



Public Safety Commission Meeting

June 10, 2021, 9:00 a.m.

6100 Guadalupe, Building E
Austin, TX 78752

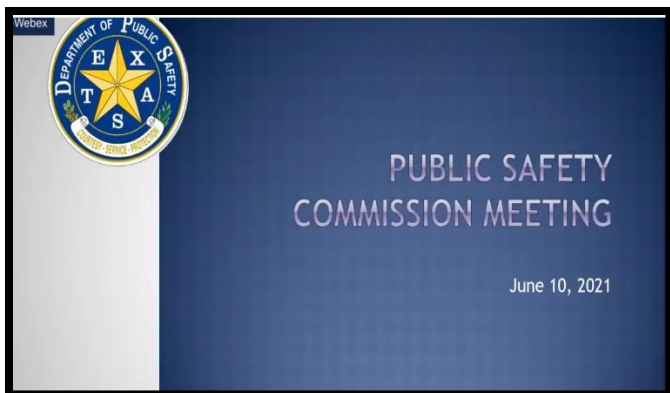
Summary

(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

9:06 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, Deputy Directors Freeman Carpenter and Randall Prince.*



II. INVOCATION

Chaplain Ferman Carpenter gave the invocation.

III. PLEDGES

Trooper Adrian Castillo 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 April 29, 2021, Public Safety Commission Meeting, The motion to approve was seconded by Commissioner Stodghill; with a roll call vote, the motion passed.

Chairman Mach, introduced Representative James White, the Chair of the Homeland Security & Public Safety Committee in the Texas House of Representatives. Chairman White took the opportunity to thank DPS for their service to the state, and he said he will not forget the morning that Director Steve McCraw pledged that “no one would take our capitol under our watch”. Chairman White stated that it is easy to talk about supporting our law enforcement community, but talk means little if it is not backed up by action. This budget, though not yet signed, will provide pay raises for our state police under Schedule C. He stated that he also worked with Senator Jane Nelson to move forward a proposal to provide additional security in windshield protection and helped to secure some seed funding. He also spoke of improving access to counseling for law enforcement who might be suffering from PTSD and harboring suicidal thoughts. He thanked the Commission and DPS for their input and support throughout the session.



Chairman White spoke of other issues addressed this session that impact DPS. He said that he is working to open-up firearm certification to enable retirees to get re-certified at many more locations around the state, possibly including their county sheriff's office training facility. As the Chair of the House Homeland Security and Public Safety Committee he has been made more aware of the footprint that DPS has around the state and the scope of their impact on our safety and communities. He mentioned FM 1013 in Tyler County that has a great deal of activity. He tried to ensure that rural areas were not subjected to unfunded mandates by the legislature, and he mentioned how HB 1927, the right to carry legislations, had restored the right to carry handguns in Texas. He thanked DPS for providing the handgun safety and storage videos on their website.

Commissioner Blair thanked Chairman White for being there and for his service and support of law enforcement now and in the future.

V. PRESENTATIONS

Director Steve McCraw made the following presentations:

30 Year Service Award



Larry Smith, Crime Lab Division

40 Year Service Award



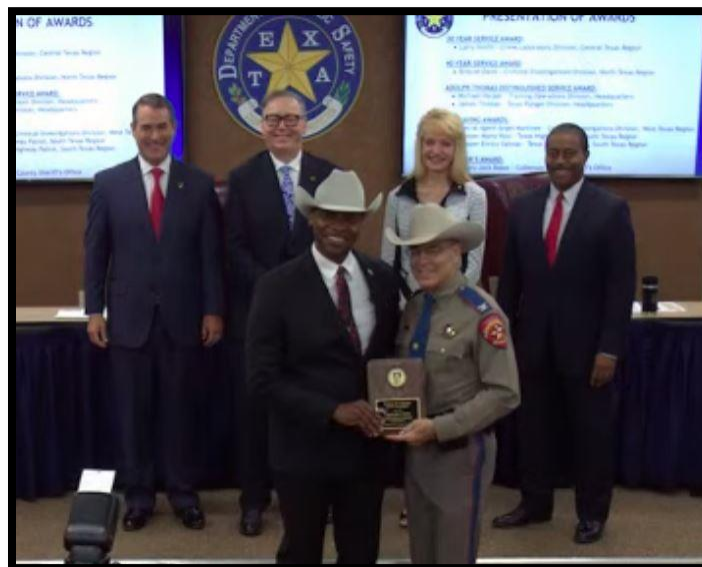
Driscoll Davis, CID

Adolph Thomas Distinguished Service Award



Michael Harper – Health and Fitness

Adolph Thomas Distinguished Service Award



Texas Ranger Captain James Thomas

Life Saving Award



Special Agent Angel Martinez



Culberson County Sheriff Deputy Jack Baker

Life Saving Award



Trooper Enrico Salinas and Trooper Mario Rios

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 requested that if anyone would like to address the PSC they should fill out a card and submit it if they haven't already done so.

1. James Villadiego – asked to appeal his Private Security license denial but was informed by General Counsel Phil Adkins that there is no grounds for appeal and the PSC has no authority override the SOAH rulings.
2. Major Charles Dismore, Ret. USMC, as a Licensed Security Instructor, lifetime member of the NRS, School Safety Instructor, Federal Firearms Dealer, I am here to propose the formation of an advisory committee to work in coordination with the Department of Public Safety to work through issues and recommendations as we go through the 182 days left before the License to Carry bill (HB 1729) goes into effect. My two main concerns about the enactment of this legislation are 1. Lack of background checks, and 2. Lack of training requirements. There are 3 fundamental mistakes that novice handgun owners are prone to make: 1. They won't check to see if the gun is loaded, 2. They will point the gun at someone, and 3. They will have their finger in the trigger well. Maj. Dismore stated that the DPS troopers are some of the finest law enforcement officers in the world and that is due largely to their excellent and extensive training. Education and training make a difference.

Director Steve McCraw agreed that such a LTC transition advisory committee was an excellent idea and said that Deputy Director Jeoff Williams would work with Maj. Dismore and others on such a committee.

3. Kevin Lawrence, Executive Director of Texas Municipal Police Association (TMPA) also spoke of concerns regarding the implementation of HB 1729. He stated that TMPA, in a coalition with several other police associations (including DPSOA) worked to oppose the legislation during the session, and that now there are 85,000 commissioned peace officers in Texas that have to be trained as to what is included in the legislation. Very few people know what is exactly included in the final, passed legislation. What does it mean to the exclusionary rule? Those who were excluded from carrying a gun under the current laws and regulations, continue to be excluded under this new law, plus there were new exclusions included in this bill. Most law enforcement are not fully aware of these new restrictions, much less the general public. We will be delivering a letter to the Governor asking for the formations of this advisory committee. We reached out to the 16 states that currently have open carry laws on the books, and of the 5 that responded (Kansas, Kentucky, Oklahoma, Tennessee, and Idaho, crime is up in all but one of the 5 states (with Idaho saying that they haven't seen any significant change). They also reported that the job of law enforcement has become more difficult and dangerous following the enactment of these laws. I also support the creation of this voluntary advisory committee to work through the transition period before the Texas law goes into effect.
4. Raul Camacho with Safety Measures, LLC since 2013, is a firearms instructor and TCOLE instructor. He also agrees with the idea of an advisory committee. He pointed out that there are two things that lead to handgun disasters: 1. Ignorance and 2. Carelessness. Our company has lost 40% of our firearms training business.
5. Andrea Brower, concerned citizen, thanked Chairman White for speaking at the meeting and for listening to her concerns regarding the LTC legislation. Texas has issued 1.6 million Concealed Handgun Licenses (CHL), and Texas has also denied 7,600 from obtaining a license for various reasons. That safeguard is taken away moving forward with this legislation. Twenty states have currently passed open carry laws, but until now, the state with the largest population of those 20 states had approximately 8 million people. Texas, by far, will be the largest populated state to pass such legislation with our 29 million population. We are facing a huge task to get the word out as to what this legislation means. She also agrees with the idea of an advisory committee and hopes that efforts are made to continue to educate and train Texas citizens of firearm safety.

Chairman Mach thanked Ms. Brower for having spoken before the commission on numerous occasions, and asked if she would submit her specific recommendations to the PSC in writing in that he has found her input to be most helpful in the past.

6. Ron Krieger, LTC instructor, stated that he agrees with the previous presenters and also is a strong supporter of the 2nd amendment. He encouraged continued support and training for handgun owners and suggested an education program similar the very effective “Click it or Ticket” campaign would be most worthwhile. Many new handgun owners do not come from a “gun” culture, and likely have never touched or handled a gun.
7. Mark Ryan, Austin Territory Manager for Texas Law Shield, said that his company offers legal services to individuals, including issues involving handguns. He covers many Firearms Instructors. With 436 accounts, he is hearing reports that in the last 3-4 months, there has been a 40% - 50% drop in enrollments in firearms instruction classes. People already enrolled in classes are dropping out. He, too, supports the idea of the LTC transitional advisory committee.
8. Gyl Switzer, Executive Director of Gun Sense noted that Governor Abbott has until June 20 to sign HB 1729 into law and has said that he would do so. She thanked DPS for producing and making available their safe gun storage video “Keep ‘Em Safe Texas” She stated that she has always been opposed to open carry, and is concerned about the number of extremists out there.

Chairman Mach thanked all the Public Speakers for their input and involvement. He said that the Department of Public Safety and this Commission is always accessible and approachable.

VII. DIRECTORS REPORT

Director McCraw started by stating that although the Budget has not been finalized, we anticipate a pay raise for our Schedule C commissioned officers despite all the talk around defunding the police so I appreciate the support that we continue to see from the Legislature and state leadership. We are experiencing unprecedented challenges at the border with 20,000 – 25,000 illegally crossing every week. As of April, 117,000 had entered into Texas across our southern border. We have referred 35,000 to Border Patrol and have arrested 1,500 criminals.

We also feel that it is important that we also support our Schedule A and Schedule B employees who work hard to support our troopers in the field. I also want to acknowledge our great relationships we have with our law enforcement partners across the state; they are a force multiplier.

Chairman Mach thanked all who support the DPS efforts at the capitol and suggested that they could not have been successful without that support.

A. Case Update: Update on Unsolved Crime Investigation Program (UCIP)

Director McCraw asked Texas Ranger Chief Chance Collins to address the Commission with a update on the Unsolved Crime Investigation Program (UCIP). Chief Collins said that the UCIP is made up of specially selected Texas Rangers from across the state who are particularly suited for this type of investigative work. He stated that much of their overwhelming success over the past couple of years is the result of taking advantage of newer technology and practices. Approximately 70% of the cases cleared did so by use of DNA matching, genealogy research, and partnerships with other law enforcement agencies. He mentioned that Criminal Analyst Investigator Dean Faint is completing a 3 year Forensic Psychology Program with the FBI that has enabled him to provide invaluable threat assessment analysis. He also highlighted two UCIP team members, Orlando Salinas and Staff Lieutenant Trampas Gooding, for their work with the Sexual Assault Kit Initiative Grant.

The following slides provide the gist of Chief Collin's report on a legislatively mandated program to investigate unsolved crimes. We are very proud of this program and its successes.



Origin of the Unsolved Crimes Program

- The investigation of homicides is a priority for law enforcement. Since there is no statute of limitations, the state has the moral and statutory obligation to investigate these cases to a resolution or until all leads are exhausted.
- The Texas Legislature recognized the need for a concentrated effort to investigate these crimes. On September 1, 2001 the legislature created the Texas Ranger's Unsolved Crimes Investigation Program.
- Its objective is to provide Texas law enforcement agencies with assistance in the investigation of unsolved murders or what appear to be serial or linked criminal transactions.
- A group of Rangers were selected and originally based in San Antonio. The unit was decentralized in 2007.

Unsolved Crime Program

- The new format placed one Ranger from the Unsolved Crimes Investigation Program (UCIP) into each Ranger Company/DPS Region.
- Texas Rangers stationed across the state have long-established relationships with local agencies in their area. Establishing a UCIP Ranger in each Ranger Company, or region, further strengthened the local agencies access to benefits of the UCIP initiative.
- In 2015 a former Texas Ranger Lieutenant was appointed as the Program Supervisor for the UCIP. The Program Supervisor prioritized and analyzed cases. A central point of communication was established for cold case information in the state. Cohesion, uniformity, and protocols, were strengthened in the program.

Program Supervisor
James Scoggins

Ranger Companies

Company C Lubbock

Company E El Paso

Company D Dallas

Company A Houston

Company F San Antonio

Company D McAllen

Criminal Investigative Analyst
Dean Fant

Co. A - Houston
Brandon Bess

Co. B - Garland
James Holland

Co. C - Lubbock
Shane Morrow

Co. D - Weslaco
Nathan Mutz

Co. E - Midland
Jeffrey Strain

Co. F - Waco
Keith Pauska

UCIP Cleared Case Statistics

2001 – 2007 22 cases
2008 – 2014 18 cases

First 14 years = 40 cases

2015 9 cases
2016 13 cases
2017 13 cases
2018 5 cases
2019 10 cases
2020 26 cases
2021 (thru 5/31) 21 cases

Last 2.5 years = 57 cases

Criminal Investigative Analyst

Many cases benefit from the review and opinion of a Criminal Investigative Analyst (CA), commonly known as a **Criminal Profiler**. A fully certified Analyst will possess the skills to form opinions on criminal profiles, conduct threat assessments, statement analysis, and other evaluations. Texas Ranger Dean Fant is currently in training to become the CA for the Rangers. Training typically takes three years to complete, for full certification. Ranger Fant is approximately halfway through the training process.

Detailed Investigation Review

The Unsolved Crimes Investigation Program receives a large amount of requests from the public and from other agencies to review cases. Many unsolved crimes have accumulated scores of interviews, recordings, photographs, police reports and other types of documentary evidence that must be analyzed. An experienced, trained investigator can often develop an investigative strategy, or determine what evidence is more valuable than others. The Program Supervisor often reviews cases and streamlines the investigative process for the field Ranger. This process is also valuable to determine what cases have more potential for solvability.

UCIP Top 12 and Texas Driver License Offices

Many Texas DPS Driver License Offices have screens that share useful public service information. The Texas Ranger Cold Case Website maintains "Top 12" cases that are selected by each UCIP Ranger. These Top 12 cases have been produced into short videos that are continuously looped into the DL offices. Millions of Texans are exposed to these unsolved cases while they conduct business inside the DL offices. Texas Crime Stoppers information is included in the DPS website.

Texas Ranger Crime Scene Investigations Working Group (CSIWG) *

In 2003, the Texas Rangers formed an alliance with the **National Forensics Academy at the University of Tennessee**. Selected Rangers attended the advanced ten (10) week course. In 2005, the Rangers created the Crime Scene Investigations Working Group. The group conducts training for every existing ranger in the most advanced crime scene investigative methods. The result is that all Texas Rangers possess highly advanced knowledge of crime scene investigations. Rangers are equipped with an array of equipment to collect evidence in the field. The capabilities, training, and comprehension that Rangers possess have translated into more and better quality evidence being obtained, and ultimately more cases being accepted for prosecution.

* CSIWG is a separate program within the division that works closely with UCIP

Texas Rangers Sexual Assault Kit Initiative Grant (SAKI)

- During the investigation of serial homicides in Texas, Ranger James Holland interviewed Samuel Little, a convicted murderer serving life sentences in a California prison. Through a series of strategic interviews, Little confessed to 93 murders over a period of at least 35 years.
- During that investigation, the Rangers became aware of the SAKI program, administered by the US Department of Justice. SAKI is a program funded by the U.S. Department of Justice (DOJ) Bureau of Justice Assistance (BJA) to assist with furthering the collection of offender DNA and identifying and prosecuting violent serial sex offenders.

Texas Rangers Sexual Assault Kit Initiative Grant (SAKI)



Current and Historical Results for the Unsolved Crimes Investigation Program

- Since 2001, working with local law enforcement agencies, the Texas Ranger Unsolved Crimes Program has cleared or solved 137 cases.
- In 2021, to date;
 - ❖ 21 cold cases were cleared.
 - ❖ 13 suspects were arrested or indicted for Murder or Capital Murder.

Commissioner Wainwright thanked Chief Collins for all that the Texas Rangers do at our border. All of the Commissioners have visited the border in the past couple of months and have seen the results of all of the hard work that is being put in by our troopers and Rangers. He applauded their proactiveness.

Commissioner Stodghill thanked the Governor, Lt. Governor, and the Legislature for their relentless & committed support. Commissioner Blair echoed Comm. Stodghill's comment and said that there were reports that the state did not have a lot of money to work with this session, but DPS proved to be the exception. My visit to the border was eye opening.

Chairman Mach dittoed the other Commissioners' statements. He pointed out that the quality of life along the border has improved due to the DPS presence.

Commissioner Wainwright asked Chief Collins where most of the cold case referrals come from. Many referrals come from the victims and families of victims, there is no consolidated database of unsolved crimes in Texas at this time. We do receive cases from our partnerships with other LE

agencies across the state, an occasionally receive referrals from out of state. One case from Florida let us to identify 3 murders in Texas that were attributable to the perpetrator in Florida. We also get a lot of referrals from the public through our website, and James reviews each of those cases.

VIII. NEW BUSINESS

A. Report and discussion on Texas Rangers 2023 Bicentennial Event

Texas Ranger Russell Molina gave an overview of preparations that are underway for the Texas Rangers 2023 Bicentennial Event. The goal is to raise \$600,000 for the various events and programs that are being planned across the state. The events are being coordinated through the combined efforts of the Texas DPS Foundation, the Texas Rangers Association Foundation, and the Texas Rangers Hall of Fame and Museum. We have 4 goals for this: 1. Commemorate the 200 Years of Serving Texas; 2. Educate the public on the modern Texas Ranger and that you first must be a Texas Trooper to become a Texas Ranger; 3. Inform the public about the DPS Foundation, the Texas Ranger Association, and the Texas Ranger Hall of Fame and Museum; and 4. Raise money.

Funds raised will be earmarked as follows: \$1.5 million – DPS Foundation for their Memorial at the DPS Headquarters in Austin; \$1.5 million for the Texas Ranger Association Foundation (\$1 million for a permanent endowment for scholarships and \$.5 million for Active and Retired Ranger assistance programs); \$1.5 million for the Texas Ranger Hall of Fame and Museum in Waco; and \$1.5 million to pull this bicentennial all together throughout 2023.

Texas Ranger Bicentennial™

1823 – 2023

The Texas Rangers, America's oldest state law enforcement agency, are gearing up for their landmark 200th anniversary: The Texas Ranger Bicentennial in 2023. As part of the upcoming anniversary, there will be celebrations and festivals, lectures and presentations, publications added to the Bicentennial Publications Program, fundraisers and more! We will be expanding this section with resources for event planners, interested sponsors, and information for attendees as more information becomes available so keep checking back.



For more information regarding the Texas Rangers Bicentennial Celebration, please visit:
[www.https://www.texasranger.org/texas-ranger-museum/texas-ranger-bicentennial/](https://www.texasranger.org/texas-ranger-museum/texas-ranger-bicentennial/)



Model of the proposed Texas Ranger Memorial at the DPS Headquarters

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

Suzy Whittenton, CFO, and Assistant Chief Megan Sanchez – Finance – of the \$1.7 in seized funds that the PSC authorized for the purchase secondary pistols for commissioned officers, we have approximately \$371,000 remaining. I am asking for authorization to use those funds to update the CID surveillance systems from 4G technology to 5G technology, which should run about \$300,000. Any remaining funds we would like to use to purchase additional hand guns (secondary) for commissioned officers who do not yet have one and for future troopers.

A motion was made by Commissioner Blair to approve the expenditure of the remaining \$371,000 for upgrading CID surveillance equipment to 5G technology and any remaining funds to be used for purchasing additional handguns for officers.

The motion passed.

C. Report and discussion on Legislative Changes to DPS Appropriations

This item was tabled to a future meeting.

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

1. SOAH Docket No. 405-21-0420.MVI – Abraham Gowayed
2. SOAH Docket No. 405-21-0474.MVI – Zion Guetta
3. SOAH Docket No. 405-21-0920.MVI – Celestine Harris
4. SOAH Docket No. 405-20-3771.MVI – Phuong Mai and A-J Inspection
5. SOAH Docket No. 405-21-0805.PSB – Ruben Oscar Aguilera
6. SOAH Docket No. 405-21-0960.PSB – John Valentine Criado
7. SOAH Docket No. 405-20-1462.PSB – Marcus Floyd
8. SOAH Docket No. 405-21-0863.PSB – Stacey Yvette Jones

General Counsel Phil Adkins said that all of the above items (1-4 all vehicle inspection “clear scanning” cases, and 5-8 all Private Security licensing appeals) had been reviewed and he recommended that the Commission give final determination.

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

- E. Report, discussion, and possible action regarding designation or re-designation of Commission liaisons to Chief Auditor's Office and Contract Review Board

Chairman Mach said that Commissioner Blair had graciously agreed to continue on as the Commission liaison to the Contract Review Board, and Commissioner Wainwright had also graciously agreed to continue on as the Commission liaison to the Chief Auditor's office.

A motion was made by Commissioner Stodghill, and seconded by Commissioner Blair to re-appoint Commissioners Blair and Wainwright to the areas designated above and that their terms would continue until a new liaison is designated.

The motion passed.

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

This item was handled in Executive Session.

IX. ONGOING BUSINESS

- A. 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 said that there were no changes to the organizational structure to discuss.

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

This item was handled in 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 additional reports.

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. 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: Jesse Lucio DeLeon, Richard Earl Easterwood, Rheanne Garcia, James Henry Pamplin, Bryon Keith Prall, and Franky Mc Scott; Special Texas Rangers: Daniel Alan Young
- B. Donations:
 - 1. Texas Rangers "Company A" – use of Pate Ranch for lodging and training purposes
 - 2. Additional donation items, as needed

Director McCraw asked Director Prince if he had any issues to point out regarding the consent items. Deputy Director Prince said he had none.

A motion was made by Commissioner Blair to approve items A, and B 1&2. The motion was seconded by Commissioner Stodghill.

The motion passed.

XII. ITEMS FOR FUTURE AGENDA

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

XIII. DATE FOR FUTURE MEETING

Discharge hearings will be scheduled for August 11, 2021. The regular Public Safety Commission meeting is scheduled for August 12, 2021.

The next Public Safety Commission Meeting is scheduled for Thursday, August 12, 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

The Public Safety Commission adjourned to Executive Session 11:35 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

