



# Public Safety Commission Meeting

April 14, 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 a 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, Randy Watson 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.*



### II. APPROVAL OF MINUTES

*A motion was made approve the minutes from the February 17, 2016 PSC Meeting. Motion carried.*

## I. 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 three requests to address the Commission.*

*Robert Armested – Holds a PhD and is currently a student at the UT School of Public Affairs wanted to address the current rules regarding the training requirements for Open Carry and Campus Carry. He is advocating returning to a minimum of 10 hours of training rather than the 4 hours that the legislature reduced it to.*

*Andrea Brower – representing Texas Gun Sense called for the strengthening of the curriculum for gun safety to increase the awareness of the statistics showing the increase probabilities of homicides, suicides and accidents in homes that have firearms. She advocated for stronger education regarding child safety including strengthening the message to keep firearms unloaded and locked away in houses. She invited DPS to attend their next June 2<sup>nd</sup> meeting and join other law enforcement agencies in working toward a safer Texas through common sense training and regulations. Texas has approximately 3,400 motor vehicle deaths per year, and the public is continually reminded through Public Safety Announcements, signs advertising to not drive distracted, while 2,800 die by firearms in Texas with barely a whisper of education and public notifications regarding gun safety.*

*Stacy/Tracy Anderson – Texas Prevention Coalition, stated that Children’s Defense Fund has published for over 20 years a brochure advocating for Protecting Children and Not Guns. She stated that every 3 hours and twenty-nine minutes a child dies in the US from a gunshot wound. Since 1963, more children have been killed annually by guns than have our military personnel been killed in combat. She pointed out that households that have guns are 3X more likely to have a homicide than households that do not have a gun. They are 3-5X more likely to have a suicide; and more than 4X as likely to have an accidental death.*

*The PSC Commissioners thanked the public commenters for their information and concern, and asked them to send the specific recommendations to the Commission.*

## II. 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 Names Top Troopers, Honors Exceptional Employees**

AUSTIN – The Texas Public Safety Commission (PSC) and the Texas Department of Public Safety (DPS) Director Steven McCraw presented four *Director’s Citations* to DPS employees for their exemplary service. In addition, two Highway Patrol Troopers received *Top Trooper* awards

for 2016.

“The DPS mission has always been focused on protecting and serving others; and these outstanding employees exemplify what it means to be public servants. Their dedication to service is truly commendable,” said Director McCraw. “The department is proud to have these employees among our ranks, and the state is grateful for their continued devotion to their communities and all of Texas.”

**Trooper Valerie Lopez**, Highway Patrol in Odessa, and **Trooper Andrew Tegtmeyer**, Highway Patrol in Refugio, each received the *Javier Arana Jr. Top Trooper Award*, given every year to the top male and female competitors. Lopez and Tegtmeyer competed against other DPS Highway Patrol troopers during the Top Trooper Competition.



The Top Trooper Competition was established in 2012 to recognize outstanding Troopers and to test participants on their physical conditioning, shooting proficiency, driving skills and job knowledge. The award was named in honor of Trooper Javier Arana Jr. who was killed in the line of duty in 2012. Trooper Arana’s family was present today for the announcement of this year’s awards.



The following awards also were presented today:

- **Agent Pilot Kris Edgmon** and **Tactical Flight Officer Saben Emery**, Aircraft Operations in Garland, both received *Director’s*



*Citations.* On Dec. 5, 2015, Edgmon and Emery responded to a call for assistance from the Irving Police Department, whose officers were searching for three burglary suspects who fled after holding a family at gunpoint. The aircrew searched the neighborhood from above, locating one suspect and guiding officers to make the arrest. The aircrew then located the other two suspects hiding behind a residence. When the officers on the ground arrived at the location, one of the suspects opened fire on the officers. The officers returned fire, killing one suspect; and the other suspect was taken into custody.



- **Trooper Barry Caldwell**, Highway Patrol in Austin, received a *Director's Citation* for his attempt to save a life. On July 21, 2015, Caldwell observed three vehicles that appeared to be racing on State Highway 29, west of Georgetown. When Caldwell attempted to stop one of the vehicles, the suspect evaded law enforcement at a high rate of speed. Caldwell followed but lost sight of the vehicle. He then noticed a fire in a wooded area and realized the vehicle had crashed. Caldwell made several attempts to rescue the driver from the vehicle before it became completely engulfed in flames. The driver did not survive, and it was later determined that the vehicle was equipped with a nitrous oxide system.

- **Trooper B.J. Hill**, Highway Patrol in Stephenville, received a *Director's Citation* for his assistance during a dangerous situation. On Sept. 4, 2015, Hill, along with the Erath County Sheriff's Department, responded to a call involving a suicidal individual, who was armed with a firearm. When the officers arrived on the scene, the suspect fired twice at the officers, who were able to take cover. A civilian at the scene was able to contact the suspect on the phone, and Hill talked to the suspect, eventually convincing him to surrender without further incident.



In addition to the awards above, DPS Criminal Investigations Division **Lt. Robert Acevedo** received a U.S. Attorney's Award – Southern District of Texas for his involvement in a two-year multi-agency investigation of a drug trafficking organization. As a result of the investigation, officers seized 43 pounds of methamphetamine, more than 200 pounds of black tar heroin, and over \$800,000. In addition, 22 federal indictments were secured; and so far, 16 suspects have been convicted and sentenced to federal prison.



*The following Service Awards were also presented today:*

30 Year Service Award

- *Judy Dunnam, (RSD Austin HQ)*
- *Teresa Reynolds, (LESF Region 1)*



35 Year Service Award

- *Larry Hinojosa, (THP/CVE Region 4)*
- *Terry Siegmund, (IT Austin HQ)*



40 Year Service Award

*Jesse Sharp*



50 Year Service Award

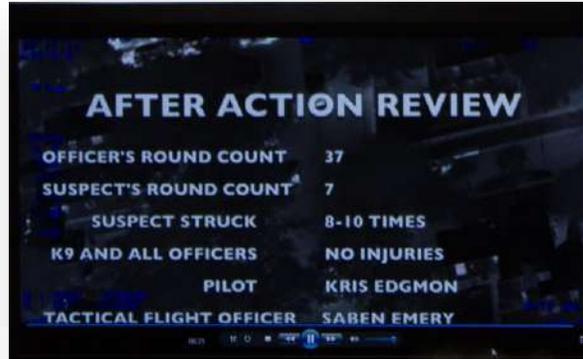
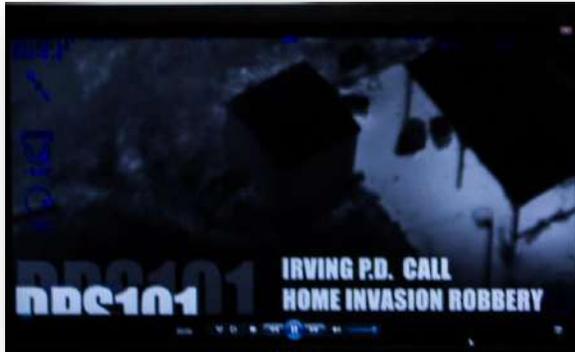
*Douglas Lanford, Jr., (RSD Austin HQ)*



**B. Dashboard Update**

*Director Steve McCraw – We would like to make as much of our data and information public, but for various reasons, including active investigations, court proceedings, and security reasons there are some things that we can't share with the public. There was no new reports regarding the DPS Dashboard.*

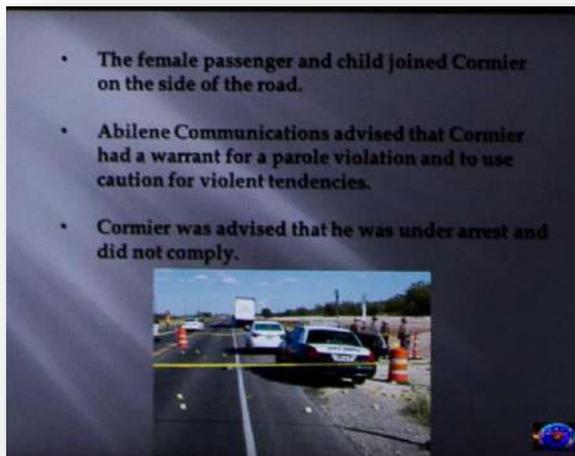
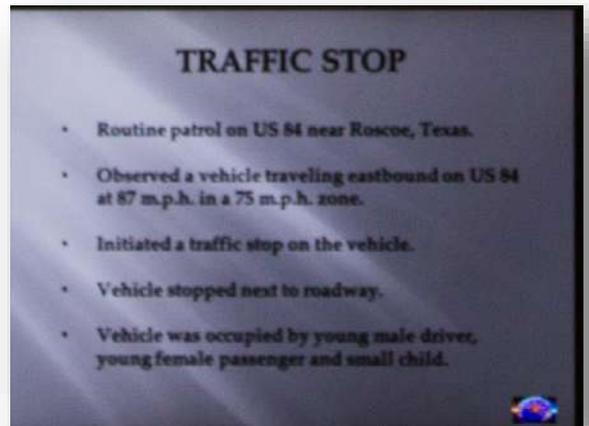
Director McCraw asked William Nabors – Chief of Aircraft – to show a video of how the Aircraft Division can assist officers on the ground tracking suspects even at night as they fled the scene of a home invasion. It was very interesting to witness the coordination and communications between the officers in the air and those on the ground. Both suspects were apprehended without injury to the officers or the perpetrators.



### C. Case Update

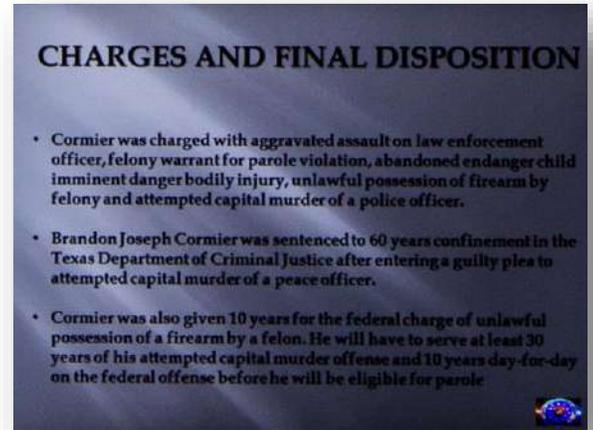


Director Steve McCraw – introduced Trooper Jaime Galindo out of Sweetwater who discussed a seemingly routine traffic stop that went bad very quickly. Trooper Galindo stopped a car for speeding and



asked the driver to get out of the vehicle. On the side of the road, the driver immediately began relating his hard luck story of how he was currently unemployed and didn't have a place for his family to go. He apologized for not paying attention to his speed, and said that his wife and 4 month old daughter were with him and just trying to find a place to go. When Trooper Galindo finally got him to turn over his ID (his license was expired), he returned to his patrol car to run his license. The driver's wife and child got out of the

vehicle. When Trooper Galindo learned that the driver had an outstanding warrant for his arrest he approached the suspect and informed him that unfortunately he was going to have to arrest him. The driver complained and then walked back to his car while his wife pleaded with him not to do it. The driver got in the passenger side of the vehicle and then came out with a pistol raised and firing at officer Galindo. Trooper Galindo quickly took cover behind his patrol car, and with the wife and child screaming on the sidelines, began returning fire with the perpetrator. Many rounds were fired by both the driver and Trooper Galindo, when either the drivers gun or had was hit and his gun went to the ground. Trooper Galindo quickly forced the driver to the ground and secured him with handcuffs. Thankfully, Trooper Galindo was not injured and the driver was apprehended without injury to himself or to his wife and child.

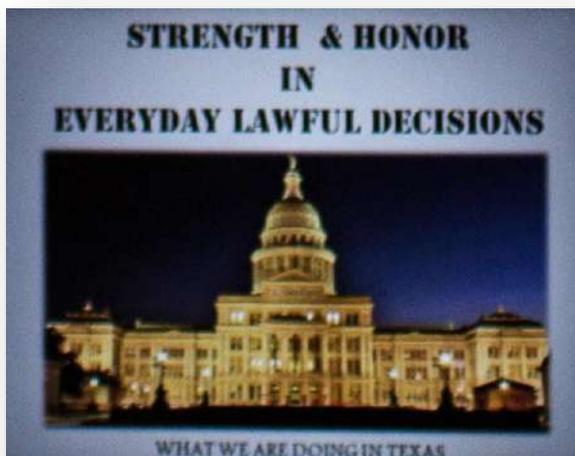


All of the action was captured on Trooper Galindo’s dash mounted camera and the video was shown at the meeting.

Commissioner Mach commented that there is no such thing as a “routine traffic stop”. Commissioner Johnson praised Trooper Galindo for his patience with the driver, and was thankful that he was not hurt or killed in the encounter.

Director McCraw went on to state that a DPS officer was involved in a shooting last night around 5:00 pm near Llano, but he stated that he can’t discuss the details at this time but all of the officers involved are OK, but the offender not so much.

### III. NEW BUSINESS



#### A. Report on DPS S.H.I.E.L.D. Seminar

Assistant Director Steve McCraw introduced the Executive Director of the FBI national Officer Safety and Wellness program, Steve Tidwell.

Mr. Tidwell stated that the real heroes are the ones behind me that are working the program. The FBI recognizes the S.H.I.E.L.D. program as exemplary and have incorporated. S.H.I.E.L.D. stands for Strength & Honor in Everyday Lawful Decisions. This currently is an 8 hour course. We have traveled to six of the seven HP Regions so far. We are also able to invite outside agencies, presenting to over 90 agencies in and out of the state, and taught over 1,000 individuals. Our message is that “You are a righteous and upright individual”. We have 5 Series that we teach.

**VISION**

"To provide the modern day Law Enforcement Community the comprehension of their unique identity and culture by means of resilience and inspired purpose"

**MISSION**

SHIELD assists law enforcement officers and team members to effectively deal with challenges both on and off duty by delivering culturally relevant performance optimization training, examination of norms and processes impacting officers and their leaders while encouraging integration of departmental resources.

*perform at 98% positive performance, and only 2% less than optimal. We need to focus more on the incredibly good job that we all do day to day.*

*Series 4 – discusses sleep cycles and fatigue and the effects of stimulants on fatigue. Apply strategies to physically and mentally recharge.*

*Series 5 – Shielding the Ones that We Love...discuss the transition from work to home.*



**SERIES 3**

Performance Under Pressure

Operational Stress Awareness

The Morality of the Lethal Engagement

*This program is going to change the face of policing in this agency and ultimately throughout law enforcement in the U.S.*

*Series 1 deals with the stress of the job. We utilize bio-feedback and can show them what is happening physiologically, and can address it through various techniques of breathing, calming etc.*

*Series 2 (I'm sorry but I did not get the details on Series 2.*

*Series 3 – Performance under pressure. Our people*

**SERIES 1**

Comprehend the basics of the hard-wired stress response system and its impact on performance

Comprehend a framework for modulating stress response activation

Apply strategies for stress response modulation




**SERIES 4**

Know the basics of the sleep cycle and the effects of stimulants on fatigue

Apply strategies to physically and mentally recharge

**SHIELDing THE ONES WE LOVE**

Discuss the transition from work to home and Find Personal applicability of.

Performance Self-Talk

Tactical Framing (visualization)

Optical Clarity (mental focus)

Goal Setting



**SERIES 5**

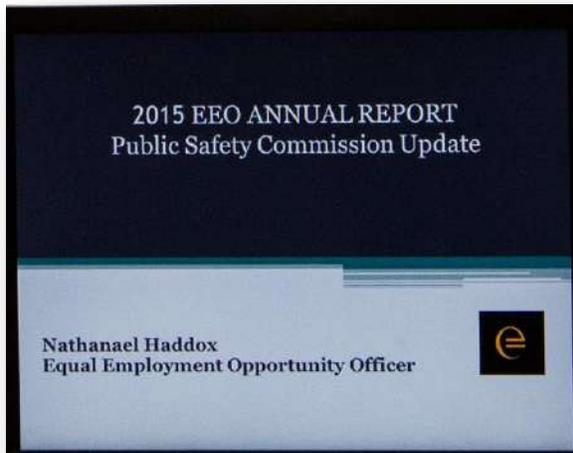


Motion by Commissioner Flores, seconded by Comm. Watson to approve the 2017 Budget. Motion carried

We hope to have our Exceptional Items ready for presentation for the June PSC Meeting.

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

Assistant Director Nathaniel Haddox – DPS employed 9,173 employees in 2015. Of that List 99.8% of those employees are in compliance with EEO training as of December 31, 2015.



We are doing some additional managerial training to manage with respect. Our reporting trends showed a consistent rise in complaints, but based



on our employee population size, we are well within national standards. About 1/3 of the complaints are sustained. Out of the 53 sustained, 48 were unprofessional conduct. They do not rise to the level of the legal definition of discrimination.

We expect the complaint to be handled in 34 days, and that is what we are currently averaging. If we took out the 5 most difficult, lingering cases, we would be well under 30 days to completion.

Section 5:

### 2015 EEO Intake and Investigations

227	Allegations reported to the EEO (multiple)
165	Investigations completed by the EEO
3	Allegations open under investigation
53	Sustained 18.25 allegations through investigation
0	Discrimination
0	Sexual Harassment
0	Harassment
48	Unprofessional Conduct
4	Failure to Report
0	Retaliation
1	Confidentiality
16	Sustained Courtesy Policy violation - Section 05.17.00
155	No violation of Section 18.25

## D. Report and discussion on DPS Vendor Initiative Program

*Assistant Director Amanda Arriaga – We have previously talked about rules set by the legislature and how we are complying with those rules, which lead us to develop the Vendor Contract Policy. Since 1993 we have been required to use a form identifying who we are dealing with (vendors and lobbyists).*

### Vendor Contact Policy

- ▶ This policy:
  - Discourages contact outside the formal procurement process
  - Requires the requestor to gain approval from the Procurement Director if the requestor deems the contact is necessary
  - Requires the vendor to certify that the meeting is not part of the competitive procurement process and that no agency decisions will be based on the interaction
  - Ensures that if a DAD or above has such an interaction with a vendor, they must recuse themselves from any future procurement where that vendor, product or service is involved.

### Vendor Initiatives Program

Methods of gathering information from vendors:

- Request for Information
- Discussions with our peer agencies
- Conducting Market Research

### Market Research Days

Will be held on Monday, April 18.

Topics include:

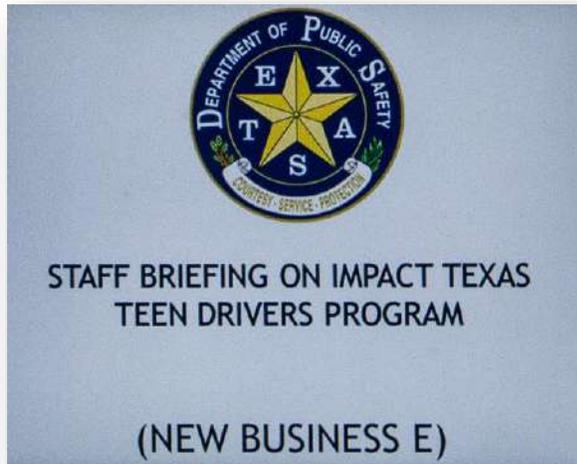
- ▶ Social Media Investigation
- ▶ Mobile App Platforms
- ▶ Crowd Sourcing Software Development
- ▶ Cloud Storage Solutions
- ▶ Event-Driven Detection Capabilities
- ▶ Artificial Intelligence Sensors
- ▶ Full-motion Imagery Sensors

### Market Research Days

- ▶ Due to demand, DPS plans to host Market Research Days monthly.
- ▶ Vendors have also been invited to submit proposed topics.
- ▶ Logistics:
  - Up to 80 vendors
  - No electronic presentations
  - Though interaction with agency personnel is encouraged at the event, future interaction is limited to only Procurement personnel.

*There are various way that we gather information on what is available in the marketplace, including sending out a Request for Information, or attending trade show. We will hold our first Market Research Days on April 18, and because of the overwhelming response, we are planning to partner with the Comptroller's office and conduct a Market Research Day on a monthly basis.*

## E. Staff Briefing on Impact Texas Teen Drivers Program



*Assistant Director Joe Peters – Drivers License Division – This is a two hour information course on video to educate young driver, particularly with regards to distracted driving. This is required for young drivers from 18 to 24 as part of their overall training. As of the now, there are over 661,000 drivers in Texas between 14-18 years of age and so far, 106,000 (16%) have completed this course. Our intent is to try to track those who have taken the training and compare their records (outcomes) with those who have not had the training.*

*Director McCraw added that we have demonstrated that preaching alone to this young audience does not work. We find that these peer to peer testimonials and demonstrations have a much greater impact. If we can save some lives it is all worth*

*it. There were over 3,400 people killed last year in Texas in auto accidents.*

## F. Report, discussion, and possible action on Resolution for Delegation of Leasing Authority from Texas Facilities Commission to DPS

*Deputy Assistant Director Waine Mueller – Requesting an approval this resolution for delegation of leasing authority in situations that do not make sense to keep it in house. This was requested by the Texas Facilities Commission who worked with our legal department to develop this more formal document than we had previously been using.*

*A motion was made to approve the Resolution of Delegation of Leasing Authority by Comm. Mach and seconded by Comm. Johnson. Motion carried.*



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

1. Amendments to 37 TAC Sections 2.1, 2.2, 2.7, 2.8, and 2.13, concerning Capitol Access Pass

*Assistant Director Renearl Bowie - a couple of years ago, we allowed a special pass that would allow visitors to apply for a pass without completing the CHL process. This rule just modifies the language of these passes to match up with the new CHL language of License to Carry.*

1. Simultaneous repeal of 37 TAC Sections 19.21 – 19.29, concerning Texas Ignition Interlock Device Regulations and proposed new Chapter 10, concerning Ignition Interlock Devices.

2. Amendments to 37 TAC Section 15.172, concerning Issuance by Counties

*A motion to approve items 1 & 2 was made and seconded; motion carried.*

3. Simultaneous repeal of current 37 TAC Chapter 16 and proposed new 37 TAC Chapter 16, concerning Commercial Driver License

4. Amendments to 37 TAC Section 18.4, concerning Examinations Administered by a Driver Education School or Parent Taught Driver Education Course Provider

*Assistant Director Joe Peters, discussed items 3, 4, and 5 under section G. #3 just changed some of the language. Item 4 is a significant change...full replacement to make it compliant with Federal regulations. Item 5 is changing language that DPS is no longer providing the Drive Education.*

*Motion by Mach, and second by Watson to approve the changes by items 3-5. Motion carries.*

**H.** Discussion of possible Donation of Land in Edinburg, Texas – Closed Session anticipated pursuant to Government Code 552.072

*Discussed in Executive Session*

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

*Discussed in Executive Session*

#### **IV. 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 – Began his presentation by applauding the S.H.I.E.L.D. program.*

*AD Woodall stated that the A-16 class is now in its 14<sup>th</sup> week and there are still 124 recruits in the class. A-16 class will graduate on June 17, and 69 in this class will be assigned to border duty stations. B-16 class will graduate on August 26. It currently has 98 recruits. The C-16 class had 3,600 applicants. 84 have been selected so far to start the screening. C-16 class is scheduled to graduate on December 16.*

*For 2017, AD Woodall reported that they have 5 classes scheduled, beginning in January, March, May, July and September.*

- B.** 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 at this time*

- C.** 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 at this time*

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

*Discussed in Executive Session*

## **V. REPORTS**

- A.** Commission member reports and discussion

*Nothing to report at this time.*

- B.** Finance Report

*Nothing additional to report at this time.*

- C.** Chief Auditors Office

*Nothing to report at this time.*

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

*Nothing additional to the submitted report at this time.*

## **VI. 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 the Director's determination that a certain probationary employee was found unsuitable for work during February 2016
- 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: Kenneth W. Ariola, David A. Campos, Douglas A.

Childs, Michael A. Escalante, Timothy I. Middleton, Randolph V. Mills, Melloney Y. Myers, Randolph Nixon Jr., and Jorge R. Vargas Jr. ; Special Texas Rangers: John A. Ramirez and Gerald Villalobos

*Chair Cynthia asked if there were any items that should be of concern or need further discussion in the consent items.*

*Deputy Director David Baker said that they were all in order.*

*A motion to approve Items VI – A&B was made and seconded. Motion carried.*

**C. Donations:**

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

*General Counsel Phil Adkins stated that they will not take up item C at this time.*

**VII. ITEMS FOR FUTURE AGENDA**

*None.*

**VIII. DATE FOR FUTURE MEETING**

Any discharge hearings will be scheduled on June 15, 2016, and the regular Public Safety Commission meeting is scheduled for June 16, 2016.

**IX. 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, 11:56 am.*

**X. 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

