



Public Safety Commission Meeting

October 13, 2016, 10:00 am

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 convened as posted to consider and take formal action, if necessary, on the following agenda items:

I. CALL TO ORDER

10:00 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 THE MINUTES

A motion was made by Commissioner Johnson and seconded by Commissioner Mach to approve the minutes from the August 25, 2016 PSC Meeting. Motion carried.

III. 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.)

Public Safety Commission, DPS Honor Employees

AUSTIN – The Texas Public Safety Commission (PSC) and Texas Department of Public Safety (DPS) Director Steven McCraw presented one *Purple Heart* and three *Lifesaving Awards* to employees for their admirable service and courageous actions.

“Every day our commissioned personnel put their lives on the line to protect and serve the residents of this state, and their vigilance undoubtedly makes Texas a better place to live,” said Director McCraw. “On behalf of DPS and the entire state, I want to thank you for your commitment to helping others. These awards are a token of our tremendous appreciation for all that you do to safeguard our communities from a wide variety of public safety threats.”

The following awards were presented today:

- **Trooper Kimberly Ousman**, Texas Highway Patrol in Orange, received a *Purple Heart*. On July 23, 2014, Ousman was conducting a crash investigation on Interstate 10 in Orange County, when a separate vehicle struck Ousman’s patrol vehicle from behind. The force of the impact pushed her patrol car into the previously crashed vehicle, which then struck Ousman, who suffered multiple injuries.
- **Sgt. Brad Gibson**, Texas Highway Patrol Commercial Vehicle Enforcement in Austin, received a *Lifesaving Award*. While off duty on July 12, 2016, Gibson noticed a vehicle stopped in the roadway near the intersection of SH 130 and Parmer Lane in Travis County. He observed the vehicle’s passenger trying to move the driver, who was unresponsive. Gibson assisted the passenger in moving the driver away from traffic and ultimately began administering chest compressions in an attempt to revive the driver. The driver eventually began to breathe on his own and was transported to a hospital for treatment.



- Trooper Robert Bowden**, Texas Highway Patrol in Childress, and **Trooper Matthew Ferguson**, Texas Highway Patrol in Shamrock, each received a *Lifesaving Award*. On July 2, 2016, Bowden and Ferguson were the first units to arrive at a truck-tractor rollover crash in Childress County. When Ferguson made contact with the passenger, he observed that the man had severe lacerations to his right arm and asked Bowden to retrieve a tourniquet. Bowden then applied the tourniquet to the passenger's arm to slow the bleeding. Ferguson later applied a second tourniquet on the passenger's arm when the bleeding continued. EMS ultimately arrived and provided additional medical treatment.



SERVICE AWARDS

30 YEAR SERVICE AWARD:



Ben Amoles – THP, Region 3



Lillie Garcia – LES, Region 3



Anita Minchew – DLD, Austin HQ



Leo Pena – ICT, Austin HQ



Stacy Williamson – Regulatory Services, Region 1

35 YEAR SERVICE AWARD:



Kenneth Evans – LES, Region 1



Carolyn Hernandez – THP, Austin HQ



Joe Peters – DLD, Austin HQ



Victor Taylor – THP, Region 7

40 YEAR SERVICE AWARD:



Willie Adams – THP, Region 1



Teodoso Cespedes – THP, Region 3



Bonifacio Esquivel – CID, Region 5



Taft Green – CID, Region 1



Daniel Matteson – THP, Region 5



Joseph Robinson – THP, Region 1

45 YEAR SERVICE AWARD:



Joe Haralson, Texas Ranger Company A

IV. 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 multiple requests to address the Commission. There were two groups that asked to speak.

Ms. Hemphill and Coleman Hemphill of Texas Hemp Industry Association. Industrial hemp, uses .3% THC hemp for commercial uses. At .3% THC, the commercial hemp has no psychoactive element and the use of the product has proven positive health benefits, not the least of which is anti-inflammatory properties. Seed, oil products, fibers etc. are currently imported from Canada due to the prohibition of growing hemp in the U.S. and Texas. 31 States have authorized the growing of commercial hemp. We appreciate how DPS has handled this issue.

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Debbie Callahan – certified trainer for driving instruction. The Impact Texas Team is amazing, but in my opinion has lost its momentum. I can now only teach a 16 – 24 year olds once they have completed a 32 hour classroom program. Many young people are delaying getting their driver licenses until they become 26 or 27. They try to schedule a driver’s exam, and find the wait time might be 1 to 2 months.

Mary Gregory is a third party driving examiner in Laredo who works mostly with adults. It is difficult to explain why they have to wait 3 months to get their final exam at DPS. Many feel that they are forced to violate the law and drive without a license to get to work until they can get their license. The exam at DPS can take 45 minutes per exam, and not enough examiners are available.

Assistant Director Joe Peters stated that DPS is moving forward with the Impact Texas Drivers Program and hope to soon be able to allow third party examiners to be certified to provide the exams.

V. DIRECTORS REPORT

A. Case Update

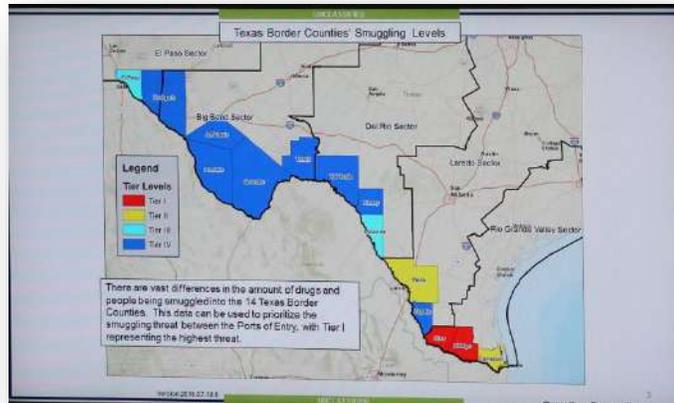
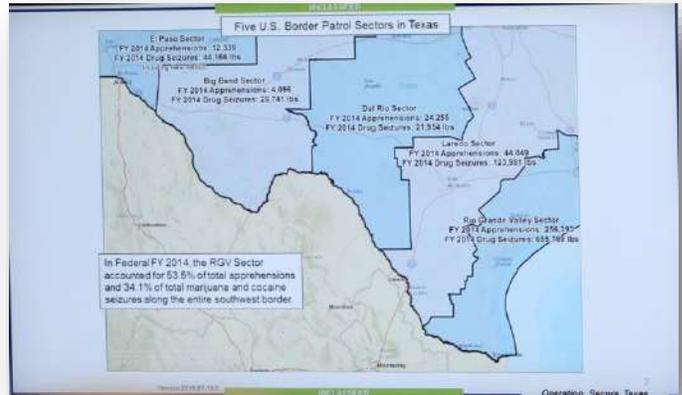
Director Steve McCraw said that he attended a meeting addressing increasing community involvement in policing across the state. Senator Royce West is working with the Department on revising our Driver License Handbook. He asked if we could add to the bottom of the ticket an area to provide a “Compliment or Complaint” section that would go directly to the Inspector General. At 10:00 today, these new ticket forms with the Compliment/Complaint area will be available in the field to all troopers. They will need to reboot their field computers to update to the new ticket form. Director McCraw reiterated that we hold our troopers to the highest standard, and expect every encounter with the public to be courteous and professional, and we strive to be totally transparent. This is about doing the right thing for the right reasons. We do not tolerate racial profiling of any kind. If we get a complaint, it is followed up on and acted upon as appropriate. We hold our videos for 90 days for review should a complaint arise. We have to have evidence. More often than not, the video evidence will exonerate our personnel, but when it verifies the complaint, the employee will be dealt with.

We are still moving forward with getting body cameras for all field commissioned personnel. We want to make sure that we get the right equipment. We can’t afford to store the video data on the device. It will still have to be downloaded and stored by the Sergeant due to cost considerations. We feel that the more video evidence that we can get, the better.

Comm. Mach asked how the Department handles compliments from the public. Dir. McCraw stated that all compliments are responded to, and a copy is inserted into the trooper’s, agent’s or Texas Ranger’s file.

B. Operation Secure Texas

Director McCraw also mentioned hearing on *Border Security in Brownsville* and will have another meeting next week to again discuss *Border Security*. He presented a brief slide show with statistics regarding the results of our surge. This kind of information is crucial for presentation to review what has been successful and what isn't working quite so well.



This helps us to move from an arrest strategy on the Texas side of the Border to a deterrence strategy to stem the tide of illegal crossing and resulting criminal activity. Our focus has been primarily on Starr and Hidalgo Counties because that is where the most activity is. We have 4,400 cameras installed of the 5,000 that were appropriated. We are almost there. 90% are installed by Border Patrol Agents. Our tracking of these organized gang and criminal activities does not stop at the border but are tracked as they move throughout the state.

The cameras and sensors have GPS coordinates programmed in and that information is transmitted to our aviation coverage of the area which can get to the site of the activity and immediately get eyes on the situation and coordinate the response on the ground.

The results of our activities include:

- Decrease in the amount of smuggling between the Ports of Entry
- Decrease in the amount of drugs being seized at the interior checkpoints
- Decrease in pursuits/bailouts in the interior counties
- Decrease in overall amount of drugs smuggled

into Texas

- Decrease in crime
- Increase in the amount of smuggling on the international bridges and adjoining areas.



VI. NEW BUSINESS

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

1. Repeal and proposed new 37 TAC Section 15.7, concerning Occupational License (Essential Need)
2. Amendments to 37 TAC Section 15.30, concerning Identification Certificates
3. Amendments to 37 TAC 15.36, concerning Applications for Duplicates and Corrections
4. Repeal and proposed new 37 TAC Section 15.59, concerning Alternate Methods for Driver License Transactions

Assistant Director Joe Peters – Drivers License Division – Stated that he is here to request permission to post for public comment in the Texas Registry items 1-4.

A motion was made by Comm. Mach to approve for publication items 1-4, and seconded by Comm. Johnson. Motion carried.

5. Amendment to 37 TAC Section 23.5, concerning Vehicle Inspection Station and Vehicle Inspector Disqualifying Criminal Offenses
6. Amendments to 37 TAC Chapter 12, concerning Compassionate-Use/Low-THC Cannabis Program
 - (a) Amendments to 37 TAC Sections 12.1 – 12.4, 12.7, 12.8 and proposed new Section 12.9, concerning General Provisions
 - (b) Amendments to 37 TAC Sections 12.11, 12.14, and 12.15, concerning Application and Renewal
 - (c) Amendments to 37 TAC Section 12.21 and Section 12.23, concerning Compliance and Enforcement
 - (d) Amendments to 37 TAC Section 12.31 – 12.34, concerning Security
 - (e) Amendments to 37 TAC Section 12.41 and Section 12.42, concerning Compassionate-Use Registry

Assistant Director Renearl Bowie – Regulatory Services. Item 5 just corrects a previous typo in the rule.

6a-e are amendments to correct, clarify and bring into statutory compliance Chapter 12 of the Compassionate Use /Low-THC Cannabis Program

A motion was made by Comm. Mach to approve for publication items 1-4, and seconded by Comm. Watson. Motion carried.

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

This item was handled in the Executive Session.

VII. ONGOING BUSINESS

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

1. Repeal of 37 TAC Chapter 13, Subchapters A – E and H – N and proposed new Subchapters A – D, concerning Controlled Substances Program

Assistant Director Renearl Bowie – no comments were received and I move for adoption of the rule.

A motion was made by Comm. Mach to approve for publication items 1-4, and seconded by Comm.

Johnson. Motion carried.

2. Amendments to 37 TAC Section 23.41 and Section 23.42, concerning Vehicle Inspection Items, Procedures, and Requirements

Assistant Director Renearl Bowie – no comments were received and I move for adoption of the rule.

A motion was made by Comm. Flores to approve for publication items 1-4, and seconded by Comm. Watson. Motion carried.

3. New 37 TAC Sections 27.171 – 27.174, concerning Criminal History Clearinghouse

Assistant Director Skylor Hearn – Law Enforcement Support Division - no comments were received and I move for adoption of the rule.

A motion was made by Comm. Mach to approve rule modification and seconded by Comm. Johnson. Motion carried.

D. Update report, discussion and possible action regarding recruitment

Assistant Director Frank Woodall – Education, Training, and Research – stated the second Command College will graduate on November 17, 2016.



He went on to say that the C-15 class is currently working on driving and firearms skills and is scheduled to graduate 116 recruits on December 16, 2016. This class had a 28% attrition rate.

D-16 class has 141 students currently, and is scheduled to graduate on February 24, 2017, at 11% attrition rate.

We are still planning to have 5 schools in 2017.

While other states are having to close down their academies because they cannot fill the classes.

E. 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

F. 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

G. Report, discussion, and possible action regarding ongoing criminal investigations

pursuant to Government Code § 411.0041 (Executive Session anticipated)

This item was handled in the Executive Session.

VIII. REPORTS

H. Commission member reports and discussion

Nothing to report.

I. Finance Report

J. Chief Auditors Office

K. Division status reports on activities and action

Nothing additional to add to the reports given to the PSC.

IX. 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.

L. Advice and consent regarding director's determination that a certain probationary employee was found unsuitable for work during September 2016

M. Discussion and possible action on appointments of and renewals of Special Rangers and Special Texas Rangers pursuant to Government Code Chapter 411, Secs. 411.023 & 411.024: Special Rangers: Gary W. Cornett, Jamie R. Duke, Kevin L. Galyon, Robert J. Hawkins, Timothy B. Kelm, Enrique Muniz, Kenneth E. Musick, Johnny E. Prince, Ronald C. Richey, Gerald P. Salas; Special Texas Rangers: Ronald E. Duff and Leslie B. Long

N. Donations:

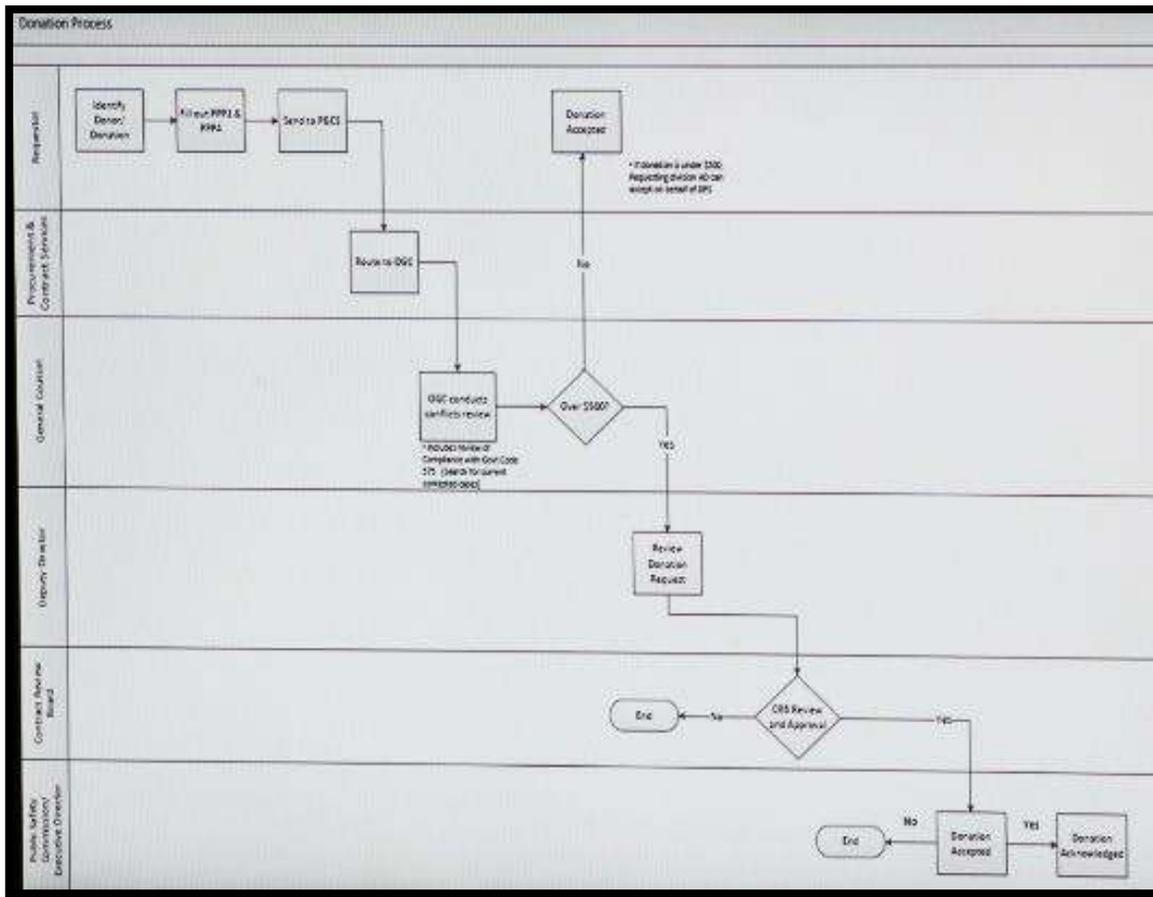
1. One (1) Percheron Horse, Duncan – Region 7, Capitol Complex
2. Use of Needmore Ranch – Ranger Company "D"
3. Use of Beaver Creek Ranch – Ranger Company "F"
4. Use of Kinsel Ranch – Regional Commanders
5. Additional donation items, as needed

Chair Cynthia Leon asked Deputy Director David Baker if any of the consent items had issues that warranted discussion. DD Baker said that they were all straight forward.

A motion was made by Comm. Johnson, and seconded by Comm. Mach to approve the consent items 1-4. The motion carried.

AD Arriaga presented a report outlining the guidelines and procedures that are followed when considering the acceptance of donations from the public. She stated that if the gift/donation was valued below \$500, that proposal is presented to the appropriate Assistant Director who sees to it that the gift appropriately falls within the acceptable guidelines. If it does it can be accepted. If the gift/donation is valued at \$500 or more, once reviewed by the Assistant Director, it is referred to the Donation Review Board to determine if it is in compliance with the guidelines and capable of being accepted.





Commissioner Mach asked Chair Leon if there was an update in the procedures for accepting donations from the public. Director McCraw asked Assistant Director Amanda Arriaga (Administration) to provide that report.

AD Arriaga presented a report outlining the guidelines and procedures that are followed when considering the acceptance of donations from the public. She stated that if the gift/donation was valued below \$500, that proposal is presented to the appropriate Assistant Director who sees to it that the gift appropriately falls within the acceptable guidelines. If it does it can be accepted. If the gift/donation is valued at \$500 or more, once reviewed by the Assistant Director, it is referred to the Donation Review Board to determine if it is in compliance with the guidelines and capable of being accepted.

The slides show many of the items that must be taken under consideration when accepting gifts/donations from the public to ensure they are appropriate and do not pose a conflict of interest.

Comm. Mach state that it was very gratifying that so many citizens in Texas show so much support for DPS and are generous with their gifts. We wish that we could accept all offerings but often cannot due to a variety of reasons.

Questions for Donations

- Fair Market Value of Gift
- Cost Benefit Analysis of Acceptance of Gift
- Description of the gift and how it advances a statutory purpose or mission of the agency
- Description of any requests for consideration for giving the gift.

Questions for Donations

- Is the donor a previous, current or likely future vendor to the Department?
- Is the donor subject to regulation by DPS?
- Who is responsible for communicating with the donor?
- Have we received previous gifts/donations from this person/organization?

X. ITEMS FOR FUTURE AGENDA

XI. DATE FOR FUTURE MEETING

Any discharge hearings will be scheduled on December 14, 2016, and the regular Public Safety Commission meeting is scheduled for December 15, 2016.

The next Public Safety Commission Meeting will be held on Thursday, December 15, 2016.

XII. 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

Chairman Leon adjourned the meeting to executive session at 12:02 pm.

XIII. 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