



Public Safety Commission Meeting

December 13, 2018, 9:00 a.m.

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.)

December 13, 2018, 9:00 a.m.

6100 Guadalupe, Building E

Austin, TX 78752

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

I. CALL TO ORDER

9:01 am – Chairman Steven Mach called the meeting to order. In attendance: Chairman Steve Mach, Commissioners Cindy Leon, Manny Flores and Randy Watson. A quorum was present. Also present were, Director Steve McCraw, Deputy Director Randall Prince, Regional Director Freeman Martin, Regional Director Skyler Hearn and General Counsel Phil Adkins.



II. APPROVAL OF MINUTES

A motion was made by Commissioner Leon and seconded by Commissioner Flores to approve the minutes from the October 25, 2018 PSC Meeting. The motion carried.

III. PRESENTATIONS

Director McCraw made the following Award Presentations:

35 YEAR SERVICE AWARDS



James Kitchenstein, Jr. – IT, HQ



Sandra Uzzell – THP, Region 1

45 YEAR SERVICE AWARD:



Patricia Banks – Regulatory Services Div., HQ

DIRECTOR'S CITATION



Ryan Askew – Texas Highway Patrol, Region 2

NFCA 2018 BEST COLLABORATIVE EFFORT AWARD:



Texas Joint Crime Information Center (JCIC) – Austin, HQ
John Jones – Intelligence and Counter Terrorism, HQ
David Cabrera – Intelligence and Counter Terrorism, HQ

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.)

There was no public comment.


V. DIRECTORS REPORT

A. Complex Coordinated Terrorist Attack Exercise Update




Mike George, Senior Strategic Planner with the Texas Office of Homeland Security reported on a statewide Coordinated Terrorist Attack Exercise held from October 28-30, simulating terrorist attacks happening at the same time at several locations around the state. Mr. George served 20 years in the Army and has extensive experience in working counter-terrorism operations. All of the FBI Field Offices participated, taking the lead on operations, with support of 65 LE agencies, over 1,000 individuals, and 4 fusion centers. There was no cost to the state to conduct this exercise due to federal and other grants. All 7 DPS Regional HQs were

involved.



EXERCISE INJECTS

- Simulation Cell distributed and tracked numerous injects designed to drive planning tasks – primarily at the DPS regional HQs and the SOC – throughout the exercise
- Injects included:
 - Threats to critical infrastructure
 - Threats of secondary attacks on first responders
 - A radiological detection event
 - Frequent media requests for information and briefings
 - Questions from local agencies on school and business openings
 - Offers of assistance to victims and responders
 - Information requests from OOG




EXERCISE PARTICIPANTS: LOCAL AGENCIES AND ENTITIES

➤ Brewer County Sheriff's Department	➤ Garland Police Department
➤ Brown College Police Department	➤ Greenville Fire Department
➤ Bonham Police Department	➤ Greenville Police Department
➤ City of El Paso – Department of Public Health	➤ Hunt County Emergency Medical Services
➤ City of San Antonio Office of Emergency Management	➤ Hunt County Sheriff's Office
➤ El Paso City/County Office of Emergency Management	➤ Pecos High School
➤ El Paso County Sheriff's Office	➤ San Antonio Fire Department
➤ El Paso Fire Department	➤ San Antonio International Airport
➤ El Paso International Airport	➤ San Antonio Police Department
➤ El Paso Medical Examiner's Office	➤ The University of Texas at El Paso
➤ El Paso Police Department	➤ Washington County Office of Emergency Management
	➤ Washington County Sheriff's Office
	➤ Yuma Del Rio Police




EXERCISE PARTICIPANTS: FEDERAL DEPARTMENTS AND AGENCIES

➤ Federal Aviation Administration	➤ U.S. Attorney's Office – Eastern, Western, Southern and Northern Districts of Texas
➤ Federal Bureau of Investigation	
➤ Federal Emergency Management Agency	➤ U.S. Customs and Border Protection
➤ Homeland Security Investigations	➤ U.S. Marshals Service
➤ National Transportation Safety Board	
➤ North Texas Joint Terrorism Task Force	
➤ Transportation Security Administration	




EXERCISE PARTICIPANTS: NGOs AND THE PRIVATE SECTOR

➤ American Red Cross	➤ The Salvation Army
➤ Border Regional Advisory Council	➤ University Medical Center
➤ El Paso Children's Hospital	➤ Voluntary Organizations Active in Disaster
➤ El Paso Specialty Hospital	➤ W-E-B
➤ Las Palmas Medical Center	➤ L3 Technologies
➤ The Hospitals of Providence: Sierra Campus, Memorial Campus, Transmountain Campus, East Campus and Del Sol	




SYSTEMS USED

- During the exercise, multiple systems were used to share information and create a common operating picture, including:
 - Homeland Security Information Network Adobe Connect (DPS information sharing and situational awareness)
 - TxMAP (DPS and partner agency situational awareness)
 - Virtual Command Center (FBI unclassified information sharing and situational awareness)
 - Crisis Sentinel (FBI classified case management)
 - WebEOC (DPS and partner agency emergency management coordination)



INITIAL OBSERVATIONS

- Unified Command at each exercise site was established quickly, with effective coordination between DPS, FBI, and local partners at each Joint Operations Center. Once it was determined that the attacks were likely terrorist, the FBI assumed the lead for the investigation, with partner agencies providing support.
- Tactical response to contain and eliminate threats (SWAT, bomb squads, DPS Aircraft, security) and care for victims was effective.
- Communications operability, interoperability, and redundancy allowed agencies to communicate effectively, and communications operators were able to overcome challenges quickly.
- The situational awareness tools used at various operations centers helped to establish an interagency common operational picture, though there were some challenges with access and redundancy.
- DPS analysts were able to connect reports and intelligence information to develop a picture of what was taking place.



INITIAL OBSERVATIONS

- While crisis management and investigative tasks (through the DPS Joint Operations Center) and consequence management tasks (through the SOC) were managed effectively, overall coordination between these efforts was challenging at times due to physical separation (though stationing ICT analysts in the SOC was beneficial). Standard procedures for joint meetings and briefings encompassing all functions could help.
- Standard procedures for the operational cycle at the DPS Joint Operations Center (e.g. updates and shift change briefings) are needed.
- FBI and DPS mobile command centers at the attack sites provided a critical communications and situational awareness capability, but sites reported that size limitations of these facilities made multi-agency coordination challenging at times.
- DPS Regional HQs were effective in identifying and planning security operations for additional sites at high risk of attack.
- While the exercise attempted to replicate some of the demands on public information, this would be a major challenge in any complex attack scenario. DPS and FBI public information personnel need to be prepared to quickly determine what information should be released and develop talking point for use by all partners and to anticipate/manage the inevitable media surge and public concern.



Simulated news releases were made as well. Communications were optimized to avoid or limit redundancies, and to control the message released publicly to avoid panic situations. Remote but centralized command coordinated a “shared situational awareness”.

The entire exercise took months of preparation and planning to bring all of the elements together.

Director McCraw said that it was important to have all of the Field offices included, but it was a challenge to coordinate. Throughout the exercise, the Governor was provided update to keep him fully informed.

B. DPS Body Camera Program

Director Steve McCraw – There are some who push to use dash cameras or body cameras, but the Texas Department of Public Safety has chosen to use both. Videos were shown that demonstrated the importance of cameras for evidence and protection of the officers. He noted that the quality of the video output was crucial and demonstrated the difference between standard video and high definition video.



Director McCraw discussed some of the limitations of the current body cameras, including the location of the camera which is on the chest, which sometimes can provide a limited view if the trooper is raising his gun towards a perpetrator. He passed around the next generation of cameras that will begin to be issued that attach using a strong magnet, and can be worn at belt level. These new cameras will give the troopers some flexibility as to where they wear their camera.

C. Threat Update (Executive Session)

We have all types of threats to address, including trafficking, Director McCraw stated that DPS officers have rescued over 400 children from human traffic criminals including a recent rescue of 13 and 14 year old females who were being forced into prostitution. He said that through their uniform threat assessment being used, they see that violent crime is up by 3.1% over the last couple of years. And what we are seeing is that the violent



crimes are generally becoming more organized. Not all crime data is being fully recorded in that it is more difficult to report and track the “lone offender” crimes than it is to spot and report the more high profile cases. 2017 is the most recent year that we have comprehensive data for and that is what my numbers today reflect. There is an urgent need to move to more standardized criminal activity reporting between all law enforcement agencies, not only across Texas, but across the U.S.. We have made some progress towards this goal, but more work needs to be done. But resources are stretched thin, and approximately 56% of LE agencies in Texas have fewer than 50 officers. There will be more comprehensive data collection if we can get these smaller agencies reporting as well.

9/11 put a lot more focus toward being more pro-active in crime prevention, and studying crime data and criminal activity is a key element in spotting trends and predicting future criminal activity. We have seen some success in reducing the inflow of drugs through ports of entry into the U.S., with an approximate 27% reduction from 2014-2017.

Our stepped up area initiatives, such as Operation North Star in Harris County where they were experiencing a rash of violent “take over” robberies, our efforts have produced 2017 robbery arrests, and 292 total arrests in that area since April 2017. Since May of 2017 when our Operation Alamo in San Antonio began, we have had 1,200 felony arrests, and a reduction of violent crime in that area of approximately 20%. That is a 106% increase in felony arrests. Operation Cow Town in Fort Worth is still a new operation so we do not have adequate data to address at this meeting, but we are seeing positive results, with 24 felony arrests. There are other operations in the planning stages as well.

Commissioner Leon asked how we can get more, and more consistent standardized crime reporting. Colonel McCraw responded that it continues to improve, but a lot of work needs to be done. He mentioned that Governor Abbott has made this a priority, which is very helpful. Small LE organizations simply do not have the personnel or other resources available to them at this time. We are also always about a year behind on the data picture, but we hope to move more and more towards real time data collection and reporting to make the information more accessible and meaningful.

We now are using a unified data reporting system but it will take some time to build the long term collection of data where we not only see who is committing crimes and where, but how to prevent future criminal activity.

VI. NEW BUSINESS

- A. Report, discussion, and possible action regarding the University of North Texas Study on Racial Profiling and Internal Results of Directed Performance Audits regarding Traffic Stop Demographics**



Chief Ron Joy and Inspector General Rhonda Fleming – The following is a summary report of the presentation given by Chief Joy provided by the DPS Media and Communications Office:

DPS Releases UNT Analysis of Traffic Stop Data *Announces innovative internal control program*

AUSTIN – The Texas Department of Public Safety (DPS) today released a comprehensive analysis conducted by the University of North Texas (UNT) regarding DPS traffic stop data by race/ethnicity of drivers. The report, which was initiated at the department’s request, concluded that DPS’ internal controls align with documented best practices, and UNT offered no recommended changes to the department’s current practices, policies and protocols.

Nonetheless, today DPS announced the launch of an innovative internal control program related to traffic stop data. DPS began developing this program in 2017. This new system tracks DPS traffic stop data related to the race and ethnicity of drivers, which DPS will use to identify trends and outliers that could indicate performance issues, including the potential for racial profiling.

“We solicited the expertise of UNT to conduct an external and in-depth review of our data, because it was vitally important that we ensure our traffic stops are conducted in compliance with the law and with the high standards of conduct required by our department,” said DPS Director Steven McCraw. “We are pleased with the findings of the UNT analysis, yet we continue to look for ways to enhance the way we protect and serve Texans. This new internal control program will do just that.”

The UNT report includes traffic stop data by race and ethnicity from 2017. For a summary of the UNT report, including significant findings, click [here](#). To view the full UNT report, please click [here](#).

For additional information about the new internal control program, click [here](#).



University of North Texas
Racial Profiling Analysis
of the
Texas Department of Public Safety

Race Known Prior to the Stop

"Of the 2,171,021 traffic stops conducted by Highway Patrol troopers throughout the state in 2017, the trooper knew the race/ethnicity of the violator prior to the stop only 11,209 times (0.52% of all traffic stops)."

"A trooper cannot racially profile a violator when making a traffic stop unless the trooper knows the race/ethnicity of the violator prior to the stop."

"This percentage is consistent across law enforcement agencies throughout Texas. An analysis of all annual racial profiling reports in 2014 submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law, found that in 97.1% of the traffic stops in Texas the officer did not know the race or ethnicity of the violator prior to the stop."

Analysis of Traffic Stop Enforcement Action

"The current state of the racial profiling literature recognizes the issues discussed above [related to race known prior to stop] and now focuses more on post stop actions which occur after the officer has made initial contact with the violator after the traffic stop."

"After the initial contact, the officer knows the race/ethnicity of the violator. Post stop actions include the enforcement action of the stop (i.e., citation vs. warning) and searches."

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Explanation of Disparities in Warnings/Citations

"Therefore, since most of the factors considered by the officer before taking the enforcement action are unknown (i.e., not in the TX DPS database), it is invalid to state the factor that explains the disparity in enforcement actions is race/ethnicity."

"A pattern of disparities in traffic stop enforcement actions does not establish a pattern of racial profiling."

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Explanation of Disparities Across Regions/Districts

"Variations in the number of traffic stops across TX DPS regions and districts can be due to deployment practices and Department initiatives."

- Border initiatives approved by the Texas Legislature in 2015 to add 250 troopers for border security and to conduct Operation Secure Texas
- Strategic initiatives such as Violent Crimes Task Force operations in San Antonio and Harris County

"The variation in the number of troopers deployed in each region can impact any disparity analysis completed across regions and districts."

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Analysis of Traffic Stop Enforcement Action

"Texas DPS 05.01.05 Enforcement Policies policy, provides troopers direction on the factors to consider when making an enforcement action decision.

According to the policy:

Officers in deciding an enforcement action to be taken shall be guided by the policies enunciated in the Manual and shall disregard irrelevant factors such as (1) intention to violate the law, (2) attitude exhibited by the violator, (3) lack of actual hazard, and (4) frivolous excuses.

The type of enforcement action taken shall be based only on

- (1) the seriousness of the offense,*
- (2) the degree of the violation, or*
- (3) the conditions and circumstances surrounding the offenses that might aggravate its potential effect."*

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Analysis of Traffic Stop Enforcement Action

"However, under certain circumstances, written warnings cannot be issued which leaves the trooper with the options of arrest or citation. According to Texas DPS 05.01.02 Types of Enforcement Action policy:

Written warnings will not be issued under any circumstances for:

- a) Driving While Intoxicated*
- b) Public Intoxication*
- c) No drivers license when not licensed*
- d) Any nontraffic offense*
- e) Violations which contribute to a traffic crash"*

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Explanation of Disparities in Warnings/Citations

"To state the reason for the disparity in citation rate across race/ethnicity is due to race only and thus demonstrates racial profiling on the part of the Highway Patrol troopers, is conjecture.

As illustrated in the Texas DPS 05.01.05 Enforcement Policies policy, the enforcement action decision is both complex and nuanced.

The enforcement action (i.e., citation or warning) taken by a trooper is based on several factors."

"The enforcement decisions troopers make are based on several factors and not all the factors are indicated on the citation or warning and thus included in the TX DPS database, especially the conditions and circumstances surrounding the traffic offense."

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Explanation of Disparities in Warnings/Citations

"As another example, according to the 2016 Uniform Crime Reports, 30.4% of the arrests in the United States were of 15-24 years old. However, the 2010 U.S. Census shows that only 14.1% of the U.S. population is 15-24 years old.

Once again, this disparity is clearly not evidence of age discrimination by the police, but it is the same analysis done by some to claim racial profiling.

A disparity in enforcement actions (i.e., citation vs. warning) can be due to numerous factors.

It is invalid to conclude that any racial disparity in enforcement action is due to racial profiling."

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Search Analysis

"...the UNT research team separated the justifications for the searches into two categories: discretionary and non-discretionary.

Searches conducted incident to arrest, based on probable cause, and pursuant to a vehicle inventory are classified as non-discretionary."

"A trooper cannot be determined to be racially profiling when department procedures or state law compels the trooper to conduct a search.

The individual's race or ethnicity is irrelevant to the search under these non-discretionary search circumstances."

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Search Analysis

"Consent searches, since they are discretionary actions, are particularly scrutinized in racial profiling analyses."

"Although not required by Texas law, TX DPS requires reasonable suspicion for consent searches that provides additional protection to Texas motorists."

"As indicated in the consent search rate in the 2017 Highway Patrol statewide data, consent searches occur in approximately two or fewer stops for every 100 stops regardless of race/ethnicity."

"With over 2 million traffic stops in 2017 by Highway Patrol troopers throughout the state and less than 35,000 consent searches, this is an indication to the UNT research team of the judicious use of consent searches by TX DPS troopers across all racial/ethnic groups."

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Internal Controls

"The TX DPS has implemented proactive, internal controls in support of its zero-tolerance regarding racial profiling. The primary internal controls are discussed below.

- 1) Troopers are required to record audio and video of each traffic stop.
- 2) Troopers must set the audio/video recording unit's operator selector switch to "automatic mode" so that as the patrol vehicle's emergency lighting equipment is activated, the audio/video recording unit will automatically activate to begin recording the entire contact or event.
- 3) Patrol vehicle recording units are set to capture at least two minutes prior to the activation of the video unit so that events occurring immediately prior to a public contact are recorded."

*Not captured in the UNT study, but in 2018 the Department purchased and implemented a body camera program for every trooper.

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Internal Controls - Continued

"4) TX DPS sergeants are required to conduct 20 hours of video observation review every six months.

5) TX DPS citations and warnings are printed with a toll free phone number to the TX DPS Office of Inspector General. The Inspector General is appointed by and reports directly to the Public Safety Commission and independently receives and investigates complaints, including complaints of racial profiling, brought against TX DPS commissioned officers.

6) As previously mentioned, although not required by Texas law, TX DPS requires reasonable suspicion for consent searches that provides additional protection to Texas motorists."

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Internal Controls - Continued

"7) TX DPS has an Early Intervention System (EIS), which is designed to assist supervisors with timely identification of employees whose performance warrants review and, where appropriate, intervention. An alert for supervisory review is generated by the EIS when an employee meets, or exceeds, an established threshold in the following areas: informal citizen concerns, counseling/coaching record, use of force incident, vehicle crashes, vehicle pursuits, and Equal Employment Opportunity complaints.

8) TX DPS 05.01.02 Types of Enforcement Action policy requires troopers write a written warning if the violator is not arrested or issued a citation."

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Conclusion

"As another example, the International Association of Chiefs of Police states department policies 'should clearly convey that behavior and evidentiary standards should guide stop and search decisions, not race or ethnicity.'

The TX DPS policies discussed throughout this report demonstrate that TX DPS meets this standard.

As previously stated, **the UNT research team concludes that the TX DPS internal controls align with documented best practices and do not offer any recommended changes to its current practices, policies, and protocols.**"

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Conclusion - continued

"The UNT research team also concludes that some of the **TX DPS internal controls exceed documented best practices**. For example, requiring reasonable suspicion for consent searches is uncommon among law enforcement agencies and provides additional protection to Texas motorists. Due to this requirement, troopers must identify legal, articulable factors to believe the violator may be engaged in criminal activity before asking for permission/consent to search.

In addition, by requiring a written warning, TX DPS collects the race/ethnicity of the violator on all traffic stops which provides the most comprehensive data available for racial profiling analysis.

TX DPS should be lauded for its internal control mechanisms to inhibit racial profiling."

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B. Report, discussion, and possible action on Use of Seized Funds



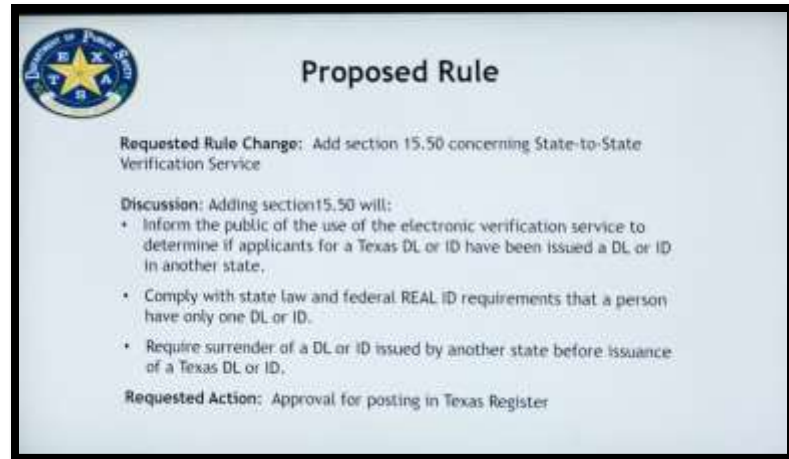
Assistant Director Tom Ruocco and CFO Suzy Whittenton – AD Ruocco explained some of the rules and limitations regarding the use of seized property, including that the property must have been used in the performance of criminal activities. He went on to explain that much of the seized funds had not been utilized in the 2018 fiscal year, and went on to explain some of the acceptable places that the funds can legally be used, including law enforcement operations, training, public safety and equipment. He asked the

Commission to approve using the funds to provide needed resources.

Comm. Leon made a motion to use State and Federal seized funds; the motion was seconded by Comm. Flores. The motion carried.

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

1. New 37 TAC Section 15.50, concerning State-to-State Verification Service



Proposed Rule

Requested Rule Change: Add section 15.50 concerning State-to-State Verification Service

Discussion: Adding section 15.50 will:

- Inform the public of the use of the electronic verification service to determine if applicants for a Texas DL or ID have been issued a DL or ID in another state.
- Comply with state law and federal REAL ID requirements that a person have only one DL or ID.
- Require surrender of a DL or ID issued by another state before issuance of a Texas DL or ID.

Requested Action: Approval for posting in Texas Register

2. New 37 TAC Section 37.3, concerning Minimum Required Registration Period

Chief Amanda Arriaga – Rule 1 to go electronic with State to State verification service.

Motion made by Comm. Flores, Seconded by Comm. Watson. Motion carried.

Mike Bledsoe – Motion made by Comm. Flores and seconded by Comm. Watson – Motion Carried.

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

This was discussed in executive session.

VII. ONGOING BUSINESS

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

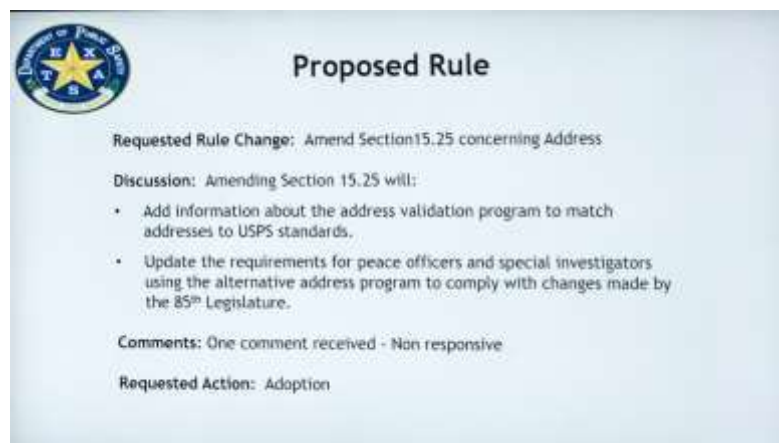
1. Amendments to 37 TAC Section 15.25, concerning Address

1 comment received, but not apposed.

2. Repeal of 37 TAC Section 15.119, Clearance Report When No Fee Is Required

3. Amendments to 37 TAC Section 15.142, Agreement to Monitor Certain Records and Purchase Driver Record Information

1 comment in support.



Proposed Rule

Requested Rule Change: Amend Section 15.25 concerning Address

Discussion: Amending Section 15.25 will:

- Add information about the address validation program to match addresses to USPS standards.
- Update the requirements for peace officers and special investigators using the alternative address program to comply with changes made by the 85th Legislature.

Comments: One comment received - Non responsive

Requested Action: Adoption

4. New 37 TAC Section 15.173, concerning Issuance to Civilly Committed Individuals/Memorandum of Understanding

Motion by Comm Watson and seconded by Comm. Flores to approve items 1-4. Motion carried.

5. Amendments to 37 TAC Section 21.3, concerning Standards for Sunscreening and Privacy Window Devices
6. Amendments to 37 TAC Section 23.5, concerning Vehicle Inspection Station and Vehicle Inspector Disqualifying Criminal Offenses
7. Amendments to 37 TAC Section 23.41, concerning Passenger (Non-Commercial) Vehicle Inspection Items
8. Repeal of 37 TAC Section 23.74, concerning Manner of Reporting

Chief Renearl Bowie – we received no comments.

Motion by Comm. Watson and seconded by Comm. Flores to approve items 5-8. Motion carried.

- B.** Report, discussion, and possible action regarding the modification of the DPS organizational structure and the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team

Director Steve McCraw and Deputy Director Skyler Hearn discussed personnel and organizational structure changes that they requested approval for. They are outlined in the Department memo below:

Dear Fellow Employees,

At today's Public Safety Commission meeting, the Commissioners approved several changes to the department's organizational structure and executive staff. Below is a brief explanation of the changes.

Under the Law Enforcement Services Branch:

- One of the most important changes made today was the creation of the Human Resource Operations (HRO) Division to centralize all the units responsible for our most valuable agency resource: our people. This new division will encompass the major personnel units including Human Resources, Dispute Resolution, Equal Employment Opportunity, Law Enforcement Promotions, and Victims and Employee Support Services. In addition to these existing core functions, the division will be responsible for proactively evaluating the department's effort and success in our recruitment and promotion of a character-driven, competent, productive, and diverse workforce, and establishing a leadership assessment process. Chief RenEarl Bowie, who has led the Regulatory Services Division (RSD) for nearly a decade, has been tapped to lead this new division because of his demonstrated performance as Chief of RSD. Additionally, his efforts in recruiting, diversity training for recruits, and overall 25-year career with the agency make him a great fit for this key

position.

- Wayne Mueller, currently serving as an Assistant Chief in Administration, is now the Chief of RSD. Chief Mueller previously served as the assistant chief of RSD and brings existing knowledge and experience with RSD operations to his new role.
- With the centralization of personnel functions in the new HRO Division, the name of the Administration Division was changed to the Infrastructure Operations Division. Again, in an effort to consolidate core functions, the Public Safety Communications Service (PSCS) will be moved from the Law Enforcement Support Division to the Infrastructure Operations Division. Todd Early will continue to serve as the Assistant Chief over PSCS and absorb Fleet Operations and Facilities. The consolidation of Communications and Fleet services will benefit from a unified management structure.
- Megan Sanchez was confirmed as the new Assistant Chief of Finance (Budget).
- The position of Assistant Chief – Education, Training and Research (ETR) is being eliminated. ETR will revert to its original structure with a Major overseeing operations and reporting to the Division Chief.
- By combining the roles of Assistant Chief – Law Enforcement Support (PSCS) and Assistant Chief – Infrastructure Operations (Fleet/Facilities) into one, an assistant chief position is eliminated.

Under the Homeland Security Operations Branch:

- The Capitol Region (Region 7) was moved under this branch to consolidate all Capitol-related functions to include the Office of Government Relations and the Executive Protection Bureau.
 - The Governor announced today that TDEM under the leadership of Nim Kidd will operate under the Texas A&M University System. Nim Kidd now works for the Texas A&M System as a Vice Chancellor, and Suzannah Jones has been selected to serve as the Assistant Chief of TDEM.

Thank you for all you do to serve and protect our state.

Steven C. McCraw
Director

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

Discussed in Executive Session

VIII. REPORTS

- A.** Commission member reports and discussion

None

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

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 a certain probationary employee was found unsuitable for work during October 2018

B. Donations:

1. Texas Rangers Company "C" – use of Sandhill Ranch for meeting/lodging
2. Law Enforcement Support – donation of use of New Boston tower site communication tower/equipment shelter
3. Texas Highway Patrol – donation of replacement service animal by The 100 Club
4. Additional donation items, as needed

Comm. Leon asked if there were any items that might need further explanation or discussion. And hearing that there were none, she made a motion to approve all of the consent items listed. The motion was seconded and carried.

X. ITEMS FOR FUTURE AGENDA

Covered in executive session.

XI. DATE FOR FUTURE MEETING

Any discharge hearings will be scheduled on February 20, 2019, and the regular Public Safety Commission meeting is scheduled for February 21, 2019.

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 Mach Adjourned the meeting to Executive Session at 11:24 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.

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

