

**MINUTES
PUBLIC SAFETY COMMISSION
FEBRUARY 22, 2018
AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on February 22, 2018. Attending the meeting were Chairman Steven Mach, Commissioners Cynthia Leon, Manny Flores, Jason Pulliam, and Randy Watson. A quorum was present at the meeting. DPS staff members and guests were also present.

CALL TO ORDER (0:00:00)

The meeting was called to order by Chairman Mach at 10:00 a.m. Proper notice had been posted.

APPROVAL OF MINUTES (0:00:26)

A motion was made by Commissioner Leon, seconded by Commissioner Watson, approving the minutes from the Public Safety Commission meeting held December 21, 2017. Motion passed unanimously.

(0:00:48) Break 10:01 a.m. – 11:00 a.m.

Break occurred while everyone walked to the Training Academy for presentations. Immediately after the presentations, the Public Safety Commission returned to Building E to consider the remaining agenda items.

PRESENTATIONS

Director's Citation

Aviation Operations Division
Tactical Marine Unit

Director's Award

Texas Parks and Wildlife Department
Texas Task Force One – Urban Search and Rescue
Lowe Boats (A Brunswick Corporation)

Service Awards

Ruben Espinoza – 30 years
Glenn Adamson – 40 years

William P. Clements Excellence Award

Ron Coleman, Management Analyst – Non-Commissioned
Troy E. Wilson, Texas Ranger – Commissioned

Lifesaving Award

Trooper Austin Johnston
Trooper Jeronimo Lopez

Medal of Valor

Corporal Hope Hohertz

2017 Tactical Police Competition

Trooper Dylan Slovacek
Trooper Travis Rhea
Sergeant Donald Delukie

PUBLIC COMMENT (0:01:37)

None

Chairman Mach acknowledged the following in attendance:
Seth Christiansen and Fisher Reynolds – Governor’s Office
Suzanne Mackowiak – Lieutenant Governor’s Office
Malika Taye – House Appropriations Committee

DIRECTORS REPORT

A. Case Update: Combatting MS-13 Through Multi-Agency Collaboration (0:02:07)

Update provided by Major Manuel Espinosa and Special Agent Edgar Gonzalez:

- September 2013 - Houston area began experiencing a wave of violence by MS-13 gang members; as a result, the Texas Anti-Gang (TAG) Center formed a multi-agency task force to combat violence (DPS/FBI/Homeland Security Investigations/Houston Police Department)
- 2/16/17, Genesis Lizbeth Cornejo was murdered while staying at an apartment with several MS-13 gang members
- Order to kill Cornejo was given by Miguel Angel Flores after Cornejo was suspected of dating a rival gang member
- Casings recovered at crime scene matched those used in a carjacking/aggravated assault incident on 1/27/17, which had been committed by MS-13 gang members

- 2/23/17, five MS-13 gang members were arrested while driving the vehicle that had been stolen during the 1/27/17 carjacking (one was Cornejo's boyfriend)
- 2/27/17, operation task force members executed a search/arrest warrant at the MS-13 apartment, resulting in arrests of Miguel Angel Flores and Diego Rivera (both had been implicated in Cornejo's murder)
- Cornejo and all arrested suspects were in the U.S. illegally
- Miguel Angel Flores' charges:
 - *Murder (\$150,000 Bond)
 - *Aggravated Assault with a Deadly Weapon (No Bond)
 - *Sexual Assault of a Child (\$150,000 Bond)
 - *Aggravated Kidnapping (\$150,000 Bond)
 - *Next Court Appearance: 2/28/18
- Diego Rivera's charges:
 - *Murder (\$150,000 Bond)
 - *Aggravated Kidnapping (\$150,000 Bond)
 - *Aggravated Assault with a Deadly Weapon (No Bond)
 - *Next Court Appearance: 2/13/18
- 7/24/17, high-ranking MS-13 gang member Douglas Alexander Herrera-Hernandez was featured as a Texas 10 Most Wanted Fugitive
- 7/29/17, Herrera-Hernandez was arrested in Virginia and extradited back to Texas
- 10/19/17, (Operation Raging Bull – driven by Homeland Security Investigations) collaboration of state, federal, and local law enforcement agencies resulted in 214 arrests across the U.S.
- Surge operation targeted members and associates of MS-13 who had outstanding warrants and/or immigration-related administrative violations
- Eight MS-13 gang members and one associate were arrested by CID in Houston (42 total arrests for Texas)

B. Hearing Update (0:22:43)

1. 2017 Review
2. Border Security
3. Violent Crime Reduction Operations
4. DPS Officer Safety

Director McCraw provided the following update:

- House Homeland Security and Public Safety Committee hearing was held 2/1/18 in Tyler
- Officer Safety Roadmap identified 31 projects linked to officer safety
- Since January 2016 – 34 troopers have been rear-ended while parked on side of road (Trooper Nipper was killed on 11/4/17)

- Our desire, based upon data, is to move patrol fleet to SUVs from sedans for safety
- Since 2000, 12 Troopers were killed in vehicle crashes, no Troopers killed in a motor vehicle crash while operating a SUV
- Injuries sustained in crashes involving sedans were far more serious than those sustained in SUVs
- Forty percent of fleet has over 100,000 miles (normal turnover is @ 90,000 miles)
- Crowd Management – everyone has a right to protest peacefully
- Gangs – MS-13 moved to Tier 1 in 2017 due to threat matrix
- 2017 Statistics:
 - *Troopers, Special Agents and Texas Rangers made over 91,000 arrests
 - *Trooper made 2.6 million stops on highways
 - *Seized over 3,400 lbs of Marijuana
 - *Seized over 4,200 lbs of Methamphetamine (equivalent of 23 million dosage units)
 - *Seized over 238 lbs of Heroin
 - *Seized over \$20 Million in Currency
 - *SWAT deployed 218 times and negotiated 24 surrenders
 - *Rangers made 71 arrests for corruption
- Operation North Star (Houston) – 64 robbery crews, arrested 125 suspects in 320 robberies
- Operation Alamo (San Antonio) – 23% increase in violent crime in 2016; 16% decrease in homicides in 2017 (4% decrease in overall crime)
- Texas Anti-Gang Centers will go online soon in San Antonio and Lubbock

C. Need-Based Dismissal Update (0:46:33)

Director McCraw reported, through the work with leadership and the Legislature, DPS will stand down on troopers being laid off. Chairman Mach asked about the status of the Retire-Rehire program. Director McCraw clarified that the decision to not dismiss the 117 current retired and rehired officers did not alter the Commission's prior decision to eliminate the program. Therefore, the Commission's decision to eliminate the general practice of hiring previously retired officers remains in force.

NEW BUSINESS

A. Report and discussion regarding Border Briefing (0:47:41)

Brief provided by Dr. Michael Lauderdale:

- DPS Monitored Events:
 - *Unsafe vehicles
 - *Contraband on highways and via foot
 - *Spillover violence from cities like Reynosa, Juarez
 - *Foot traffic along the border

- *Safety of trade with Mexico
- *Spread of cartels into Texas DPS
- *Large scale attempts to cross the border
- Major Mexican Economic Engines
 - *Tourism and Services more than 65% of employments is in this industry
 - *Temporary workers in U.S. 10 to 30 million
 - *Assembly manufacturing (Maquilas)
 - *Export of crude oil primarily from the Bay of Campeche
 - *Drugs, human trafficking and extortion
- Threats to Texas DPS
 - *Drugs and human trafficking
 - *Cartel violence
 - *Economic decline
 - *Immigration
- Mexico 2017
 - *More than 29,000 homicides
 - *21 Mayors murdered since 2012 and more than 100 local officials in last 3 years
 - *Mexico has highest levels of violence in all 33 states
 - *11 current or recent governors are charged with or sentenced for corruption crimes
- Immigration Patterns
 - *Poverty
 - *Crime
 - *Search for a better life is causing sharp increases to immigrate to the U.S.
- Markers of a Failed State
 - *Citizens lose respect for the state
 - Inability to maintain civic order
 - Failure to protect citizens
 - Little trust in state's institutions including police, courts and currency
 - *Inability to maintain geographical integrity
 - *People and capital migrate out

B. 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 2.3 and Section 2.9, concerning Capitol Access

Pass (1:13:24)

No comments.

2. New TAC Section 23.63, concerning Hearings

No comments.

3. Amendments to 37 TAC Section 35.26, concerning Reclassification, Assignment, and Termination

No comments.

4. Amendments to 37 TAC Section 35.101 and Section 35.102, concerning Letter of Authority

No comments.

5. Amendments to 37 TAC Section 35.147, concerning Certificates of Completion, Training Records, and Notifications

No comments.

6. Amendments to 37 TAC Section 35.161, concerning Continuing Education Requirements

No comments.

A motion was made by Commissioner Flores, seconded by Commissioner Pulliam, approving adoption of Ongoing Business, Items A1-6. Motion passed unanimously.

B. Update report, discussion and possible action regarding recruitment (1:14:48)

Update provided by Division Director Sonia Garcia:

- A-2018 class began 1/7/18, currently with 82 recruits (14.6% attrition), graduation scheduled for 6/29/18
- A-2018 class contributed over \$400 to family of Trooper Stringer for expenses associated with loss of a child
- B-2018 class to begin 6/3/18 and will graduate 11/30/18; received over 5,000 applications for this class
- Recommendation made by Division Director Garcia to move recruitment update from Ongoing Business on the agenda to New Business to provide updates as needed closer to graduation dates. Commission accepts the recommendation.

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 (1:17:24)

Director McCraw notified the Commission on the following upcoming retirements:

- David Baker, Deputy Director Law Enforcement Operations, to retire 8/31/18 with 40 years of service
- Robert Bodisch, Deputy Director Homeland Security and Chief of Staff, to retire 8/31/18
- Jack Webster, Regional Director Region 1, to retire 8/31/18
- Duane Steen, Regional Director Region 2, to retire 8/31/18
- Joe Ortiz, Regional Director Region 7, retiring 2/28/18

-Billy Nabors, Division Director Aircraft, to retire 8/31/18

-Will announce succession planning at a later date.

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 (1:23:34)

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 (1:23:57)

A. Advice and consent regarding director's determination that a certain probationary employee was found unsuitable for work during December 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: Robert E. Bybee, Jr., Gerardo H. Carrillo, Matthew L. Connery, Loy V. Daniel, Royce E. Korenek, Gordon A. Miller, Robert M. Skelton, James D. Reyer Terry B. Vogler, William Rueter, Janice Williamson and Donis L. Wilson

C. Donations:

1. Donation of the Pioneer Natural Resources facility as a staging area to provide support for first responders during Hurricane Harvey

2. Additional donation items, as needed

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

ITEMS FOR FUTURE AGENDA (1:24:28)

None at this time.

DATE FOR FUTURE MEETING (1:24:33)

Any discharge hearings will be scheduled on April 25, 2018, and the regular Public Safety Commission meeting is scheduled for April 26, 2018.

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 12:28 p.m.

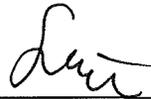
(1:25:29) The Public Safety Commission reconvened in open session at 2:35 p.m. Commissioners present were Chairman Steven Mach, Commissioners Cynthia Leon, Manny Flores, Jason Pulliam and Randy Watson.

ADJOURN

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

The meeting was adjourned at 2:35 p.m.

Read and approved this 26th day of April, 2018.



Chairman

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 22, 2018, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Capitol Access Pass
Title 37 T.A.C. Part I, Chapter 2
Section 2.3 and Section 2.9

The Texas Department of Public Safety (the department) adopts amendments to §2.3 and §2.9, concerning Capitol Access Pass. These rules are adopted without changes to the proposed text as published in the January 12, 2018 issue of the *Texas Register* (43 TexReg 194) and will not be republished.

These amendments were proposed as a result of Senate Bill 16, 85th Legislative Session. SB 16 amends the License to Carry a Handgun statute, Government Code Chapter 411, Subchapter H, to reduce the fees for original and renewal licenses to carry handguns to \$40.00. Government Code §411.0625 requires the department establish application and renewal fees for the Capitol Access Pass that do not exceed the amounts of similar fees required for the license to carry a handgun. These amendments therefore reduce the application and renewal fees for the Capitol Access Pass from \$100.00 to \$40.00.

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 §411.0625, which authorizes the department to adopt rules to administer this section.

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.

 02-22-18

Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 22, 2018, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Vehicle Inspection
Title 37 T.A.C. Part I, Chapter 23
Subchapter F
Section 23.63

The Texas Department of Public Safety (the department) adopts new §23.63, concerning Informal Hearings. This rule is adopted without changes to the proposed text as published in the January 12, 2018 issue of the *Texas Register* (43 TexReg 195) and will not be republished.

This new rule provides for an optional, informal hearing with department staff, supplementing the existing due process available to applicants and license holders against whom the department is proposing administrative disciplinary action. This optional hearing will provide an opportunity for the parties to clarify the basis for the department's proposed action prior to the hearing before the State Office of Administrative Hearings (SOAH), and potentially assist with the determination of whether to proceed with the SOAH hearing.

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, §548.002, which authorizes the department to adopt rules to administer and enforce Chapter 548.

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, Section 2001.033.

 02-22-18

Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 22, 2018, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter B
Section 35.26

The Texas Department of Public Safety (the department) adopts amendments to §35.26, concerning Reclassification, Assignment, and Termination. This rule is adopted without changes to the proposed text as published in the January 5, 2018 issue of the *Texas Register* (43 TexReg 33) and will not be republished.

Amendments to §35.26 are necessary to allow assignments or terminations of a company license with the consent of a majority of the registered owners or by written consent of the qualified manager.

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 Occupations Code, §1702.061(b), which authorizes the department to adopt rules to administer Texas Occupations Code, Chapter 1702.

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, Section 2001.033.

 02-22-18

Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 22, 2018, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter H
Section 35.101 and Section 35.102

The Texas Department of Public Safety (the department) adopts amendments to §35.101 and §35.102, concerning Letter of Authority. These rules are adopted without changes to the proposed text as published in the January 5, 2018 issue of the *Texas Register* (43 TexReg 34) and will not be republished.

These amendments are necessary to clarify the authority of entities holding Private Business or Governmental Letters of Authority to employ personal protection officers, and to clarify the authority of entities holding Private Business Letters of Authority to employ noncommissioned security officers.

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 Occupations Code, §1702.061(b), which authorizes the department to adopt rules to administer Texas Occupations Code, Chapter 1702.

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, Section 2001.033.

 02-22-18

Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 22, 2018, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter L
Section 35.147

The Texas Department of Public Safety (the department) adopts amendments to §35.147, concerning Certificates of Completion, Training Records, and Notifications. This rule is adopted without changes to the proposed text as published in the January 5, 2018 issue of the *Texas Register* (43 TexReg 35) and will not be republished.

Amendments to this section are proposed in response to 85th Legislative Session, HB 1508 which amended Occupations Code, Chapter 53 regarding notice requirements. The proposal clarifies the legislation and provides a simplified mechanism by which licensees may comply with the legislation.

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 Occupations Code, §1702.061(b), which authorizes the department to adopt rules to administer Texas Occupations Code, Chapter 1702.

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, Section 2001.033.



02-22-18

Steven P. Mach, Chairman
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On February 22, 2018, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter M
Section 35.161

The Texas Department of Public Safety (the department) adopts amendments to §35.161, concerning Continuing Education Requirements. This rule is adopted without changes to the proposed text as published in the January 5, 2018 issue of the *Texas Register* (43 TexReg 37) and will not be republished.

The proposed amendment to subsection (a) of §35.161 is intended to clarify that it is the registrant's responsibility to ensure compliance with the continuing education requirements prior to submission of the renewal application, and to address an inconsistency between the information required to be submitted at renewal and the information required to be provided to the student by the school in §35.162.

The proposed amendments to subsection (b) are intended to address the situation in which registered owners also perform regulated services in their individual capacities. The current rule does not expressly address the continuing education requirements for such individuals, referring only to those who are registered as a specific type of private security registrant (other than owners), or to nonparticipating owners (providing an exemption). Current rule does not specifically address participating owners. The proposed language clarifies this by addressing owners who are involved in the business ("participating owners"), and distinguishing those participating owners who also independently perform regulated services from those who do not.

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 Occupations Code, §1702.061(b), which authorizes the department to adopt rules to administer Texas Occupations Code, Chapter 1702.

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, Section 2001.033.

 02-22-18

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
David Peveto	Trooper Trainee/Education, Training and Research	12/21/17

Approved:

 02-22-18

Steven P. Mach, Chairman
Public Safety Commission
Date: February 22, 2018

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
February 22, 2018



Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Bybee, Jr. Robert E.	THP	El Dorado	08/31/2003	24	
Carrillo, Gerardo H.	CID	Weslaco	01/31/2018	35	
Connery, Matthew L.	Aircraft	Houston	01/31/2018	21	
Daniel, Loy V.	THP	Brownfield	08/31/2002	28	
Korenek, Royce E.	THP	Rosenberg	01/31/2018	22	
Miller, Gordon A.	THP	Plainview	06/30/2010	30	
Skelton, Robert M.	THP	Breckenridge	01/31/2004	24	
Reyer, James D.	THP	Texas City	12/31/2017	19	
Vogler, Terry B.	THP	Huntsville	12/31/2002	18	
Rueter, William	CID	Austin	6/30/2014	29	
Williamson, Janice	THP	Beaumont	8/31/2002	27	
Wilson, Donis L.	THP	Waco	11/30/2017	19	

Approved by the Public Safety Commission on:

Date: 02-22-18