



Public Safety Commission Meeting

August 25, 2016, 9:00 a.m.
6100 Guadalupe, Building E
Austin, TX 78752

Summary

(This report represents a summary of events of the meeting, and is not a complete nor an exact transcript of testimony.)

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 – Chairwoman Cynthia Leon called the meeting to order. In attendance: Chairwoman Cindy Leon, Faith Johnson, Steven Mach, Randy Watson and Manny Flores. A quorum was present. Also present were, Director Steve McCraw, Deputy Director David Baker, Deputy Director Robert “Duke” Bodisch, and General Counsel Phil Adkins.



II. APPROVAL OF MINUTES

A motion was made by Commissioner Mach and seconded by Commissioner Johnson to approve the minutes from the June 16, 2016 PSC Meeting. Motion carried.

III. PUBLIC COMMENT

(Members of the public wishing to address the Commission are subject to a time limit of 5 minutes and must complete a Public Comment Registration Card located at the entry. Should a member of the public bring an item to the Commission for which the subject was not posted on the agenda of the meeting, state law provides that the Commission may receive the

information but cannot act upon it at the meeting. The Commission may direct staff to contact the requestor or request that the issue be placed on a future agenda for discussion.)

Chair Cindy Leon stated that there was multiple requests to address the Commission. There were two groups that asked to speak.

Duncan Fox introduced Bob Albertson and B.C. Lyons representing the DPS Museum. Mr. Fox discussed the DPS Museum's participation in the Museum Day celebration on September 18, 2016. He explained that is a great opportunity to show the public great memorabilia from DPS's proud history. Mr. Albertson explained that the Museum began in 1992, and the original idea was to build a new building on a large lot, but the funding did not materialize quickly. We are proud of the small museum that is housed in the lobby area of Building B. They explained that they are expecting approximately 2,000 visitors on that Saturday.

Aaron Shephard, refrigerated trucking company, and John ____? - Concerns with some of the aspects of the new CDL test. We are OK with the longer test. We are here to support a longer amount of time to complete the longer test. We have worked with AD Peters and applaud his work in this area. We are also working to allow a 3rd party to administer the testing.

Rob Hurt – American Commercial Vehicle Training Association - Here to address the 3rd party CDL testing. We applaud DPS efforts to make the Texas roads safer. We too, support 3rd party testing.

IV. DIRECTORS REPORT

A. Presentations

Director Steve McCraw – Made the following presentations for Service Awards:

(DPSOA thanks the DPS Media and Communications Office for the following report regarding the Awards.)

DPS Honors Exceptional Employees, Texans

AUSTIN – The Texas Public Safety Commission (PSC) and Texas Department of Public Safety (DPS) Director Steven McCraw presented two *Director's Citations*, two *Director's Awards* and one *Lifesaving Award* to employees, as well as two civilians for their exemplary actions and service.

"DPS and the entire state of Texas are grateful to have so many true public servants who dedicate their time and careers to helping others, and today we are pleased to recognize just a few of those outstanding individuals," said Director McCraw. "Thank you for your commitment to service and your vigilant efforts to protect your fellow Texans and to help fight crime in your communities."

The following awards were presented today:



- Criminal Investigations Division **Special Agent Ben Allison** and **Special Agent Chris Barker**, both CID in Texarkana, each received a *Director's Citation*. On Sept. 2, 2014, Allison and Barker were traveling on I-30 near Texarkana when they arrived at the scene of a major traffic collision, involving a semi-truck, its trailer and a work truck that were engulfed in flames. The DPS agents approached the work truck, which contained two trapped occupants, and began attempts to extinguish the flames. Three civilians were also at the scene using fire extinguishers in an effort to put out the flames. Despite all efforts, the fire eventually engulfed the entire truck, forcing rescuers to retreat. The two men inside the truck did not survive.
- **Vickie Fowler** and **Roxanna Ortiz**, employees of Municipal Services Bureau (MSB), each received a *Director's Award* for their part in a fraud investigation. MSB is the contracted vendor for the state's Driver Responsibility Program, which features an indigent program that at the time reduced surcharges owed by individuals who have incomes at or below 125 percent of the federal poverty level. While working at MSB, Ortiz and Fowler alerted DPS to possible fraud after identifying applications submitted on behalf of customers who should not have qualified for the DPS Indigency Program. During the subsequent DPS investigation, it was determined that the department had lost approximately \$50,000 in legitimate surcharge fees, and the suspect was arrested and convicted of fraud.



- **Trooper Casey Dawson**, Texas Highway Patrol in Borger, received a *Lifesaving Award*. On May 27, 2016, Trooper Dawson and Trooper Ben Dollar were dispatched to I-40 to locate a worker who was experiencing a medical emergency. When the troopers arrived at the scene, they observed that the male worker was having difficulty talking and he eventually experienced a seizure. Dawson, who has EMT experience, worked to assess the man's trauma level and provided first aid throughout the incident. Ultimately, Dawson performed CPS to help stabilize the man's condition and re-establish a pulse. He then continued to monitor the man's vital signs until EMS arrived.



In addition to the awards above, the American Association of Motor Vehicle Administrators presented the department with the *Public Affairs and Consumer Education (PACE) Award*, which



spotlights agencies that have committed their time and resources to outstanding consumer education programs. The DPS Driver License

Division received the *PACE Award* as recognition for its internal electronic publication *License to Drive* magazine. The magazine is designed to promote employee engagement through compelling coverage of the people, places and events related to the division.



platform.

The TASSCC *Rising Star Award*, which recognizes up and coming government technology leaders who provide and contribute to organizational improvement through the use of technology, was presented to DPS IT developer **Paul Brown**.

DPS was also recognized by the Texas Association of State Systems for Computing and Communications (TASSCC) with two awards – the *Excellence Award* and *Rising Star Award*. DPS received the TASSCC *Excellence Award* in the High Value Impact/High Value Business Impact category for the State Police Unified Reporting System (SPURS). Implemented in March 2016, SPURS is an enterprise system created to consolidate and incorporate all relevant data from multiple law enforcement divisions into a unified



B. Case Update

Director Steve McCraw – Introduced CID Major John W? of Eagle Pass. He introduced Texas Ranger Joe Sanchez and CID Special Agent Chris Hanson. The investigation began in October of 2009. This case involved utilizing Cooperative Individuals (CIs). It demonstrates how violent, deadly and insidious these drug cartels can be. They used school aged students to smuggle and distribute drugs, currency and guns. They controlled the juveniles by luring them into Mexico where they were provided anything that they want including drugs and women. They also intimidated with torture and death, dumping the bodies on the Texas side of the river.



The operation that spanned over 7 years resulted in the following seizures:

*121 people arrested
70 juveniles arrested
8,055 lbs. of marijuana
280 kilos of cocaine
22 kilos of meth
9 kilos of heroin
52 firearms
41 assault rifles
49 wire intercepts
Over \$700,000*

Chair Cindy Leon thanked them for an outstanding job. Below are slides from their presentation.

A publication of the Texas Department of Public Safety, Criminal Investigations Division
CID RESTRICTED BRIEF

Overview

- Initiation:** June 2009.
- Target:** Multiple DTO cells linked to **MARCIANO MILLAN-VASQUEZ**, mid-level member and "Sicario" (hit man) for the Los Zetas cartel.
- Areas of Activity:** Eagle Pass, Austin, Houston, and Dallas, and other areas outside of TX.
- Investigative Goals:** Dismantle/disrupt multiple cells associated with the Los Zetas cartel and other cells responsible for the distribution of drugs within the US and the smuggling of currency and weapons to Mexico.
- Investigative Techniques:** Surveillance, cooperating individuals, cell phone pen registers, Tills, buy-walk operations, and interviews of cooperating defendants and witnesses.
- Agencies Participating:** DPS CID, Texas Rangers, DEA, HSI, US Marshals, US Border Patrol, ATFE, FBI, US Customs, Texas National Guard, Guadalupe County Sheriff's Office, Maverick County Sheriff's Office, and the police departments of Austin, San Antonio, Hollywood Park, Castle Hills, Live Oak, Leon Valley, Eagle Pass, Eagle Pass ISD, and Richland (Mississippi).

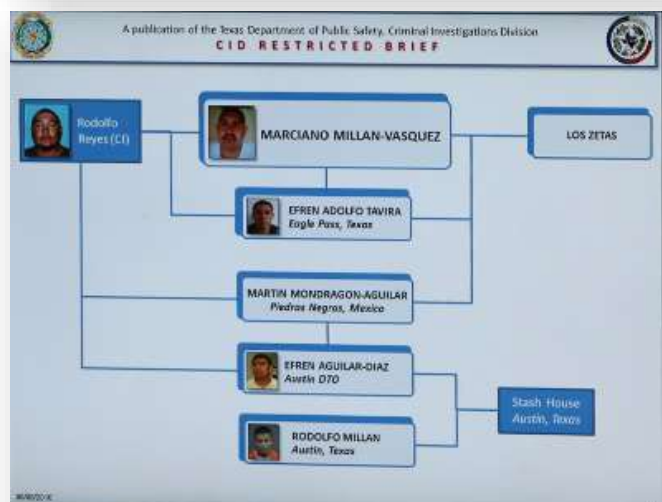
06/02/10

A publication of the Texas Department of Public Safety, Criminal Investigations Division
CID RESTRICTED BRIEF

Timeline

- June 2009:** Rodolfo Reyes, acting as a CI, begins providing information to CID-Eagle Pass about **MARCIANO MILLAN-VASQUEZ**, who was linked to Los Zetas and multiple DTOs in Texas, including a major cocaine smuggling DTO led by **EFREN ADOLFO TAVIRA**.
- October 2009:** In coordination with CID, Reyes travels to Austin to pick up drug proceeds from **EFREN AGUILAR-DIAZ**. Reyes then delivers money to Piedras Negras, Mexico, to **MARTIN MONDRAGON-AGUILAR**, the cousin of **AGUILAR-DIAZ** and high-level distributor for **MILLAN-VASQUEZ**.
- October 2009-March 2010:** CID identifies several stash houses for Austin cell and identifies multiple couriers operating between Austin and Eagle Pass. Multiple arrests and marijuana seizures made.
- April 2010:** CID identifies major marijuana and cocaine distribution location in Austin, which is linked to **AGUILAR-DIAZ** and to **RODOLFO MILLAN**, the nephew of **MILLAN-VASQUEZ**. Search warrant executed at location, leading to arrest of **AGUILAR-DIAZ**, **MILLAN**, and three other suspects. Special agents seize more than 200 pounds of marijuana, 1 handgun, and \$54,000 in US currency.

06/02/10



A publication of the Texas Department of Public Safety, Criminal Investigations Division
CID RESTRICTED BRIEF

- June 2010:** Seizure of 41 assault rifles near Eagle Pass during two directed traffic stops by DPS Highway Patrol. Rifles are linked to **MILLAN-VASQUEZ** and a stash house is identified in Eagle Pass.
- September 2010:** CID-Eagle Pass begins investigating the Efrén Adolfo Tavira DTO, a major cocaine smuggling cell that had been identified by CI Reyes. The leader of the DTO, **TAVIRA**, is linked to **MARIO ALFONSO CUELLAR**, a high-ranking member of Los Zetas. Investigation leads to Public Corruption arrests of Maverick County commissioners.
- End of September 2010:** Seizure of 517 pounds of marijuana at Eagle Pass stash house, made with assistance from CI Reyes. One suspect, **LUIS MARTINEZ**, is arrested. The marijuana and stash house are both linked to **MILLAN-VASQUEZ**. After seizure, CI Reyes is ordered to report to the "Seteros" (place bosses) in Piedras Negras, and is never seen again.

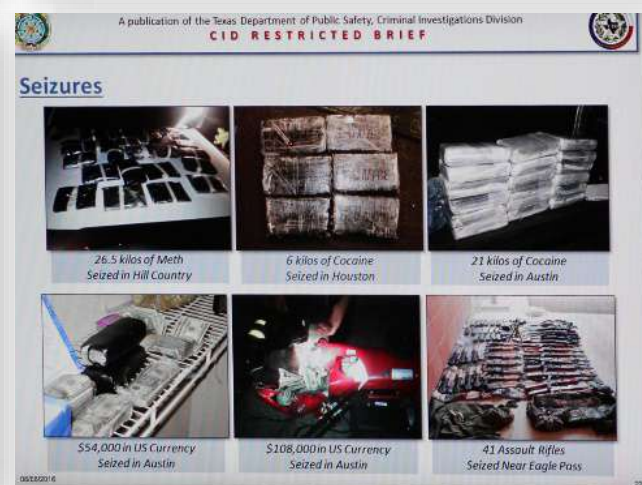
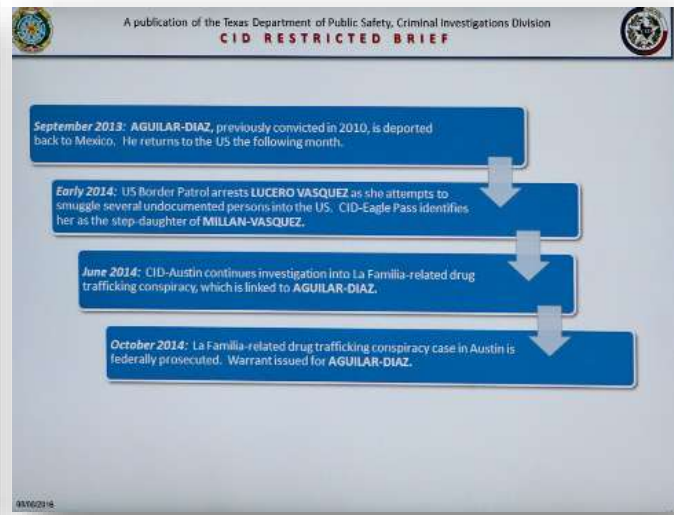
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A publication of the Texas Department of Public Safety, Criminal Investigations Division
CID RESTRICTED BRIEF

- November 2010:** The Austin cell members arrested in April 2010, including **AGUILAR-DIAZ** and **RODOLFO MILLAN**, are sentenced on federal drug conspiracy charges and immigration violations.
- March 2011:** High-ranking Los Zetas member, **CUELLAR**, flies Piedras Negras, Mexico, aboard a large plane to USA 3700s tower **MANUEL ANTONIO TORRES-RODRIGUEZ**, who subsequently orders all **CUELLAR** associates to be imprisoned, taken to isolated areas, and killed, including known men, women, and children.
- Early 2012:** **RODOLFO MILLAN**, previously convicted in 2010, completes his sentence and is shipped back to Mexico. He is re-arrested in March for smuggling marijuana into the US.
- April 2012:** CID-Austin begins unrelated investigation that identifies large drug trafficking conspiracy centered by La Familia cartel in Laredo, Mexico. Over several investigations, authorities arrest to numerous suspects and seize large quantities of cocaine, methamphetamine, and US currency.
- April 2012:** CID-Eagle Pass concludes investigation of Efrén Adolfo Tavira DTO and arrests **TAVIRA** at that of time. **TAVIRA** provides information regarding the 2011 murder of more than 300 people in Altamira and Piedras Negras, Mexico. **MILLAN-VASQUEZ** is identified as being the Plaza Boss for that area.

06/02/10



Texas Ranger Chief Randy Prince introduced Sonny McAfee, Llano County District Attorney, and Texas Ranger Richard Henderson who discussed a homicide investigation and trial. On July 1, 2013, Karra Allen shot and killed her husband as part of a domestic dispute. Mrs. Allen Henderson claimed self-defense, but DA McAfee didn't think something added up. He called upon the Texas Rangers to assist him in recreating the crime scene. Although the crime scene was several months old, using advanced technology tools including Leica Scan and Projectile flight path tracing, the Texas Ranger team was able to assemble a reasonably conclusive trail of evidence that showed that the shooting was deliberate and not an act of self-defense. AD McAfee said that in his 20 years as a law enforcement officer, including several years as a homicide detective in Houston, he had never seen an investigative force as thorough and competent as the DPS team. He thanked the Public Safety Commission for providing the tools and the training that helped him make the conviction.

Commissioner Johnson asked if a motive for the murder was established. DA McAfee suggested that there were probably several motives, not the least of which was greed. Karra Allen owned 51% of the family metal building business which was about to sign a very lucrative government contract.

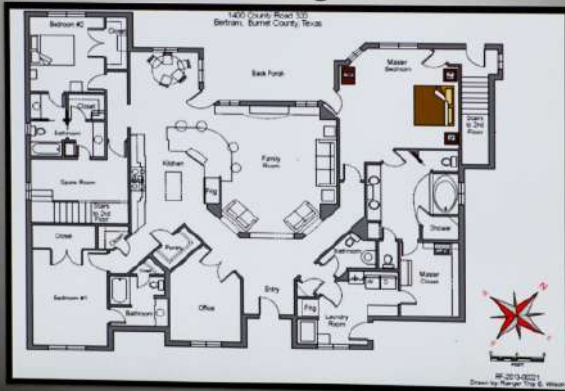
Below are the slides from their presentation:



Crime Scene Reconstruction

- In the Spring of 2015 the District Attorney's Office requested the Rangers conduct a full crime scene reconstruction. This included:
 - A scene diagram
 - Evidence recovery
 - Leica Scan
 - Projectile (bullet) flight path
 - Investigative analysis
 - Expert testimony

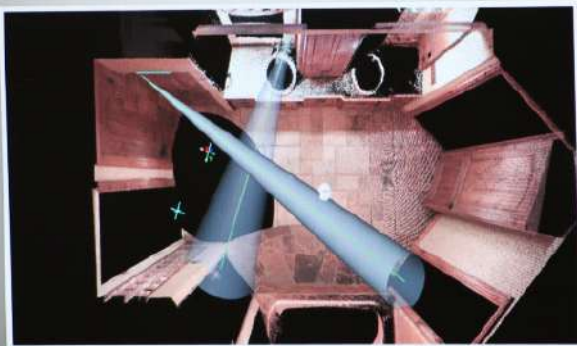
Scale Diagram



Additional Evidence Recovery



Leica Scan



Projectile (bullet) flight path



Investigative Analysis

- The Texas Rangers reviewed the entire investigative file, including the Sheriff's Office reports, Autopsy Reports, Confessions, Interviews and crime scene photographs. The analysis lead the Rangers to determine that Brian Allen was unarmed and running away from Karra Allen when he was shot and killed.

Expert Testimony



On 06-03-2015, Karra ALLEN appeared before the 33rd District Court where ALLEN was found guilty of Murder and was subsequently sentenced by the jury to life in the TDCJ.

C. Review of Testimony to House Appropriations Committee – Report on Efficiency of Expenditure of Border Security Funds

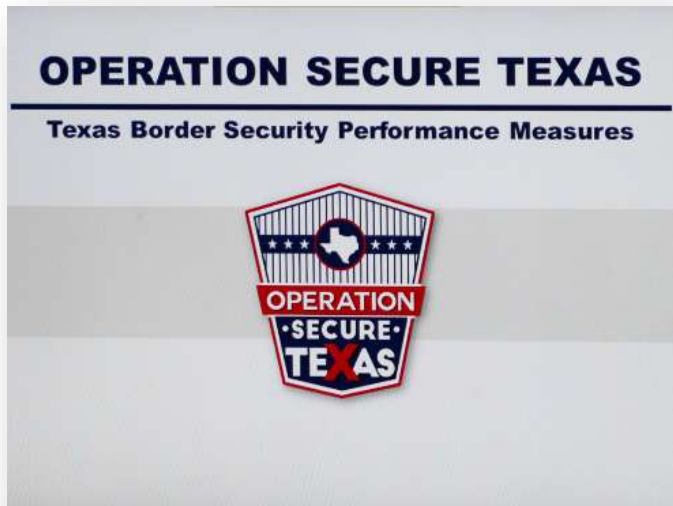


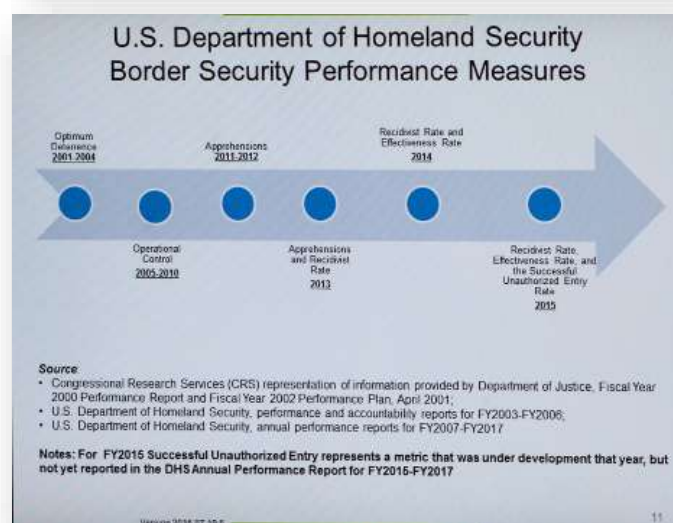
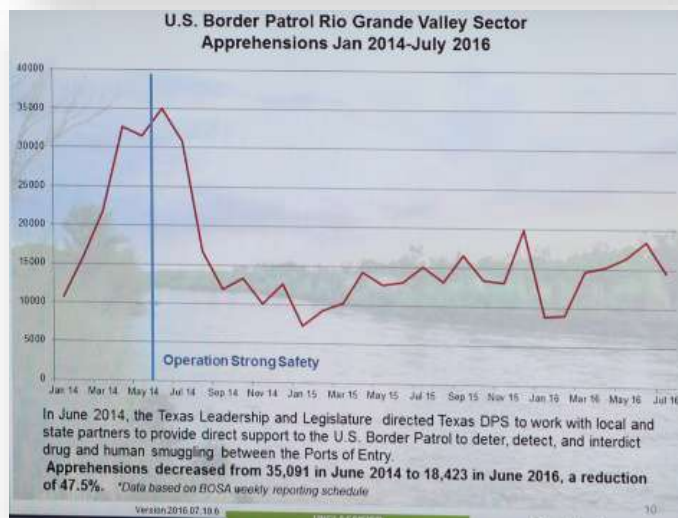
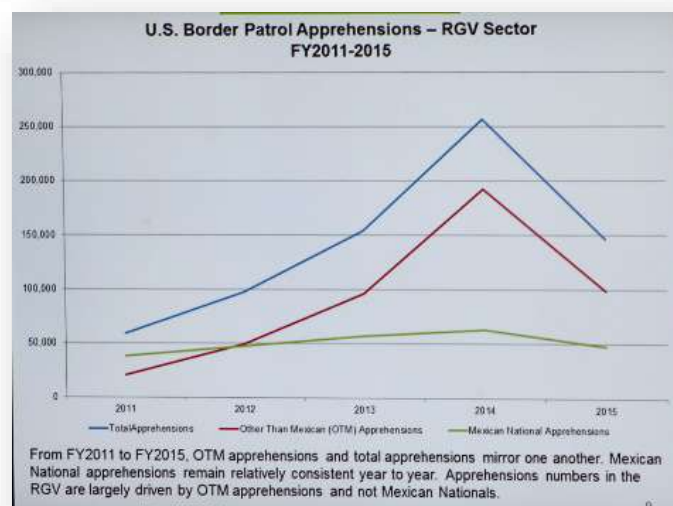
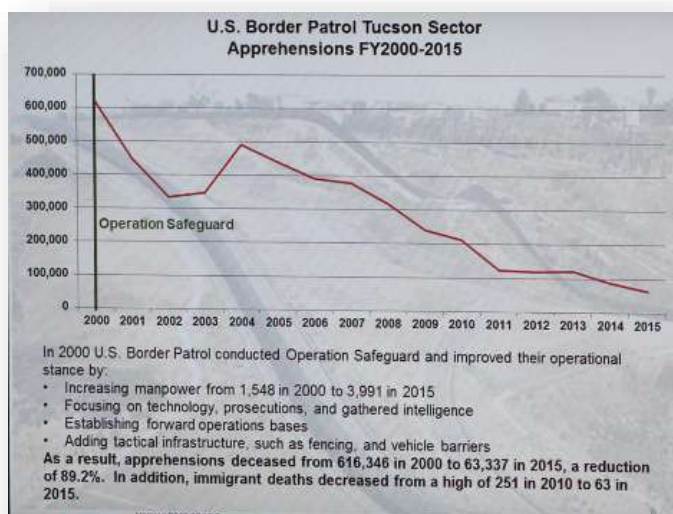
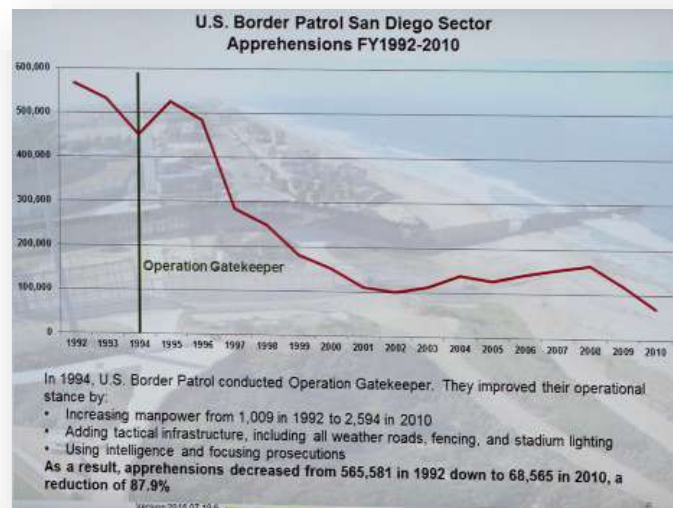
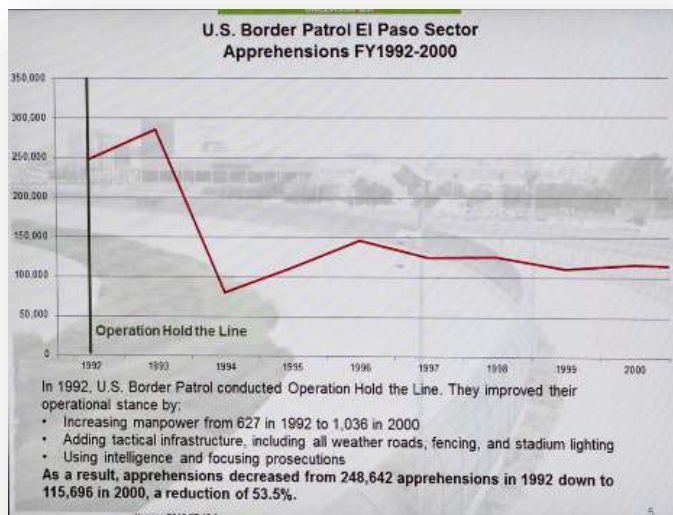
Director Steve McCraw – Texas shares 1,254 miles of border with Mexico and has 14 counties along the Border. Mexican cartels continue to exploit and smuggle people, drugs, guns and money. In July of 2014 DPS began deploying Troopers, Special Agents, and Texas Rangers to the border area to try to stem the tide of this kind of illegal activity. We set priority to the areas of highest activity.

Director McCraw also discussed the fact that when comparing statistics on interdiction, there are often several factors that can affect the numbers, including the political environment in the Central American countries from which many of the people are fleeing and Mexico's interdiction operations on their border to the south.

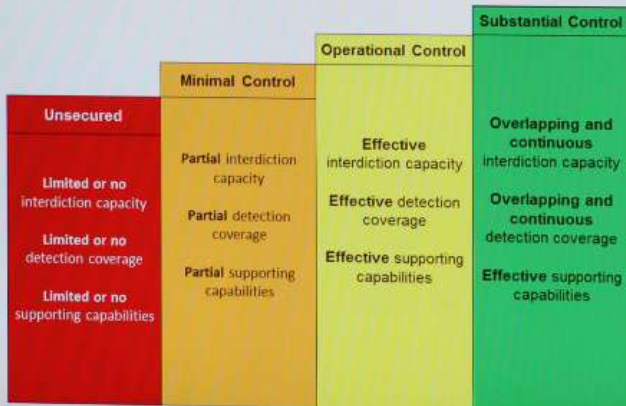
from which many of the people are fleeing and Mexico's interdiction operations on their border to the south.

Below are slides from Director McCraw's presentation:





Texas Border Security Levels



Version 2016.07.19.6

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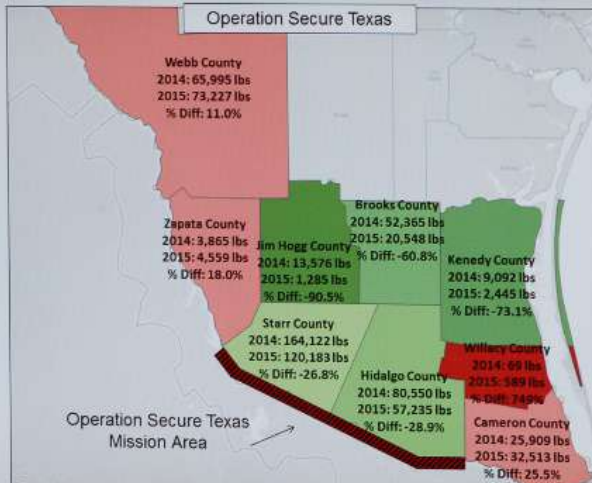
Texas Border Security Levels



Version 2016.07.19.6

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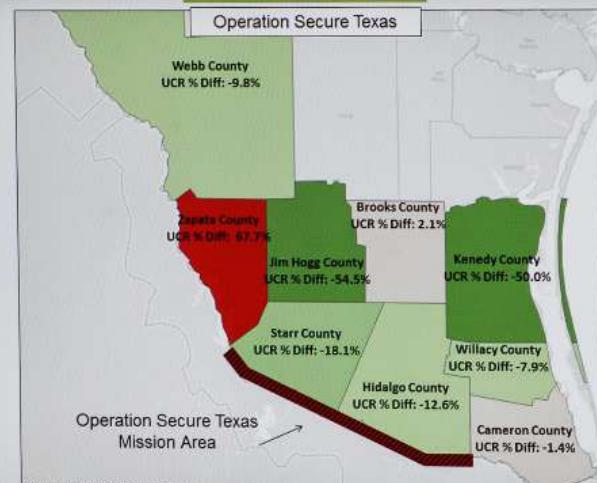
Operation Secure Texas



Source: National Seizure System Data Provided by El Paso Intelligence Center
Version 2015.07.19.6

22

Operation Secure Texas

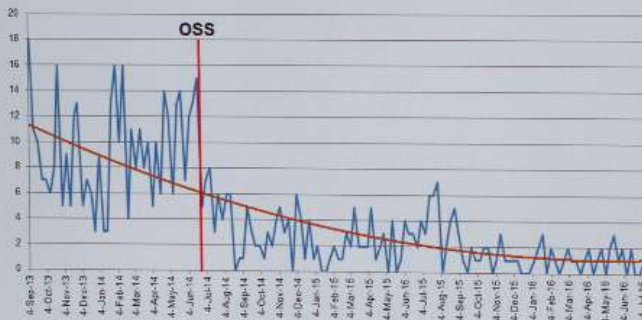


Source: Uniform Crime Reporting
Version 2015.07.19.6

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Bailouts in the Coastal Bend Sector

Number of Incidents



OPERATION SECURE TEXAS

Texas Border Security Performance Measures



A. Report, discussion, and possible action on the 2018-2019 Legislative Appropriations Request including Exceptional Items and Changes to Appropriation Riders



Chief Financial Officer Susie Whittenton – Presented the following information to the Commission regarding the appropriations request and then described the 9 Exceptional Items requests in order of priority. She asked for a vote of approval for the Appropriations Request, the Exceptional Items and the Changes to the Appropriation Riders, which were mostly routine clean-up of items that were no longer needed.

Base Budget 2018-19	
2016-17 General Revenue Related	\$ 2,005,854,912
Less Exempted Border Security	<u>(749,919,914)</u>
Total 2016-17 Less Exemptions	\$ 1,255,934,998
4% Reduction	<u>(50,237,400)</u>
96% Total	\$ 1,205,697,598
Add Back Exempted Border Security	<u>749,919,914</u>
Base General Revenue Budget for 2018-19	\$ <u>1,955,617,512</u>
All Funds Estimated Budget for 2018-19	\$ <u>2,582,209,622</u>
FTEs	10,503.1

AY 2018-19 DPS Exceptional Items (All Dollar Amounts expressed in Millions)					
Item	Description	Amount Requested	Total FTEs	Commissioned Positions	Highlights
1	Reinstate 4% General Revenue Reduction	\$ 50.2	212.4 *	166.0 *	Reinstate 99 Commissioned Officer Positions from Highway Patrol, decrease Driver License wait times, reinstate 27 CD Commercial Positions.
2	Maintain Current Operations	\$ 29.0			Maintain current operations for the existing 250 Troopers using the new Mexico salary, maintenance and fuel for a Pilatus aircraft and salaries for Texas Ranger Company formed in 2014.
3	Border Security	\$ 291.7	409.0	285.0	230 additional Troopers and 200 more cameras along the border, replacement aircraft, Statewide Radio System, replacement of 240 additional vehicles, increase agency bandwidth enhance cyber security.
4	Driver License	\$ 57.5	137.5		CDL Service Expansion, Call Center Transformation, DL Technology Resources, DL Spending Budget
5	Law Enforcement Operations Enhancement	\$ 30.7	26.9	20.0	CVE Facility Management, Replace end-of-life TIRP in car systems, Texas Ranger uniforms, equipment, personnel for Capital Security.
6	Public Safety Infrastructure	\$ 30.0	85.3		Replacing crime lab equipment, improve handgun license application response time, indirect support of law enforcement.
7	Training	\$ 4.3	11.3	6.0	Recruit training enhancement, Virtual Training Realistic Based Training, Command College enhanced research capabilities.
8	Financial Reporting	\$ 3.5	12.0		GAAP Financial improved integration system for accounting, contract & grants management, and procurement.
9	Deferred Maintenance and Support	\$ 15.0	5.0		Airbus Administrative support and risk report of 2018 mission in border maintenance identified by 2016 Facility Condition Assessment.
TOTALS		\$ 518.0	903.6 *	477.0 *	

* FTE Impact to be Updated

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AY 2018-19 DPS Exceptional Items 1 - Reinstate 4% General Revenue Reduction

\$50.2M FTE Impact to be Updated

- **Commissioned Positions** – Restore 176.4 FTEs of which 166.0 are Commissioned Positions from Texas Highway Patrol, Commercial Vehicle Enforcement, Texas Rangers, Education Training and Research, Executive Protection Bureau, Capitol Complex, and Criminal Interdiction - **\$28.5M**
- **Driver License** – Restore Driver License Improvement Program (DLIP) office and Information Technology (IT) support - **\$7.9M**
- **Law Enforcement Intelligence** – Maintain ability to collect information from other agencies that participate in TTIC for the TX Data Exchange and restore 7.9 FTEs that support Criminal Investigations and Criminal Intelligence - **\$3.9M**
- **Regulatory Licensing** – Restore 20.1 FTEs that support the Handgun Licensing Program to avoid delaying issuance of licenses - **\$1.3M**
- **Deferred Maintenance** – Restore funding for critical maintenance and repairs impacting potential life and safety issue for building occupants - **\$2.9M**
- **Agency Operations** – Restore 8.0 FTEs, impacting vital agency support areas including cyber security, audit, financial operations, general counsel, inspector general, and emergency management impacting disaster recovery and business continuity capabilities, payroll, public integrity investigations, and other support operations - **\$5.7M**

AY 2018-19 DPS Exceptional Items 2 - Maintain Current Operations

\$29.0M No FTEs

- Maintain salaries for 250 Troopers funded by the 84th Legislature - **\$26.9M**
- Maintenance and fuel for the Pilatus aircraft approved by the 84th Legislature and acquired in 2016 - **\$1.4M**
- Maintain salaries for the new Texas Ranger Company created by the 84th Legislature - **\$0.7M**

AY 2018-19 DPS Exceptional Items 3 - Border Security

\$291.7M 409.0 FTEs (285 CPO FTEs)

- Adds 250 more Troopers to Border Area - **\$97.1M**
- Adds 5,000 more cameras to Operation Drawbridge along border - **\$28.1M**
- Replaces 2 helicopters and 4 planes - **\$39.4M**
- Statewide Radio System Operation and Maintenance - **\$36.8M**
- Statewide Regional Analytical Capabilities for Intelligence and Counter Terrorism (ICT) - **\$1.4M**
- Mobile Communications Command Platforms - **\$4.6M**
- Replacement of 1,240 additional high-mileage vehicles - **\$65.8M**
- Increase agency bandwidth - **\$8.9M**
- Cyber Security tools and support - **\$9.5M**

Funding for Aviation, Highway Patrol, Rangers, ICT, Law Enforcement Support, Cyber Security, Information Technology

AY 2018-19 DPS Exceptional Items 4 - Driver License

\$57.5M 137.5 FTEs

- Expand Commercial Driver License testing to meet federal requirements - **\$33.9M**
- Improve driver license technology resources - **\$5.1M**
- Continue required lawful presence and passport verification services - **\$0.6M**
- Eliminate and address driver license budget shortfalls to address wait times - **\$14.2M**
- Phase One: Call Center Transformation - **\$3.6M**

Funding for Driver License

AY 2018-19 DPS Exceptional Items
5 - Law Enforcement Operations Enhancement

\$36.7M 26.9 FTEs (20 CPO FTEs)

- Upgrade to Cellular Tracking Equipment - \$0.9M
- Replace end-of-life THP in-car computer systems - \$5.2M
- Commercial Vehicle Enforcement (CVE) Facility Enhancement - \$19.5M
- Texas Ranger crime scene equipment – 1 Freightliner and 3 scan stations - \$1.4M
- Additional personnel for Capitol Security - \$9.1M
- Bearcat Armored Tactical Vehicles for Texas Rangers - \$0.6M

Funding for CID, Texas Rangers, and THP

AY 2018-19 DPS Exceptional Items
6 - Public Safety Infrastructure

\$30.0M 85.5 FTEs

- Replace aging crime laboratory equipment - \$4.2M
- Improve Handgun License Application response times - \$1.7M
- Improve crime laboratory service cycle times - \$11.4M
- Mainframe refactoring - \$2.6M
- Cisco Enterprise Smartnet - \$3.0M
- AFIS Revenue Replacement - \$2.9M
- Establish operational support for Compassionate Use Program - \$2.1M
- Oracle software maintenance - \$1.6M
- Office 365 Migration for IT - \$0.6M

Funding for Administration, IT, Law Enforcement Support, Regulatory Services

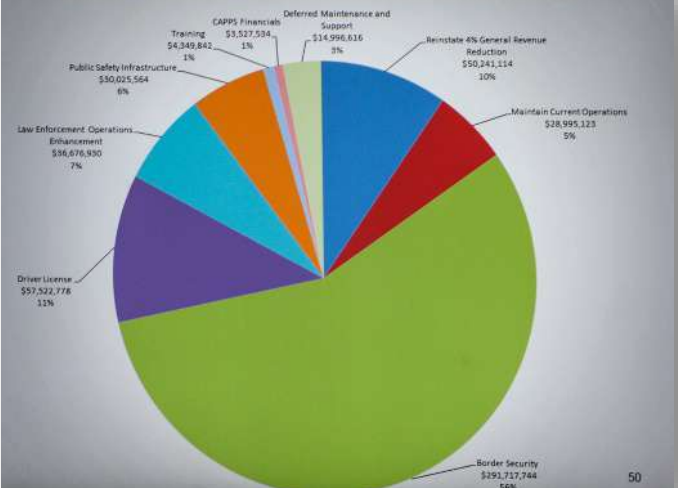
AY 2018-19 DPS Exceptional Items
7 - Training

\$4.3M 11.3 FTEs (6 CPO FTEs)

- Recruit Training Enhancements - \$1.7M
- Reality Based Training - \$1.0M
- Virtual Training Capabilities - \$0.7M
- Enhance Command College - \$0.5M
- Enhance Research Capabilities - \$0.3M

Funding for Training Academy (Education, Training & Research - ETR)

Texas Department of Public Safety : 2018-19 Exceptional Item Requests



2018-19 Requested Rider Changes

- ▶ The department currently has 65 riders.
- ▶ The rider changes are included in five categories.
 - No change (21)
 - Update dates only (10)
 - Deletion of riders (15)
 - Modifications to riders (19)
 - New Riders (4)
- ▶ Two Article IX rider changes
- ▶ The following only includes selected highlights of several rider changes

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2018-19 Selected Rider Deletion Highlights

Recommended deletion outdated or obsolete riders (Selected riders)

18 - Appropriation Transfers. Deletion of this rider allows increased flexibility in transferring of appropriations between strategies and also eliminates the reporting requirement. This would result in DPS having similar authority to other state agencies as required by Article IX, Sec. 14.01.

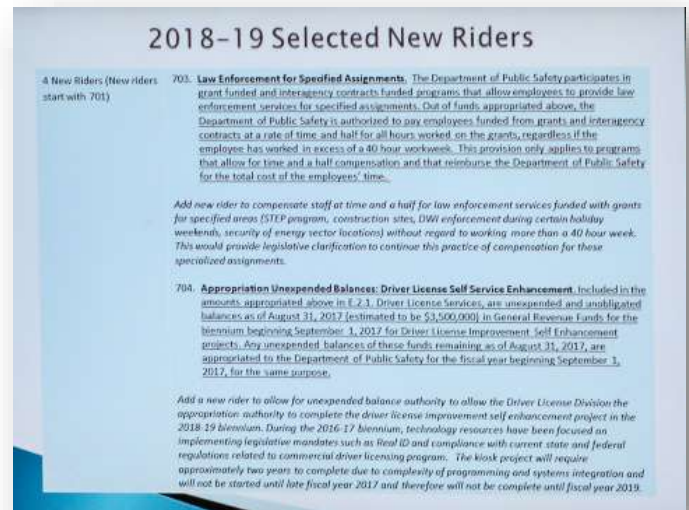
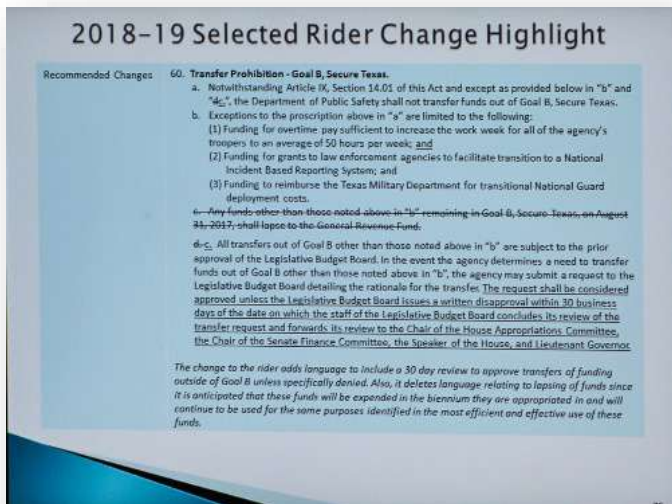
53 - Department of Public Safety/Military Department Transitional Funding. This rider is no longer needed because the items listed have been incorporated into base funding.

58 - Requirements Relating to Appropriations for New Troopers. This rider is no longer needed since the Department of Public Safety will have met the 250 new troopers goal established by the legislature.

64 - Security Improvements in the Texas State Capitol and the Governor's Mansion. This rider is no longer needed because it is expected to be a one-time item that was funded from the Department of Public Safety's base funding to provide improvements to the capital complex security.

65 - Capital Complex Security Threat Assessment. This rider is no longer needed because it is expected to be a one-time allocation to provide a threat assessment report.

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Report, discussion, and possible action regarding the proposed Chief Auditor's Office FY 2017 Internal Audit Strategy



Chief Auditor Catherine Melman – laid out her plan for conducting internal audits throughout the department in 2017, including Director McCraw's request for an internal audit of the law enforcement data collection and reporting.

A motion was made by Commissioner Mach and seconded by Commissioner Watson to approve the audit plan as described by Chief Auditor Melman. The motion carried.

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

1. Amendments to 37 TAC Sections 12.1 – 12.4, 12.7, 12.8 and proposed new Section 12.9, concerning General Provisions
2. Amendments to 37 TAC Sections 12.11 and 12.15, concerning Application and Renewal
3. Amendments to 37 TAC Section 12.21 and Section 12.23, concerning Compliance and Enforcement
4. Amendments to 37 TAC Section 12.31 – 12.34, concerning Security
5. Amendments to 37 TAC Section 12.41 and Section 12.42, concerning Compassionate-Use Registry

Assistant Director Renearl Bowie, Licensing and Regulations – Asked that items 1-5 be considered as a group, and that they be moved to the October PSC Meeting agenda for consideration, allowing staff more time to work on the rule proposals. Commissioner Mach said that if the request to postpone action to approve was granted, that the October meeting needed to be a solid commitment. AD Bowie assured him that it would be.

A motion was made by Commissioner Johnson, and seconded by Commissioner Mach to table Items 1-5 until the October meeting. The motion carried.

6. Repeal of 37 TAC Chapter 13, Subchapters A – E and H – N and proposed New Subchapters A – D, concerning Controlled Substances Program

Assistant Director Renearl Bowie stated that Item 6 had to do with controlled substances and would bring the rule in compliance with the mandates of HB95 and asked for the Commission's approval to publish it in the Texas Register for public comment.

A motion was made by Comm. Johnson, and seconded by Comm. Mach. Motion carried.

7. New 37 TAC Sections 27.171 – 27.174, concerning Criminal History Clearinghouse

Assistant Director Skyler Hearn – Clean-up of review language.

A motion was made by Comm. Mach, and seconded by Comm. Flores. The Motion carried.

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

Discussed in executive session.

VI. ONGOING BUSINESS

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

1. Simultaneous repeal of current 37 TAC Chapter 16 and proposed new 37 TAC Chapter 16, concerning Commercial Driver License
2. Amendments to 37 TAC Sections 23.1, 23.3, and 23.5, concerning Vehicle Inspection Station and Vehicle Inspector Certification
3. Amendments to 37 TAC Section 23.62, concerning Violations and Penalty Schedule
4. Repeal of 37 TAC Section 23.82, concerning Acceptance of Out-of-State Vehicle Inspection Certificates
5. New 37 TAC Sections 23.91 – 23.94, concerning Military Service Members, Veterans, and Spouses – Special Conditions

Assistant Director Joe Peters, Driver License Division – stated that items 1-5 were mostly clean-up language addressing, among other things, the DPS discretion over third party testing. He received one comment from Donald Sparza from the Texas State Trucking Association (TSTA) which he discussed and resolved with him and made no changes to the rules language. AD Peters stated that DPS has 25 CDL testing locations across the state, and the new CDL testing requirements will require approximately double the amount of time for the testing.

A motion was made and seconded to approve the rule modification as presented. The motion carried.

6. Amendments to 37 TAC Section 27.1, concerning Right of Review

Assistant Director Skyler Hearn, Law Enforcement Support – Clean up language for the Right of Review rule received no Public Comment so he asked for approval.

A motion was made by Comm. Mach, seconded by Comm. Johnson. The Motion carried.

7. Simultaneous repeal and proposed new 37 TAC Section 35.3, concerning Registration Applicant Pre-Employment Check
8. Amendments to 37 TAC Section 35.4, concerning Guidelines for Disqualifying Criminal Offenses

9. Amendments to 37 TAC Sections 35.21, 35.22, and 35.25, concerning Registration and Licensing
10. Amendments to 37 TAC Section 35.52, concerning Administrative Penalties
11. Amendments to 37 TAC Section 35.81, concerning Application for a Security Officer Commission
12. Amendments to 37 TAC Section 35.112, concerning Business Records

Assistant Director Renearl Bowie, Regulatory Service – Stated that Items A7-A12 were published rules relating to private security and they received no public comments, so he asked the PSC for approval of the rules.

A motion was made by Comm. Mach, and seconded by Comm. Watson. The motion carried.

B. Update report, discussion and possible action regarding recruitment

Assistant Director Frank Woodall, Education, Training and Research – AD Woodall introduced General Orlando Salinas to be named as Deputy Assistant Director of Education, Training and Research. Gen. Salinas has worked with DPS on various projects and is known for his integrity and dependability.

AD Woodall went on to say that Recruit Class C-16 is scheduled to graduate on December 16, 2016. C-16 currently has 124 recruits.

Class D-16 begins on September 11, 2016, with a full class of 150 invited. There are also 50 additional recruits that have been approved, but could not fit into the space that we have available. We have asked these 50 who could be available to fill in with a 1 day notice if slots open in the group of 150 within the first week and are prepared to implement this as needed. AD Woodall stated that they generally lose a few recruits during the first week, which primarily deals with paperwork.

Commissioner Johnson applauded AD Woodson for a great idea.

AD Woodall also stated that they have scheduled and are recruiting for schools 18A-E, and have schools scheduled all the way through 2020.

- C. Report, discussion, and possible action by the Commission regarding modification and transformation of the DPS organizational structure approval of personnel placements and salaries pursuant to Government Code chapter 411, Secs. 411.005, 411.006 and 411.0071**

- A. 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**

Director Steve McCraw – asked for approval to promote Acting Assistant Director Brian Lane to full Assistant Director of Information Technology.

Chairman Cindy Leon thank AD Lane for his hard work and accomplishments.

A motion was made by Commissioner Mach and seconded by Commissioner Flores to approve the promotion of Brian Lane to the position of Assistant Director of Information Technology. The motion carried.

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

Discussed in executive session.

VII. REPORTS

- A. Commission member reports and discussion
- B. Finance Report
- C. Chief Auditors Office
- D. Division status reports on activities and action

Nothing additional to report.

VIII. 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 a certain probationary employee was found unsuitable for work during July 2016
- 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: Willard C. Burger, Scott A. Davis, Nickie R. Hand, Wilbert S. Kendricks, Kelly D. Manning, James A. Mason, David C. Menchaca, Michael B. Moore, Patrick J. Mulligan, David L. Nesbitt, Bruce A. Oppermann, Roberto O. Peña, Cleve W. Renfro, Billy E. Rowles, and Harry L. Taylor
- C. Donations:
 - 1. One (1) Percheron Horse, Tiny – Region 7, Capitol Complex
 - 2. One (1) Warm Blood/Belgian Horse, Brutus – Region 7, Capitol Complex
 - 3. 3.5 Acres of Property with 24 Hour Access, Use of Two Covered, Gated Stalls, Use of One Large Storage Room and Use of Three Open Covered Pens – Region 7, Capitol Complex
 - 4. Additional donation items, as needed

General Counsel Phil Adkins stated that, sadly, Item C1, the horse, Tiny, was withdrawn (one of the Commissioner's commented that the paperwork was too much).

A motion was made and seconded to approve the consent items. The motion carried.

IX. ITEMS FOR FUTURE AGENDA

X. DATE FOR FUTURE MEETING

Any discharge hearings will be scheduled on October 12, 2016, and the regular Public Safety Commission meeting is scheduled for October 13, 2016.

The next Public Safety Commission Meeting will be held on Thursday, October 13, 2016.

XI. 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 Leon adjourned the meeting to executive session at 12:37 pm.

XII. 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 wit

In addition to the awards and presentations previously discussed, Director McCraw also presented the following Service Awards:

30 Year Service Award



Randall Beaty – Law Enforcement Support



Darryl Nominery - Driver License Division



Pamela Payne - Driver License Division

35 Year Service Award



Richard Barton – Texas Highway Patrol



Sergio Gomez (and son) – Texas Highway Patrol



John Ziveley – Information Technology