

**MINUTES**  
**PUBLIC SAFETY COMMISSION**  
**June 28, 2018**  
**AUSTIN, TX**

The Public Safety Commission met in Austin, Texas on June 28, 2018. Attending the meeting were Chairman Steven Mach, Commissioners Cynthia Leon, Jason Pulliam, and Randy Watson. Commissioner Flores was not in attendance but a quorum was present at the meeting. DPS staff members and guests were also present.

**CALL TO ORDER** (0:00:02)

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

**APPROVAL OF MINUTES** (0:00:47)

**A motion was made by Commissioner Leon, seconded by Commissioner Watson, approving the minutes from the Public Safety Commission meeting held April 26, 2018. Motion passed unanimously.**

**PRESENTATIONS** (0:01:04)

**Director's Award**

William F. Skeen, 100 Club

**NAWLEE Woman Law Enforcement Executive of the Year**

Rhonda Lawson

**Texas Veterans Commission**

Director McCraw

**Top 10 Agency Procurement/HUB Awards from State Senate**

Jessica Ballew – Division Director, Administration

**Service Awards**

Ted "Barry" Caldwell – 30 years

David Gene Baker – 40 years

Ronald Jerome Kulak – 40 years

Kenneth Wayne Pittman – 40 years

Stephen Jay Tone – 40 years

John Edward Cruddas – 40 years  
Alan Alexander – 40 years  
Anna Lucille Mendez – 40 years  
Jesus Eduardo Alatorre – 40 years  
Donald Lee Van Zandt – 50 years

**Adolph Thomas Distinguished Service Award**

Goodluck Elei – Support  
William “Bill” Schneider - Commissioned

**Lifesaving Award**

Special Agent Rene Olivarez  
Trooper James Rentfro  
Trooper Christopher Rocha  
Special Agent Christopher Dale  
Trooper Kearney Brown Jr.  
Trooper Travis High  
Trooper Garrett Ray  
Trooper Raul Garcia Jr.  
Trooper Jacob Gonzalez

**Director’s Citation**

Justin Chrane  
Derek Peterson

**Director’s Award**

Ismael Garza – La Joya Police Department

**Austin Police Department Meritorious Unit Medal**

Texas Ranger Thomas Kovacs  
Texas Ranger Andrew Martinez  
Texas Ranger Donald Bolton  
Texas Ranger Raymond Real

Chairman Mach and the Commission recognized four key retirements and thanked them for their dedicated service: Colonel David Baker, Regional Director Jack Webster, Regional Director Duane Steen and Division Director Billy Nabors.

(1:07:19) Break 11:08 a.m. – 11:20 a.m.

(1:07:31) Chairman Mach acknowledged the following in attendance:  
Fisher Reynolds and Michael Hull – Office of the Governor  
Suzanne Mackowiak – Lieutenant Governor's Office  
Justin Wood – Senate Criminal Justice Committee

**PUBLIC COMMENT** (1:08:11)

-Susan Nelson – Safe Gun Storage

**DIRECTORS REPORT**

**A. Case Update: Aggravated Sexual Assault of a Child** (1:18:38)

Update provided by Lieutenant Richard Greer and Special Agent Lance Cline:

-August 9, 2016, CID Special Agents were contacted by Dallas Police Department detectives regarding child pornography images depicting an adult male sexually assaulting an infant child.

-Account associated with the images were subsequently linked to Joseph Leatherman, Jr. in New Boston, Texas.

-CID Special Agents observed a distinctive birthmark on the victim's arm and were able to locate a photograph on Leatherman's ex-wife's Facebook page, which showed a similar birthmark on Leatherman's 2-year-old daughter.

-August 11, 2016, investigators executed a search warrant at Leatherman's residence, seizing cell phones, computer, and a pair of camouflage boxers matching clothing worn by the suspect in the pornographic images.

-During the search warrant, special agents also recovered four children living at the residence, who were taken into protective custody by the Department of Family and Protective Services.

-Additional evidence indicates Leatherman had access to multiple children through various relationships and has been involved in additional sexual abuse incidents.

-Leatherman's current wife identified the child in the images as Leatherman's 2-year-old daughter.

-Special Agents took photographs of Leatherman's entire body, matching an injury to one of his hands to an injury seen in the pornographic images.

-Photos of friction ridge patterns on Leatherman's fingers were also used to match him to the suspect in the pornographic images.

-Cellular tower information indicated Leatherman was at his Bowie County residence during the time of sexual assault.

-Employment records obtained through a court order also indicated Leatherman had the opportunity to assault his daughter before coming to work that afternoon.

-Leatherman's defense team negotiated with the Bowie County District Attorney's office for Leatherman to serve a life sentence for the sexual assault of his daughter and was sentenced on March 13, 2018.

-Investigation was conducted with the assistance of the FBI, Dallas Police Department and the Texarkana Police Department.

Director McCraw reported in an arrest that occurred in May 2018. Trooper made a DWI arrest and serious allegations (rape) were made against the trooper. Accusation was picked up by an attorney, later tweeted and went viral. Two troopers and their families were put in harm's way in terms of threats. Immediate review of the body camera and dash camera videos was essential in proving it was a false allegation. The attorney and the person tweeting issued apologies.

Director McCraw thanked the Commission and Senator Royce West for the decision to go with the body camera purchase as it has paid off tremendously.

#### B. Aviation Operations (1:32:32)

Director McCraw advised this presentation will be held at the August meeting.

### **NEW BUSINESS**

#### A. Overview of Fleet Vehicle Program (1:33:08)

Brief provided by DD Jessica Ballew and Assistant DD Wayne Mueller:

-Team players: Texas Highway Patrol, Law Enforcement Support, Information Technology and Fleet

-Challenges: High Mileage – as of 6/13/18 5,276 total vehicles (55% Black & White (B&W) patrol vehicles); 1,600 vehicles are in the 100K – 150K mile range (821 B&W's); 482 vehicles are in the 150K – 200K mile range (304 B&W's)

-Need \$170 million in additional funding for vehicles to get to ideal state.

-40% of B&W's are at 100K miles or above

-Maintenance Repair – currently 22% are handled in house (other sites: Florence, Houston, Lubbock and Weslaco)

-Surplus cars are sold thru the Texas Facilities Commission (10% goes to TFC or administrative costs and 25% of the remaining 90% goes back to DPS)

-Build Book – documents every component added to vehicles during upfit

-Invited to Ride and Drive event on October 30, 2018 in Florence

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

General Counsel Adkins informed the Commission that the Governor's Office announced an initiative this week; the Governor's Office will be reviewing all rules prior to publication for public comment.

1. Repeal and proposed new 37 TAC Section 15.34, concerning Renewal Period Prior to Expiration (2:04:07)

2. Amendments to 37 TAC Section 15.59, concerning Alternative Methods for Driver License Transactions

3. Amendments to 37 TAC Section 16.1, concerning General Requirements

**A motion was made by Commissioner Leon, seconded by Commissioner Watson, to approve New Business Items B1-B3 subject to the Governor's Office approving posting of rules, to receive public comment. Motion passed unanimously.**

4. Amendments to 37 TAC Section 37.2, concerning Commercial Social Networking Sites (2:11:35)

**A motion was made by Commissioner Watson, seconded by Commissioner Pulliam, to approve New Business Item B4 subject to the Governor's Office approving posting of rule, 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 adoption of the following previously published rules:

1. New 37 TAC Section 1.265, concerning Buy America Requirements for Iron and Steel used in Construction (2:13:11)

No comments.

**A motion was made by Commissioner Pulliam, seconded by Commissioner Watson, to approve Ongoing Business Item A1, for adoption. Motion passed unanimously.**

2. New 37 TAC Section 4.57, concerning Safety and Driver Training Requirements for Certain Permits (2:14:41)

No comments.

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

No comments.

**A motion was made by Commissioner Leon, seconded by Commissioner Watson, to approve Ongoing Business Items A2 & A3, for adoption. Motion passed unanimously.**

B. 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 (2:16:03)

None.

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

To be discussed during Executive Session.

### **REPORTS** (2:16:36)

A. Commission member reports and discussion - none

B. Finance Report – Commissioner Leon requested an update from DD Suzy Whittenton on the Exceptional Item process. DD Whittenton reported it is under review and Commission will have a month in advance for review.

C. Chief Auditors Office – none

D. Division status reports on activities and action - none

### **CONSENT ITEMS** (2:18:12)

A. Advice and consent regarding director's determination that a certain probationary employee was found unsuitable for work during June 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: Gary R. Haltom, Michael W. Hearn, James E. Long, Michael McElroy, Jessie M. Mendez, Dana C. Moore, Juan Rodriguez Jr., Robert J. Sims, Hoby R. Smith, and Timothy W. Stewart; Special Texas Rangers: Brad K. Harmon; and Texas and Southwestern Cattle Raisers Association Special Rangers: James W. Bennett and Lenwood Fox II

C. Donations:

1. Additional donation items, as needed

**A motion was made by Commissioner Watson, seconded by Commissioner Pulliam, approving Consent Items, A & B. Motion passed unanimously.**

**ITEMS FOR FUTURE AGENDA** (2:19:32)

None at this time.

**DATE FOR FUTURE MEETING** (2:19:39)

A discharge hearing will be scheduled on August 30, 2018, and the regular Public Safety Commission meeting is scheduled for August 31, 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 12:33 p.m.

(2:20:34) The Public Safety Commission reconvened in open session at 3:35 p.m. Commissioners present were Chairman Steven Mach, Commissioners Cynthia Leon, Jason Pulliam and Randy Watson.

Chairman Mach advised that performance reviews were conducted during Executive Session. Commissioner Flores is ill and unable to attend the meeting.

**ADJOURN**

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

The meeting was adjourned at 3:36 p.m.

Read and approved this 31<sup>st</sup> day of August, 2018.

Steven P. Mach  
Chairman

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On June 28, 2018, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Organization and Administration  
Title 37 T.A.C. Part I, Chapter 1  
Subchapter U  
Section 1.265

The Texas Department of Public Safety (the department) adopts new §1.265, concerning Buy America Requirements for Iron and Steel used in Construction. This rule is adopted without changes to the proposed text as published in the May 11, 2018 issue of the *Texas Register* (43 TexReg 2951) and will not be republished.

The proposed addition of §1.265 fulfills the requirements of Senate Bill 1289 enacted by the 85th Texas Legislature. This bill added Subchapter F, concerning Certain Construction and Installation Projects, Government Code, §§2252.201 - 2252.205. Proposed rule §1.265 implements the referenced sections of the Government Code because the department is a governmental entity subject to the requirements of a project described by the referenced sections.

No comments were received regarding the adoption of this rule.

This rule is adopted pursuant to Texas Government Code, §2252.202(b), which authorizes certain governmental entities to adopt rules to promote compliance with the statute. The department is such a governmental entity.

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.

 06-28-18

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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On June 28, 2018, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Commercial Vehicle Regulations and Enforcement Procedures  
Title 37 T.A.C. Part I, Chapter 4  
Subchapter D  
Section 4.57

The Texas Department of Public Safety (the department) adopts new §4.57, concerning Safety and Driver Training Requirements for Certain Permits. This rule is adopted without changes to the proposed text as published in the May 11, 2018 issue of the *Texas Register* (43 TexReg 2952) and will not be republished.

The proposed addition of §4.57 fulfills the requirements of Senate Bill 1383 and Senate Bill 1524 enacted by the 85th Texas Legislature. These bills add Subchapter U, concerning Vehicles Transporting Fluid Milk, Transportation Code, §§623.401 - 623.407 and Subchapter U, concerning Intermodal Shipping Containers, Transportation Code, §§623.401 - 623.411. Proposed rule §4.57 implements the referenced sections of the Transportation Code by requiring additional safety and driver training for fluid milk truck drivers and drivers of trucks transporting sealed intermodal containers.

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, §623.407(b) as added by Senate Bill 1383 enacted by the 85th Texas Legislature and §623.411(b) as added by Senate Bill 1524 enacted by the 85th Texas Legislature which authorize the department to adopt rules requiring additional safety and driver training for permits issued for vehicles transporting fluid milk and intermodal shipping containers.

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.



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Steven P. Mach, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On June 28, 2018, the Public Safety Commission (the commission) by majority vote approved rules concerning:

School Bus Safety Standards  
Title 37 T.A.C. Part I, Chapter 14  
Subchapter D  
Section 14.52

The Texas Department of Public Safety (the department) adopts amendments to §14.52, concerning Texas School Bus Specifications. This rule is adopted without changes to the proposed text as published in the May 11, 2018 issue of the *Texas Register* (43 TexReg 2952) and will not be republished.

The proposed amendment updates the rule to reflect the 2018 Texas School Bus Specifications as the current publication.

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; Texas Education Code, §34.002, which authorizes the department to adopt safety standards for school buses; §547.102, which authorizes the department to adopt standards and specifications for school bus equipment; and §547.7015, which authorizes the department to adopt rules governing the design, color, lighting, and other equipment, construction, and operation of a school bus for the transportation of schoolchildren.

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.

 06-28-18

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Steven P. Mach, Chairman  
Public Safety Commission



