

MINUTES
PUBLIC SAFETY COMMISSION
April 26, 2018
AUSTIN, TX

The Public Safety Commission met in Austin, Texas on April 26, 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 (0:00:30)

A motion was made by Commissioner Leon, seconded by Commissioner Flores, approving the minutes from the Public Safety Commission meeting held February 22, 2018. Motion passed unanimously.

PRESENTATIONS (0:00:50)

Service Awards

Wynn Reynolds – 30 years
Brantly Robertson – 30 years
William Farrell – 30 years
Bonnie Fisher – 30 years
Adrian Rivera – 30 years
Gustavo Trevino – 30 years
Aaron Ard, Jr. – 30 years
Richard Fernandez – 30 years
Rodney Mahan – 30 years
Teresa Perkins – 30 years
Vester Roney – 30 years
David Rose – 45 years

Javier Arana Top Trooper Awards – presented by Cindy Arana and family
Trooper Ilusion Reyes – Female Trooper
Trooper Aaron Jones – Male Trooper

Lifesaving Award

Agent Pilot Miguel Avila
Special Agent Santos Carrasco, Jr.
Trooper Justin Reese

Director's Citation

Trooper Arturo Ugalde

Director's Award

Agent Ronnie Montemayor – US Border Patrol
Agent Faustino Ramos – US Border Patrol
Agent Patrick Philpot – US Border Patrol
Sergeant Hector Camarillo – Madisonville Police Department
Officer Lucas Cunningham – Madisonville Police Department
Cierra Nixon – EMT, Acadian EMS
Joshua Wagner – Paramedic, Acadian EMS
Cody Caples – Captain, Orange Fire Department
Terry Veitch – Captain, Orange Fire Department
Jacob Bilbo – Firefighter, Orange Fire Department
Greg Gravett – Firefighter, Orange Fire Department

(0:41:06) Break 10:41 a.m. – 10:54 a.m.

Chairman Mach acknowledged the following in attendance:

Fisher Reynolds - Governor's Office
Malika Te – House Appropriations Committee
Angela Isaak and Shauna Miller – Legislative Budget Board

PUBLIC COMMENT (0:41:38)

-Andrea Brauer, Advocate – gun violence prevention
-Gyl Switzer, Executive Director, Texas Gun Sense – gun safety
-Saurah Tabrizi, Advocate – gun violence prevention
-Aimee Turney, Gun Safety Issue Chair, Texas League of Women Voters – safe gun storage and suicide prevention campaigns; Legislative Appropriations Request (LAR)
-Division Director RenEarl Bowie – February 2018, Safe Storage was revamped and placed on the DPS website; License to Carry (LTC) icon goes to Licensing and appears as a Flip Book; Instructors icon has a PowerPoint and a PDF version that can be used; and Suicide Presentation is also available in the LTC section

DIRECTORS REPORT

A. Capital Murder Investigation – Anderson County (1:12:01)

Update provided by Texas Ranger Michael Adcock and Lisa Tanner (Chief, Criminal Prosecution Division of the Office of the Attorney General):

- Capital Murder case from Anderson County that occurred on November 14, 2015
- Family (Johnson/Kamp) arrived with camper; Hudson arrived on site and assisted with camper that was stuck in the sand
- Hudson was invited to have dinner with family that afternoon; drank and appeared upset
- Hudson left with four family members in a four-wheeler, 5 – 6 gunshots were heard; Mrs. Johnson hid in the woods
- Hudson returned on an ATV by himself and Mrs. Johnson saw blood on the ATV; Hudson entered the camper and murdered Mrs. Johnson's husband and daughter
- Cynthia Johnson – lone survivor (husband, daughter murdered and 4 others missing); called 911 and reported the murders
- William Mitchell Hudson – suspect that lived on property
- Texas Rangers handled full investigation using Leica Scan
- Surveillance videos around the Hudson home were extremely helpful
- Hudson was immediately arrested since there was a surviving eyewitness
- Three crime scenes: camp site/Hudson residence/pond, where the bodies were found
- After 11 minutes, the jury found Hudson guilty and he received the death sentence; convicted in November 2017
- Motive: Family land, that Hudson felt was his, had been sold to the Kamp's by another family member and Hudson became enraged that they were on his land.

B. Fentanyl Seizures (1:31:09)

Director McCraw provided the following update:

- House Appropriations Committee testimony discussing performance indicators
- UCR Index Crime Reporting for 2014 – 2017
- UCR doesn't report kidnappings, extortions, human smuggling or public corruption
- Jurisdictions haven't adopted NIBRS as it is not mandatory, at this time
- 184 jurisdictions reporting NIBRS / 1,100 jurisdictions reporting UCR
- 22% reduction in crime in the Rio Grande Valley (RGV)
- 60% reduction in marijuana seizures in the RGV
- 26% reduction in cocaine seizures in the RGV
- 87.77% reduction in drug seizures at the Falfurrias Checkpoint
- 78.69% reduction in drug seizures at the Sarita Checkpoint
- Six Joint Operations Intelligence Centers (JOICS) – house analysts that report Border Incident Reports daily
- TxMAP database provides real-time access to Drawbridge cameras, DPS vehicles,

Aviation assets, Marine Units, Gang data

-Fentanyl is 50 times more potent than heroin; 3 confirmed seizures on I-40; 53 lbs is equivalent to 11.9 million lethal doses (42% of the population in Texas)

NEW BUSINESS

A. Report and discussion regarding Reality Based Training to include Tactical Emergency Casualty Care and CRASE Classes (1:55:27)

Brief provided by Lieutenant Daniel Lozano, Sergeant Michael Monahan and TDEM Jason Dush:

-CRASE (Civilian Response to Active Shooter Events):

*3 hour class

*Avoid, Deny, Defend (ADD)

*over 5,000 students taught

*24 pending classes for 2018

-Tactical Emergency Casualty Care (TECC)

*started in 2014 within Criminal Investigations Division (CID), assisted by the ALERRT Center at Texas State University

*2015, training conducted at the Florence Training Center

*over 2,000 students trained

*incorporated in recruit schools, THP In-Services and CID Special Agent refresher every five years

*60 schools for 2018

*Stages: Direct Threat/Indirect Threat/Victim Rescue

*Successes: 50 lives saved/38 TECC interventions (tourniquet deployments)/3 self applications by personnel

*September 2017, TCOLE listed TECC as a mandatory training for all police officers in Texas

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

1. New 37 TAC Section 1.265, concerning Buy America Requirements for Iron and Steel Used in Construction (2:03:45)

A motion was made by Commissioner Leon, seconded by Commissioner Watson, to approve New Business, Item B1, to receive public comment. Motion passed unanimously.

2. New 37 TAC Section 4.57, concerning Safety and Driver Training Requirements for Certain Permits (2:05:35)

3. Amendments to 37 TAC Section 14.52, concerning Texas School Bus Specification

A motion was made by Commissioner Flores, seconded by Commissioner Pulliam, to approve New Business Items B2 & B3, to receive public comment. Motion passed unanimously.

C. Intelligence Threat Briefing (Clearance Required – Executive Session)

To be discussed in Executive Session.

ONGOING BUSINESS

A. Report, discussion, and possible action requiring the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team (2:07:45)

During the next few months the Department will see the retirement of the Deputy Director of Law Enforcement Operations, the Deputy Director of Homeland Security, and Regional Directors of Regions 1, 2, and 7. The retirements of these five positions along with the impact of vacancies that will be increased as those senior management positions are filled will require that the Department fill 12 positions that require approval of the Public Safety Commission. Director McCraw requested advice and consent to promote the following individuals:

1. Randy Prince – currently the Division Director, Texas Ranger Division – to be designated to become Deputy Director Law Enforcement Operations upon the retirement of David Baker from that position.
2. Freeman Martin – currently the Regional Director, Region 6 in San Antonio – to be designated to become the Deputy Director Homeland Security and Chief of Staff upon the retirement of Robert Bodisch from that position.
3. Chance Collins – currently the Regional Director, Region 7 at the Capitol – to be designated to become the Division Director Texas Rangers upon promotion of Randy Prince.
4. Phillip Ayala – currently Major, Texas Highway Patrol, HQ – to be designated to become the Regional Director, Region 6 in San Antonio upon promotion of Freeman Martin.
5. Dwight Mathis – currently the Assistant Division Director, Texas Highway Patrol – to be designated to become the Regional Director, Region 7 at the Capitol upon promotion of Chance Collins.
6. Jeff Williams – currently Major, Criminal Investigations Division, Region 1 in Garland – to be designated to become the Regional Director, Region 1 upon the retirement of Jack Webster from that position.

7. Jason Taylor – currently Major, Texas Rangers, Region 2 in Houston – to be designated to become the Regional Director, Region 2 upon the retirement of Duane Steen from that position.
8. Hank Sibley – currently Major, Texas Highway Patrol, Region 2 in Houston – to be designated to become the Assistant Division Director Texas Highway Patrol, HQ upon promotion of Dwight Mathis.
9. Tim Ochsner – currently Assistant Division Director, Aircraft Operations – to be designated to become the Division Director, Aircraft Operations upon the retirement of Billy Nabors from that position.
10. Stacy Holland – currently, Major, Aircraft Operations – to be designated to become the Assistant Division Director, Aircraft Operations upon promotion of Tim Ochsner.
11. Todd Snyder – currently Major, Texas Rangers Region 5 in Lubbock – to be designated to become Assistant Division Director, Texas Rangers effective immediately.
12. Michelle Farris – currently Deputy Administrator, Crime Records – to be designated to become Assistant Division Director, Crime Records, Law Enforcement Support upon the retirement of Angie Kendall from that position.

A motion was made by Commissioner Leon, seconded by Commissioner Flores, approving advice and consent to promote all twelve individuals to be effective upon the retirement or promotion of person currently in position. Motion passed unanimously.

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

To be discussed during Executive Session.

REPORTS (2:18:42)

A. Commission member reports and discussion - none

B. Finance Report – Commissioner Leon inquired about the process for Exceptional Items for the LAR; Exceptional Items will be due to the Commission for review 30 days in advance of the June PSC meeting; LAR is due by the end of August.

Chairman Mach is in receipt of the Sunset Commission Staff Report and will be discussed, during Executive Session, with General Counsel for a response.

C. Chief Auditors Office – Chief Auditor Catherine Melvin provided an update on the Statewide Single Audit:

-DPS is not slated to be audited for FY 2018

- Public Assistance Disaster Grant Program didn't meet criteria of high risk
- DPS is one component of that audit
- Benchmarks:
 - *expend \$750K or more of Federal funds
 - *objective is to provide assurance to the U.S. Federal Government as to management and use of funds by recipients
 - *encompasses financial and compliance components
- DPS Single Audit History
 - *Questioned Costs:
 - >2012 – over \$1.2 million
 - >2013 - \$133,000
 - >2014 – less than \$11,000
 - >2015 – 0
 - >2016 – 0
 - >2017 – 0
 - *Material Weaknesses:
 - >2012 – 9
 - >2013 – 2
 - >2014 – 0
 - >2015 – 1
 - >2016 – 0
 - >2017 – 0
 - *Prior Year Audit Findings:
 - >2012 – 12
 - >2013 – 14
 - >2014 – 15
 - >2015 – 2
 - >2016 – 1
 - >2017 – 1

D. Division status reports on activities and action - none

CONSENT ITEMS (2:34:18)

A. Advice and consent regarding director's determination that a certain probationary employee was found unsuitable for work during February 2018

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: Jeffrey L. Carr, Michael R. Haley, Otis B. Locklar Sr., Sammy B. Lovelace, Daniel D. Lyssy, Jose P. Ortiz III, Frank T. Pellizzari III and Donald R.

Wortman; Special Texas Rangers: Ricardo Rivera; and Texas and Southwestern Cattle Raisers Association Special Rangers: Joe L. Aguilar Jr.

C. Donations:

1. Regional Directors – use of Kinsel Ranch for meeting/lodging
2. Texas Ranger Company “A” – use of Pate Ranch for meeting/lodging
3. Texas Ranger Company “F” – use of Beaver Creek Ranch for meeting/lodging
4. Additional donation items, as needed

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

ITEMS FOR FUTURE AGENDA (2:34:50)

None at this time.

DATE FOR FUTURE MEETING (2:34:57)

Any discharge hearings will be scheduled on June 27, 2018, and the regular Public Safety Commission meeting is scheduled for June 28, 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 12:50 p.m.

(2:35:43) The Public Safety Commission reconvened in open session at 2:57 p.m. Commissioners present were Chairman Steven Mach, Commissioners Cynthia Leon, Manny Flores, Jason Pulliam and Randy Watson.

Chairman Mach clarified the following going forward:

- Commissioner Watson – Contract Review Board liaison
- Chairman Mach – Office of Inspector General (OIG) liaison
- Chairman Mach and Commissioner Leon – Chief Auditor’s Office (CAO) liaison
- Liaisons will be reviewed April of every year

Commissioner Flores recommended Chairman Mach work with Director McCraw on a joint response to the Sunset Commission.

A motion was made by Commissioner Flores, seconded by Commissioner Pulliam, that Chairman Mach will work with the director and formulate an agency response to the Sunset Commission Staff Report. Motion passed unanimously.

ADJOURN

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

The meeting was adjourned at 3:00 p.m.

Read and approved this 28th day of June, 2018.



Chairman

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
Jayson Renforth	Probationary Trooper/Highway Patrol	02/20/18

Approved:



Steven P. Mach, Chairman
Public Safety Commission
Date: April 26, 2018

