



# Public Safety Commission Meeting

August 25, 2022, 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

*9:00 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 Deputy Director Freeman Martin and General Counsel Phil Adkins.*



### II. INVOCATION

*Chaplain Wesley McDuffie gave the invocation.*

### III. PLEDGES

*Trooper Travis Rowland led the meeting in the Pledge of Alliance and the Texas Pledge of Allegiance.*

### IV. APPROVAL OF MINUTES

*A motion made by Commissioner Blair and seconded by Commissioner Wainwright to approve the minutes from the April 14, 2022, Public Safety Commission Meeting, The motion passed.*

## V. PRESENTATIONS

Director Steve McCraw made the following presentations:

### 30 YEAR SERVICE AWARD



*Martha Hernandez – DLD*

### 35 YEAR SERVICE AWARD



*Christopher Ray - THP*

No photo available.

*Stanley Waters - THP*

## 40 YEAR SERVICE AWARD



*Arthur Miller - TRD*



*Jake Sanchez - THP*



*Robert Seaton - THP*

## 45 YEAR SERVICE AWARD



*Richard Brown - CID*

## RETIREMENT

Director McCraw stated that it has been said that you can retire from DPS but you never really leave. He announced the retirement of the Central Texas Regional Director Todd Snyder and said that his service and dedication to the Department were greatly appreciated.



Todd Snyder

The following press release was provided by DPS (photos added from the PSC Meeting presentation).



## **DPS Honors Tremendous Achievements at August PSC Meeting**



(From left: Zelda Carson and Capt. John J. Miller)

AUSTIN – The Texas Public Safety Commission (PSC) along with Texas Department of Public Safety (DPS) Director Steven McCraw presented two *Adolph Thomas Distinguished Service Awards*, four *Lifesaving Awards* and a *Unit Citation* to department personnel at the PSC meeting on Thursday, Aug. 25, at DPS Headquarters in Austin. Two *Director's Awards* were presented to partner agency members at the meeting and additional department personnel were recognized for awards recently received from outside the agency.



“These awards are a huge testament to the incredible work taking place inside the department and the critical collaboration with partner agencies that make it all possible,” said DPS Director Steven McCraw. “We are all safer because of these individuals and I am honored to be able to recognize them for their commitment to the job.”

The following individuals were recognized:

**Zelda Carson**, Training Operations Division (TOD) — Headquarters, and **Capt. John J. Miller**, Texas Ranger Division – Headquarters, each received the *Adolph Thomas Distinguished Service Award*, which is given annually to one commissioned and one non-commissioned employee. The award is named after Adolph Thomas, the first Black DPS Trooper. Thomas worked in the Texas Highway Patrol, Narcotics, served as Commander of the Training Academy and retired as Chief of Staff Services. He excelled in mentoring fellow employees, training others and civic engagement. This award, which was first given in 2018, was created to honor DPS employees who display excellence and distinguish themselves in those same three areas.

Zelda Carson’s career began with DPS in 2013 with the Driver License Division. In 2014, she joined the Training Operations Division (TOD) as a recruiting specialist and, after three years, promoted to recruiting operations manager. Carson has trained and mentored many incoming recruiting sergeants through the recruiting operations process and is a wonderful mentor and leader who encourages others to seek higher education and promotion. Carson received her Associate of Arts in business administration, Magna Cum Laude in 2018, a Bachelor of Administration, Magna Cum Laude in 2019, and is currently working towards her second master’s degree. She has completed the FBI LEEDA Trilogy program, Leadership College Course, Leadership Development School, Interest-Based Leadership School, 360 Degree Leader and Lean Six Sigma Training. Carson also participated in the DPS Mentor Program with Reilly Elementary School. An active volunteer, she’s traveled to Belize with the Foreign Mission Group of the Simonsville Missionary Baptist Church youth mentorship program for nineteen years. Carson volunteers at a women’s shelter and is a member of a car club that participates in several charitable events each year.



Capt. John J. Miller joined the department as a Texas Highway Patrol Trooper in Yoakum in 2014. In 2016, he was selected to serve on the Special Weapons and Tactics (SWAT) team at DPS Headquarters. In 2021, Miller promoted to Lieutenant in SWAT and was placed in charge of the “Charlie” squad in Edinburg. He is a Special Forces Sergeant in intelligence and assists with operations in the 18<sup>th</sup> Group, Camp Bullis, Texas. His military duties include integrating operations and intelligence and serving as the all-source intelligence fusion cell and tactical team leader. He maintains top secret clearance and is fluent in



Arabic and Spanish. He's completed several deployments and been awarded the Bronze Star, Army Commendation with "V" Device, and Combat Infantryman's Badge. Miller received his Bachelor of Arts in political science in 2014, and in 2021 received his Master of Science in criminal justice. He is currently seeking his Ph.D. in Criminal Justice and Criminology. While serving DPS, he has provided instruction on the Urban Operations Fundamentals Course, Intelligence and Operational Design, Urban Operations Advanced Course, and has lectured on contemporary counterterrorism and the recruitment and radicalization of homegrown violent extremists. Over the last two years, the Special Operations Group (SOG) has responded to four hostage rescue situations in which the hostages were saved from serious bodily injury and/or death due to the tactics he introduced. Miller's knowledge, passion, leadership and devotion to duty have led to significant professional enhancement of the SOG and their ability to better serve our employees, and the citizens of this state.



**License and Permit Specialist Tina Cooper**, Driver License Division – Daingerfield, and **License and Permit Specialist Mayla Honeycutt**, Driver License Division – Daingerfield, each received a *Lifesaving Award* for their actions on Sept. 27, 2021. The pair was returning from a training class in Texarkana when they saw an SUV parked in the median of I-30 with a man attempting to flag down help, and a woman holding a baby in distress.



Cooper and Honeycutt parked on the shoulder and ran to assist. They realized the infant was unresponsive, so Cooper called 911 while Honeycutt attempted CPR. After trading roles, and while Cooper conducted mouth sweeps, the infant's airway cleared, and he began breathing in a labored manner. Cooper kept his airway open and intermittently used a suction bulb in attempts to remove any obstruction from his airway. Paramedics arrived on the scene and took over medical care. The infant was transported via helicopter to a children's hospital where he was expected to make a full recovery.



**Trooper Nathan Crow**, Highway Patrol — Alice, received a *Lifesaving Award* for his actions on Nov. 1, 2021, while working Operation Lone Star in Starr County. During patrol, Trooper Crow saw an SUV disregard a red light. When he attempted to initiate a traffic stop, the vehicle entered the center turn lane and came to a quick stop. The driver got out and ran to Trooper Crow holding a nine-month-old baby that was not breathing. Trooper Crow contacted Weslaco Communications and requested paramedics, then began life-saving measures by attempting to clear the child's airway. Trooper Jose Gonzalez arrived on the scene to assist. Shortly after, the baby began to breathe, and Trooper Gonzalez, who is an EMT, retrieved his medical equipment

and began monitoring the baby's respirations. EMS personnel arrived on the scene, and after a short while, the baby began to breath normally.



Trooper Genaro Hinojosa, Jr., Highway Patrol — Laredo, received a *Lifesaving Award*, and **United States Border Patrol (USBP) Agents Jesus Manuel Rodriguez** and **Jorge Trevino** were each awarded a *Director's Award* for their heroic actions on March 24, 2022, while working Operation Lone



Star in LaSalle County. That day, DPS Communications placed a lookout for a vehicle that failed to stop for an immigration inspection at the USBP checkpoint. USBP located the vehicle and deployed stop sticks during a vehicle pursuit. The vehicle hit a post, came to a stop and caught fire. The driver fled into the brush but was quickly located by USBP Agents and DPS Troopers. The driver then told authorities there was a girl still inside the burning vehicle. Sgt. Hinojosa and Agent Trevino ran to the vehicle. Sgt. Hinojosa broke the rear window with his baton and began searching inside. Agent Rodriguez joined the effort to search the rear seat and found a wooden speaker box and nylon carry bag. All three worked together to remove the bag and carry it to safety. A female subject was discovered inside the bag. She was uninjured and released to USBP.



Members of **Sergeant Area 5B10** received a *Unit Citation* for their work to stop the smuggling of drugs and currency in the Northwest Texas Region. In August 2017, the department created Sergeant Area 5B10 which was comprised of one sergeant and nine Troopers. The 5B10 Area concentrated efforts along I-40,



with an emphasis on drivers crossing the Texas Panhandle smuggling narcotics and illegally gained US currency. From August 2017 through December 2021, the unit had 320 significant illicit drug and currency seizures. This included marijuana, THC products, methamphetamine, cocaine,

heroin and fentanyl, as well as more than five-million-dollars in US currency. The success is due to their criminal interdiction techniques in roadside interviews, vehicle searches and their knowledge of fourth amendment search and seizure case law. These Troopers have been recognized both statewide and nationally for their efforts, and recently received the *National Criminal Interdiction Award* from the White House Office of National Drug Policy for the year 2020. The employees commended for their hard work and dedication include **Sergeant Oscar Esqueda, Corporal Darrin Bridges, Troopers Danny Nunez, Richard Pacheco, Edgar Castillo II, Max Honesto, Alexandra Moroles, Stephen Bond, Michael Little and Jorge Perez.**

The following individuals or groups were also recognized for their significant achievements:

The **Watch Intelligence and Information Program (WIIP)** is the recipient of the 2021/2022 *National Fusion Center Association Best Collaborative Effort Award*. As the 24/7 component of the Texas Fusion Center, WIIP collaborates with multiple internal and external partners to provide a wide range of analytic support to law enforcement and public safety officials throughout Texas and the nation. Analysts in the WIIP exhibit the highest level of vigilance, teamwork, dedication and excellence in analytic tradecraft, which are essential, given the broad range of responsibilities they oversee. However, nowhere is the WIIP's commitment and collaboration more evident than its handling of Suspicious Activity Reporting, including threats to life.



On September 15, 2021, WIIP analysts received a tip from a community member via the iWatchTexas website in which the reporting party was concerned about posts made on a popular chat/social media platform, by a user who claimed to have killed his family. Through advanced open-source intelligence research and collaboration with the FBI, DPS Criminal Investigations Division, and local law enforcement in Texas and Alabama, the analysts helped the San Patricio Sheriff's Office positively identify and locate the juvenile subject at his home in Ingleside, Texas. The subject refused to surrender and ultimately committed suicide. Upon entering

the subject's home, deputies discovered the subject had indeed shot and killed his mother, father, sister, and family dogs. A search of the subject's vehicle revealed a large number of firearms and ammunition, as well as other evidence that indicated the subject was likely planning a school attack. While the deaths of the family are undeniably tragic, the swift response by the analysts and the coordination with investigative partners helped prevent further tragedy. This is one of the countless examples of dedication and excellence these analysts display every day.

The **2021/2022 Fusion Center Award** was recently given to two **Maritime Intelligence Analysts, Hilary Martinez**, Intelligence and Counterterrorism Division – Headquarters, and **Marisa Brusuelas**, Intelligence and Counterterrorism Division – Houston. The Joint Maritime Domain Awareness Steering Committee recognized their excellence and dedication in every aspect of their roles as analysts with the Texas Fusion Center and how it has greatly enhanced the relationship with the maritime industry, while simultaneously strengthening the overall security posture for this domain.





The analysts routinely strive to meet the intelligence needs of their customers and increase nationwide awareness of threats in the maritime domain through their intelligence products. Their attention to detail, hard work and commitment to maritime security in Texas and nationwide have earned the Fusion Center's Maritime Intelligence Program countless distinctions and praise from partners, who undoubtedly view the analysts as intelligence leaders in the maritime domain in Texas and nationwide.

## 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 reminded the attendees that if they wish to prove public comment that they should fill out the appropriate card and turn it in to Sophie Yanez.*

*Public Health Committee Chair Stephanie Klick was the first to speak on the topic of Compassionate Use Act, a bill that she authored. She pointed out that the use of medical marijuana has been extremely effective in controlling seizures among patients afflicted with epilepsy as well as other approved medical needs. She mentioned that while working with support groups online in researching the problem back in 2015, at least 3 children died of seizure complications. CBD is non-psychoactive but sometimes requires some THC to work synergistically to be an effective treatment. She said that with the continued increase in the number of patients in Texas enrolling in the program, there is a need for additional distribution locations and additional licenses issued. Texas shows 31,000 patients currently enrolled in the program, but that number is since it's inception and doesn't accurately reflect the current users. There are also currently 800 physicians prescribing the use of medical marijuana. She complemented the DPS for their outstanding job of managing the program, and making it a "true medical program" unlike some of the other states that authorize the use of medical marijuana.*



Also speaking on Compassionate Use was Chase Bearden, Deputy Executive Director of Coalition of Texans with Disabilities and Director of Policy and Advocacy for the Texas Patients First Foundation. He stated that he represents the end users and that there is a true access issue in Texas, with only two active license holders, both of which are in Austin. With limited licensees, there is limited competition, limited product selection and slower access and also contributes to higher prices. He suggested forming an advisory committee that includes DPS, industry representatives and patients. He also thought that 3<sup>rd</sup> party testing would help.



The third speaker on the Compassionate Use Act was Morris Denton, Chief Executive Officer of Texas Original, a compassionate use advocate who is one of the two active license holders. He commended Assistant Chief Jason Hester for his leadership at the Department of Public Safety in this matter. He mentioned that the other two license holders were multi-state businesses based in Florida, which currently has 22 license holders. These are vertically integrated businesses, meaning that they control the operations from seeds to sales. He considers that having a license is a privilege and not a right, and mentioned that he has 80-90% of the market share. He said that although Texas lists 32,000 enrolled, his organization served less than 5,000 total patients in July, 2022. He stated that the state needs to take a long look at the rules regulating the sale and distribution of medical marijuana, noting that there is currently a logistical distribution nightmare in getting product to patients. He noted that not only is there a problem reaching all the far corners of the state, which we can and are doing, but having to return carrying the required cash only payments that can be in the tens of thousands of dollars. He suggested two recommendations: 1. Expand availability by allowing remote distribution centers with authorization for overnight storage of the product; and 2. When necessary (not for a while) issue additional licenses.



Commissioner Wainwright asked what he thought might be the right number of licenses, perhaps 10. Mr. Denton said that it should be data driven. There are currently 3 industry standards that are popularly considered: 1. Define what is an “active” patient; 2. Define number of active patients per license; and 3. How many patients does DPS want to regulate. He also recommended that the legislature should expand the list of conditions authorizing the legitimate use of medical marijuana. Chairman Mach asked Mr. Denton, and the other presenters to submit a letter outlining all of their suggestions and recommendations to the Commission and Deputy Director Williams.

Jeromy Sherman, Co-Founder and Chief Business Officer of Bayou City Hemp Co, also spoke and agreed that there are too few distribution points for Texas and the current and future patient population. He stated that they are a world class operation based in Houston. He suggested that there could be 50,000 enrolled in the program by the end of the year.



*Lt. Richard Jankovsky, President of Texas Department of Public Safety Officers Association, asked to address two agenda items: Item VII B – Command Presence and VII D – Legislative Appropriations Request.*

## **Testimony by DPSOA President Richard Jankovsky**



*My name is Lt. Richard Jankovsky. I am a state trooper stationed out of Victoria and am President of the Department of Public Safety Officers Association (DPSOA). I am here to address items B & D under New Business.*

*First, item B regarding discussion and possible action on the Health, Physical Fitness and Command Presence Policy. As President of DPSOA, I continue to hear from many members who are deeply concerned about the command presence policy.*

*The command presence policy has been a source of stress and frustration for our members. According to the Dallas Morning News, more than 200 commissioned employees who passed their PFT may still face disciplinary action or negative consequences because they will not meet the waist measurement requirement.*

*In an effort to conserve time I will share two, of many, members stories that they have been shared with me. One member has passed the PFT with a score of over 100% yet has been placed on a "Fitness Improvement Plan" because of not being in compliance with the Command Presence Policy. In an interoffice memorandum dated 05/25/2022, written by a DPS Fitness Institute Graduate, the author quoted as saying "loss of adipose tissue is likely in areas not measured. Everyone's bodies carry and lose weight in different primary locations". With that, I ask this, when a fitness institute graduate makes a statement like this, what difference does a measurement make? Yet, the comp time that should have been earned for passing at such a high score was not allowed and this member is still on a fitness improvement plan. Another member, who gave birth to a child, came back to work after FMLA. A promotional opportunity presented itself. Even though she had a passing PFT score of 90% or higher and was on a waiver for post childbirth she was not allowed to compete in the promotional process because her waiver was deemed invalid for no apparent reason. These are two of many examples.*

*If this is truly about cardiovascular health or concerns for cardiovascular wellbeing, I ask you this, why are we not mandating consultations with a health care provider to study our genetic makeup and risks for cardiovascular disease rather than focusing on negative consequences for not looking a certain way? DPSOA maintains that if an officer is passing the physical fitness test, their waist size should be irrelevant. Therefore, we ask the Commission to eliminate the command presence policy. I will leave this topic with a question for you, is a policy that removes law enforcement officers from an enforcement role for no reason other than the way they look good for Texas or good for Texans?*

*On item D regarding the 2024-2025 Legislative Appropriations Request, last session DPSOA successfully worked with the state's executive and legislative leadership to help pass the first pay raise for Schedule C commissioned officers since 2013. We greatly appreciate their support!*

*At DPSOA, our primary focus next session will be to get the legislature to use some of the projected surplus to fill the \$653 million shortfall in the Law Enforcement and Custodial Officers Supplemental retirement system known as LECOS which falls under the budget and LAR for the Employees Retirement System of Texas – ERS – but that also greatly affects DPS' commissioned officers under the Public Safety Commission's jurisdiction.*



We also do not want to find ourselves waiting another decade before trooper pay is addressed again.

Prior to each legislative session, the Texas State Auditor is required to prepare a report to compare salaries of our state commissioned officers under Schedule C with those of certain peer, local agencies around the state to ensure DPS and other state law enforcement agencies are maintaining appropriate and competitive compensation offerings. We anticipate that the updated auditor's report will be released by December of this year, and it will again show that even with the recent pay raise, state pay is still lagging behind those of our peer, local agencies. We ask that the Commission continue to study and work on this issue, especially when the new report is released.

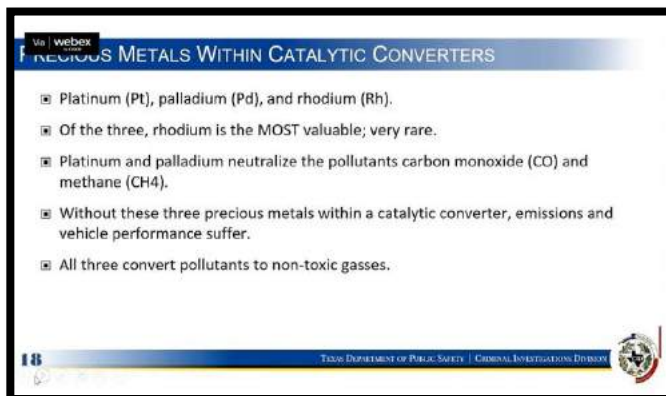
Since we are limited in our time to visit today, I will wrap up by welcoming the opportunity to visit with each of you on an individual basis if you would like to hear more about our work at DPSOA. We appreciate your work on behalf of the Commission. Thank you!

Chairman Mach thanked Lt. Jankovsky for his comments and for all of the work that DPSOA does on behalf of DPS.

## VII. DIRECTORS REPORT

### A. Case Update: Overview of the Rise of Catalytic Converter Thefts

Director McCraw asked two Special Agents to present the Overview of the Rise in Catalytic Converter Thefts, Special Agent Troy Hunt and Special Agent Preston Gustopin.



via | webex  
**FINCETTER OUNCE (AS OF JANUARY 2022)\***

Precious Metal	Price per ounce (oz)
Platinum	\$1,019
Palladium	\$2,437
Rhodium	\$16,850

\* Source: Money Metals

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via | webex  
**TARGET FOR THIEVES**

- Thieves typically target larger, high-clearance vehicles, such as pickup trucks and sport utility vehicles (SUVs), which allow easier access to the undercarriage to remove the catalytic converter in a matter of seconds.
- Hybrid vehicles (e.g., Toyota Prius) offer cleaner and more valuable catalytic converters.
- Some Metal Recycling Entities (MREs) have been associated with purchasing stolen catalytic converters.
- MREs typically pay thieves \$50 to \$250 per catalytic converter.
- Catalytic converter thefts increased by 325% from 2019 to 2020.

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via | webex  
**MOST TARGETED VEHICLES**

- Toyota Prius (tops the list)
- Honda Element
- Toyota Tundra
- Chevrolet Silverado
- Ford F-150
- Ford Econoline vans
- Chevrolet Equinox
- Toyota Tacoma

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via | webex  
**COST TO THE CONSUMER**

- Cost of replacement. The National Insurance Crime Bureau (NICB) estimates that owners can pay anywhere from \$1,000 to \$3,000 to replace a stolen catalytic converter.
- Lost income associated with missing work and finding and paying for alternate transportation.
- Possible increase in insurance premiums because catalytic converter thefts are covered as "damage not caused by an accident," thus requiring vehicle owners to pay a deductible.
- Emotional stress on the consumer due to worrying if the theft will happen again.

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via | webex  
**POSSIBLE SOLUTIONS**

- Passing stricter regulations (e.g., HB 4110).
- Establishing clearly defined arrestable offenses.
- Having auto manufacturers etch VINs onto the catalytic converter in case of theft, which may force the thief to change targets.
- Following NICB recommendations to install catalytic converter anti-theft devices and to park fleet vehicles in enclosed and secured areas that are well lit.
- Parking personal vehicles in a garage or driveway with motion sensor security lights.

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via | webex  
**POSSIBLE SOLUTIONS (CONT.)**

- Holding MREs more accountable (violations subject to arrest).
- Developing a database that all MREs must use for reporting purposes (currently, business-to-business transactions are exempt from reporting catalytic converter purchases).



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via | webex  
**POSSIBLE SOLUTIONS (CONT.)**

- Developing legislative rules to allow any law enforcement entity to inspect MREs, no questions asked.
- Establishing stricter and harsher criminal penalties for individuals involved in the catalytic converter theft cycle (theft, transportation, storage, sale, and purchase of stolen catalytic converters).
- Closing loopholes that allow the unregulated sale/purchase of stolen catalytic converters.

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via | webex  
**CATALYTIC CONVERTER THEFT IN ACTION**



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Via | webex  
**HOUSTON: BY THE NUMBERS**

- In 2019, Houston PD received approximately 375 reports of stolen catalytic converters.
- The numbers have drastically increased each year since then, with approximately 1,400 in 2020 and approximately 7,800 in 2021.
- According to an article published in the *Houston Chronicle* on April 27, 2022, Houston is set to possibly reach 16,700 reports in 2022.

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Via | webex  
**HOUSTON: INCREASE IN VIOLENCE**

- Multiple deaths associated with catalytic converter thefts have been reported in the Houston area.
- During local investigations, agents have observed a rise in violent criminals participating in catalytic converter thefts.
- Firearms are commonly displayed and/or used during thefts and are also frequently seized during apprehensions.



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Via | webex  
**HOUSTON: GANG INVOLVEMENT**

- TAG agents began targeting catalytic converter thieves in 2021.
- Since then, TAG agents have apprehended and identified multiple Houston area gangs and gang members involved in the crime.
  - **Large Gangs:** Crips and Bloods, including subsets.
  - **Local Gangs:** 5<sup>th</sup> Ward Circle, 44 Acres Homes, MGM, 4<sup>th</sup> Ward, Ley Road Money Team, etc.

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Via | webex  
**HOUSTON: TRENDS**

- Increase in robbery crews transitioning to catalytic converter thefts due to lesser punishments and higher payouts.
- Increase in "black market"-style catalytic converter purchasers (i.e., "fences").
  - Since targeting organized "fence" operations, TAG agents have successfully seized a total of \$568,605 in proceeds derived from the illegal sale of stolen catalytic converters.
- Utilization of social media sites, like Instagram, to post updated street values of catalytic converters.



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Via | webex  
**HOUSTON: TRENDS (CONT.)**

- Utilization of rental garages and warehouses to receive and store stolen catalytic converters before transporting large loads of catalytic converters to out-of-state buyers.
  - These appear to be very large organized crime operations and typically include multiple Houston-area gangs working together.



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Via | webex  
**WHAT'S BEING DONE?**

- Agents have begun working jointly with Houston PD, Harris County Sheriff's Office (HCSO), federal partners, and other surrounding jurisdictions to combat the rise in catalytic converter thefts, including formation of a catalytic converter task force led by Houston PD, which:
  - Improves communication and information sharing between agencies;
  - Provides access to multiple databases to identify suspects and vehicles involved in thefts and to narrow down investigations to specific targets; and
  - Allows agents to target out-of-state buyers with the assistance of federal partners.
- Agents have identified multiple large-scale operations and associated suspects within the Houston area, and have made multiple arrests, with charges ranging from Evading Arrest to Aggravated Robbery.

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Via | webex  
**WHAT'S BEING DONE? (CONT.)**


- After apprehension of suspects, agents utilize different investigative techniques (i.e., post-arrest interviews, phone dumps, etc.) to locate "fences" who are purchasing stolen catalytic converters.
- Investigations make use of CIs and UC officers to target buyers through reverse "sting" operations.



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Via | webex  
**WHAT'S BEING DONE? (CONT.)**

- Houston PD has shifted focus to prevention through public education.
- Houston PD has begun a program that includes marking catalytic converters with high-temperature paint and etching the last 8 digits of the vehicle's VIN onto the catalytic converter.
  - Makes the catalytic converter less marketable and more traceable to the victim vehicle.



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**OPERATION HEAVY METAL: OVERVIEW**

- On July 28, 2022, DPS special agents working jointly with HSI, Houston PD, and HCSO executed federal and state search and arrest warrants on locations and suspects associated with illegal "fencing" operations within the greater Houston area.
- In total, 6 suspects were arrested for charges of Theft of Metals and Engaging in Organized Criminal Activity.



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**OPERATION HEAVY METAL: ARRESTS**

- Jose Martinez (Only The Family gang member)
- Armando Martinez, Jr. (Ley Road Money Team gang member)
- Armando Martinez, Sr.
- Isaac Hernandez-Castillo (Ley Road Money Team gang member)
- Terence Elder (Ley Road Money Team gang member)
- Jose Sanchez



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**OPERATION HEAVY METAL: RECOVERIES**

- 455 catalytic converters
- 2,857 oxygen (O2) sensors
- 1 stolen Dodge Challenger Hellcat



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**OPERATION HEAVY METAL: SEIZURES**

- 29 firearms, including handguns, AR/AK-style pistols, rifles, and shotguns
- 1 automatic Glock Switch
- 467.77 grams (1/2 kilo) of cocaine
- 15.95 grams of crack cocaine
- 2 pounds of marijuana
- \$91,000 in US currency
- Following the July 28 operation, an additional \$1.2 million was seized by HSI and Amarillo PD from a suspected bulk buyer associated with this organization

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Questions  Comments

## VIII. NEW BUSINESS

- A. Update, discussion, and possible action regarding Compassionate Use Program, including consideration of increasing the number of licenses to operate as a dispensing organization


*Chief Wayne Mueller – Regulatory Services Division and Deputy Director Jeoff Williams – Law Enforcement Services Division made the presentation. Chief Mueller said he would try to not be to redundant with the public comments made earlier in the meeting and that he would have rule change and other recommendations for the October or December PSC Meeting including: 1 Allow remote satellite locations; 2. Get inactive licensees to provide written modified business model plans to address their inactivity; 3. Continue and increase our involvement with the Cannabis Regulation Association which has*

proven to be a great source of information from other states. Take a measured approach to adding new licenses and not add any immediately. We are also looking at a two-pronged approach to determine licensee activity: 1. Active participation in the last 6 or 12 months; and 2. How many milligrams of active ingredients in the last month, week or day.

Commissioner Blair asked if there is a ready pool of potential licensees out there. Wayne Mueller said that there were 39 applicants with the initial opening so there likely would be several interested.

Chairman Mach asked Chief Mueller to provide at the next PSC Meeting recommendations for new licensees and a matrix for measuring licensee activity requirements. Chief Mueller agreed and suggested that he would hope to not have hard and set rules for activity which may eliminate a good distributor without allowing for exceptional circumstances (storms, outages, pandemics, etc.). Chairman Mach agreed..

via | webex



**UPDATE, DISCUSSION, AND POSSIBLE ACTION REGARDING COMPASSIONATE USE PROGRAM, INCLUDING CONSIDERATION OF INCREASING THE NUMBER OF LICENSES TO OPERATE AS A DISPENSING ORGANIZATION**

**(NEW BUSINESS A)**

via | webex



**Compassionate Use Program (CUP) Update**

In 2015, the 84th Texas Legislative Session enacted the Texas Compassionate Use Act (Senate Bill 239), requiring the Department of Public Safety to create a secure registry of physicians treating intractable epilepsy patients with low-THC cannabis.

In 2019, the 86th Texas Legislature expanded the program to include additional medical conditions and physician specialties for which low-THC cannabis may be prescribed. Qualified physicians were now able to issue prescriptions to patients with any of the following medical conditions:

1. Epilepsy
2. A seizure disorder
3. Multiple sclerosis
4. Spasticity
5. Amyotrophic lateral sclerosis
6. Autism
7. Terminal cancer
8. Incurable neurodegenerative diseases



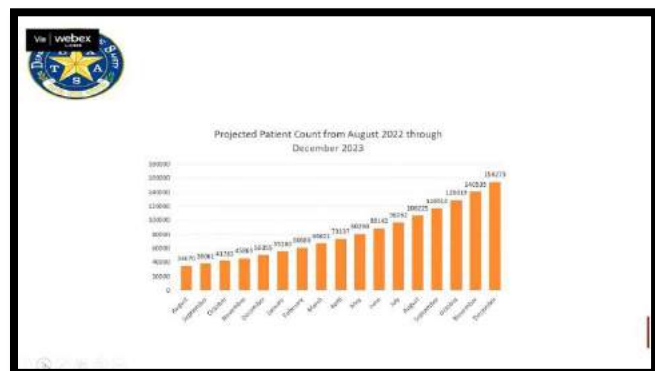
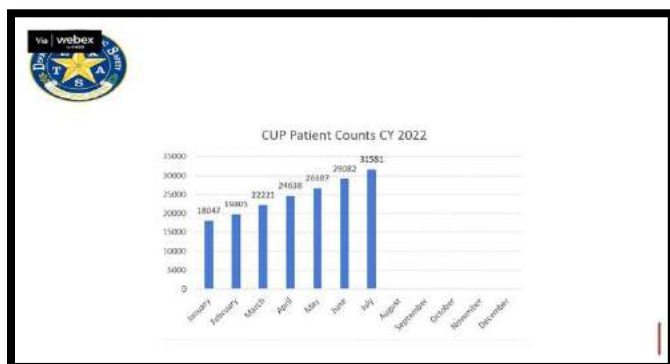
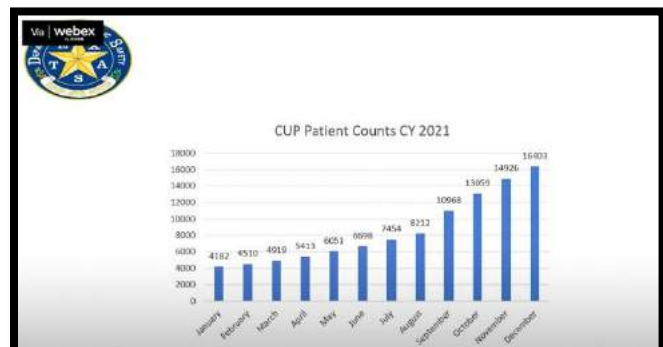
via | webex



**CUP Update**

In 2021, The 87th Session of the Texas Legislature made statutory changes to the Texas Health and Safety Code, Chapter 487, which went into effect September 1, 2021. These changes included:

- Expanded the medical conditions for which low-THC cannabis may be prescribed to include non-terminal cancer, post-traumatic stress disorder, and those medical conditions designated by the Health and Human Services Commission as authorizing treatment with low-THC cannabis as part of an approved research program.
- Increased maximum THC level of low-THC cannabis to 1% by weight.

## B. Report, discussion, and possible action on the Health, Physical Fitness and Command Presence Policy

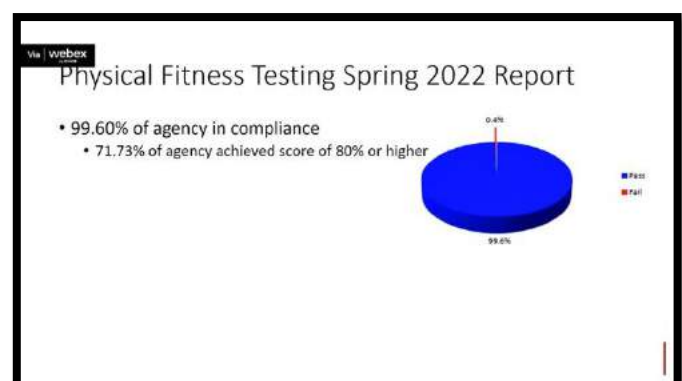
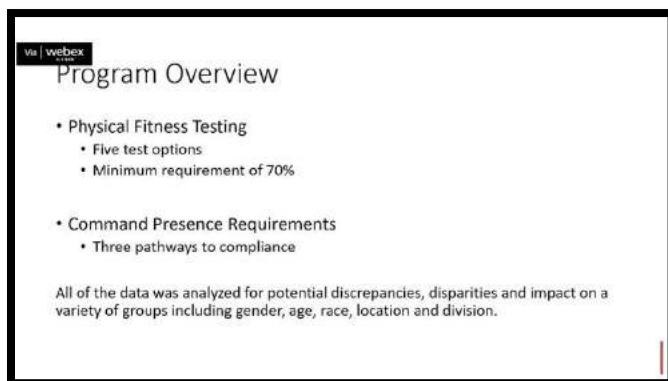
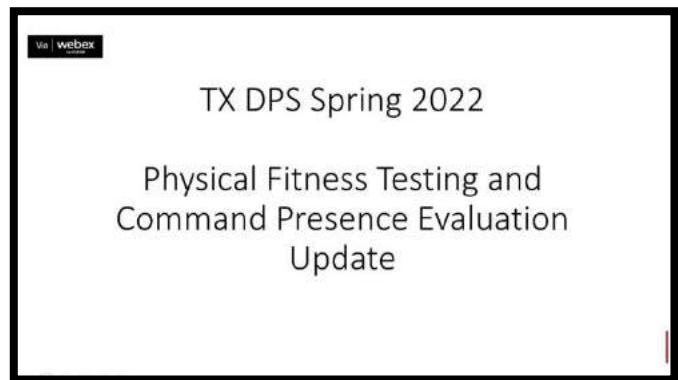
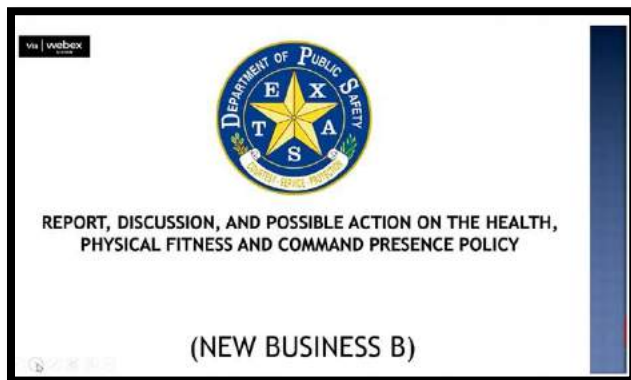
*Greg Davis, Michael Harper and Freeman Martin - Deputy Director Homeland Security Operations participated in the presentation. DD Martin pointed out that due to the Covid pandemic, the implementation schedule for the Health, Physical Fitness and Command Presence Policy has been extended twice. After reading through several testimonials from DPS officers regarding their pleasure with the program and its positive effects on their wellbeing, Deputy Director Martin recommended three modifications to the policy: 1. Allow for a 2% variation allocation; 2. Failure to meet the Command Presence requirements alone would not disqualify you from promotion prospects nor secondary employment; and 3. failure of Command Presence requirements alone would not move you from temporary non-law enforcement assignments nor nor preclude you from overtime.*

*Freeman Martin recommended moving forward with full implementation of the Health, Physical Fitness and Command Presence Policy with the 3 proposed modifications.*

*Commissioner Wainwright asked if DD Martin had discussed this further with DPSOA and DD Martin suggested that DPSOA was listening to a very small minority of their members and that the overall reaction by DPS officers has been positive.*

*A motion was made by Commissioner Blair and seconded by Commissioner Stodghill to approve immediate implementation with modifications as recommended by DD Martin.*

*The motion passed.*





Via | webex


## Physical Fitness Testing Spring 2022 Report

- 1.8% (n=74) obtained a waiver
- 60.69% (n=2,402) earned an exemption & considered in compliance
  - Exemptions earned from Command Presence Compliance in the Fall 2021 evaluation period and a PFT score of 80% or higher during the Fall 2021 evaluation period.

Via | webex

## Command Presence Evaluation Spring 2022 Report

- 95.6% of agency in compliance



Category	Percentage
Compliance	95.6%
Non-Compliance	4.4%

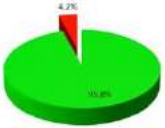
n=3958

Via | webex

## Command Presence Evaluation Spring 2022 Report

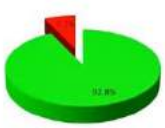
- Data was analyzed for disparities between groups

**Male Compliance Rate**



Category	Percentage
Compliance	95.9%
Non-Compliance	4.2%

**Female Compliance Rate**



Category	Percentage
Compliance	92.8%
Non-Compliance	7.2%

Via | webex

## Command Presence Evaluation Spring 2022 Report

- Fitness Improvement Plans providing individual guidance and training have already been initiated
  - As a result, multiple individuals have obtained compliance
  - Participants have been provided means to document progress
- 175 individuals on Fitness Improvement Plans due to Command Presence
  - Previously was 224 individuals

Via | webex

## Agency Testimonial Impact

From THP Central Texas:

- An individual on a Fitness Improvement Plan initially had difficulty with consistency.
- As a part of the plan, now logs exercise and felt accomplished being able to complete a 10 mile walk whereas at the start, was winded after 1-2 mile walk.
- Stated he now avoids chips and soda at work and is excited to bring healthier options.
- Lost 11 pounds in just under 2 months of making small changes.

Via | webex

## Agency Testimonial Impact

From Ranger division:

- While in compliance, Ranger reached out to Fitness Institute Graduate and expressed self-concern over his appearance, nutrition, and fitness levels.
- After learning his personal goals, what type of exercise he enjoyed, and what meals he preferred, guidance was provided through an easy-to-follow weekly fitness routine based on his goals and general nutritional information.
- Since implementing this plan, he stated he has seen a visible improvement and stated how proud he is of his accomplishments.

Via | webex

## Agency Testimonial Impact

From THP South Texas:

- Individual stated he was "shocked to measure 41 inches at my waist. I was on the verge of being non-compliant with DPS standards, was tired, had chronic back problems and struggled to fit into my uniform."
- Modified diet and began a fitness routine led by DPS Fitness Institute Graduates and working out with several other DPS Troopers and Supervisors.
- With gradual results, lost over 25 pounds and slimmed down to a 35 inch waist and stated his overall health has improved and he feels much better.

Via | webex

## TX DPS Spring 2022

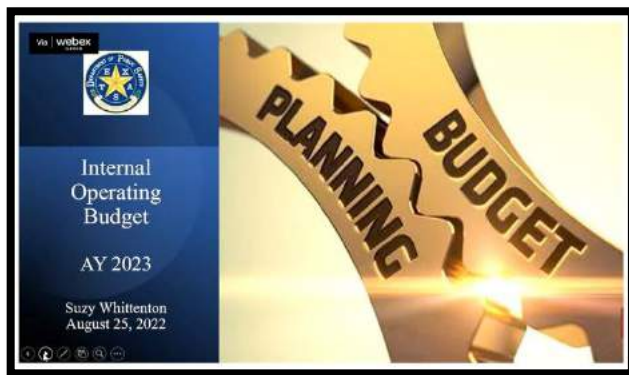
### Physical Fitness Testing and Command Presence Evaluation Update

## C. Report, discussion, and possible action on the Fiscal Year 2023 Internal Operating Budget

Chief Suzy Whittenton – Chief Financial Officer – made a quick review of the proposed FY 2023 Budget and commented that it was very similar to the FY 2022 budget. She reminded the Commissioners that they authorized the purchase of hand guns from seized assets.

A motion was made by Commissioner Blair and Seconded by Commissioner Wainwright to approve the FY 2023 Budget.

The motion passed.



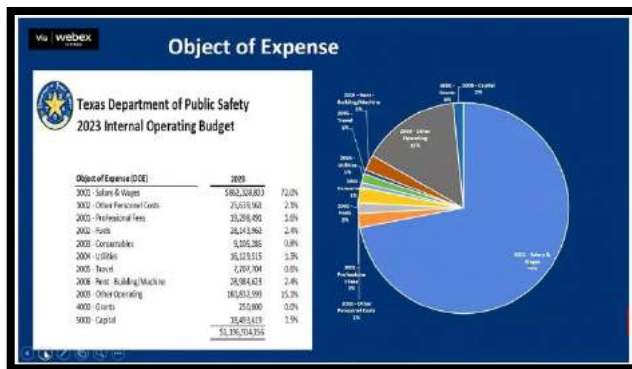
Category	Amount	Description
Appropriation Budget	\$1,257,051,899	87th Leg. Regular Session, Article V, General Appropriations Act (Fiscal Size Up)
Adjustments to Estimates for Federal Funds	-260,137,743	
Strategy Budget	\$1,296,914,156	

via **webex**

# Strategy Budgets

## Texas Department of Public Safety 2023 Internal Operating Budget

	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2443	2444	2445	2446	2447	2448	2449	2450	2451	2452	2453	2454	2455	2456	2457	2458	2459	2460	2461	2462	2463	2464	2465	2466	2467	2468	2469	2470	2471	2472	2473	2474	2475	2476	2477	2478	2479	2480	2481	2482	2483	2484	2485	2486	2487	2488	2489	2490	2491	2492	2493	2494	2495	2496	2497	2498	2499	2500	2501	2502	2503	2504	2505	2506	2507	2508	2509	2510	2511	2512	2513	2514	2515	2516	2517	2518	2519	2520	2521	2522	2523	2524	2525	2526	2527	2528	2529	2530	2531	2532	2533	2534	2535	2536	2537	2538	2539	2540	2541	2542	2543	2544	2545	2546	2547	2548	2549	2550	2551	2552	2553	2554	2555	2556	2557	2558	2559	2560	2561	2562	2563	2564	2565	2566	2567	2568	2569	2570	2571	2572	2573	2574	2575	2576	2577	2578	2579	2580	2581	2582	2583	2584	2585	2586	2587	2588	2589	2590	2591	2592	2593	2594	2595	2596	2597	2598	2599	2600	2601	2602	2603	2604	2605	2606	2607	2608	2609	2610	2611	2612	2613	2614	2615	2616	2617	2618	2619	2620	2621	2622	2623	2624	2625	2626	2627	2628	2629	2630	2631	2632	2633	2634	2635	2636	2637	2638	2639	2640	2641	2642	2643	2644	2645	2646	2647	2648	2649	2650	2651	2652	2653	2654	2655	2656	2657	2658	2659	2660	2661	2662	2663	2664	2665	2666	2667	2668	2669	2670	2671	2672	2673	2674	2675	2676	2677	2678	2679	2680	2681	2682	2683	2684	2685	2686	2687	2688	2689	2690	2691	2692	2693	2694	2695	2696	2697	2698	2699	2700	2701	2702	2703	2704	2705	2706	2707	2708	2709	2710	2711	2712	2713	2714	2715	2716	2717	2718	2719	2720	2721	2722	2723	2724	2725	2726	2727	2728	2729	2730	2731	2732	2733	2734	2735	2736	2737	2738	2739	2740	2741	2742	2743	2744	2745	2746	2747	2748	2749	2750	2751	2752	2753	2754	2755	2756	2757	2758	2759	2760	2761	2762	2763	2764	2765	2766	2767	2768	2769	2770	2771	2772	2773	2774	2775	2776	2777	2778	2779	2780	2781	2782	2783	2784	2785	2786	2787	2788	2789	2790	2791	2792	2793	2794	2795	2796	2797	2798	2799	2800	2801	2802	2803	2804	2805	2806	2807	2808	2809	2810	2811	2812	2813	2814	2815	2816	2817	2818	2819	2820	2821	2822	2823	2824	2825	2826	2827	2828	2829	2830	2831	2832	2833	2834	2835	2836	2837	2838	2839	2840	2841	2842	2843	2844	2845	2846	2847	2848	2849	2850	2851	2852	2853	2854	2855	2856	2857	2858	2859	2860	2861	2862	2863	2864	2865	2866	2867	2868	2869	2870	2871	2872	2873	2874	2875	2876	2877	2878	2879	2880	2881	2882	2883	2884	2885	2886	2887	2888	2889	2890	2891	2892	2893	2894	2895	2896	2897	2898	2899	2900	2901	2902	2903	2904	2905	2906	2907	2908	2909	2910	2911	2912	2913	2914	2915	2916	2917	2918	2919	2920	2921	2922	2923	2924	2925	2926	2927	2928	2929	2930	2931	2932	2933	2934	2935	2936	2937	2938	2939	2940	2941	2942	2943	2944	2945	2946	2947	2948	2949	2950	2951	2952	2953	2954	2955	2956	2957	2958	2959	2960	2961	2962	2963	2964	2965	2966	2967	2968	2969	2970	2971	2972	2973	2974	2975	2976	2977	2978	2979	2980	2981	2982	2983	2984	2985	2986	2987	2988	2989	2990	2991	2992	2993	2994	2995	2996	2997	2998	2999	3000	3001	3002	3003	3004	3005	3006	3007	3008	3009	3010	3011	3012	3013	3014	3015	3016	3017	3018	3019	3020	3021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**Federal and State Seized Budgets**

Texas Department of Public Safety  
2023 Internal Operating Budget

	Original Budget	Revised Budget	Expenditure	Encumbrance	Unencumbered	Transferring Budget Balance
Supplemental and Other Budgets	\$ 1,000,000	\$ -	\$ -	\$ -	\$ -	\$ -
Supplemental and Other Budgets	\$ 400,000	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ 1,400,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

	Original Budget	Revised Budget	Expenditure	Encumbrance	Unencumbered	Transferring Budget Balance
Agency Other	\$ 700,000	\$ -	\$ -	\$ -	\$ -	\$ -
Agency Other	\$ 700,000	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ 1,400,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

**Federal and State Seized Budgets**

Texas Department of Public Safety  
2023 Internal Operating Budget

	Original Budget	Revised Budget	Expenditure	Encumbrance	Unencumbered	Transferring Budget Balance
Supplemental and Other Budgets	\$ 1,000,000	\$ -	\$ -	\$ -	\$ -	\$ -
Supplemental and Other Budgets	\$ 400,000	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ 1,400,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

	Original Budget	Revised Budget	Expenditure	Encumbrance	Unencumbered	Transferring Budget Balance
Agency Other	\$ 700,000	\$ -	\$ -	\$ -	\$ -	\$ -
Agency Other	\$ 700,000	\$ -	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ 1,400,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

#### D. Report, discussion, and possible action on the 2024-2025 Legislative Appropriations Request, including Exceptional Items


Chief Suzy Whittenton said that there are five exceptional item requests as outlined in the slides below. The aircraft needing replacement include 2 helicopters, 1 Cessna fixed wing aircraft. We are also asking for an additional 250 law enforcement FTEs. We have five recruit schools and are expecting 600 new officers over the next biennium. HQ improvements include the construction of a new perimeter fence and secured entrances.

Commissioner Mach said that he has had a lot of conversations regarding these requests and thanked Chief Whittenton for sharpening her pencil to cover the needs. We have a lot of need and these requests are reasonable and responsible.

A motion was made by Commissioner Wainwright and seconded by Commissioner Stodghill to approve the exceptional items requests.

The motion passed.





REPORT, DISCUSSION, AND POSSIBLE ACTION ON THE 2024-2025  
LEGISLATIVE APPROPRIATIONS REQUEST, INCLUDING EXCEPTIONAL  
ITEMS

(NEW BUSINESS D)

Base Budget

2024-2025

General Revenue Related	\$	2,737,602,517
Federal Funds	\$	90,287,897
Criminal Justice Grants	\$	6,137,470
Appropriated Off Receipts	\$	304,265,067
Inter-Agency Contracts	\$	10,025,332
Board Funds	\$	1
Grand Total	\$	3,148,303,314

Exceptional Items  
2024-2025

	2024	2025	Total	FTEs
Protect Texas	\$ 227,983,769	\$ 109,186,189	\$ 337,169,958	527
Driver License Staffing	\$ 127,893,186	\$ 33,633,735	\$ 161,526,921	1,063
Construction, Rehabilitation & Building Operations	\$ 688,692,669	\$ -	\$ 688,692,669	0
Optimize Crime Lab Activities	\$ 15,725,384	\$ 6,662,435	\$ 22,387,819	74
Information Technology & Cyber Security	\$ 39,886,183	\$ 21,232,152	\$ 61,118,335	47
	\$ 1,095,695,791	\$ 212,448,497	\$ 1,308,144,288	1711

Protect Texas

\$327,178,904

527 FTEs

- Interoperability of Critical LE Communications - \$23.8M
- Vehicle Safety Performance Requirements - \$16.8M
- Aircraft Replacement - \$21.2M
- Financial System for LE Travel - \$0.4M
- Additional 250 Commissioned Staff - \$155.6M
- Safety Technology Upgrades to Support Troopers - \$46.5M
- Enhance Capital Security - \$10.5M
- Recruit School Funding - \$5.3M
- Intelligence Operations & Analytical Support - \$37.1M
- Headquarters Security - \$10M

Driver License Staffing

\$221,219,521

1,063 FTEs

- Customer Service Center Staffing - \$85.1M
- Office Staffing for 60 Day Appointments - \$129M
- Implement Federally Mandated State-to-State Program for REAL ID - \$7.1M

Construction, Rehabilitation & Building Operations

\$688,692,669

0 FTEs

- Deferred Maintenance - Essential Life Safety & Operational Continuity - \$30M
- Ensure Continuity of Operations - \$9M
- New Construction Requests - \$177M
- Strengthen Statewide Physical Security - \$6M
- Williamson County Training Academy Facility - \$466.6M for Phase One. Total Cost over 6 Years \$1.4B.

Optimize Crime Lab Activities

\$28,357,931

74 FTEs

- Accelerate Forensic Testing of Drugs in Toxicology - \$15.6M
- Optimize Support of Critical Lab Activities - \$9.5M
- Implement Forensic Lab Discovery Portal - \$3.2M

Information Technology & Cyber Security

\$60,108,385

47 FTEs

- Replace End-of-Life Information Technology Infrastructure - \$13M
- Application Modernization - \$2.9M
- Enterprise Metadata Management Tool - \$1.4M
- Defend & Solidify DPS Systems & Cyber Security Infrastructure - \$38M
- Ensure Continued Resilience - \$4M
- Electronic Content Management System - \$0.8M

**E. Report, discussion, and possible action regarding the Proposed FY2023 CAO Internal Audit Strategy**

*Chief Auditor Catherine Melvin discussed the FY 2023 CAO Internal Audit Strategy as laid out in the slides below. Commissioner Wainwright asked if she felt that she had adequate resources to carry out the strategy. She indicated that she did and appreciated the input from the commissioners. The fact that not all risks are monitored and priorities are set to ensure that the available resources are best used. Commissioner Blair asked where the audits are initiated, and the reply was that most were internally initiated.*

*Chairman Mach thanked Chief Melvin and Commissioner Wainwright for their work.*

*A motion was made by Commissioner Wainwright and seconded by Commissioner Stodghill to approve the FY 2023 CAO Internal Audit Strategy.*

*The motion passed.*

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

**1. SOAH Docket No.405-22-1689.PSB – Irving Bryan Cabrera Tejada**

*General Counsel Phil Adkins said that this had to do with an assault of a security officer which precludes one from being licensed.*

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

*The motion passed.*

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

1. Proposed amendments to 37 TAC Section 15.58, concerning Medical Advisory Board Referrals
2. Proposed amendments to 37 TAC Section 15.181, concerning Eligibility for Election Identification Certificate
3. Proposed amendments to 37 TAC Section 16.5, Qualifications to Drive in Intrastate Commerce
4. Proposed amendments to 37 TAC Section 21.2, concerning Standards for Vehicle Safety
5. Proposed amendments to 37 TAC Section 21.3, concerning Standards for Sunscreening and Privacy Window Devices

*Chief Sherry Gipson – Driver License Division asked for permission to publish the above amendments in*

*the Texas Register for public review and comment.*

*A motion was made by Commissioner Blair and Seconded by Commissioner Wainwright to publish items G 1-5 in the Texas Register for comment.*

*The motion passed.*

**H. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)**  
*Item H was handled in executive session.*

## **IX. ONGOING BUSINESS**

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

1. Proposed amendments to 37 TAC Section 16.31, concerning Third-Party Skills and Knowledge Testing Program

*Chief Orlando Alanis – Texas Highway Patrol, asked for the adoption of the above rule.*

*A motion was made by Commissioner Blair and seconded by Commissioner Wainwright to adopt the previously published rule.*

*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 asked that with the retirement of Assistant Chief of the Texas Rangers, Brian Burzynski, Major Cory Lain be appointed as the new Assistant Chief of the Texas Rangers.*

*A motion was made by Commissioner Blair and seconded by Commissioner Wainwright to appoint Cory Lain as Assistant Chief of the Texas Rangers.*

*The motion passed*

*Director McCraw asked that with the retirement of Todd Snyder that Vincent Luciano, Major in the Central Texas Region be appointed as the new Regional Director for the Central Texas Region.*

*A motion was made by Commissioner Blair and seconded by Commissioner Wainwright to appoint Vincent Luciano as the Regional Director for the Central Texas Region.*



*The motion passed.*

*Below is the DPS press release regarding these retirements and promotions.*



*(From left: Todd Snyder, Brian Burzynski, Vincent T. Luciano II and Corey Lain)*

## **DPS Announces Two Retirements and Two Promotions at Leadership Positions**

AUSTIN – The Texas Department of Public Safety (DPS) announces the retirement of Central Texas Regional Director Todd Snyder and Texas Ranger Assistant Chief Brian Burzynski.

**Todd Snyder** has served DPS faithfully for the past 26 years. He began his career in law enforcement with the Nolan County Sheriff's Office. After four years, he joined DPS in 1996 as a Texas Highway Patrol Trooper. In 2000, he promoted to Criminal Law Enforcement sergeant/investigator, and in 2003, Snyder promoted into the Texas Rangers Division. He served as a Ranger from 2003 to 2013, before promoting to lieutenant, then captain, and finally major in 2015. Snyder then served as Assistant Chief of the Texas Rangers until his promotion to Regional Director of the Central Texas Region in 2019.

**Brian Burzynski** joined DPS in 1999 and spent his first four years with the Texas Highway Patrol. There he achieved Level VI Crash Reconstruction and was a team member of Region 5's District Crash Reconstruction Team. Burzynski joined the Texas Rangers in 2004. He

became a company commander in 2014, and in 2019, promoted to Assistant Chief of the Texas Rangers Division.

As a Ranger, Burzynski was one of four Texas peace officers to receive the Governor's *Public Service Award* in 2007. That same year, he won the Austin Chronicle's Award for *Best at Restoring Faith in Law Enforcement*, and in 2008, received the "Bill Bass" *Outstanding Graduate Award* at the University of Tennessee's National Forensic Academy. Burzynski was honored by the 80<sup>th</sup> Texas Legislature with the passage of House Concurrent Resolution 23 for his investigation into the Texas Youth Commission.

Burzynski served in the United States Army and is a combat veteran from the first Gulf War. He was a top graduate of the Texas Panhandle Law Enforcement Academy and also worked for the Hereford Police Department.

"These two men have dedicated their lives for many years to the people of this state, and we cannot thank them enough for their service and sacrifice," said DPS Director Steven McCraw. "We're also proud to be able to promote such talent from within to take over these critical leadership roles in the department; we know they will do great things."

These two retirements created vacancies which are being filled through promotions. These promotions were approved by the Public Safety Commission during its meeting on Thursday, Aug. 25. This includes current Criminal Investigations Division Major Vincent T. Luciano II promoting to Regional Director for the Central Texas Region in San Antonio, and Texas Ranger Major Corey Lain promoting to Assistant Chief of the Texas Rangers Division.

#### **Vincent T. Luciano II, Regional Director for Central Texas Region**

As Regional Director of the Central Texas Region, Vincent T. Luciano II will be responsible for coordinating all DPS functions, including personnel, for the region. Luciano began his career with DPS in 1995 and most recently served as the major of the Criminal Investigations Division (CID) in North Texas Region. Luciano has more than 27 years of service with DPS. He served as a Texas Highway Patrol Trooper from 1996 to 1998, and a Criminal Law Enforcement Trooper from 1998 to 2000. Luciano then promoted to sergeant in DPS Narcotics in Lubbock before promoting to lieutenant in 2007 in Corpus Christi. He was promoted to CID lieutenant, then captain, and in 2018 promoted again to major. Prior to his career with DPS, Luciano served two years with the Nueces County Sheriff's Office where his assignments included jailer and sergeant.

Luciano holds a bachelor's degree in criminal justice from Norwich University and a master's degree from the University of Incarnate Word in applied administration with a focus in organizational development. Luciano is a graduate of the FBI National Academy Class 257 and Northwestern Staff and Command College. He has been twice awarded Director's Citations from DPS as well as the FBI Director's Award. Luciano served in the United States Marine Corps, Army National Guard and is an Infantry Combat Veteran of Desert Storm and Operation Iraqi Freedom 3.

#### **Corey Lain, Assistant Chief of the Texas Rangers Division**

As Assistant Chief of the Texas Rangers Division, Corey Lain will assist in all Ranger operations for the department. Most recently, Lain served as company commander of the Texas Rangers Company “F”. He joined DPS in 2000 and served as a Texas Highway Patrol Trooper in Archer and Wichita Counties before promoting to sergeant. In 2009, Lain joined the Texas Ranger Division, Company “C”. In 2013, he promoted to Ranger Lieutenant, and in 2016 to Ranger Administrative Captain at DPS Headquarters. In 2017, he promoted to Ranger Major of Company “F”.

Lain is a certified training instructor and holds a Master Peace Officer certification in the state of Texas. He’s graduated from the DPS Command College Cohort 2 and the Federal Bureau of Investigation National Academy Class 274. He currently serves as the San Antonio Region Representative for the Texas Chapter of the FBI National Academy Association. Lain holds a Bachelor of Science in criminal justice from Sam Houston State University.

Regional Director Luciano will be based in San Antonio, and Assistant Chief Lain will be based at Headquarters in Austin. The promotions are effective Sept. 1.

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

*This item was discussed in Executive Session.*

## **X. REPORTS**

- A.** Commission member reports and discussion

*None.*

- B.** Finance Report

*Nothing to add.*

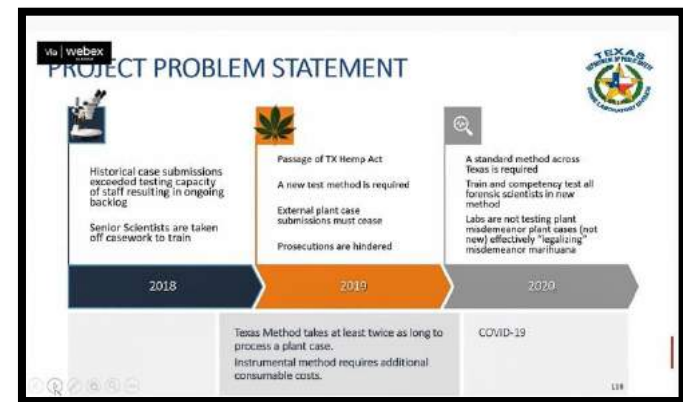
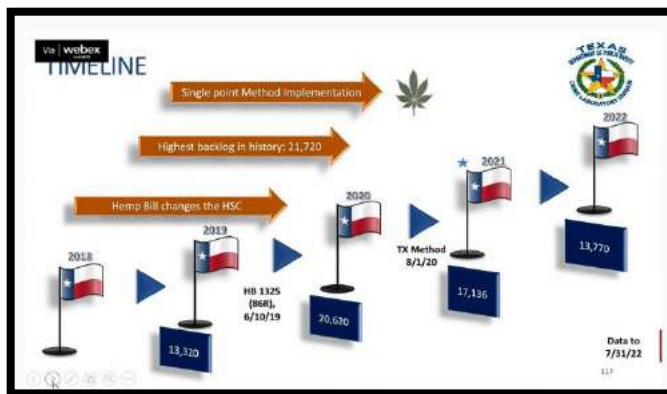
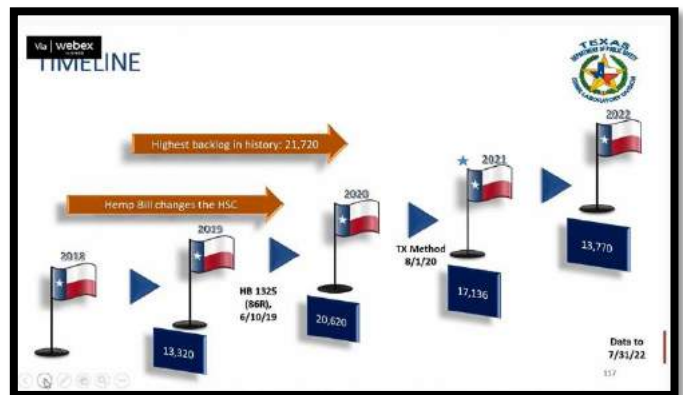
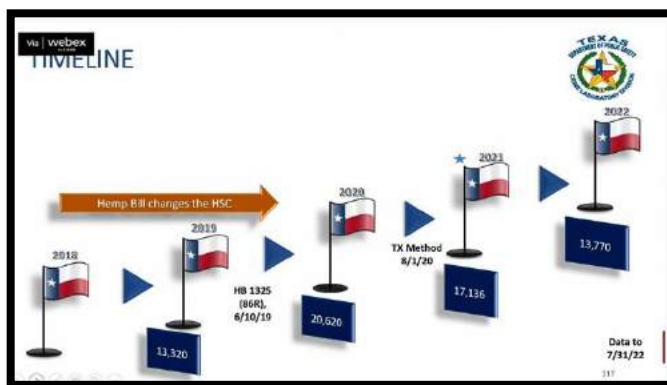
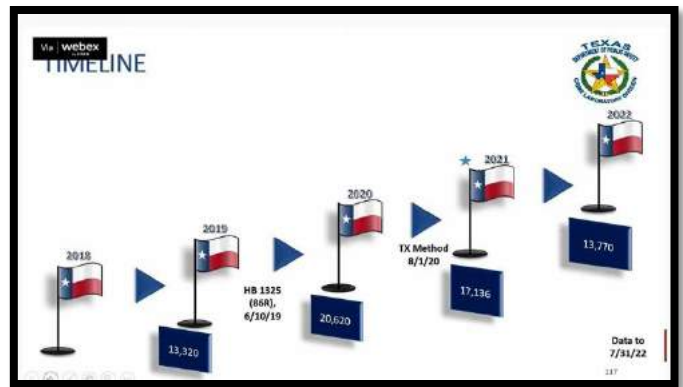
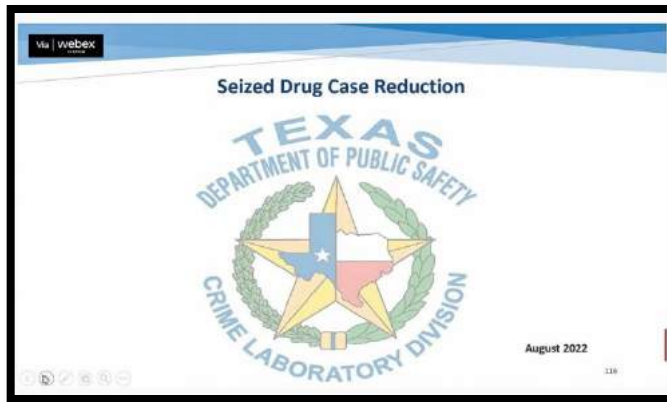
- C.** Chief Auditors Office

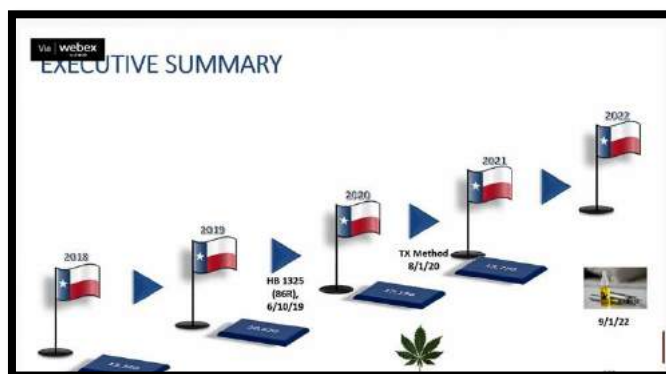
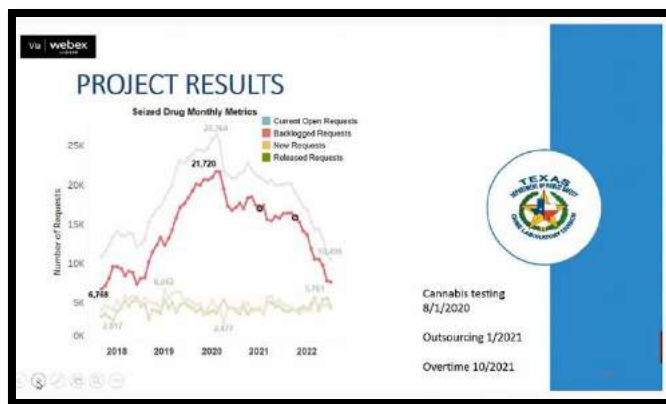
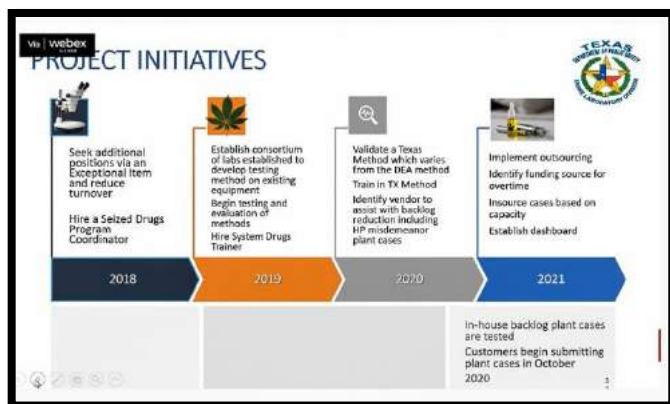
*Nothing to add.*

- D.** Division status reports on activities and action

*Chief Brady Mills – Crime Lab Division made the following presentation regarding progress on reducing the backlog on testing. Chief Mills commented that many legislative changes have required new procedures and testing statewide, particularly regarding marijuana.*







## 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 certain probationary employees were found unsuitable for work during May, June, and July 2022
- 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: Jerrod Orrin Bell, James Leon Blodgett, Charlie Booker, Jr., Stephen Paul Brockman, Brent Michael Collins, Jeffrey Brian Hass, Robert Richard Lindley, Hector Rocha Luevano, Matthew Brent Murray, Roy Lee Owens, Michael Shawn Scullin, Nolan Walsmith, and Alease Marie Wilson; and Special Texas Rangers: Kyle Lynn Dean and Howard Duane Henderson

### C. Donations:

1. Additional donation items, as needed

*A motion was made by Commissioner Wainwright and seconded by Commissioner Stodghill to approve consent items A, B & C.*

*The motion passed.*

## **XII. ITEMS FOR FUTURE AGENDA**

*Chairman Mach asked the Commissioners to submit any items for future agenda to Chief Counsel Phil Adkins or to Sophie Yanez.*

## **XIII. DATE FOR FUTURE MEETING**

The regular Public Safety Commission meeting is scheduled for October 13, 2022. Discharge hearings will be scheduled for October 14, 2022.

*The next PSC Meeting is scheduled for Thursday, October 13, 2022.*

## **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 12:49 PM.*

## **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