shallow Jet	—	3	3
Total	8	5	13

DPS Tactical Marine Unit	
Missions – Operation Total	2,144
Marine Unit Troopers Permanently Assigned	15
Marine Unit Troopers Temporarily Deployed to OST from other areas	10
Additional Overtime FTE Equivalents	14
Total Personnel	39

Operation Secure Texas

Detection Cameras

DPS Installation Team	
Number of New Installations in November 2015	258
Personnel Assigned	7

Detection Cameras Deployed*

Cameras Deployed	Last 60 Days	Last 12 Months	Operation Total
Rio Grande Valley Sector	120	1,104	1,258
Laredo Sector	231	438	492
Del Rio Sector	53	205	246
Marfa Sector	17	79	106
El Paso Sector	2	6	13
Totals	423	1,832	2,115

*1,015 cameras were deployed prior to operational period beginning June 2014 for a total of 3,130 detection cameras.

Aerostats

	Deployed	Pending	Total
Aerostats*	3 (CBP)	(DPS)	3
Total**	3	—	3

*CBP has three Aerostats deployed to the border. DPS Request for information to assess viability of the state contracting for increased Aerostat coverage is pending.
**Governor has requested DHS provide CBP five additional Aerostats.

Interdiction – we have 295 full time officers in the area, and the legislature has authorized 250 more. We are graduating 102 new troopers tomorrow, but we can't send all new rookies to the border area. We have highly trained tactical teams including Ranger Recon, DPS Swat, and others that in the last 70 days have conducted 270 tactical operations and 2,144 since June of 2014.

We rely on DPS support personnel as

well.

A tremendous amount of our resources are going into this Secure Texas Operation. The Governor has authorized a whole Texas Rangers Division to address corruption and since they have been in place in the area (2 months), there have been 13 corruption arrests and 36 in the last 12 months.

\$235 million in drugs have been seized in the Operation Secure Texas corridor in the last 12 months.



Director McCraw also addressed the human trafficking taking place noting an increase in unaccompanied children in recent weeks.

Answering Chairman Leon's question, Director McCraw stated that there is a continuing maintenance operation for the deployed cameras. They have a limited battery life, they are subject to vandalism and theft. We can go solar, but that adds to the expense and to the footprint, making them more vulnerable. We may need 5,000 cameras or more. The more, the better because they are working.

C. Racial Profiling

Director Steve McCraw – Article 2.132 requires making a record of the race and ethnicity of persons that we are stopping and citing for violations. This data can be very helpful in monitoring our Troopers' activities and procedures. When we installed computers in the cars and moved to a computer generated ticketing system, for efficiency purposes we relied on the system to auto-populate fields in the ticket from information in our drivers license database. Until 2010, we did not include Hispanic as an option and therefore they were usually entered as "white" or "other". So we are going to need to begin asking the individual their race and ethnicity. This isn't a popular policy with our troopers nor with me but it is what we will have to do.



Director McCraw showed a video to illustrate some of the situations and dangers that occur on our roadways. The video showed an incident in which the driver refused to sign the citation as lawfully required and he gave three clear warnings that this would result in her being arrested and taken to jail. Also refusing to step out of the car, the trooper had to pull her from the car, putting himself and the woman in danger of being hit by passing traffic as she fought him off. Once in his patrol car, the woman continued to verbally berate the trooper, who calmly went about his business. Another segment showed a perpetrator standing between the patrol car and his car while the trooper searched his car from the passenger side. A passing vehicle struck the open driver door of the violator's car, missing the trooper's foot by only inches. Director McCraw noted that these show just a sampling of the types of dangerous and sometimes deadly situations our troopers face daily.



V. NEW BUSINESS

A. Update on SUV Deployment

Assistant Director Luis Gonzales – Chief of Highway Patrol Division. Chief Gonzales began by discussing the replacement of the camera heads in the current fleet of vehicles which provide a 180 degree view of what is happening. He went on to show slides comparing the Chevrolet Pursuit Tahoe and the Ford Pursuit SUV (modified Explorer). He noted that by the time all of the new 2016 models are put in place, it will be the first time that SUVs will outnumber sedans in the DPS fleet. CVE will get Tahoes almost exclusively due to their additional needed storage space for scales and other equipment.

Below are Chief Gonzalez's slides showing the comparisons between the two SUVs being considered:

Highway Patrol and Commercial Vehicle Enforcement August 2014 Fleet Allocation

- Aug. 2014 Highway Patrol Division Fleet
- Pursuit Sedans 1,548 (70%)
- Pursuit SUV's 668 (30%)



Highway Patrol and Commercial Vehicle Enforcement Current Fleet Allocation

- The current Highway Patrol Division Fleet
- Pursuit Sedans 1,474 (64%)
- Pursuit SUV's 827 (36%)



Specifications Comparison

2016 Chevy Tahoe	2016 Ford PIU
55.0 cu. ft. of cargo space behind second row seat	48.1 cu. ft. of cargo space behind second row seats
Curb weight- 5,289 lbs.	Curb weight- 4,639 lbs.
GVWR- 6,800 lbs.	GVWR- 6,342 lbs.
EcoTec3 5.3 355-hp V-8	Ecoboost Twin-turbo 3.5 liter 365-hp V-6
5 star crash rating on both front & side impact	5 star crash rating on both front and side impact

Ford Police Interceptor Utility (PIU) Features

- The Ford Police Interceptor Utility provides:
 - Reinforced subframe and powertrain mounts capable of handling extreme stress and tension.
 - Undercarriage deflector plate which protects the underbody, powertrain and chassis components from rough police duty driving.
 - All-Wheel Drive is standard and provides improved stability and traction.
 - Powerful EcoBoost V-6 Engine (385 HP)
 - Side protection via a hydroformed cross-vehicle beam solidifying the vehicle's sides
 - Passing grade on 75-mph rear impact crash testing
 - Multiple airbags. Front seat and side airbags with front and rear seat safety-canopy system (*rollover protection feature.)

Highway Patrol and Commercial Vehicle Enforcement 2016 Fleet Allocation

- *Projected Highway Patrol Division Fleet
- Pursuit Sedans 1,202 (48%)
- Pursuit SUV's 1,313 (52%)



*Projection includes funding for border vehicle additions (214)

FY-16 Projected Cost Comparison

CHEVY TAHOE	FORD PIU
	
\$43,300 each	\$36,320 each
Projected 2016 new purchase <u>350</u>	Projected 2016 new purchase <u>226</u>
576 total new SUV projected for replacement issue and border positions	

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

1. Amendments to 37 TAC Section 14.12 and Section 14.14, concerning School Bus Driver Qualifications

2. Amendments to 37 TAC Section 14.52, concerning Texas School Bus

Specifications

Assistant Director Luis Gonzales – Chief of Highway Patrol Division. Items 1 and 2 are necessary updates to the rule and asked that they be published in the Texas Register for public comment. A motion was made and seconded to approve publication. Motion carried.

3. Amendments to 37 TAC Section 15.7, concerning Occupational License

(Essential Need)

4. Simultaneous repeal of current 37 TAC Section 15.23 and proposed new 37 TAC Section 15.23, concerning Names 2

5. Amendments to 37 TAC Section 15.42, concerning Social Security Number

6. Amendments to 37 TAC Section 15.55, concerning Waiver of Knowledge and/or

Skills Tests

7. New 37 TAC Section 15.63, concerning Out-of-State Examinations and

Applications

8. Repeal of 37 TAC Sections 15.91 – 15.93, concerning Reciprocity in Driver

Licensing

Assistant Director Joe Peters addressed items V B 3-8, discussing the minor changes and repeals need to comply with codes. AD Peters asked that these modifications and deletions be published in the Texas Register.

A motion was made by Commissioner Flores to approve items 3-8 and seconded by Commissioner Johnson. Motion carried.

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

This issue was to be discussed in Executive Session.

VI. ONGOING BUSINESS

Reports, discussion and possible action regarding the following:

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

1. Amendments to 37 TAC Section 1.129, concerning Fees for Sale of Motor Vehicle Crash Reports in Highway Patrol Field Offices

Assistant Director Luis Gonzales – Chief of Highway Patrol Division – asked the commission to approve the amendments as previously published in the Texas Register. Motion Made and seconded. Motion carried.

2. Amendments to 37 TAC Section 1.143, concerning Use of Unmanned Aircraft by a Law Enforcement Authority

Assistant Director Bill Nabors – pertains to unmanned aircraft and it is merely cleaning up the language to clarify and conform to code. No comments were received. Moved to adopt by Commissioner Mach and seconded by Commissioner Johnson.

Director McCraw asked AD Nabors to discuss their personnel search. AD Nabors said that they put out a request for former military pilots and received 25 applications, mostly from recently retired military pilots. There were 5 that stood out and were called in for interviews. He selected one former marine pilot who is now going

through the necessary background checks and other vetting. Director McCraw noted that this will be the first time DPS will have a non-commissioned aircraft pilot if this applicant comes on board.

3. Simultaneous repeal of 37 TAC Section 1.231, concerning Procedures for Vendor Protests of Procurements and proposed new 37 TAC Sections 1.262 – 1.264, concerning Contracting

Assistant Director Amanda Arriaga – Administration – Laid out the rule as posted. Moved to approve by Commissioner Mach and seconded by Commissioner Flores. Motion Carried

4. Repeal of 37 TAC Section 3.146 and proposed new 37 TAC Section 8.7, concerning Prohibited Weapons

Regional Commander Joe Ortiz – Region 7 – to remove the word “concealed” from the language. No comments received.

5. New 37 TAC Section 8.21 and Section 8.22, concerning Unmanned Aerial Vehicles at the Capitol Complex

Regional Commander Joe Ortiz – Region 7 – regarding prohibition of unmanned aircraft over the capitol. We received no comments. Moved to approve items 4 and 5 was made by Commissioner Flores, seconded by Commissioner Mach. Motion Carried.

6. New 37 TAC Chapter 12, concerning Compassionate-Use/Low-THC Cannabis Program



Assistant Director Renearl Bowie – we had several comments on the six chapters of the rules. AD Bowie went through each chapters’ comments and gave a high level summary of the comments.

AD Bowie asked to approve the rules as adopted. So moved by Commissioner Flores and seconded by Commissioner Johnson. Motion carried.

7. Amendments to 37 TAC Sections 35.181 – 35.183 and new Section 35.185, concerning Active Military and Spouses – Special Conditions
Assistant Director Renearl Bowie – housecleaning issue with no comments received. Moved by Commissioner Johnson and seconded by Commissioner Flores.

8. Simultaneous repeal of current 37 TAC Chapter 36, concerning Metals Registration and proposed new 37 TAC Chapter 36, concerning Metals Recycling Entities

Assistant Director Renearl Bowie – this rule deals with the metals recycling and how metals transactions occur. No comments. Motion to approve made and seconded. Motion carried.

B. Update report, discussion and possible action regarding recruitment

Assistant Director Frank Woodall – Education, Training and Research – Reported that at 10:00 am tomorrow morning DPS will award commissions to 102 new DPS Troopers – the C-15 Class. He went on to state that on January 10, the 155th Recruit Class for DPS will begin. That A-16 Class has 160 approved applicants, with another 31 applicants in the process, which will roll into the next class. The B-16 class will begin in March of 2016. There are currently 15 approved for that class and another 1,325 applications being processed. The C-16 class will begin in July of 2016. We currently have 1,023 applications for that class. When asked if the academy can hold a class of 160 students, AD Woodall replied that he would make it work, although technically they are over capacity for the room.

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 Steve McCraw – Nothing to report.

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 Steve McCraw – Nothing to report in this meeting.

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

Nothing to report.

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 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. 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 K. Bratten Jr., Tony R. Fulton, Eric C. Haltom, William H. Hogg, James A. Pearce, Ray A. Woods and James H. York; Special Texas Rangers: Rolando Castaneda

B. Donations:

1. Additional donation items, as needed

Moved by Commissioner Mach, seconded by Commissioner Flores to approve the consent items A & B. Motion Carried.

IX. ITEMS FOR FUTURE AGENDA

As previously noted, an update on progress in the Drivers License Division's operational systems.

X. DATE FOR FUTURE MEETING

Any discharge hearings will be scheduled on February 10, 2016, and the regular Public Safety Commission meeting is scheduled for February 11, 2016.

General Counsel Phil Atkins stated that there should be at least 1 discharge to hear on February 10, 2016, and the regular PSC Meeting is scheduled for Thursday, February 11, 2016.

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

Recessed to executive session at 12:36 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 4

Also, at today's PSC Meeting, Director Steve McCraw presented 40 Year Service Awards to Bruce Tabor and Eddie Williams, Jr. Congratulations and thank you for your service to DPS and the citizens of Texas!



Bruce Tabor, Administration, Austin HQ



Eddie Williams, Sr., THP, Region 1

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