



Public Safety Commission Meeting

April 29, 2021, 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 necessarily 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

9:03 am – *Chairman Steven Mach called the meeting to order. In attendance: Chairman Steve Mach, Commissioners Steve H. Stodghill, Commissioner Nelda L. Blair, and Commissioner Dale Wainwright. A quorum was present. Also present were, Director Steve McCraw, and General Counsel Phil Adkins.*



II. INVOCATION

Chaplain Ferman Carpenter gave the invocation.

III. PLEDGES

Chairman Mach began by asking for a moment of silence for Trooper Chad Walker.

Trooper Brandon Zulus lead the meeting in the Pledge of Alliance and the Texas Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A Motion made by Commissioner Wainwright to approve the minutes from the December 10, 2020 Public Safety Commission Meeting, A motion was made by Commissioner Wainwright, and Seconded by Commissioner Blair; with a roll call vote, the motion passed.

V. PRESENTATIONS

Director Steve McCraw made the following presentations:

40 Year Service Award



Jose Corral, THP



Linda Himes, Driver License Division



Larry Hinojosa, THP



Terry Sigmund, IT Services

William P. Clements Awards

The following report was posted today on the DPS website regarding the awards presented at today's PSC Meeting:

AUSTIN – The Texas Public Safety Commission (PSC), along with Texas Department of Public Safety (DPS) Director Steven McCraw, presented two *William P. Clements Excellence Awards* and one *Lifesaving Award* to members of the department at the PSC meeting on Thursday, April 29, at the DPS Headquarters in Austin.

“These awards are a shining example of the tremendous work that happens in so many divisions, by so many incredible people at DPS each and every day,” said DPS Director Steven McCraw. “I’m proud to honor the innovation, leadership and commitment displayed

by these three individuals who are dedicating their lives to serving the people of this great state.”

The *William P. Clements Excellence Award* is named in honor of the former governor and his commitment to excellence in government. The award honors a commissioned and non-commissioned employee for their exceptional performance of duties throughout the course of their DPS careers. Strategic Planner **Brandon Gentry**, Homeland Security–Headquarters, Austin, and Special Agent **Chad Poling**, Criminal Investigations Division–Denton, each received a 2021 *William P. Clements Excellence Award*.



Brandon Gentry began his career with DPS in 2017. As a strategic planner in Homeland Security Operations, his outstanding leadership has led to significant growth and improvement in the Bomb-Making Materials Awareness Program. Gentry has provided guidance to partner agencies regarding the development of the Complex Coordinated Terrorist Attack Toolkit, which has helped

the state prepare for a possible terrorist attack. Gentry also plans, coordinates and oversees workshops for airport security personnel throughout the state. Additionally, Gentry has worked with the Councils of Government to assess its preparedness and plan for implementation of the state’s Homeland Security Strategic Plan. Gentry’s forward-thinking and identification of potential threats spurred him to reach out to the Department of Health and Human Services in 2019 to discuss possible public health and medical supply chain issues after identifying potential shortfalls. During the COVID-19 pandemic, he has worked diligently to rectify those issues. A team player who performs beyond expectations, his dedication and commitment are exemplary and worthy of commendation.

Chad Poling began his career with DPS in 1997 as a Texas Highway Patrol Trooper. In 2002, he was promoted into the Criminal Investigations Division, and has focused on dismantling large-scale criminal enterprises and drug trafficking organizations with direct ties to Mexican drug cartels. Poling has served as lead case agent for several major



investigations, and due to his knowledge, experience and leadership, his investigations have resulted in the seizure of more than \$5 million in U.S. currency and property, more than 300 kilograms of cocaine, methamphetamine and heroin, and multiple vehicles. These investigations have also led to more than 160 federal indictments and the arrest of 140 defendants. Throughout his career, Poling has demonstrated the highest level of

professionalism, initiative, teamwork and dedication, both on and off duty. He is an active mission volunteer who has made several trips to Canada, Vietnam and France in service of others.

In addition to the two *William P. Clements Excellence Awards*, one *Lifesaving Award* was also given.



Jonathan Macias, Texas Highway Patrol–Centerville, received a *Lifesaving Award* for his decisive and quick actions on May 4, 2020. Trooper Macias was dispatched to a crash involving a semi and a pickup truck hauling a utility trailer. Dispatchers advised that the driver of the pickup was trapped against a tree and losing blood quickly. As Trooper Macias arrived on the scene, he quickly assessed the victim and noticed a large amount of blood on the driver side floor board, air bags and roof of the vehicle. He

immediately retrieved his tourniquet. Not wanting to move or adjust the driver's leg in order to prevent further injury, Trooper Macias requested assistance from a firefighter on the scene, and together, they were able to successfully apply the tourniquet. The driver was airlifted to a hospital for additional medical attention.

VI. 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.)

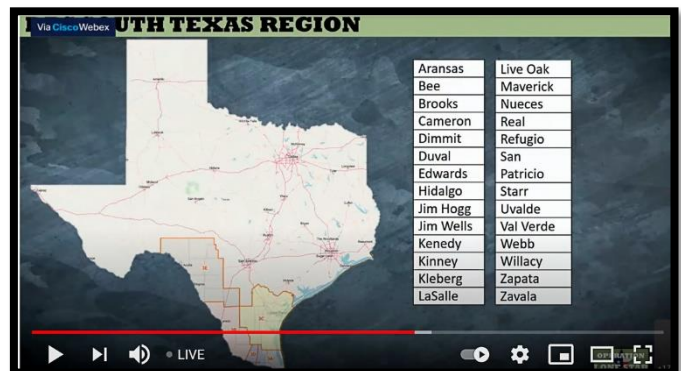
Chairman Mach said that there was no one requesting public comment.

VII. DIRECTORS REPORT

A. Case Update: Operation Lone Star

Director McCraw asked Regional Commander Victor Escalon to address the Commission with a report of Operation Lone Star, a border security operation. Commander Escalon asked one of his regional officers, also with the first name of Victor (however I did not get his last name) to make the presentation.

The following slides provided the details of the presentation. He noted that the Department is focusing on 60 miles of the Rio Grande from Salileno to LaJoya. They also focus on Hidalgo, Starr, Del Rio & Maverick Counties. The biggest issue is dealing with an unsecured border covering a huge area. Small towns on the Mexican side of the border are also controlled by violent gangs and cartels, and we often find that the local police are complicit in their operations. The fourth slide down talks about 19 bodies discovered murdered and burned likely by the corrupt Mexican police. He spoke of pursuits exceeding 100 mph and often ending in splash downs at the river, and discussed the apparent indifference to public safety and life. The presentation finished up showing several videos of active pursuits, showing spotters and other accomplices complicating the LE operations.



Via CiscoWebex

AREA OF OPERATION



Operation Strong Safety (22 JUN 2014 – 31 AUG 2015)
AOR spanned from Starr Co through Hidalgo Co.

Operation Secure Texas (01 SEPT 2015 – AUG 2017)
AOR remains the same, but more detailed focus is being given to Starr Co.

Operation Lone Star (04 MAR 2021 – Present)
AOR spans from Starr County to Hidalgo County & Val Verde, Edwards, Real, Kinney, Uvalde, Maverick, Zavala, & Dimmit County (12 MAR 2021 – Present)

OPERATION LONE STAR +17





Via CiscoWebex

ICE IN MEXICO

January 2021 – "A group of Mexican border state cops are believed to have murdered and incinerated 19 people. The Victims included migrants, human smugglers and gunmen headed to Texas."

The event took place near the border city of Camargo, Tamaulipas. "When authorities responded they found multiple torched vehicles with human remains inside, information released by the Tamaulipas government revealed."

Source: Breitbart

OPERATION LONE STAR +17

Via CiscoWebex

SUE/PROBLEM:

The consequences of an unsecured border with Mexico has enabled drug trafficking organizations to evolve into vicious organized cartels posing a significant threat to the safety and security of the citizens of the Rio Grande Valley and Texas through the execution of a wide variety of criminal activities to include:

CARTEL-RELATED KIDNAPPINGS EXTORTIONS PUBLIC CORRUPTION RECRUITMENT OF CHILDREN
HUMAN SMUGGLING AND TRAFFICKING DRUG SMUGGLING
HOME INVASIONS TRANSNATIONAL GANGS ASSAULTS/SHOOTINGS OF/AT LAW ENFORCEMENT
MURDER FOR PROFIT ROBBERIES HIGH-SPEED, FELONY VEHICLE EVASIONS

OPERATIONAL GOAL:

To prevent Mexican cartels, their operatives, transnational gangs, criminal aliens, potential terrorists, and narcotics from entering TEXAS between the ports of entry, by conducting sustained, around-the-clock, multi-agency ground, air and marine saturation patrols on the Texas/Mexico border, an in doing so, REDUCE TRANSNATIONAL CRIME THROUGHOUT TEXAS.

OPERATION LONE STAR +17

Via CiscoWebex





ICE IN MEXICO

April 26, 2021 – ARMORED CARTEL SHOOTOUT IN MEXICO KILLS EIGHT NEAR TEXAS BORDER

At least eight cartel gunmen died in a fierce weekend shootout miles from the border with Texas. The fighting left several burned-out armored vehicles.

The fighting took place Friday evening and into Saturday morning on a collection of ranches near the border city of Camargo, just south of Rio Grande City, Texas. Locals revealed to Breitbart Texas they called Mexican authorities but no one arrived to help until the next morning when the gunmen had left. Gunmen from the Cartel Del Noreste faction of Los Zetas clashed with the Gulf Cartel in makeshift armored vehicles known as "monstruos" or monsters.

Source: Breitbart

OPERATION LONE STAR +17

Via CiscoWebex

S UTILIZED BY CARTELS

| PURSUIT | SPLASHDOWNS | SCOUTING |
|--|---|--|
| <ul style="list-style-type: none"> Driving against the flow of traffic High-rates of speed Crashing into neighborhoods, houses, businesses, fences Suiciding at LE vehicles Impeding traffic Disregarding traffic signals Deploy caltrops | <ul style="list-style-type: none"> Cartel operatives drive load vehicles into Rio Grande River Allows for quicker recovery of narcotics Cartel utilizes recovery teams to retrieve narcotics | <ul style="list-style-type: none"> Watching: Frequenting locations where Law Enforcement are known to patrol, gather, etc. Videotaping and photographing: Every where Law Enforcement frequents. Decoy: Initiating traffic stops by blatantly breaking traffic laws in front of Law Enforcement. Probing: Attempting to engage Law Enforcement in casual conversation to obtain operational information. Patrolling the Area: Roving patrols to determine Law Enforcement locations. Mexico-side: Scouts watching from the trees, roofs of houses. |

BAILOUTS

- Creates confusion
- Leave car in-gear
- Exit vehicle before stopping, causing injury

OPERATION LONE STAR +17

Via CiscoWebex

COOPER PURSUITS




January-March, 2021




OPERATION LONE STAR +17

Via CiscoWebex

COOPER PURSUITS



January-March, 2021



OPERATION LONE STAR +17

Via CiscoWebex

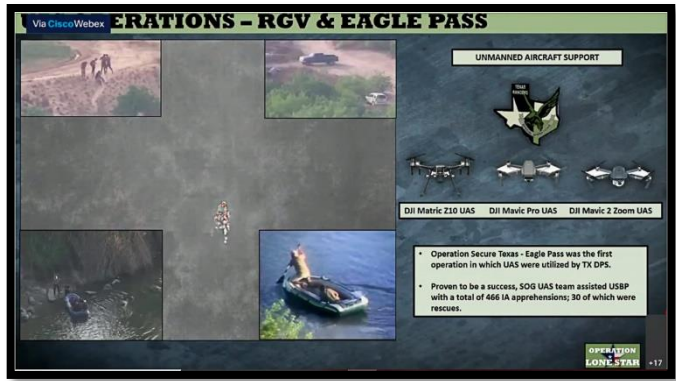
ICE INCURSIONS - CAMERON COUNTY








OPERATION LONE STAR +17



Chairman Mach asked if the violence, so prevalent on the Mexican side of the river, would likely spill over into the US if it was not for the presence of DPS patrolling this area. The answer was a definite “Yes”, and that DPS and other agencies active on the border are certainly a deterrent.

B. Legislative Update

Director McCraw began by saying that DPS is tracking a lot of moving parts at the legislature. He mentioned testimony before the Senate Finance Committee this week. He said that we are truly fortunate to have a Governor, Lieutenant Governor, and most of the legislators who are extremely supportive of law enforcement and public safety. With the current calls for the defunding of policing agencies, I am glad we have a legislature that has our back. The media shows a lot of rancor and there is a lot of mis-information out there that is not supported by the facts. DPS conducted over 5 million traffic stops and made 125,000 arrests. Throughout all that activity, we only had 36 instances that required the use of deadly force. That works out to something like .000007% of all of the encounters. DPS Troopers put their lives on the line every single day. Trooper Chad Walker was merely trying to assist a motorist in need when he was shot and killed by a coward.

Director McCraw asked Deputy Director Freeman Martin to provide further details of our activity at the Capitol. Director Martin said that 8,499 bills have been filed, and DPS is tracking 1,178 of them. He thanked all of the DPS personnel that are helping to line up expert witnesses and providing other support materials in the legislative efforts. He specifically named Chief Jessica Ballew, Chief Suzy Whittenton, Chief Sherri Gipson and Chief Catherine Melvin for their effort and support.

Director McCraw also said that the Senate confirmed the appointments of Commissioners Nelda Blair and Steven Stodghill on March 31, 2021, and the appointment of Commissioner Dale Wainwright on April 28, 2021.

VIII. NEW BUSINESS

A. Report, discussion, and possible action on Health, Physical Fitness, and Command Presence Policy

Director McCraw said that this announcement would not likely be controversial or upset anyone, but he is asking the Commission for permission to amend the Health, Physical Fitness, and Command Presence Policy testing schedule again for another six months, which would put the first tests to be conducted in the Fall of 2021, and followed by testing in the Spring of 2022. This would allow a report to be prepared and presented to the PSC in the Summer of 2022.

A motion to amend the Fit Test schedule, delaying it for another 6 months until the Fall of 2021 was made by Commissioner Blair, and seconded by Commissioner Wainwright. The motion passed.

B. Report, discussion, and possible action on use of State Seized Funds

Chief Thomas Ruocco, Criminal Investigation Division, asked that the Commission approve spending \$1.3 million to purchase smaller SIG Sauer P365 pistols for every commissioned trooper to be carried when not on duty. Director McCraw said that he wished this recommendation had been his idea initially, but it was brought to him by Deputy Director Randy Prince. Chief Suzy Wittenton confirmed that the funds will expire on August 31, 2021 if they are not used, and

| State Seized Funds | | |
|--------------------------|--|-------------------|
| Beginning Balance 9/1/20 | | \$ 871,528 |
| Revenue Collected | | <u>\$ 759,744</u> |
| Total Available | | \$1,631,272 |
| Budget for LE Equipment | | \$1,600,000 |

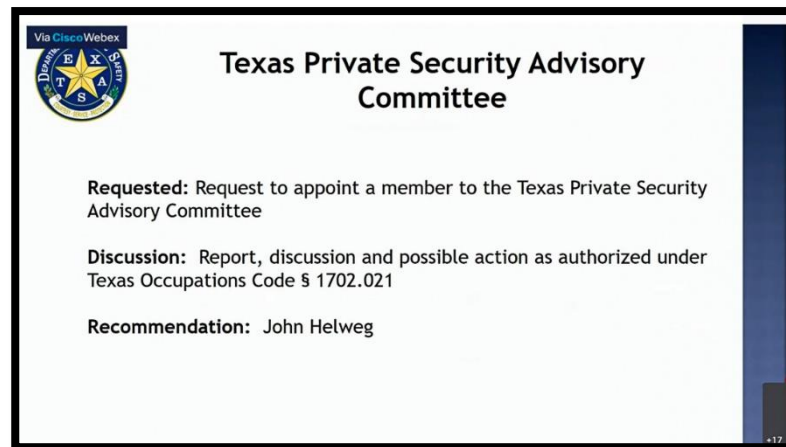
suggested that additional funds are still coming in so another allocation discussion will likely happen before that deadline arrives.

A motion was made by Comm. Blair, and seconded by Comm. Wainwright to approve spending \$1.3 million of seized funds for the purchase of off-duty weapons for the commissioned officers.



C. Report, discussion, and possible action regarding appointment of a member of the Texas Private Security Advisory Committee as required by Texas Occupations Code Section 1702.021

A request for the approval of John Helweg, Vice President of Atlas L.L.C. in Houston to fill the vacant position covering locksmith position on the Private Security Committee was made. It was stated that he passed all the required vetting for the position.



A motion was made by Comm. Blair and seconded by Comm. Stodghill. The motion passed.

D. Final Determination in Contested Cases – consideration and possible action on Proposals for Decision:

1. SOAH Docket No. 405-20-4157.MVI – Felipe Delamora and Pro ActiveCar Care
2. SOAH Docket No. 405-21-0085.PSB – Brandon Allen Howard

DPS Chief Counsel Phil Adkins asked for a final determination of the license removal from Delamora and ProActive Car Care as a motor vehicle inspection site due to his clear scanning of a “clean” car for another vehicle and for the denial of a Private Security license to Brandon Allen Howard due to a felony conviction which prohibits him from owning or carrying a fire arm and thereby eliminates his eligibility for a license.

A motion was made by Commissioner Wainwright and seconded by Commissioner Stodghill for final determination. The motion passed.

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

This item was handled in the Executive Session.

IX. ONGOING BUSINESS

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

1. Repeal of 37 TAC Sections 15.27, 15.28, and 15.39, concerning Application Requirements—Original, Renewal, Duplicate, Identification Certificates
2. Proposed new 37 TAC Section 15.27 and 15.28, concerning Application Requirements—Original, Renewal, Duplicate, Identification Certificates
3. Repeal and proposed new 37 TAC Section 15.57, concerning Restrictions, Physical
4. Proposed new 37 TAC 15.64, concerning Examinations Administered by Other Entities
5. Repeal 37 TAC Sections 18.1 – 18.4, concerning Issuance and Examination Requirement for Learner and Provisional Licenses

Assistant Chief Mindsey Dennis discussed the previously published rules and said that most were required clean-ups.

A motion was made by Comm. Stodghill, and seconded by Comm. Iair. The motion passed.

B. Report, discussion, and possible action regarding the modification of the DPS organizational structure and the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team

Director McCraw stated that there no modifications at this time.

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

This item was handled in the Executive Session.

X. REPORTS

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

There were no further reports provided.

XI. 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 March 2021.**

- 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: Laurance Paul Adams, Marcellous Anderson, Steven Ross Anderson, Shawn Baxter, Earl Conaway, Brent Lee Davis, John Louis Franks, Eduardo Garza, James Robert Godwin, Michael Lawrence Hubenak, JerryPaul Noble, Quirino Reyes, Danny Wallace Smith, Ricky Dan Smith, Alonzo Urquidi, Damon Willis, and Gregory David Wilmoth; Special Texas Rangers: George Lynn Turner and Jesus Jose Valdez; and Texas and Southwestern Cattle Raisers Association Special Ranger: Anthony Michael Ashley
- C.** Report, discussion, and possible action on the Victim & Support Services Other Victim Assistance Grant (OVAG) FY 2022 – FY 2023 Funding
- D.** Donations:
 - 1. Texas Highway Patrol – donation of Bypass Program IIS – Drivewyze by Intelligent Imaging Systems, Inc.
 - 2. Additional donation items, as needed

Deputy Director Randy Prince stated that all of the consent items had been reviewed and he recommends their passage.

A motion was made by Comm. Wainwright, and seconded by Comm. Blair. The motion passed.

XII. ITEMS FOR FUTURE AGENDA

Chairman Mach asked the Commissioners to get any items for future agendas to Sophie Yanez.

XIII. DATE FOR FUTURE MEETING

Discharge hearings will be scheduled for June 9, 2021. The regular Public Safety Commission meeting is scheduled for June 10, 2021.

The next PSC Meeting will be on Thursday, June 10, 2021.

XIV. 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

Commissioner Mach adjourned the meeting into Executive Session at 10:16 am.

XV. 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 with a third person