



Public Safety Commission Meeting

December 21, 2017, 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 convened as posted to consider and take formal action, if necessary, on the following agenda items:



I. CALL TO ORDER

10:01 am – Chairman Steven Mach called the meeting to order. In attendance: Chairman Steve Mach, Commissioners Cindy Leon, Randy and Jason Pulliam. A quorum was present. Also present were, Director Steve McCraw, Deputy Director David Baker, Deputy Director Robert “Duke” Bodisch, Deputy Director Skyler Hearn, and General Counsel Phil Adkins.

II. APPROVAL OF MINUTES

A motion was made by Commissioner Leon and seconded by Commissioner Watson to approve the minutes from the October, 2017 PSC Meeting. Motion carried.

III. PRESENTATIONS

Director Steve McCraw asked a Sergeant from the Royal Canadian Mounted Police to introduce himself and make a presentation. The Royal Canadian Mounted Police have over 18,000 officers and cover 10 Provinces and 3 Territories in Canada. The RCMP Sergeant spoke of the outstanding cooperation that they received from DPS and in particular the Texas Rangers in investigating and prosecuting members of the cult faction of the Latter Day Saints who had formed their “Yearning for Zion Ranch” compound near El Dorado in the Texas panhandle with some 1,000 followers. We were investigating underage girls who were taken out of Canada for the purpose of having sex. Through our joint investigation, we were able to successfully prosecute two individuals, and expect more to come. It is the first conviction of polygamy in Canada in the more than 100 years that the law has been on the books.



The RCMP Sergeant Presented the Royal Canadian Mounted Police Certificate of Recognition to the Assistant Director of the Texas Rangers, Randall Prince and to Texas Ranger Nick Hanna, Company E.

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

30 YEAR SERVICE AWARDS



Wendy Schmidt, DL Division, Reg. 2



Elizabeth “Betty” Kostecka – THP, Reg.6

35 YEAR SERVICE AWARD



Fernando Aguilar, Jr. – THP, Reg.4



Antonio Rico, Jr. – THP, Reg. 7

40 YEAR SERVICE AWARD



Jacquelyn Muehlbrad – DLD, Reg. 6



John Tucker, III – THP, Reg. 2



Alfonso Jarero, Jr. – THP, Reg. 3

TEXAS FLAG PRESENTATION



The Family of Barbara Ann Jenkins, DLD, Austin HQ

Director McCraw also gave out the following awards. I will provide an update to the report as soon as I get the press release from DPS Media and Communications.

Director's Award and Life Saving Award:

- *Charles Jeffers – Dallas Police Department*
- *James Glaze – Texas Highway Patrol, Region 1*

Purple Heart

- *Emory King, Jr. – former Texas Highway Patrol, Region 2*
- *Danny Shaw, Jr. – Texas Highway Patrol, Region 1*

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.)

Chairman Steven Mach said that no one signed up to speak.

V. DIRECTORS REPORT

Director Steve McCraw had no report to make of his own.

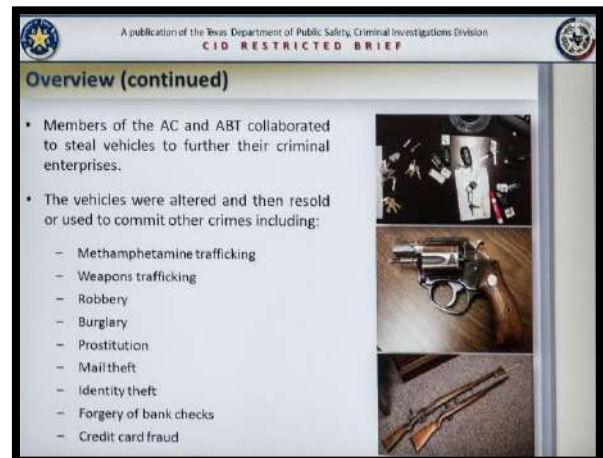
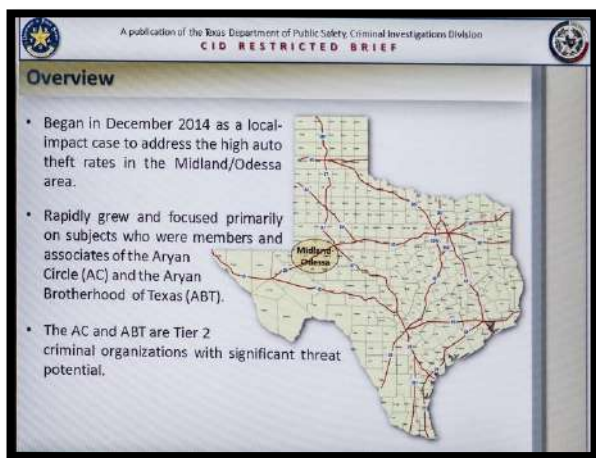
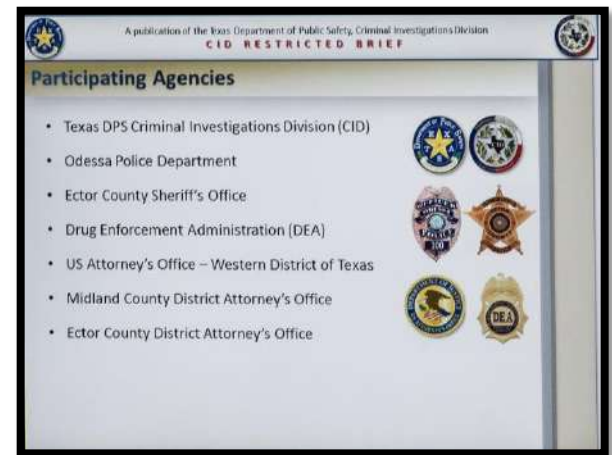
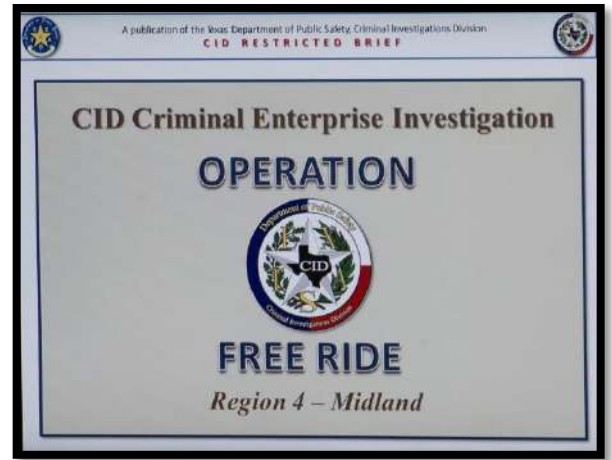
A. Case Update: Operation Free Ride

Director Steve McCraw asked CID Major Justin Owen and Special Agent Javier Ortegon to make a presentation on Operation Free Ride in the Midland/Odessa area.

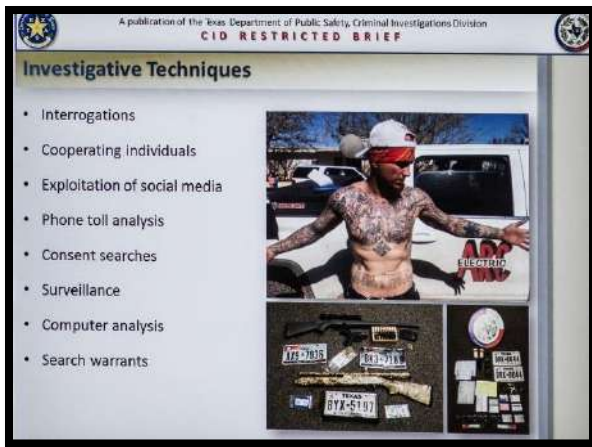


Major Owen said that this case was somewhat unusual in that rival gangs seldom interact or join forces in any organized

way, but the Arian Brotherhood of Texas and the Arion Circle did just that in this crime ring. The operation was a collaborative effort among DPS, local law enforcement agencies, and Federal agencies. We receive from the National Insurance Theft Bureau lists of area hotspots where auto theft incidents are high. CID Agents and local law enforcement interviewed persons arrested in possession of stolen vehicles and soon determined that we were dealing with an organized theft ring involving known members of the Arian Brotherhood of Texas and the Arion Circle. Both of these are violent gangs with a long history of trafficking meth, guns, and other illegal activities.



While they worked together, they still followed each gang's own leadership. We discovered that they were swapping high profile vehicles that would draw attention locally with their factions in the Dallas area.



We found a great deal of information through what they were posting on line, and we were amazed that they would expose themselves in such a way.

This operation was a great success, and a good example of how CID operates using an “all crimes” approach. We work to convict the leadership whenever we can and the others will follow. We had 20 final

convictions.

Commissioner Cindy Leon asked if they were following up on the Dallas connection, and without saying too much, he mentioned that we also have CID working in Dallas.



VI. NEW BUSINESS

A. Report, discussion, and possible action regarding on Need-Based Dismissal Report

Director Steve McCraw said that Governor Abbot gave a directive that all state agencies needed to reduce their General Revenue Operating Budgets by 4% overall. This translated into a \$50 million cut in our budget, which equals 177 FTEs. We need to cut Commissioned officers as well and after much discussion with our command staff, although it is a difficult call, we decided that our 117 Retire/Rehire Troopers were an obvious place to begin. Make no mistake, these experienced officers bring a lot of skills, experience and expertise to their jobs, and that is a hard thing to lose. But these officers also chose to retire previously, and the Department offered them an opportunity to return to work to fill our tremendous workforce shortage at the time. We are now in a situation where we have more qualified applicants than we can use, and fewer commissioned officers are retiring than we have had in the past. We cannot just wait for attrition to take care of this personnel shortage. I urge the Commission to not make these cuts right away, but to put it off until the end of May.



Commissioner Leon asked if HR would be able to assist some of those affected to find new work. While Director McCraw didn't have the answer to that question immediately, he said that some resources would likely be available.


Chairman Mach agreed with Director McCraw that this is the best approach to handle a difficult situation.

A motion was made and seconded to eliminate the Retire/Rehire program and eliminate the 117 current positions on or before May 31, 2018, as needed to get the budget in compliance with the 4% reduction mandate. The motion carried unanimously.


B. Report, discussion, and possible action regarding Capitol Grounds Security Measures

Every citizen has a right to peacefully assemble and protest but no one has a right to engage in violence or other criminal acts while they protest. Government has an obligation to maintain order and protect citizens from injury and death.


Some groups seek violent confrontations during protests and equip themselves for physical combat. To ensure the safety and security of the public and those who seek to exercise their right to peacefully assemble and protest the following is prohibited from the Capitol Grounds unless worn or carried by a licensed peace officer:



- Projectile launchers, including water cannons
- Spray paint cans
- Gas masks or similar equipment
- Glass bottles
- Hammers
- Crow bars
- Toxic fluid, gas or solids in any container
- Improvised shields
- Helmets
- Drones
- Pepper spray



- Firearms and other deadly weapons except when authorized under License to Carry authority
- Improvised items used to lock a person to another person or object
- Plastic bottles containing alcohol or non-consumable substances
- Open flame torches
- Metal signs
- Metal, plastic and wood objects longer than 12 inches
- Sticks or other objects with protruding nails
- Balloons not filled with air, oxygen or helium
- Bricks, stones or rocks



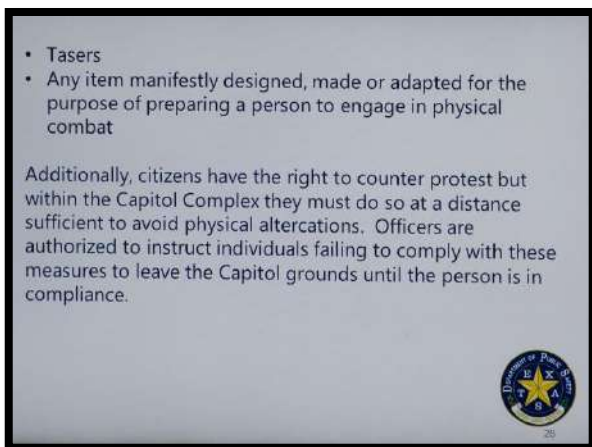
Director Steve McCraw said that some of this discussion would take place in the Executive Session due to the sensitivity of the topic, he wanted to address some issues that everyone should be aware of. He stated that the citizens of Texas have a right to gather and to protest, and no one wants to infringe upon those rights. However, we do have an obligation to see that the protests and counter protests remain peaceful. It is not necessarily the protesters that are the problem, but more likely the counter protesters and counter-counter protesters that will initiate confrontations. It is not our wish to arrest anyone at these demonstrations. If someone is getting out of hand or too aggressive, we will ask them to leave the Capitol Complex area. It is only if they fail to comply that we will resort to an arrest.

We already have a rule stating that long guns are not allowed on the capital grounds, but many protesters are not coming armed with clubs, guns, and other objects that can potentially be used as a dangerous weapon. Again, we are not trying to infringe on anyone's "Lawful Right to Protest".

We are recommending that we designate a required space separation between protesters and any group in disagreement with the protest. This may seem obvious, but close proximity among arguing factions makes it very difficult to de-escalate the situation if it begins to get out of hand.

I would rather this decision not be left to the Director of the DPS, and ask that the Commission to consider our recommendations of banned objects being brought these protests, and for the recommendation for space between opposing sides at the protest.

Chairman Mach said that he would like to hear more discussion at the closed Executive Session before the Commission takes a vote on this item.



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

1. Amendments to 37 TAC Section 2.3 and Section 2.9, concerning Capitol Access Pass
2. New 37 TAC Section 23.63, concerning Hearings

Assistant Director Renearl Bowie, Regulatory Services, said that #1 would make a Capitol Access Pass work similar to a CHL for accessing the Capitol quickly, but the cost would be \$40 rather than \$100 for the DHL. He asked that items 1 and 2 be approved for posting in the Texas Register.

A motion was made to approve the position by Commissioner Leon, and Seconded by Commissioner Watson. The Motion carried.

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

Discussed in Executive Session.

VII. ONGOING BUSINESS

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

1. Amendments to 37 TAC Section 6.1, concerning Definitions
2. Amendments to 37 TAC Section 6.14 and Section 6.16, concerning Eligibility and Application Procedures for a License to Carry a Handgun
3. Amendments to 37 TAC Sections 6.32, 6.40, and 6.42, concerning Qualified Handgun Instructor License
4. Repeal of 37 TAC Section 6.39, concerning Prior Notice of Training Required
5. New 37 TAC Sections 6.81 – 6.92, concerning Approved Online Course Provider

Assistant Director Renearl Bowie stated that the Department received not comments on items 1 – 5 and asked the Board to adopt them.

A motion was made to approve items 1-5 by Commissioner Pulliam and seconded by Commissioner Watson. The motion carried.

6. Amendments to 37 TAC Section 15.44, concerning Driver License Photograph
7. Amendments to 37 TAC Section 15.172, concerning Issuance by Counties and Municipalities

Assistant Director Amanda Arriaga said that she received no comments on items 6 & 7, and asked the Commission to approve them.

A motion was made to approve items 6 & 7 by Comm. Leon and seconded by Comm. Watson. The motion carried.

B. Update report, discussion and possible action regarding recruitment



Sonya Garcia, Chief of Education, Training and Research Division – Reported that 97 recruits will take their oath around noon tomorrow to become our newest commissioned officers. This class holds the record for the most females to successfully complete a recruit training academy, with a total of 18 females. This class also donated \$1,000 to the DPS Foundation for their new memorial.

We have invited 117 recruits to join in our next academy which begins on January 7, 2018.

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 – Said he has been informed that Region 7's Regional Director Joe Ortiz is retiring in February. He went on to say that DPS cannot fail at protecting the Capitol, and because of RD Ortiz's leadership, he has made a huge change in operations...it is like night and day from how it was before. Innovations such as the Mounted Patrol, the Bicycle Patrol, and the Motorcycle Patrol can all be attributed to Joe's vision and leadership. Moral among the Troopers at the Capitol is also higher. We used to struggle to get Troopers to take the Capitol assignment, but now they are waiting in line for it. Commissioner Leon stated that every Senator and

Representative that she speaks with have nothing but praise for RD Ortiz and the troops under his command.



Director McCraw went on to say the DPS is fortunate to have an incredible pool of talented and qualified officers to choose from to fill the position. I ask the Commission to approve the promotion of Texas Ranger Chance Collins to be Regional Director for the Capitol Region (7).



Director McCraw also asked the Commission to approve the promotion of Major Wynn Reynolds to be the Assistant Director of Administration.

A motion was made and seconded for each of the promotion requests. Both motions carried.

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

This item was discussed in Executive Session.

VIII. REPORTS

- A.** Commission member reports and discussion
- B.** Finance Report
- C.** Chief Auditors Office
- D.** Division status reports on activities and action

No additional reports were offered.

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.

- A.** Advice and consent regarding director’s determination that certain probationary employees were found unsuitable for work during October and November 2017
- 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: Richard H. Barnes, Michael A. Black, Christopher K.

Boggs, Teodoso J. Cespedes, Gary A. Chandler, Mark W. Coonce, Scott A. Ellis, Enrique V. Garcia, Casey G. Goetz, Luis A. Gonzalez, Samuel L. Gonzalez, Dwight M. Hardin, Harold G. Kornegay, Timothy A. Lite, Audra C. Livingston, Walter P. Mezynski, Paul T. Middleton, Kevin Ray Odom, Charles J. Palcer, Jose P. Perez Jr., John R. Piper, Jeffrey W. Pirtle, Willie C. Ross, Steve Torres, James K. Verner, Dennis K. Westerman; Special Texas Rangers: None

A motion was made by Comm. Leon and seconded by Comm. Watson to approve Items A & B in the Consent Items.

The motion carried.

C. Donations:

1. Texas Highway Patrol – Stable Donation – use of property to stable horses owned by the Department of Public Safety
2. Texas Highway Patrol – Eagle Scout Project – building a small pavilion for DPS use and making improvement to an existing Fallen Trooper monument flower bed
3. Texas Highway Patrol – Twelve Flat Bottom Boats, Motors and Trailers
4. Texas Rangers – Use of Lonesome Oak Ranch for meeting/lodging/training
5. Additional donation items, as needed

A motion was made by Comm. Leon and seconded by Comm. Watson to approve items 1-5 of the Consent Items.

The motion carried.

X. ITEMS FOR FUTURE AGENDA

Nothing mentioned.

XI. DATE FOR FUTURE MEETING

Any discharge hearings will be scheduled on February 21, 2018, and the regular Public Safety Commission meeting is scheduled for February 22, 2018.

The next Public Safety Commission Meeting is scheduled for February 22, 2018.

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

The Public Safety Commission adjourned to executive session at 11:54 am.

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.

I did not get back to the meeting to hear the final decision on the Director's request for restrictions and additional space between differing factions.