



Public Safety Commission Meeting

August 12, 2021, 10:00 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

10:00 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 Danny Vasquez led 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 June 10, 2021, Public Safety Commission Meeting, the motion to approve by Commissioner Wainwright, was seconded by Commissioner Blair with a roll call vote. The motion passed.

V. PRESENTATIONS

Director Steve McCraw made the following presentations:

35 Year Service Awards



Allen Navarro – Crime Investigations Div., North TX



William "Ben" Urbanczyk, THP, HQ

Medal of Valor



Trooper Drew Stoner, THP, Southeast Texas Region

Life Saving Awards



Technical Sgt. Kyle McCarty, THP, South TX Reg. Trooper Curtis "Drew" Woodard, THP, NW TX Reg.

2020 Outstanding Women in State Government Award



Sergeant Rae Lee, HP, Southeast Texas Reg.

Director's Award



Todd Early, Chief of Operations

Retirement



Deputy Director Randall "Randy" Prince



Governor's Proclamation



Lt. Governor's Proclamation



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.)

There was no public comment.

VII. DIRECTORS REPORT

A. Operation Lone Star – Border Security Update

Director McCraw introduced Lt. Christopher Olivarez of the South Texas Regional Office to provide the presentation for the Operation Lone Star Update. Lt. Olivarez thanked the Commissioners for the privilege to give his PowerPoint/video presentation. The following slides are representative of the Lieutenant's thorough presentation, which began with comments and words of appreciation from Governor Greg Abbott.

The update included specifics of seizures including narcotics, currency, and weapons. It spoke of discovering and breaking up stash houses and discussed arrest warrants and criminal gangs. He reported that there have been 4,000 criminal arrests, over 58,000 migrant border crossing apprehensions, 600 vehicle pursuits, and 900 bail outs, 3,000 aircraft assists, and over 236,000 drawbridge detections. Seizures in the last 6 months included 700 lbs. of Cocaine, 100 lbs. of fentanyl (which he pointed out would be enough to kill over 70 million people – approximately the populations of Texas and California combined), 11 lbs. of heroin, 8,600 lbs. of marijuana, 1,400 lbs. of meth, \$3.7 million in currency, and 234 weapons.

In March of this year, DPS apprehended 737 illegal border crossers in 1 day, and are averaging about 400-500 apprehensions per day this year, with 713 on a single day in July. While some are crossing looking for asylum and work, there are also many smugglers and gang members who are crossing. He also pointed out that DPS has rescued many individuals from drowning, amputations from train wheels, and other life-threatening risks associated with their dangerous crossings.



Via CiscoWebex

OPERATION LONE STAR

NARCOTICS SEIZURES

273.5 lbs of Marijuana
19 lbs of Marijuana
473.8 lbs of Marijuana
910 lbs of Marijuana

CRIMINAL INVESTIGATIONS DIVISION

UNCLASSIFIED

Via CiscoWebex

OPERATION LONE STAR

NARCOTICS SEIZURES

METHAMPHETAMINE SEIZURE (101 LBS)
COCAINE SEIZURE (182 LBS, \$2.3 MILLION)
COCAINE SEIZURE (17 LBS)

CRIMINAL INVESTIGATIONS DIVISION

UNCLASSIFIED

Via CiscoWebex

OPERATION LONE STAR

CURRENCY SEIZURES

\$389,620
\$354,810

CRIMINAL INVESTIGATIONS DIVISION

UNCLASSIFIED

Via CiscoWebex

OPERATION LONE STAR

WEAPONS SEIZURES

16 FIREARMS
3,500 ROUNDS
1 ARREST
26 AR-15 RIFLES,
MAGAZINES &
AMMUNITION
7 RIFLES
(1 STOLEN AR-15)

CRIMINAL INVESTIGATIONS DIVISION

UNCLASSIFIED

Via CiscoWebex

OPERATION LONE STAR

STASH HOUSES / SMUGGLING ATTEMPTS

111 MIGRANTS RECOVERED
115 MIGRANTS RECOVERED

CRIMINAL INVESTIGATIONS DIVISION

UNCLASSIFIED

Via CiscoWebex

OPERATION LONE STAR

MULTI-AGENCY FEDERAL ARREST WARRANT

Cartel Del Noreste Drug Trafficking Organization

23 OUT OF 34 ARRESTED WERE SERVED WITH FEDERAL ARREST WARRANTS

CRIMINAL INVESTIGATIONS DIVISION

UNCLASSIFIED

Via CiscoWebex

OPERATION LONE STAR

CRIMINAL GANGS

VALLUCOS
CHICANO

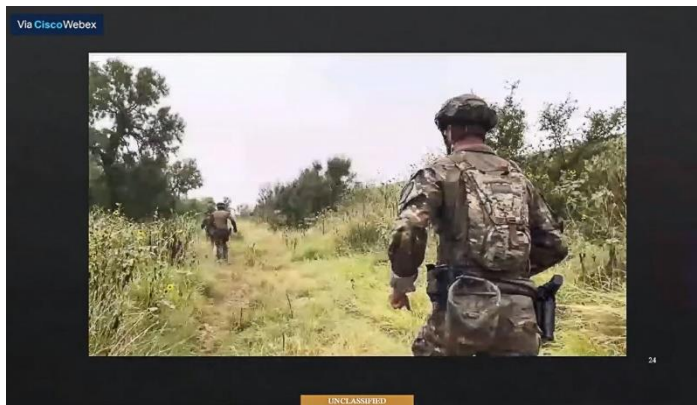
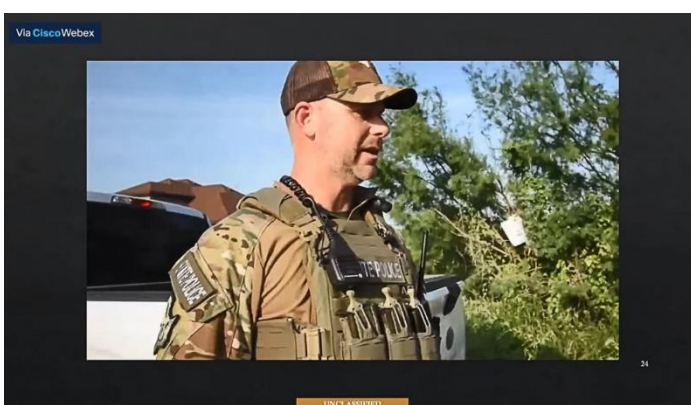
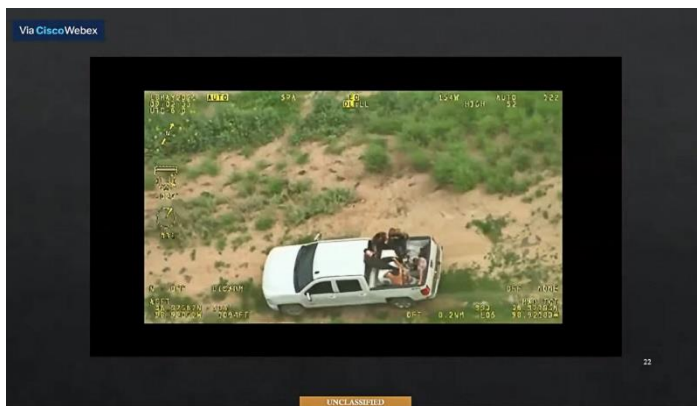
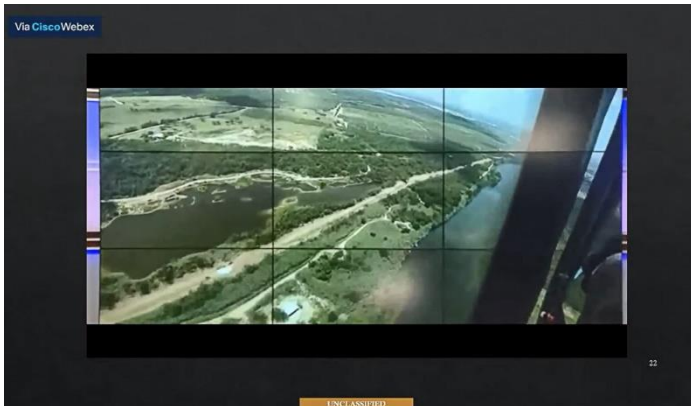
CRIMINAL INVESTIGATIONS DIVISION

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Via CiscoWebex

DEPARTMENT OF PUBLIC SAFETY
AIRCRAFT
TEXAS
AIRCRAFT OPERATIONS DIVISION

UNCLASSIFIED





24

DPS PURSUIT STATS SOUTH TEXAS REGION



25



24



24



26



26



26

Via CiscoWebex

RESCUES

27

Via CiscoWebex

RESCUES

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Via CiscoWebex

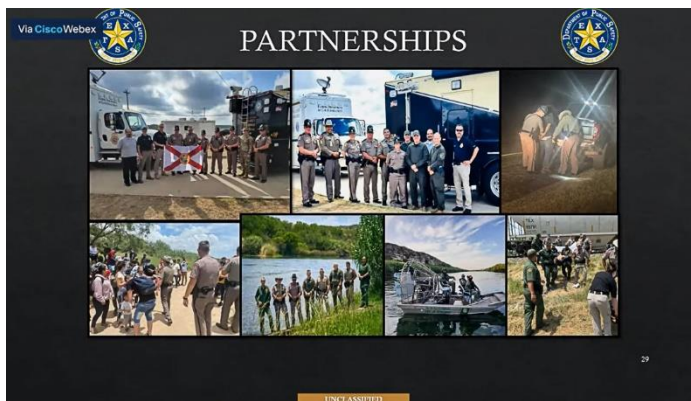
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Via CiscoWebex

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Lt. Olivarez concluded his presentation, thanking Trooper Costes for helping him to photograph edit the presentation. He also thanked Governor Abbott, Lt. Gov. Patrick, the Texas Legislature, the Public Safety Commission, the DPS Leadership, as well as other LE agencies from Texas and other states for all of the support that they have provided to make Operation Lone Star the success that it is.

Chairman Mach thanked Lt. Olivarez for his tremendous presentation and speculated about how much criminal activity would be flowing into Texas and the rest of the U.S. if it weren't for the valiant effort of DPS personnel. Chairman Mach also thanked Gov. Abbott and the legislature for "having your back" in support of these efforts.

Lt. Olivarez also thanked the DPS Media and Communications Division for representing their efforts commendably to the media in Texas and across the U.S.

Commissioner Stodghill ditto'd Chairman Mach's thanks to the Governor, and also all of the Operation Lone Star task force and their partners for carrying out a difficult and dangerous mission under very hot trying circumstances.

Commissioner Blair also thanked the Operation Lone Star taskforce for their excellent work and Lt. Olivarez for his excellent presentation. She pointed out that most of the country have no idea what a crisis we are facing at the border because the media is not fully presenting it.

Commissioner Wainwright also echoed the praise by his cohorts on the Commission and pointed out the DPS is truly on the front line of national security. He stated that this is not just a job for our DPS personnel, but it is a commitment to professionalism.

Chairman Mach also stated that in previous briefings (which he couldn't go into detail about), he learned that we are not just stopping drugs, weapons, and criminals at the border, but DPS is also patrolling and helping to slow these activities as they cross our state in known trafficking corridors and keeping drugs, weapons, criminals, and gang members from flooding into other areas of the country. Cartels do not stay in Mexico or along the border. They are in our major urban cities in Texas and across the country.

Director McCraw again thanked Lt. Olivarez for his presentation and said that he does a great job in representing DPS. He noted that South Texas Regional Director, Victor Escalon, is a "little" busy these days so he appreciates that he could send Lt. Olivarez in his place. This year, we have apprehended 875,000 border crossers through July, and at 35,000 per week, we will surpass 1 million by October 1, 2021. We also know that a certain percentage of this influx of people will be infected with the Covid virus, and so we are also facing a public health threat. We continue to rotate personnel from across the state to help cover the border, so this also poses some public safety deficiencies in the counties from which they are being deployed...with fewer troopers watching the roads, they are less safe.

Director McCraw also thanked the Governor, Lt. Governor, and the Texas Legislature for somehow finding money in a very tight budget year for pay raises for our commissioned officers and also for bullet proof

windshields for our patrol cars.

Director McCraw also wanted to point out the tremendous progress that our Driver License Division has made in improving their customer service. We are currently at 90% compliance with “real IDs”, and the results to date from the service quality survey that is being conducted by Dr. Noland at the University of Texas, we have improved from a 58% approval rating to an 88% good or very good rating. I expect that those numbers will continue to improve as we move forward.

VIII. NEW BUSINESS

A. Report, discussion, and possible action on the Hiring Age and Mandatory Retirement Analysis

Captain Greg Davis and Michael Harper presented the extensive data that they gathered from every state regarding Maximum Age to be eligible to join a law enforcement agency and the Maximum Age you can reach before retirement. The data was presented with very little discussion or comment, and Director McCraw said that the important information that was provided will be reviewed and studied, and possible recommendations will be made at the next PSC meeting for the Commission’s consideration.

Only 7 states (14%) have specified both entry age maximums and retirement age maximums. 31 Law Enforcement agencies in Texas were surveyed. There are 25 Federal LE agencies that were surveyed as well as 4 branches of the armed forces.

Via CiscoWebex

ANALYSIS OF MAXIMUM AGE ENTRY & MANDATORY RETIREMENT AGE

2021

PREPARED BY:
CAPTAIN GREG DAVIS, MSC.
MICHAEL HARPER, M.Ed.

FITNESS WELLNESS UNIT
TRAINING OPERATIONS DIVISION
TEXAS DEPARTMENT OF PUBLIC SAFETY

Via CiscoWebex

ANALYSIS

- State Law Enforcement:
 - 14% (n=7) of the responding agencies have both a Mandatory Hiring Age at Entry & Mandatory Retirement Age.
 - 30% (n=15) of the responding agencies have a Mandatory Hiring Age at Entry.
 - 32% (n=16) of the responding agencies have a Mandatory Retirement Age.
- Major City Law Enforcement:
 - 16% (n=2) of the 12 investigated major city law enforcement agencies outside of Texas have a Mandatory Hiring Age at Entry & Mandatory Retirement Age.
 - 67% (n=8) of the 12 investigated major city law enforcement agencies outside of Texas have a Mandatory Hiring Age at Entry.
 - 50% (n=6) of the 12 investigated major city law enforcement agencies outside of Texas have a Mandatory Retirement Age.
 - 31 Texas law enforcement agencies were investigated that have a Mandatory Hiring Age at Entry.
- Federal Law Enforcement:
 - 100% (n=24) of the federal law enforcement agencies have a Mandatory Hiring Age at Entry.
 - 100% (n=24) of the federal law enforcement agencies have a Mandatory Retirement Age.
- United States Military:
 - 100% (n=5) of the United States Military agencies have a Mandatory Hiring Age at Entry.
 - 100% (n=5) of the United States Military agencies have a Mandatory Retirement Age.

Via CiscoWebex

ANALYSIS

- State Law Enforcement:
 - 14% (n=7) of the responding agencies have both a Mandatory Hiring Age at Entry & Mandatory Retirement Age.
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 - 100% (n=5) of the United States Military agencies have a Mandatory Retirement Age.

Via CiscoWebex

BOTH MAXIMUM HIRING AGE & MANDATORY RETIREMENT AGE WITHIN STATE LAW ENFORCEMENT AGENCIES

- Both a Maximum Hiring Age and Mandatory Retirement Age was present within 14% (n=7) of the 50 states



| Maximum Hiring Age | Mandatory Retirement Age |
|------------------------------|------------------------------|
| California Highway Patrol 35 | California Highway Patrol 60 |
| Delaware State Police 39 | Delaware State Police 55 |
| Indiana Highway Patrol 39 | Indiana Highway Patrol 65 |
| Maryland State Police 59 | Maryland State Police 60* |
| Missouri Highway Patrol 59 | Missouri Highway Patrol 60 |
| New Jersey State Police 35 | New Jersey State Police 55 |
| Vermont State Police 55 | Vermont State Police 55 |

*Must have 10 years to meet in retirement system

Via CiscoWebex

MAXIMUM HIRING AGE: STATE LAW ENFORCEMENT AGENCIES

- A Maximum Hiring Age was present within 30% (n=15) of the 50 states.
- Average Age for Maximum Hire: 41.66
- 35 states (including Texas) do not have a maximum hiring age.



State and Maximum Hiring Age

| | | | |
|----------------------------|----|-----------------------|----|
| California Highway Patrol | 35 | North Carolina | 40 |
| Delaware State Police | 39 | Ohio State Police | 35 |
| Indiana Highway Patrol | 39 | Oklahoma State Police | 45 |
| Maryland State Police | 59 | Pennsylvania State | 40 |
| Massachusetts State Police | 33 | Rhode Island State | 35 |
| Missouri Highway Patrol | 59 | Vermont State Police | 55 |
| New Jersey State Police | 35 | West Virginia State | 39 |
| New York State Police | 35 | | |

Via CiscoWebex

MANDATORY RETIREMENT AGE: STATE LAW ENFORCEMENT AGENCIES

- A Mandatory Retirement Age was present within 32% (n=16) of the 50 states.
- Average Age for Mandatory Retirement: 61.56
- 34 states (including Texas) do not have a Mandatory Retirement Age



State and Maximum Retirement Age

| | | | |
|---------------------------|-----|-------------------------|-----|
| Arkansas State Police | 65 | Missouri Highway Patrol | 60 |
| California Highway Patrol | 60 | Nevada | 60 |
| Delaware State Police | 55 | New Jersey State Police | 55 |
| Indiana Highway Patrol | 65 | Tennessee State Police | 60* |
| Illinois State Police | 60 | Vermont State Police | 55 |
| Maine State Police | 70 | Virginia State Police | 70 |
| Maryland State Police | 60* | Washington State Police | 65 |
| Minnesota State Police | 60* | Wyoming State Police | 65 |

*Must have 10 years to vest in retirement system
* Can extend to 62 if approved

Via CiscoWebex

MANDATORY RETIREMENT AGE: STATE LAW ENFORCEMENT AGENCIES

- A Mandatory Retirement Age was present within 32% (n=16) of the 50 states.
- Average Age for Mandatory Retirement: 61.56
- 34 states (including Texas) do not have a Mandatory Retirement Age




State and Maximum Retirement Age

| | | | |
|---------------------------|-----|-------------------------|-----|
| Arkansas State Police | 65 | Missouri Highway Patrol | 60 |
| California Highway Patrol | 60 | Nevada | 60 |
| Delaware State Police | 55 | New Jersey State Police | 55 |
| Indiana Highway Patrol | 65 | Tennessee State Police | 60* |
| Illinois State Police | 60 | Vermont State Police | 55 |
| Maine State Police | 70 | Virginia State Police | 70 |
| Maryland State Police | 60* | Washington State Police | 65 |
| Minnesota State Police | 60* | Wyoming State Police | 65 |

*Must have 10 years to vest in retirement system
* Can extend to 62 if approved

Via CiscoWebex

HIRING AND RETIREMENT PARAMETERS FOR SAMPLING OF LARGE LOCAL MUNICIPALITIES OUTSIDE OF TEXAS



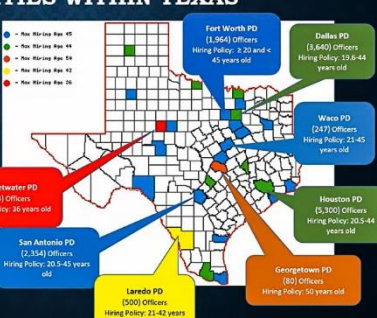
Age contingencies for Military & prior Law Enforcement offered by:

- Boston, MA
- New York City, NY
- Indianapolis, IN
- Oklahoma City, OK

Further details for each city is in comprehensive analysis report

Via CiscoWebex

HIRING PARAMETERS FOR SAMPLING OF LOCAL MUNICIPALITIES WITHIN TEXAS



Max Hiring Age of 50

Max Hiring Age of 45

Max Hiring Age of 44

Max Hiring Age of 42

Max Hiring Age of 36

Max Hiring Age of 34

Max Hiring Age of 32

Max Hiring Age of 30

Max Hiring Age of 28

Max Hiring Age of 26

Max Hiring Age of 24

Max Hiring Age of 22

Max Hiring Age of 20

Max Hiring Age of 18

Max Hiring Age of 16

Max Hiring Age of 14

Max Hiring Age of 12

Max Hiring Age of 10

Max Hiring Age of 8

Max Hiring Age of 6

Max Hiring Age of 4

Max Hiring Age of 2

Max Hiring Age of 0

Max Hiring Age of -2

Max Hiring Age of -4

Max Hiring Age of -6

Max Hiring Age of -8

Max Hiring Age of -10

Max Hiring Age of -12

Max Hiring Age of -14

Max Hiring Age of -16

Max Hiring Age of -18

Max Hiring Age of -20

Max Hiring Age of -22

Max Hiring Age of -24

Max Hiring Age of -26

Max Hiring Age of -28

Max Hiring Age of -30

Max Hiring Age of -32

Max Hiring Age of -34

Max Hiring Age of -36

Max Hiring Age of -38

Max Hiring Age of -40

Max Hiring Age of -42

Max Hiring Age of -44


Max Hiring Age of -46

Max Hiring Age of -48

Max Hiring Age of -50

Via CiscoWebex

HIRING AND RETIREMENT PARAMETERS FOR FEDERAL LAW ENFORCEMENT AGENCIES



- Federal law enforcement jobs, including investigative jobs, are subject to hiring age requirements. Applicants must be 21 years old and under age of 37 when receive appointment.
- Mandatory retirement age for federal law enforcement is 57 years of age. The aforementioned mandatory retirement age typically requires federal LEOs to separate from service at the age of 57 if they have completed 20 years of service; however, agency heads may exempt officers from this requirement up to the age of 60 if they determine is in the best of the public interest.
- Twenty-four federal agencies employ 96 percent of all federal law enforcement officers. The Department of Justice and the Department of Homeland Security are the largest employers, with two-thirds of all officers.

Via CiscoWebex

ED STATES MILITARY AGE REQUIREMENTS FOR ENTRY AND MANDATORY RETIREMENT AGE



The United States Military utilizes age as a part of the entry requirements and differs slightly between the various branches of the military. As a whole, all branches require individuals to be of at least 17 years of age to enlist and no older than 28 to 39 depending on the service. In order to become an officer, individuals must be no older than 28 to 42 depending on the service.

Mandatory retirement age is also utilized by the United States Military and differs slightly between the various branches of the military. As a whole, requirements to retire include options of a requirement after 30 years of service within some branches and others have a mandatory retirement age between 55 to 62 depending on the rank and service.

Age Requirements to Enlist: 17 to 39 years of age
Officer Age Requirements: 19 to 42 years of age
Mandatory Retirement: Non-officers: After 30 years of service
Officers: 62 years of age if below grade of Rear Admiral & Flag

Requirements to Enlist: 17 to 28 years of age
Officer Age Requirements: 20 to 28 years of age
Mandatory Retirement: Non-officers: 55 years of age for active duty
Officers: 62 years of age if below grade of General


Requirements to Enlist: 17 to 35 years of age
Officer Age Requirements: 18 to 32 years of age
Mandatory Retirement: Non-officers: 55 years of age for active duty
Officers: 62 years of age if below grade of General

Requirements to Enlist: 17 to 39 years of age
Officer Age Requirements: 18 to 39 years of age
Mandatory Retirement: Non-officers: After 30 years of service
Officers: 62 years of age if below grade of Rear Admiral & Flag

Requirements to Enlist: 17 to 31 years of age
Officer Age Requirements: 21 to 31 years of age
Mandatory Retirement: Non-officers: After 30 years of service
Officers: 62 years of age if below grade of Rear Admiral & Flag

Via CiscoWebex

FULL ANALYSIS REPORT



The Texas Department of Public Safety policy notes the expectation that commissioned personnel maintain a high degree of physical conditioning and command presence, so they are prepared to meet the ever-present challenges of a law enforcement officer in order to protect the public, fellow officers and themselves. (DPS GM 8.14.01, § 05.62.00 & Performance Process Competency 4, Job Duty 5).

Comprehensive reference list located in full analysis report.

Director McCraw mentioned that DPS officers are more involved in physical activity and use of force than Federal agents.

Chairman Mach said that he has been concerned that we may be putting people at risk if we are making exceptions to best practices retirement policies. He mentioned that he didn't see any data in the report regarding large county sheriff's departments and would like to see that added.

Comm. Blair said that she was interested that so few (34 states) had no mandates for retirement age.


Director McCraw said that, unfortunately, as we get older, we deteriorate.

Comm. Wainwright commented that this was very useful information as we move forward in setting guidelines.

B. Report, discussion, and possible action on the Fiscal Year 2022 Operating Budget

Chief Suzy Whittenton, CFO, presented the proposed DPS 2022 Operating Budget for review and consideration and stated that this was an action item on the agenda. She mentioned that the DPS fiscal year runs from September 1 through August 31. She mentioned that, by far, the largest budget item is payroll salaries at 71%. She said that DPS was granted an additional \$292 million in the budget, primarily to cover 70 new security officers at the state capitol, additional recruit schools, pay raises, and an additional 214 full time employees (FTEs). That will cap the DPS FTEs at 11,310. The following slides were presented.

Via CiscoWebex

The seal of the Texas Department of Public Safety is circular. It features a yellow five-pointed star in the center. The words "DEPARTMENT OF PUBLIC SAFETY" are written in a blue arc around the top of the star. The letters "T", "E", "X", "A", and "S" are placed at the points of the star. Below the star, a banner reads "COURTESY - SERVICE - PROTECTION".

**REPORT, DISCUSSION, AND POSSIBLE ACTION
ON THE FISCAL YEAR 2022 OPERATING
BUDGET**

(NEW BUSINESS B)



Article V General Appropriations Act (GAA)

GAA Amount **\$1,395,109,876**

Adjustments to Estimates:

| Adjustments | Fund Name | CFDA | |
|-------------|---------------------|---|------------------------|
| | 555 - Federal Funds | 97.036.000 - Crisis Counseling | (\$11,776,939) |
| | | 97.036.002 - Hurricane Harvey Public Assistance | (\$117,641,919) |
| | | 97.039.000 - Hazard Mitigation Grant | (\$72,949,937) |
| | | Total | (\$202,368,795) |

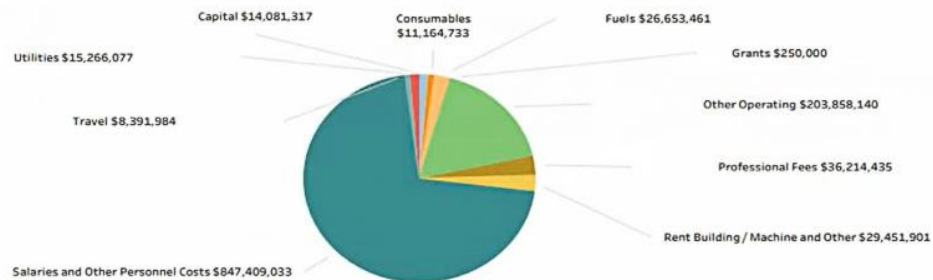
Adjustment Notes: The (\$202,368,795) adjustment is reflective of the estimated Federal Funds that are related to the Texas Department of Emergency Management which are currently in the bill pattern for DPS. These funds will not be available to DPS during this Biennium.

Internal Operating Budget

Internal Operating Budget **\$1,192,741,081**

| Fund Group | Fund Name | CFDA | GAA Amount | Adjustments | Internal Operating Budget | % of Total |
|-----------------------------|--|---|------------------------|------------------------|---------------------------|----------------|
| General Revenue | 0001 - General Revenue | None | \$1,075,809,160 | \$0 | \$1,075,809,160 | 90.20% |
| | Total | | \$1,075,809,160 | \$0 | \$1,075,809,160 | 90.20% |
| General Revenue - Dedicated | 5186 - Transportation Administration Account | None | \$7,865,667 | \$0 | \$7,865,667 | 0.66% |
| | 5010 - Sexual Assault Program | None | \$4,950,011 | \$0 | \$4,950,011 | 0.42% |
| | 5013 - Breath Alcohol Testing | None | \$1,512,501 | \$0 | \$1,512,501 | 0.13% |
| | 5153 - Emergency Radio Infrastructure | None | \$556,091 | \$0 | \$556,091 | 0.05% |
| | 0036 - Texas Department of Ins. Operating Fund | None | \$261,244 | \$0 | \$261,244 | 0.02% |
| | 5185 - DNA Testing Account | None | \$252,834 | \$0 | \$252,834 | 0.02% |
| | Total | | \$15,398,348 | \$0 | \$15,398,348 | 1.29% |
| Federal Funds | 555 - Federal Funds | 16.710.000 - Public Safety Partnership | \$400,000 | \$0 | \$400,000 | 0.03% |
| | | 16.741.000 - Forensic DNA Backlog Reduction Program | \$816,453 | \$0 | \$816,453 | 0.07% |
| | | 16.922.000 - Equitable Sharing Program | \$450,000 | \$0 | \$450,000 | 0.04% |
| | | 20.218.000 - Motor Carrier Safety Assistance | \$29,933,662 | \$0 | \$29,933,662 | 2.51% |
| | | 20.232.000 - Commercial License State Programs | \$230,120 | \$0 | \$230,120 | 0.02% |
| | | 20.237.000 - Commercial Vehicle Information Network | \$394,487 | \$0 | \$394,487 | 0.03% |
| | | 21.000.000 - National Foreclosure Mitigation Counseling | \$2,694,630 | \$0 | \$2,694,630 | 0.23% |
| | | 95.001.000 - HIDTA Program | \$224,000 | \$0 | \$224,000 | 0.02% |
| | | 97.036.000 - Crisis Counseling | \$11,776,939 | (\$11,776,939) | \$0 | 0.00% |
| | | 97.036.002 - Hurricane Harvey Public Assistance | \$117,641,919 | (\$117,641,919) | \$0 | 0.00% |
| | | 97.039.000 - Hazard Mitigation Grant | \$72,949,937 | (\$72,949,937) | \$0 | 0.00% |
| | Total | | \$237,512,147 | (\$202,368,795) | \$35,143,352 | 2.95% |
| Other Funds | 444 - Criminal Justice Grants | None | \$2,947,689 | \$0 | \$2,947,689 | 0.25% |
| | 666 - Appropriated Receipts | None | \$53,264,907 | \$0 | \$53,264,907 | 4.47% |
| | 777 - Interagency Contracts | None | \$10,177,625 | \$0 | \$10,177,625 | 0.85% |
| | Total | | \$66,390,221 | \$0 | \$66,390,221 | 5.57% |
| Grand Total | | | \$1,395,109,876 | (\$202,368,795) | \$1,192,741,081 | 100.00% |

| Object Code | Internal Operating Budget |
|------------------------------------|---------------------------|
| Salaries and Other Personnel Costs | \$847,409,033 |
| Other Operating | \$203,858,140 |
| Professional Fees | \$36,214,435 |
| Rent Building / Machine and Other | \$29,451,901 |
| Fuels | \$26,653,461 |
| Utilities | \$15,266,077 |
| Capital | \$14,081,317 |
| Consumables | \$11,164,733 |
| Travel | \$8,391,984 |
| Grants | \$250,000 |
| Grand Total | \$1,192,741,081 |



| Description | GAA Amount | Adjustments | Internal Operating Budget |
|--------------------------------|--------------------|-------------|---------------------------|
| HAND HELD RADIOS-FED SEIZED | \$2,694,630 | \$0 | \$2,694,630 |
| Tech Unit Intercept- 16.922 FS | \$450,000 | \$0 | \$450,000 |
| Grand Total | \$3,144,630 | \$0 | \$3,144,630 |



Texas Department of Public Safety
2022 Internal Operating Budget
State Seized Funds

| Description | GAA Amount | Adjustments | Internal Operating Budget |
|--------------------------------|------------------|-------------|---------------------------|
| State Seized - Organized Crime | \$792,291 | \$0 | \$792,291 |
| Grand Total | \$792,291 | \$0 | \$792,291 |

\$72 million from the Federal government was brought up, and Director McCraw clarified that DPS receives additional funding from the Federal budget, but it does not appear in the General Operating Budget. Chairman

Mach thanked the Director for that information.

Chairman Mach asked Chief Whittenton if there is any consideration in the proposed budget for inflation, noting that the cost of gas, and many other expenditures were sure to rise,

Chief Whittenton stated that they budget \$3/gal. for gasoline, and usually have some funds left at the end of the year to apply to other expenditures. She does not expect that that will be the case at the end of FY2022. We will have to figure out how to do more for less, including dealing with non-commissioned salaries.

A motion was made by Commissioner Blair and seconded by Commissioner Stodghill to approve the DPS 2022 Operating Budget. Following a roll call vote, the motion passed.

C. Report, discussion, and possible action regarding the proposed FY 2022 CAO Internal Audit Strategy

Chief Auditor, Catherine Melvin presented the following slide for the Internal Audit Report. She pointed out that the left column represented core services and the right column were other services. She made her standard disclaimer that this report was not all inclusive and did not represent all of the areas of services that her department monitors.

Chief Melvin stated that the Audit Division was directed to take a more strategic approach to audits. And in 2019 the legislature directed DPS to provide more controls and monitoring of contracts, and Chief Melvin stated that those procedures are practiced as a matter of routine on all contracts and not necessarily shown on audit reports. She stated that the mission and goal of the Auditor's office is to always be a trusted, independent, and objective advisor.

Chairman Mach asked Commissioner Wainwright what his thoughts were regarding his interactions with the Audit Division as the designated PSC liaison. Comm. Wainwright laughed a little and said he was very impressed with Chief Melvin and her staff and the work that they do. He also mentioned that the primary mission of the Auditors office is not necessarily as a financial watchdog, but more of a strategic role in facilitating improving business operations and objectives including compliance. He also suggested doing a mid-year review and update in case any modifications might be called for at that time. Chairman Mach asked that that be included in the February PSC Meeting Agenda.

A motion to approve the FY 2022 CAO Internal Audit Strategy was made by Commissioner Wainwright and seconded by Commissioner Stodghill. The motion passed.

A. Report, discussion, and possible action regarding salary structure of senior management team

Director McCraw pointed out that with the Schedule C pay increases approved by the Legislature, the salaries for higher ranking, non-Schedule C officers was not in alignment. He asked the Commissioners to approve a 16.73% increase to bring the salaries of the Assistant Chiefs, Regional Directors, Division Chiefs and Deputy Directors in line with the Commissioned officers.

| | Current Salary | 16.7299% | 17% | 18% | 19% | 20% |
|-------------------|----------------|----------|---------|--------|---------|--------|
| Major | 160,152 | 26,793 | 186,945 | | | |
| Assistant Chief | 165,137 | 27,627 | 192,764 | 28,073 | 193,210 | 29,725 |
| Regional Director | 180,427 | 30,185 | 210,612 | 30,673 | 211,100 | 32,477 |
| Division Chief | 198,164 | 33,153 | 231,317 | 33,688 | 231,852 | 35,670 |
| Deputy Director | 220,000 | 36,806 | 256,806 | 37,400 | 257,400 | 39,600 |

A motion was made by Commissioner Stodghill and seconded by Commissioner Wainwright to raise the Schedule A&B leadership salaries by 16.7299% as recommended by Director McCraw. The motion passed.

B. Discussion and possible action to approve increase of Director's salary to amount authorized by the 87th Legislature

General Counsel Phil Adkins said that the Legislature approved a pay increase for the Director of DPS with a maximum amount set at \$299,813 annually. The current salary for that position is \$247,981 annually. The statute requires the PSC to approve a salary and submit that approval in writing to the legislature.

A motion was made by Commissioner Stodghill, and seconded by Commissioner Blair to raise the salary for Director McCraw to \$299,813 annually. The motion passed.

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

1. SOAH Docket No. 405-21-0977.MVI – Keny Vidal
2. SOAH Docket No. 405-21-1111.PSB – Ashutosh Patel

Item 1 involved vehicle inspections where 34 vehicles were clean scanned (switched vehicle with one in compliance) and Item 2 involve the approval of a PI license when the applicant had a felony indictment. SOAH recommended not approving either applicant.

A motion was made by Comm. Blair and seconded by Comm. Wainwright to provide the Final Determination as recommended by SOAH. The motion passed.

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

3. Amendments to 37 TAC Section 6.14 and new Section 6.17, concerning Eligibility and Application Procedures for a License to Carry a Handgun
4. New 37 TAC Section 36.38, concerning Marketing of Catalytic Converters
5. Repeal of 37 TAC Section 36.52, concerning Advisory Letters, Reprimands and Suspensions of a Certificate of Registration
6. Amendments to 37 TAC Section 36.55 and Section 36.60, concerning Disciplinary Procedures and Administrative Procedures
7. Repeal of 37 TAC Sections 7.1 – 7.3, concerning Emergency Management

Program Requirements

8. Repeal of 37 TAC Sections 7.11 – 7.13, concerning Emergency Management Planning and Preplanning Requirements
9. Repeal of 37 TAC Sections 7.21 – 7.27, concerning Emergency Management Operations
10. Repeal of 37 TAC Sections 7.41 – 7.45, concerning Recovery and Rehabilitation Requirements

Chief Wayne Mueller discussed items 1-4 and recommended posting these items in the Texas Register for public review and comment.

General Counsel Phil Adkins went over items 5-10 and recommended posting these items in the Texas Register for public review and comment.

A motion was made and seconded to approve all 10 items for publication in the Texas Register. The motion carried.

E. 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 with the retirement of Deputy Director Randy Prince, he would like to promote THP Chief Dwight Mathis to be the new Deputy Director of Law Enforcement Operations.

A motion was made to appoint Dwight Mathis to be the Deputy Director of Law Enforcement Operations by Comm. Wainwright and seconded by Comm. Blair. The motion passed.

Director McCraw said with the promotion of Dwight Mathis, he recommends appointing West Texas Regional Director Orlando Alanis to the position of Chief of Texas Highway Patrol.

A motion was made to appoint Orlando Alanis to the position of Chief of Texas Highway Patrol was made by Comm. Blair and seconded by Comm. Stodghill. The motion passed.

Director McCraw asked to appoint Major Jose “Joe” Sanchez to the position of Regional Director for the West Texas Region.

A motion was made to promote Jose Sanchez to be the new Regional Director for the West Texas Region by Comm. Blair and Seconded by Comm. Wainwright. The motion passed.

Chairman Mach asked Director McCraw if he had anything else to request now that he was on a roll.

Director McCraw said that, as a matter of fact, there was one more thing...he would like to add a Major position to the Director’s Staff. Many LE departments have such a position to help coordinate direction and communication among the various divisions. He would act as an assistant or surrogate or stand-in in meetings and legislative testimonies when the Director was otherwise engaged and could not be available. Director McCraw asked that Captain James Thomas be considered for this new Major position in the Director’s staff.

A motion was made by Commissioner Wainwright to appoint Captain James Thomas as the new Major in the

Director's Staff. The motion was seconded by Comm. Stodghill. The motion passed.

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

This item was addressed 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 further reports to present.

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.** Advise and consent regarding director's determination that certain probationary employees were found unsuitable for work during July 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: Jason E. Brewer, Jimmy D. Chesnut, Carl R. Clary, Kent A. Coleman, Barry P. Evans, John A. Hallenbeck, Jon T. Janica, Mark A. Koenig, Jesus F. Pena, Stacy W. Schwab, Ethan C. Upshaw, and Charles G. Wheeler; Special Texas Rangers: Brad A. Oliver and Kenneth R. Parks
- C.** Donations:
 - 1. Texas Highway Patrol – donation by Reaud Charitable Foundation for awning construction at the Beaumont District Office
 - 2. Additional donation items, as needed

Deputy Director Randy Prince said that there was nothing to prohibit the approval of items XI A-C.

A motion was made to approve all of the Consent Items by Comm. Blair and seconded by Comm. Stodghill. The motion passed.

XII. ITEMS FOR FUTURE AGENDA

Chairman Mach asked that the Commissioners submit any requests for items for future agendas to Sophie Yanes, or to Counsel Phil Adkins.

XIII. DATE FOR FUTURE MEETING

Discharge hearings will be scheduled for October 13, 2021. The regular Public Safety Commission meeting is scheduled for October 14, 2021.

The date of the next Public Safety Commission meeting is set for October 14, 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

Chairman Mach adjourned the PSC meeting to Executive Session at 12:42 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

