



# Public Safety Commission Meeting

April 23, 2020, 1:00 p.m.

6100 Guadalupe, Building E

Austin, TX 78752

## Summary

(This report represents a summary of events of the meeting,

**Meeting was conducted by Telephonic Conference Public Access to the meeting was provided at the following link:**

[https://www.dps.texas.gov/public\\_safety\\_commission/calendar/index.htm](https://www.dps.texas.gov/public_safety_commission/calendar/index.htm)

**No slides nor photos were available online.**

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

### I. CALL TO ORDER

*9:00 am – Chairman Steven Mach called the meeting to order. In attendance: Chairman Steve Mach, Commissioners Steve H. Stodghill, Commissioner Nelda L. Blair, and Commissioner Dale Wainwright. A quorum was present. Also present were, Director Steve McCraw, Deputy Directors Randall Prince, Skylor Hearn and Freeman Martin, as well as General Counsel Phil Adkins.*

### II. INVOCATION

*An invocation was given by DPS Chaplain Ferman Carpenter.*

### III. APPROVAL OF MINUTES

*A motion was made by Commissioner Steve Stodghill, and seconded Chairman Mach to approve the minutes from the December 5, 2019 PSC Meeting.*

*The motion was made and seconded to approve the minutes from the December 5, 2019 PSC Meeting.*

*The motion carried.*

### IV. PUBLIC COMMENT

(Members of the public were allowed to address the Public Safety Commission during the Public Comment portion of the meeting by registering in advance through the link provided for the meeting. Registration for Public Comment was received until 5:00 p.m. on April 16, 2020.)

*I did not catch the name of the speaker, but I believe that she was from the Dallas area. She was concerned that when the DL Offices reopen following the Covid-19 pandemic shutdown that the offices, which are already notoriously crowded in the best of times, will not be able to handle the back up of people whose DL's have expired during the close down. Even with the 60 day grace period to get renewed following the opening announcement of the offices, there is likely to be overwhelming crowds trying to renew their licenses.*

*Director McCraw asked Col. Williams to respond. Col. Williams stated that in addition to the 60 day grace period being provided, the Department is completing an online appointment setting program that will allow drivers to set an appointment up to 6 months in advance to schedule their in-person renewal. Additionally, we will be working to fully staff the DL offices. We will continue to explore ways that we can better facilitate this expected influx of renewals. Unfortunately, the new Real ID requirements prohibit our ability to do all of the renewals online.*

## **V. DIRECTORS REPORT**

*Director Steve McCraw began his report with a Covid-19 operational update stating that the Department has been able to keep open the Commercial Driver License Testing offices and continue to renew eligible motor vehicle driver licenses online. On March 25, 2020, Governor Abbott ordered DPS to begin screening incoming flights from certain designated locations and so far we have screened 12,749 flights with 95,629 passengers, interviewing them and instructing them on their 14 day quarantine mandate. On March 30, 2020, Gov. Abbott also instructed DPS Troopers to set up roadside screening stations at select entry points between Louisiana and Texas and so far we have screened over 150,000 vehicles, and continue to do so today.*

*Additionally, our Laboratory Operations continue to remain open and are providing their essential services throughout the state, as well as all of our Criminal Justice operations. Troopers, Special Agents and Texas Rangers continue their work of serving and protecting throughout the state as well.*

*So far, we have had 5 commissioned officers test positive for the virus, and have 26 that have been quarantined for exposure. On the non-commissioned side, we have had 11 personnel test positive, and have had 116 quarantined, most of these out of the Driver License Division.*

*Regarding the Recruit School, we have been very pro-active in our safety measures regarding the Covid-19 Virus. When releasing the cadets for the weekends, we review all of the CDC guidelines for Social Distancing, and precautions for washing hands, wearing face masks, etc., and when they return on Sunday afternoon, as soon as they get out of their car in the parking lot (before they collect their bags or enter the building) they are screened, interviewed as to who they have come in contact with, and they have their temperatures taken. During the week, we take their temperatures at least 2 times per day. We have also closed down the academy to all outside visitors, limiting access to only the recruits, instructors, and staff. Some instruction is done over video conference.*

*Chairman Mach took a moment to thank phone attendees for being on the call from the Lt. Governor's office (the name got muddled on the call) and Tom Miller and Katy Brown from the Legislative Budget Board.*

## **VI. NEW BUSINESS**

### **A. Report, discussion, and possible action on the Agency Strategic Plan**

Director Steve McCraw stated how important Strategic Planning is to any agency for the formulation of budget, goals etc. It is very important that we get our mission, values, and goals consistent and communicated across the agency. And always, especially in uncertain times like these, we have to be flexible and adapt to changes that arise. Certainly, we stay true to our core values...protect and serve does not need to be changed, always loyal, following the laws, our motto "Courtesy, Service, Protection" will always be valid. But goals, objectives, and strategies must always be evaluated and adapted to the current threat assessments. Recognizing that anywhere a Trooper patrols, they can increase the public safety in that immediate area, which doesn't always mean enforcing the law, abducting a criminal, but can also include helping to change a tire or other things that can protect people from harm. Now, even screening visitors is helping to protect the public. All of this helps to protect the citizenry from public safety threats. As you know, our strategic goal for over 10 years is to combat crime and terror. That is a goal that we are looking to shift under a new goal of "Protect Texas from Public Safety Threats. This is more encompassing of what we do...whether it is removing unsafe trucks from the roadways, clearing debris from the roadway, slowing traffic through enforcement of speed limits, or removing DWI drivers from the road or investigating a fatal crash. This will help us to maximize the resources that we have available to us.

To support this new/redefined goal, we are proposing a new public safety strategy to provide a Statewide Public Safety Intelligence Network that provides our intelligence system to provide both tactical and strategic support for public safety including policy makers. Security programs for tech threats. All those things are threat driven. We have been good at reacting to crime, and now we are looking to make a more proactive stance in assessing and addressing threats head on.. Director McCraw referred the Commissioners to the document that he had provided and referenced several items for their consideration.

We know that as the result of drug and human smuggling, the Mexican Cartels and their compromising with prison gangs and transnational gangs abuse have impacted the state to the extent that we are vulnerable and it appears that the border will remain unsecured for some period of time. It is important that we curb drug and human smuggling at the border.

Another strategy is to utilize the Texas Highway Patrol to prevent and deter drug and trafficking at the border and across the state. People do not realize how important that the troopers are in deterring and preventing crime.

Deter transnational crime throughout Texas. The Cartels have moved into the Texas urban areas and they utilize local gangs to retail their drugs and product.

Deter and reduce organized crime through Criminal Intelligence. You don't wait for something to happen, but try to detect and prevent the activity. There is no doubt that we have impacted and reduced crime through intelligence and proactive approach.

The objective is to find the truth and justice. We had one instance where a Texas Ranger cleared a suspect of a crime through thorough investigation.

We generally had aircraft operation in an intervention role, and while this is an important part of law enforcement, but at any given time they are required to other duties like searching for missing persons, etc.

I'd like to remind the Commissioners how large the state of Texas is. We have a Sergeant area that

*is bigger than the state of Connecticut. In Dalhart they can drive to 5 other state capitals in less time than it takes to get to Austin.*

*Many local law enforcement agencies are small in numbers but cover large areas. In fact, 56% of LE offices in Texas have 10 or fewer officers; 73% have 20 or fewer. These agencies cannot afford to have the resources that DPS can provide. Aircraft are vital to some law enforcement operations, and we help where we can. You cannot do enforcement half way. That is why we recommend making Aircraft Operations its own strategy.*

*We have also been given the responsibility of improving communications interoperability throughout the state and we continue to do that under Safe Net that you have been briefed on before.*

*We are also making recommendations for changes to our performance standards...not to loosen the standards but in most cases to strengthen them.*

*After questions, I would like to ask for a vote from the PSC for a consensus on these changes.*

*Commissioner Dale Wainwright thanked Director McCraw for a well prepared and well thought out strategy. I've been reviewing data on crime over the 1<sup>st</sup> quarter of this year, and I see that crime has gone up in some areas of the state, and I am curious if some of that is from the affects of self isolation due to the virus or are there other factors involved.*

*Director McCraw said that actually that the areas of increased criminal activity is related to transnational crime activity and gang related crimes associated with this. Particularly in hot spot areas such as Dallas, Fort Worth, San Antonio, and Houston. We are hearing from other agencies that overall crime has actually decreased due to this self-isolation and decreased activity.*

*Assistant Director Freeman Martin added to the conversation that the Regional Directors have been keeping up with other police chiefs stating that violent crime is down. But other than recently released inmate crimes, the crime rate is down. Deputy Director Jeoff Williams added that in one case, operations in a high crime hot spot arrested the same violent gang member 3 times in possession of an illegal weapon within a 12 week period who was repeatedly released on bail. also mentioned that in one violent crime operation in the Dallas area, we arrested 1,156 criminals with over 500 of them charged with felony offences. Upon review, we found that over 300 of the felony offenders were released, each with a \$5,000 or less bond. It is predictable that crime will continue to go up if we continue to catch and release. Director McCraw added that they have found that even criminals arrested of armed robberies are being release back onto the streets. Jeff Williams added that Chief Lesko in Crime Records is reporting that we have seen our arrests drop by about half in the last couple of months.*

*Commissioner Wainwright thanked them for their report, and it appears that the services of DPS are going to continued to be needed in certain areas of the state as suggested by the Governor.*

*Director McCraw asked for a motion to adopt and approve our recommendations to the Legislative Budget Board to changes in our Strategic Plan to its goals and strategies as he set forth.*

*Commissioner Stodghill made the motion as stated by Director McCraw, and the motion was seconded by Commissioner Blair.*

*After calling a roll call vote, the motion carried.*



**B. Review and Possible Approval of Expenditure Plan for Seized Funds**

*Chief Susy Whittenton, CFO, we are asking the commissions approval of spending \$2.5 million from seized funds to acquire a 13 year old 2007 Beechcraft King Air plane from the UT Systems Office to replace a 35 year old Commander aircraft. Director McCraw stated that this is a deviation from our usual policy, but with advice from the governor's office it seems an appropriate and prudent use of forfeited funds and falls within the federal guidelines. Comparable new aircraft can run \$5-10 million. We are having difficulty replacing parts for an aircraft that is no longer being made, and the Commander is out of service about as much as it is in service.*

*I am recommending that the PSC approve moving forward with using seized funds to purchase the 2007 Beechcraft King Air from the UT Systems office for just over \$2.5 million.*

*Commissioner Stodghill made the motion as requested by Director McCraw. Commissioner Blair seconded the motion.*

*After calling a roll call vote, the motion carried.*

**C. Final Determination in Contested Cases – consideration and possible action on Proposal for Decision:**

**1. SOAH Docket No. 405-20-1115.MVI – Hector Espinoza**

*General Counsel Phil Adkins stated that he is asking for final determination on the Hector Espinoza case that the Commission has a report on relating to failing to complete all the mandatory items on an inspection list.*

*Commissioner Wainwright made the motion as requested by Counsel Adkins. Commissioner Blair seconded the motion.*

*With a roll call vote, the motion carried.*

*Chairman Mach made the comment that he has flown on the Commander, and he is happy that it is being replaced. It is time.*

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

*This item was taken up in Executive Session.*

**VII. VIII. ONGOING BUSINESS**

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

1. Amendments to 37 TAC Section 10.4 and new Section 10.5 and Section 10.6, concerning General Provisions
2. Amendments to 37 TAC Sections 10.11, 10.13, 10.14, and new Section 10.17, concerning Vendor Authorization
3. Amendments to 37 TAC Section 10.32, concerning Denial of Request for Approval; Revocation of Device Approval
4. Amendments to 37 TAC Sections 23.1, 23.3, 23.5, and 23.6, concerning Vehicle Inspection and Vehicle Inspector Certification
5. Amendments to 37 TAC Sections 23.12 – 23.14, concerning General Vehicle

- Inspection Station Requirements
6. Amendments to 37 TAC Section 23.51 and Section 23.55, concerning Vehicle Emissions Inspection and Maintenance Program
  7. Repeal of 37 TAC Section 23.56, concerning Waiver for Low Volume Emission Inspection Stations
  8. Amendments to 37 TAC Section 23.62 and Section 23.63, concerning Violations and Administrative Penalties
  9. Amendments to 37 TAC 36.1, concerning Definitions
  10. Amendments to 37 TAC Section 36.11, concerning Application for Certificate of Registration
  11. Amendments to 37 TAC Section 36.34 and Section 36.36, concerning Practice by Certificate Holders and Reporting Requirements
  12. Amendments to 37 TAC Sections 36.51, 36.53, 36.55, and 36.56, and new Section 36.57, concerning Disciplinary and Administrative Procedures
  13. Repeal of 37 TAC Sections 36.57- 36.59, concerning Disciplinary and Administrative Procedures

*Chief Wayne Mueller asked to take items 1-13 collectively. These items involved three of the programs: the vehicle interlock program, the vehicle inspections program, and the metal recycling program. These were all in response to statutory changes. We received 10 public comments, all relating to 1 program, Vehicle Inspection, item A 5, and had to do with recall notices. We agreed that the language that we had was not the best and we agreed with the public comments, and modified the language to their recommendations.*

*Chairman Mach made the comment that he has flown on the Commander, and he is happy that it is being replaced. It is time.*

*Counsel Adkins advised that since the item A-5 modification to the posted rule change did not meet the "substantive change" threshold that would have required it to be re-posted for review, the vote could be taken to approve it.*

*Commissioner Stodghill made the motion as requested by Chief Mueller. Commissioner Blair seconded the motion.*

*With a roll call vote, the motion carried.*

**B.** Report, discussion, update and possible action regarding Driver License Action Plan  
*Chief Sheri Gipson, Driver License Division, in the packets the info about the DL Plan and the Real ID. We still have approximately 230 vacancies out in the regional DL offices that we are trying to fill but as the result of Covid we have had to suspend our interview process but we are working with the DPS Risk Management Group to figure out a process that would allow us to safely resume the interview process. The other thing that we continue to work on is the appointment solution that has been discussed. They are currently installing the hardware and software solutions in each of the offices by May 15, of 2020.*

*New building sites: Angleton DL office has broken ground, and it is on schedule to open by December of 2020. The Denton DL office has had some delays, and are now scheduled to open in April or May of 2021.*

*For Real ID, and the deadline has been extended by one year until October of 2021, so this puts Texas in even better shape. We have approximately 80% of our drivers, or 20 million people, that will be in compliance with a Real ID card naturally, that is their card have either already expired or will expire before the deadline. We have suspended the notices until the DL offices have re-opened.*

*We have 32 CDL offices that we are striving to keep open and as of today, there are currently 30 CDL offices open. Several have had to close off and on due to possible exposure to the virus. Drivers are emailed a notice, then vetted, then scheduled to come into the office. When they come in they are questioned, and their temperatures are taken. Most offices have a 1-5 day wait to schedule the test.*

*DL is working on a reopen plan, and we will offer limited services to begin. Of course we do not know what that date will be. The Appointment Solution should help with traffic flow and social distancing.*

*No questions. Chairman Mach thanked Chief Gipson.*

**C. Report, discussion, and update regarding Mass Casualty Attacks including progress on Executive Order GA-07 issued September 5, 2019**

*Director Steve McCraw – we have no new information to report at this time. We have completed all of the Governor’s directives except we continue to work with TSA to improve our work with them.*

- D.** 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 is seeking advice and consent for promoting Major Justin Crain to Assistant Chief of Administration, Texas Highway Patrol Division.*

*Commissioner Stodghill made the motion as requested by Director McCraw. Commissioner Blair seconded the motion.*

*With a roll call vote, the motion carried.*

*Director McCraw asked for advice and consent to promote Major William "Ben" Urbanczyk to Assistant Chief of Operations of Texas Highway Patrol*

*Commissioner Stodghill made the motion as requested by Director McCraw. Commissioner Blair seconded the motion.*

*With a roll call vote, the motion carried.*

*Director McCraw also requested to make an organizational name change, changing Education, Training and Research (ETR) to Training Operations Division, which better reflects its overall function.*

*Commissioner Stodghill made the motion as requested by Director McCraw. Commissioner Wainwright seconded the motion.*

*With a roll call vote, the motion carried.*

*Director McCraw went on to say that the following does not include an advice and consent motion, but he wanted to introduce Erica Martin, who will take the roll of the new employee (didn't catch her new title – Press Secretary?). She is out of the University of Miami, has spent 10 years as a news anchor in Minnesota, North Carolina and Texas. She left the TV world in 2016 to become the Communications Director of the Non-Profit Humane Society of Austin.*

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

*This item was taken up in Executive Session.*

## **VIII. IX.REPORTS**

- A.** Commission member reports and discussion

*There was no additional Commission member reports or discussion.*

- B.** Finance Report

*Nothing additional to report.*



**C. Chief Auditors Office**

*Nothing additional to report.*

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

*Nothing additional to report.*

**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 February and March 2020.
- 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: Larry C. Bigham, Joe S. Byrd, Bruce G. Eden, James R. Faulkner, Jr., Marvin G. Jenkins, Ronald C. Joy, Jr., and Billy M. Ladd; Special Texas Rangers: Gregg A. Castillo, Robert L. Garcia, and Jesus J. Valdez
- C.** Donations:
  - 1. Texas Rangers "Company F" – use of Beaver Creek Ranch for law enforcement training purposes
  - 2. Texas Highway Patrol – donation of PrePass services for Electronic Clearance System for commercial motor vehicles
  - 3. Education, Training & Research – donation of two ambulances and one response support vehicle for the Tactical Training Center
  - 4. Law Enforcement Support – donation of process improvement training for DPS Crime Lab Toxicology sections
  - 5. Additional donation items, as needed

*Chief Randall Prince said that Item C, Donations, had all been sent to the review board and they found no objections so he asked for their approval,*

*With no discussion, a motion was made to approve items IX A, B, and C by Commissioner Blair who stated that most of the items, including item C went through the Contract Review Board and they were approved. The motion was seconded by Commissioner Stodghill.*

*With a roll call vote, the Motion Carried.*

**X. ITEMS FOR FUTURE AGENDA**

*Chairman Mach asked the Commissioners to get any suggestions for agenda items to Sofie Yanez.*

**XI. DATE FOR FUTURE MEETING**

Any discharge hearings will be scheduled on June 10, 2020, and the regular Public Safety Commission meeting is scheduled for June 11, 2020.

*The next Public Safety Commission Meeting will be held on June 11, 2020.*

**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 recessed the Public Safety Commission Meeting to go into Executive Session at 2:31 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