

**MINUTES
PUBLIC SAFETY COMMISSION
August 24, 2017
AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on August 24, 2017. Attending the meeting were Chairman Steven Mach, Commissioners Cynthia Leon and Jason Pulliam. A quorum was present at the meeting. DPS staff members and guests were also present.

CALL TO ORDER (0:00:03)

The meeting was called to order by Chairman Mach at 10:01 a.m. Proper notice had been posted.

APPROVAL OF MINUTES (0:00:39)

A motion was made by Commissioner Leon, seconded by Commissioner Pulliam, approving the minutes from the June 15, 2017, Public Safety Commission meeting. Motion passed unanimously.

PRESENTATIONS (0:00:56)

Service Awards

- Eduardo "Eddie" Aguilar – 30 years
- Tanis Federwisch – 30 years
- Eduardo "Eddie" Jimenez – 30 years
- Philip Kemp – 30 years
- Oscar Martinez – 30 years
- Dwight Mathis – 30 years
- Christopher Ray – 30 years
- Chris Tibbitts – 30 years
- Stanley Waters – 30 years
- Doug Wood – 30 years
- Sherrie Zgabay – 30 years
- Mike Ashley – 35 years
- Israel Camacho – 35 years
- Arthur Miller – 35 years
- Thomas Nipper – 35 years
- Robert "Bobby" Seaton – 35 years
- Bob Sims – 35 years

Josephine Bartz – 35 years
Richard Brown – 40 years
Duane Burrell – 40 years
Kim Drummond – 40 years
Eileen Newstrom – 40 years
Willie Thomas – 40 years
Bobby Ray Winslow – 40 years

Duane Burrell, Kim Drummond, Willie Thomas and Bobby Winslow, representing the Class of 1977, saluted Director McCraw as their Lead Trooper and presented him with a plaque.

Lifesaving Award

Trooper Eric Ochoa
Special Agent Robert Cameron
Trooper Lynn Mays
Trooper Damon Allen
Barbara Sullivan

Director's Award

Deputy Eric Molina – Burnet County Sheriff's Office
Gilbert Jordan – Emergency Management Coordinator, Texas Department of Transportation

Unit Citation Award

Office of Government Relations
Media and Communications Office

DPS Foundation Academic Scholarships

Erika Boyd announced the scholarship recipients:
Malcolm White
Briahna DeAnda
Jacob Donelon
Gabriella Gonzalez
Elise Bond
Timothy Caradine
John Garcia
Katie Scoggins
Haley Brazil
Alexis McKinney

Ms. Boyd thanked MZ Foundation and AT&T for their contributions to the DPS Foundation Academic Scholarship program. Over 120 electronic applications were received and ten individuals were selected to receive a \$5,000 scholarship.

(0:48:11) Break 10:48 – 11:00 a.m.

Chairman Mach acknowledged the following in attendance:

John Horchek, Office of the Governor
Suzanne Mackowiak, Lieutenant Governor's Office
Brady Vaughn, Senate Finance Committee
Malika Taye, House Appropriations Committee

PUBLIC COMMENT (0:48:39)

The following individuals spoke in support of petition for rule change regarding arrests for non-jailable offenses:

Kathy Mitchell, Texas Criminal Justice Coalition
Sukyi McMahon, Policy Coordinator
Cassandra Champion, Attorney
Emily Gerrick, Texas Fair Defense Project
Kristina Brown, Counter Balance: ATX
Scott Henson, Just Liberty
Jason Vaughn, Texas Young Republicans

Harvey Jenkins spoke regarding a jurisdictional issue involving the San Marcos Police Department and the Texas State University Police.

Raul Camacho, LTC Instructor, wants to make sure DPS creates fair rulings for online training.

DIRECTORS REPORT

(1:26:14) Director McCraw announced effective September 1, 2017, we will no longer be deploying troopers from other regions for Operation Secure Texas.

A. Case Update: Project 287 – Region 5, Trend Analysis (1:28:57)

Update provided by ICT Analyst Rachel Hutchings and Trooper Chad Harden:

- US 287 runs from Colorado through Texas
- November 6, 2012 – Colorado Amendment 64 (Medical Marijuana)
- January 1, 2014 – Commercial sale of marijuana for general public
- Number of THP seizures and total weight seized has approximately doubled from 2015

- to 2016, and 2017 appears to be on track to exceed 2016 numbers
- Trunks and luggage are most common concealment locations for marijuana and THC substances
 - In 2017, pickup trucks are being used in far greater numbers than in previous years, almost as often as passenger cars, and rental vehicles are starting to become more prevalent than privately-owned vehicles
 - Most suspects have a previous criminal background, are between the ages of 20 and 29, and come from Texas, California, Florida, Colorado, or Louisiana

B. Case Update: Clone Finder – Stolen Vehicle Project (1:42:54)

Update provided by Captain Aaron Grigsby and Special Agent Michael Guerra:

- Since the launch of the automated software program in March 2017, Clone Finder has identified a total of 253 vehicles (8/22/17)
- Adding the manual stolen identified by agents prior to software brings the total to approximately 561 stolen vehicles identified for law enforcement exploitation
- Increase of 300%, software program averages over 40 stolen vehicles per month
- Clone Finder software automatically analyzes data during the registration process every evening and provides email notification to agents every morning on stolen vehicles from the day before
- 90% of stolen vehicles identified by Clone Finder are clustered in Regions 1 and 2

(1:50:49) Director McCraw reported that DPS has suspended the presumptive testing for any white powdery substance due to potential Fentanyl exposure

- Resources are being moved to cover current protest events.

NEW BUSINESS

A. Report, discussion, and possible action regarding Executive Management Titles

(1:53:27)

Update provided by Director McCraw:

- Recommending title changes:
 - *Regional Commander → Regional Director (uniforms will also be worn to certain events)
 - *Assistant Director → Division Director
 - *Deputy Assistant Director → Assistant Division Director
 - *Offices/Bureau → Chief (i.e. Executive Protection Bureau, Media & Communications, Government Relations)
- Intelligence and Counterterrorism (ICT) will move from Deputy Director, Law Enforcement Operations to Deputy Director, Homeland Security, which also has Emergency Management

-Chief of Staff position exists but has been done by Deputy Director Bodisch since Cheryl MacBride left.

A motion was made by Commissioner Leon, seconded by Commissioner Pulliam, to approve the new Executive Management Titles. Motion passed unanimously.

B. Report and Invitation to DPS Museum Day (2:01:09)

Update provided by Deputy General Counsel Duncan Fox and Barbara Hinesley:

-Invitation extended to DPS Museum Day on September 17, 2017, from 11:00 a.m. to 4:00 p.m.

-This year's theme: Safety & Security: A Child's Right, Learn How to Recognize and Avoid Dangers

C. Report and discussion on Sunset Review (2:09:30)

Update provided by Assistant Director Amanda Arriaga and Chief Auditor Catherine Melvin:

-Self Evaluation due 9/1/17, currently in final review

-Major Policy Issues – Commissioner Leon strongly feels we need to include Facilities Security as one of our major issues. Chairman Mach would also like to include Cyber Security.

-Chief Auditor Melvin reported all the 2009 recommendations were in substantial compliance.

D. Report, discussion, and possible action on the Fiscal Year 2018 Internal Operating Budget (2:21:22)

Update provided by Assistant Director Suzy Whittenton:

-Annual budget is \$1.25 Billion (74% of budget is funded by General Revenue and 19% by Federal Funds)

-Salaries make 55% of the budget

A motion was made by Commissioner Pulliam, seconded by Commissioner Leon, approving the Fiscal Year 2018 Internal Operating Budget. Motion passed unanimously.

E. Report, discussion, and possible action regarding the proposed FY 2018 CAO Audit Strategy (2:30:58)

Update provided by Chief Auditor Catherine Melvin:

-FY 2018 Audit Strategy outlines Contract Administration, Federal Grants Management, Licensing and Regulatory Operations, Financial Operations, Information Technology, and Cyber Security as critical focus areas

-Continue Business Process Improvement

A motion was made by Commissioner Leon, seconded by Commissioner Pulliam, to approve the proposed FY 2018 Internal Audit Strategy. Motion passed unanimously.

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

1. Amendments to 37 TAC Section 15.61, concerning Third Party Skills Testing (2:35:40)

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

A motion was made by Commissioner Leon, seconded by Commissioner Pulliam, to approve New Business, Items F1&2, to receive public comment. Motion passed unanimously.

3. Amendments to 37 TAC Section 23.41 and Section 23.42, concerning Vehicle Inspection Items, Procedure, and Requirements (2:38:04)

4. Amendments to 37 TAC Section 36.16, concerning Renewal of Certificate of Registration

5. Amendments to 37 TAC Section 36.31 and Section 36.36, concerning Practice by Certificate Holders and Reporting Requirements

6. Amendments to 37 TAC 36.52, 36.56, and 36.60, concerning Disciplinary Procedures and Administrative Procedures

A motion was made by Commissioner Leon, seconded by Commissioner Pulliam, to approve New Business, Items F3-6, to receive public comment. Motion passed unanimously.

G. Review, discussion and possible action regarding Public Safety Commission's advice and consent role under Texas Government Code 411.005(b) and Public Safety Commission role regarding management team positions under Texas Government Code 411.0071. Executive Session is anticipated on this item for purposes of consultation with legal counsel. (2:40:43)

H. Review, discussion and possible action regarding petition for rulemaking seeking revision of 37 Tex. Admin. Code § 3.23. Executive Session is anticipated on this item for purposes of consultation with legal counsel. (2:40:43)

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

ONGOING BUSINESS

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

1. Amendments to 37 TAC Section 15.49, concerning Proof of Domicile (2:40:52)

No comments.

2. New 37 TAC Section 15.167 and Section 15.168, concerning Driver Responsibility Program

No comments.

A motion was made by Commissioner Leon, seconded by Commissioner Pulliam, approving adoption of Ongoing Business, Items A1&2. Motion passed unanimously.

B. Update report, discussion and possible action regarding recruitment (2:42:54)

Update provided by Assistant Director Sonia Garcia:

-B-17 School will graduate tomorrow with 86 Trooper Trainees

-D-17 School currently has 103 recruits and will graduate 12/22/17

-A-18 School begins 1/7/18; currently have 2,050 applications

-B-18 School begins 7/8/18; currently have 3,015 applications

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 (2:44:15)

Director McCraw is seeking advice and consent to promote Chance Collins to Assistant Division Director, Texas Rangers.

A motion was made by Commissioner Leon, seconded by Commissioner Pulliam, approving advice and consent to promote Chance Collins to Assistant Division Director, Texas Rangers. Motion passed unanimously.

Director McCraw is seeking advice and consent to promote Orlando Alanis to Regional Director, Region 4, due to vacancy from Carey Matthews.

A motion was made by Commissioner Pulliam, seconded by Commissioner Leon, approving advice and consent to promote Orlando Alanis to Regional Director, Region 4. Motion passed unanimously.

Director McCraw is seeking advice and consent to promote Tony Rodriguez to Assistant Division Director, Driver License Division.

A motion was made by Commissioner Leon, seconded by Commissioner Pulliam, approving advice and consent to promote Tony Rodriguez to Assistant Division Director, Driver License Division. Motion passed unanimously.

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

To be discussed during Executive Session.

REPORTS (2:47:34)

- A. Commission member reports and discussion - none
- B. Finance Report - none
- C. Chief Auditors Office - none
- D. Division status reports on activities and action - none

CONSENT ITEMS (2:48:39)

- A. Advice and consent regarding director's determination that a certain probationary employee was found unsuitable for work during June 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: Christopher D. Brannen, Waylon J. Bullard, Stephen Crossley, Phillip C. Jones, Robert R. Lindley, Perry K. Lorange, Basilio Martinez Jr., Richard B. Ray, Ronald R. Snow, Macky T. Wallace, James F. Woodall Jr.; Special Texas Rangers: Earl R. Pearson and Gerald A. Villalobos

C. Donations:

- 1. Additional donation items, as needed

A motion was made by Commissioner Leon, seconded by Commissioner Pulliam, approving Consent Items. Motion passed unanimously.

ITEMS FOR FUTURE AGENDA (2:49:13)

None at this time.

DATE FOR FUTURE MEETING (2:49:22)

Any discharge hearings will be scheduled on October 11, 2017, and the regular Public Safety Commission meeting is scheduled for October 12, 2017.

ADJOURN INTO EXECUTIVE SESSION

The Commission adjourned into Executive Session to discuss security issues, 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. Executive Session began at 1:02 p.m.

(2:50:30) The Public Safety Commission reconvened in open session at 3:33 p.m. Commissioners present were Chairman Steven Mach, Commissioners Cynthia Leon and Jason Pulliam.

ADJOURN

A motion was made by Commissioner Pulliam, seconded by Commissioner Leon, to adjourn the meeting. Motion passed unanimously.

The meeting was adjourned at 3:34 p.m.

Read and approved this 12th day of October, 2017.



Chairman

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On August 24, 2017, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter J
Section 15.167 and Section 15.168

The Texas Department of Public Safety (the department) adopts new §15.167 and §15.168, concerning Driver Responsibility Program. These rules are adopted without changes to the proposed text as published in the June 30, 2017 issue of the *Texas Register* (42 TexReg 3354) and will not be republished.

These rules are necessary to inform the public of changes to the Driver Responsibility Program (DRP) and the requirements for persons eligible to obtain this surcharge reduction authorized by Texas Transportation Code, §708.103(c) and §708.104(b-1).

No comments were received regarding the adoption of these rules.

These rules are adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Transportation Code, §708.103(c) and §708.104(b-1).

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On August 24, 2017, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter B
Section 15.49

The Texas Department of Public Safety (the department) adopts amendments to §15.49, concerning Proof of Domicile. This rule is adopted without changes to the proposed text as published in the June 30, 2017 issue of the *Texas Register* (42 TexReg 3353) and will not be republished.

These amendments clarify residency requirements for persons under the care and conservatorship of the Department of Family and Protective Services (DFPS).

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, §2001.033.



Steven P. Mach, Chairman
Public Safety Commission

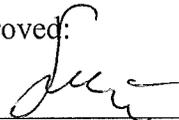
IN THE MATTER OF § BEFORE THE
THE DISCHARGE OF § PUBLIC SAFETY COMMISSION
PROBATIONARY EMPLOYEE § IN AUSTIN, TRAVIS COUNTY, TX

Advice and Consent

In accordance with Government Code Section 411.007(f), the Director found that the following named probationary employee was unsuitable for continued employment in the Department of Public Safety. The Public Safety Commission has consented to discharge this employee:

Employee Name	Employee Title/Division	Date of Discharge
Michelle Oxford	Customer Service Representative/Driver License	06/28/17

Approved:



Steven P. Mach, Chairman
Public Safety Commission
Date: August 24, 2017

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
August 24, 2017



Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Brannen, Christopher D.	HS&S	Austin	06/30/2017	22	
Bullard, Waylon J.	CID	San Antonio	04/30/1998	28	
Crossley, Stephen	Aviation	Austin	08/02/2017	28	
Jones, Phillip C.	THP	Waco	03/31/2017	29	
Lindley, Robert R.	THP	Tyler	12/31/2010	27	
Lorance, Perry K.	THP	Texarkana	06/30/2017	30	
Martinez Jr., Basilio	THP	Waco	06/30/2017	30	
Ray, Richard B.	THP	Amarillo	04/06/2012	23	
Snow, Ronald R.	LORU	Austin	02/29/2012	27	
Wallace, Macky T.	THP	Houston	08/31/2003	25	
Woodall Jr., James F.	Staff Support Services	Austin	08/31/2003	30	

Special Texas Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Pearson, Earl R	Ranger	Austin	08/31/2005	29	
Villalobos, Gerald A.	Ranger	Ft. Stockton	06/30/2004	27	

Approved by the Public Safety Commission on: _____

[Handwritten Signature]

Date: 8/24/17