



Public Safety Commission Meeting

December 15, 2022, 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, and Commissioner Dale Wainwright. Commissioner Nelda Blair was not in attendance. A quorum was present. Also present were Deputy Director Dwight Mathis and General Counsel Phil Adkins.

II. INVOCATION

Chaplain Ferman Carpenter gave the invocation.

III. PLEDGES

Trooper Damien Cernes led the meeting in the Pledge of Alliance and the Texas Pledge of Allegiance.



IV. APPROVAL OF MINUTES

A motion was made by Commissioner Stodghill and seconded by Commissioner Wainwright to approve the minutes from the October 27, 2022, Public Safety Commission Meeting. The motion passed.

V. PRESENTATIONS *(The DPS Public Information Office provided the following report from today's meeting and the photos were added from the online streaming of the meeting.)*

DEPARTMENTAL SERVICE AWARDS:

The following employees will be presented a certificate in recognition of their **30 years of service** and accomplishment with the Texas Department of Public Safety:



Melinda Delagarza, DLD



Amy Krizan, DLD

Not present - Gary Molina, CLD

The following employee will be presented a certificate in recognition of his **35 years of service** and accomplishment with the Texas Department of Public Safety:



Lt. Colonel Dwight Mathis

The following employees will be presented a certificate in recognition of their 40 **years of service** and accomplishment with the Texas Department of Public Safety:



Sheri Gipson, DLD



Antonio Rico, Jr., THP

LIFESAVING AWARD:

Jose H. Gonzalez, THP



On November 1, 2021, Trooper Nathan Crow was patrolling Starr County while working Operation Lone Star. While stopped at an intersection, Trooper Crow observed an SUV disregard a red light. Crow activated his emergency lights and siren and initiated a traffic stop of the vehicle, which entered the center turn lane and came to an abrupt stop. The driver, holding a baby, quickly exited the vehicle and ran to Trooper Crow. The driver frantically told Trooper Crow that the nine-month-old baby could not breathe. After contacting Weslaco Communications and requesting paramedics, Trooper Crow began life saving measures by placing the baby face down over his arm and striking the upper back of the baby in an attempt to clear the child's airway. Trooper Jose Gonzalez arrived on the scene and immediately assisted Trooper Crow

by administering additional strikes and clearing the baby's mouth and nose. 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 recovered and was wide awake and cheerful.

In recognition of his decisive and professional response to a life-threatening situation resulting in the saving of a life, Trooper Jose H. Gonzalez is hereby awarded the Lifesaving Award.

LIFESAVING AWARD:

William Alston, CID



On July 21, 2022, CID Special Agents William Alston and Nisha Thompson were surveilling the Rio Grande River when they observed a group of ten undocumented aliens attempting to cross. The group was comprised of adults, an infant, a two-year-old, and a four-year-old being carried by their respective mothers. When the group reached the midpoint of the river, Agent Alston noticed they were having trouble navigating the current and eventually lost their footing. As the group was swept downriver, Agents Alston and Thompson attempted to throw rescue ropes, but were unsuccessful. The mothers were attempting to keep their children above water; however, the mother of the two-year-old dropped her child, who then went under water. Special Agent Alston grabbed a flotation device, jumped into the

river, swam approximately thirty-five yards toward the group, and recovered the two-year-old child. While recovering the two-year-old, Agent Alston noticed that the four-year-old was also drowning. He was able to save this child as well. Once the children were secured, Alston gave the flotation device to the adults in the group who were also struggling in the river's current. Once out of the water, Agent Alston had both children medically evaluated, where it was determined they were breathing normally and not injured.

In recognition of his decisive and professional response to a life-threatening situation resulting in the saving of lives, Special Agent William Alston is hereby awarded the Lifesaving Award.

LIFESAVING AWARD:

James Glaze, THP



On February 22, 2021, Trooper James Glaze was traveling on IH-20 when he stopped to assist what he believed to be a stranded motorist on the inside shoulder of the roadway. Trooper Glaze made contact with the driver, who was clearly in distress and unable to communicate. Trooper Glaze detected an unusual odor which he recognized to be a sign of someone experiencing diabetic ketoacidosis, a possible life-threatening medical crisis. After calling for an ambulance, Glaze retrieved his medic bag and administered oral glucose to the subject, who slowly showed signs of improvement; however, the crisis was not fully averted. As fire department personnel arrived on scene and assumed medical care, paramedics determined he was experiencing a diabetic stroke and immediately transported the subject to a local hospital for further medical treatment.

In recognition of his decisive and professional response to a life-threatening situation resulting in the saving of a life, Trooper James Glaze is hereby awarded the Lifesaving Award.

Sean Hazel, THP

LIFESAVING AWARD:



On February 20, 2022, Trooper Sean Hazel observed a motorcyclist driving in an unsafe and reckless manner. When Trooper Hazel initiated a traffic stop for the observed violations, a pursuit ensued that continued for several miles. The motorcycle entered a construction area, drove into the center median, and crashed after striking construction supplies. Trooper Hazel immediately ran to the driver and observed that he was not breathing and was unresponsive. Without hesitation, Hazel began performing chest compressions while attempting to communicate with the subject. After approximately three minutes, the driver began to breathe on his own; however, he stopped breathing again. Trooper Hazel continued CPR efforts and the subject was resuscitated, to the extent that he began trying to communicate with Trooper Hazel. When EMS personnel

arrived on the scene, the subject was transported to a local hospital where he was treated for numerous broken bones and lacerations.

In recognition of his decisive and professional response to a life-threatening situation resulting in the saving of a life, Trooper Sean Hazel is hereby awarded the Lifesaving Award.

LIFESAVING AWARD:

Michel Lueck, THP



On November 6, 2021, Trooper Michael Lueck responded to a report of shots being fired at Wolf Ranch in Georgetown. It was reported that a subject on a motorcycle was shooting at someone and there was an ongoing altercation involving three individuals. Information was broadcast that one of the subjects had been shot once in the chest. As Lueck arrived on the scene, Georgetown Police Department officers had secured the weapon and were handcuffing the suspect. Trooper Lueck responded with his medical trauma kit and began rendering first aid to the gunshot victim. After identifying the chest wound, Lueck applied a Hyfin chest seal to the entry wound. Trooper Lueck moved the victim onto his side and applied a second chest seal to the exit wound located on the victim's back. During his assessment, Lueck spoke with the victim and determined he was in

shock and his condition was

deteriorating. EMS personnel arrived on the scene and transported the victim to a local hospital for additional treatment.

In recognition of his decisive and professional response to a life-threatening situation resulting in the saving of a life, Trooper Michael Lueck is hereby awarded the Lifesaving Award.

LIFESAVING AWARD:

Michel Lueck, THP



On May 18, 2022, Trooper Michael Lueck was assisting the Pflugerville Police Department with a vehicle crash when he heard a “shots fired” broadcast over the radio. Lueck immediately traveled to the scene, and upon arrival, observed multiple law enforcement officers taking cover behind two police vehicles. Trooper Lueck also observed a black passenger vehicle with multiple bullet holes in the body and windows. After joining the officers behind the patrol units, Trooper Joseph Mansion began giving verbal commands to the driver of the vehicle over the loudspeaker. A male subject crawled out of the driver’s seat and onto the ground, at which time Lueck noticed the subject was bleeding from his legs and torso. As Lueck observed the subject was unarmed, he put away his patrol rifle and retrieved his medical bag. Trooper Lueck advised officers

that he, under their cover, would retrieve the subject and provide medical aid. After developing a plan to move a contact team up to the vehicle to provide cover, Troopers Lueck and Mansion proceeded forward to retrieve the subject and move him behind the patrol vehicles. After Lueck cut off the subject’s shirt, he identified two (2) large gunshot wounds to the upper left chest. Lueck applied chest seals to each of these wounds and continued to assess the subject. After cutting away the subject’s pants, Lueck located multiple gunshot wounds and applied a tourniquet to the left leg to control the bleeding. The subject was rolled onto his side allowing Lueck to identify a gunshot wound to the upper back, to which Lueck applied an additional chest seal. As Williamson County EMS personnel arrived on the scene, Trooper Lueck continued providing care to the subject while briefing EMS personnel on the subject’s injuries. The subject was transported to a local hospital for additional medical treatment and was booked into the Williamson County Jail on multiple charges two (2) days later.

In recognition of his decisive and professional response to a life-threatening situation resulting in the saving of a life, Trooper Michael Lueck is hereby awarded the Lifesaving Award.

LIFESAVING AWARD:

Ethan McAdoo, THP



On June 19, 2022, Trooper Ethan McAdoo was dispatched to a two-vehicle head-on crash in New Caney. Trooper McAdoo was the only first responder on the scene when he arrived. As he made contact with the driver of one of the vehicles, McAdoo observed severe injuries to both of the driver’s legs. His right leg had massive injuries, and he was losing a large amount of blood. Trooper McAdoo retrieved his tourniquet, however, while trying to apply it to the driver’s right leg, the tourniquet broke. McAdoo continued to use the tourniquet and make it as tight as possible to slow the loss of blood. When EMS personnel arrived on the scene, Trooper McAdoo

obtained and applied a second tourniquet and successfully stopped the bleeding. EMS personnel assumed primary care of the patient, and he was transported to a local hospital for further medical treatment. He was later released and is receiving physical therapy to regain full use of his leg.

In recognition of his decisive and professional response to a life-threatening situation resulting in the saving of a life, Trooper Ethan McAdoo is hereby awarded the Lifesaving Award.

LIFESAVING AND DIRECTOR'S AWARD:

Brian Barnes, THP

Ron Wherry, Nacogdoches County Sheriff's Office



On July 9, 2022, Trooper Brian Barnes responded to an emergency broadcast of an unconscious child found submerged in a rural pond. As first responder on the scene, Barnes discovered a lifeless five-year old child. Upon assessing the child's condition, Trooper Barnes began administering CPR. Nacogdoches County Sheriff's Deputy Ron Wherry was the second responder on the scene and immediately began assisting Trooper Barnes in CPR efforts. Both officers remained calm and focused during a chaotic situation and under extreme conditions. After approximately two (2) minutes of first aid, the child was revived. Trooper Barnes and Deputy Wherry continued to provide aid to the child until emergency medical services

personnel arrived on the scene.

In recognition of their decisive and professional response to a life-threatening situation resulting in the saving of a life, Trooper Brian Barnes is hereby awarded the Lifesaving Award and Deputy Ron Wherry is hereby awarded the Director's Award.

DIRECTOR'S AWARD:

Steven Taylor



On July 30, 2021, Mr. Steven Taylor drove upon the scene of a major accident on US Highway 79 in Leon County, in which a motorcycle struck a pickup truck towing a horse trailer. Mr. Taylor arrived on the scene prior to any police, fire, or EMS personnel. As a former combat medic in the United States Army, Mr. Taylor exited his vehicle and began assessing the scene and those involved. Mr. Taylor observed the motorcyclist's leg had been amputated below the knee, and he was lying on the roadway, rapidly losing blood. Mr. Taylor utilized his training and experience and used a belt to create a

makeshift tourniquet which he applied to the uppermost portion of the subject's leg, which was effective in stopping the loss of blood. Mr. Taylor continued to care for the subject and remained in constant communication with emergency service dispatchers, relaying accurate updates until EMS personnel arrived on the scene. Once EMS personnel arrived, the subject was transported via helicopter to a hospital where he received extensive medical treatment.

In recognition of his decisive and professional response to a life-threatening situation resulting in the saving of a life, Mr. Steven Taylor is hereby awarded the Director's Award.

UNIT CITATION:

CID Southeast Texas Region



In 2019, the DPS CID Methamphetamine Initiative Group (MIG) initiated a joint state and federal investigation into the TRAN Drug Trafficking Organization. This organization was responsible for the distribution of several hundred kilograms of Fentanyl and Methamphetamine, including counterfeit Fentanyl and Methamphetamine pills, in Texas, Louisiana, Oklahoma, Illinois, and Georgia, by means of numerous clandestine laboratories in the greater Houston area. The eighteen-month investigation involved personnel from the DPS MIG, DPS CID El Paso, Houston Police Department, U.S. Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), U.S. Attorney's Office, Harris County District Attorney's Office, Oklahoma Highway Patrol, Norman Oklahoma Police Department, Louisiana State Police, and St. John the Baptist Sheriff's Office.

The investigation, ultimately named "Toretto's Nightmare," generated additional investigations in multiple states. Criminal and financial analysts from the DPS MIG, DPS ICT, DEA, FBI and IRS collaborated to identify multiple

members of the organization and provide investigative support, which resulted in asset seizures totaling more than \$1,500,000.

Investigative efforts resulted in the seizure of approximately 349 kilograms of Fentanyl, 126 kilograms of Methamphetamine, and more than \$472,000.00 in drug proceeds. Additionally, officers arrested thirteen (13) defendants, seized nineteen (19) firearms, and seven (7) vehicles with an estimated value of \$357,000.00. During a single operation, officers seized a clandestine Fentanyl and Methamphetamine lab resulting in the confiscation of 124 kilograms of Methamphetamine and 274 kilograms of Fentanyl with an estimated street value of over \$12,000,000. This was confirmed by the DEA as the largest single seizure of Fentanyl in United States' history.

The TRAN DTO was dismantled in November 2019. All cases are currently pending, with each defendant facing a minimum of ten (10) years in federal prison.

The employees commended for their hard work and dedication include:

Texas DPS CID M.I.G. Personnel and DEA HIDTA Personnel Assisting M.I.G.

Special Agent Andrew Papanos (promoted to Lieutenant)
Special Agent Aaron Hampton
Special Agent Jose I. Rodriguez
Special Agent Dean Busby
Special Agent Mike Gonzales
Special Agent Garrett Chapman
MIG/HIDTA Lieutenant Scott Rosenberry (promoted to Captain)
MIG/HIDTA US DEA Task Force Officer Lyle Fattig
MIG/HIDTA Investigative Analyst Teresa Gee
DEA HIDTA Investigative Analyst Garrett Anderson

Houston PD Narcotics Division High Hazard Clan Lab Team

Officer John Guerra
Officer Matthew Parker
Senior Police Officer Jeremy Medlin

Organized Crime Drug Enforcement Task Force/Strike Force-FBI/IRS

FBI Special Agent Joshua Range
FBI Special Agent Jonathan O'Brien
FBI Financial Analyst Kathryn Prado
DPS CID ICT Crime Analyst Ross Trucinski
IRS Special Agent Michael Harriman

US Attorney's Office Southern District

Assistant US Attorney Leo J. Leo III

They are hereby awarded the Unit Citation.

ICT RECOGNITION:

Hannah Robinson
Adam Unnasch



On October 19, 2022, Intelligence and Counterterrorism Division analysts assigned to the Texas Ten Most Wanted Program were officially recognized by the Texas Crime Stoppers Office and presented with letters of recognition by Governor Greg Abbott for their role in making 2021 the most successful year in the Texas Ten Most Wanted program's thirty-year history.

Working collaboratively with the Texas Department of Public Safety's Criminal Investigations Division, these Criminal Intelligence Analysts provided critical information and analysis to help law enforcement partners around the state and nation capture 34 of Texas' most wanted fugitives in 2021, breaking the previous record of 32 set in

2013. Through their work in the Texas Ten Most Wanted program, these analysts helped law enforcement protect and serve their communities. Governor Abbott's letters concluded by stating, "Your work has made Texas communities safer, and as such, you represent the best of the Lone Star State."

In recognition of this award are Criminal Intelligence Analysts Hannah Robinson and Adam Unnasch.



Director McCraw asked Chief Valerie Brown (Human Resource Operations) to come forward to be recognized for her many years of service to the Department of Public Safety upon her retirement. He thanked her for her invaluable contributions to the department.



VI. PUBLIC COMMENT

(Members of the public wishing to address the Commission are subject to a time limit of 5 minutes and must complete a Public Comment Registration Card located at the entry. Should a member of the public bring an item to the Commission for which the subject was not posted on the agenda of the meeting, state law provides that the Commission may receive the information but cannot act upon it at the meeting. The Commission may direct staff to contact the requestor or request that the issue be placed on a future agenda for discussion.)

Chairman Mach said that there was one card submitted for Public Comment.

Lt. Edward Burris (Ret.) came forward to comment on the Uvalde school shooting. He began by stating some of his many qualifications for speaking on this topic including multiple life saving and other awards, as well as specialized FBI training. He urged the commissioners and to all that were interested to search on YouTube an FBI training video entitled "The Coming Storm". He stated that this was a fully vetted and MIMMS compliant training video regarding school shootings that is used and viewed by most law enforcement agencies. He notes that it does not conform to the Hollywood versions you see on TV. He pointed out that the video trains that the lowest, most local jurisdiction has the command by default, and in the Uvalde case Chief Arredondo of the Uvalde ISD Police totally made a mess of it. The Texas Department of Public Safety was the 4th in line of command: #1 Uvalde ISD Police, #2 Uvalde Police Department, #3 Uvalde Sheriff Department, #4 Texas

Department of Public Safety, and #5 U.S. Border Patrol. Without a transfer of command, this is the order of command. In Lt. Burris's opinion, Director McCraw is "couching" it in accepting part of the blame. "This was clearly a failure of leadership from the Uvalde ISD Police Chief. What message are we sending if we do not assign culpability where it belongs?" He stated that DPS was there to support. Next time, there should be a request for transfer of incident command. He indicated that the room could have been breached and contained in 10 minutes with 6 trained troopers. Lt. Burris urged that in future incidents, that we be relentless and provide advice for proceeding. Again, DPS was 4th in line of command. The classroom should have been locked and not have allowed an intruder in the first place. Once Salvador Ramos was inside the classroom, he had a huge tactical advantage. Once the assailant had entered the school, the whole tragedy was set in motion.

Finally, Lt. Burris stated that he hoped that the DPS Troopers who were involved in clearing the adjoining classrooms through the windows will be recognized with Director's Awards, because those children were clearly in the line of fire since the walls would not have stopped bullets from killing more innocent individuals.

With no other public comment, Chairman Mach thanked representatives from the Governor's office, Lt. Gov. office and legislative offices who were attending either in person or online.

VII. DIRECTORS REPORT

A. Operation Lone Star

Director McCraw stated that since Governor Abbott initiated Operation Lone Star in March of 2021, we have made 1.3 million apprehensions in the border region, resulting in gaps in our ability to adequately cover some areas. We have had an influx of heroin, meth, cocaine, fentanyl, and now human trafficking as well. The state is spending billions of dollars to do what should essentially be a federal mission. It is not a single threat. We have 6 cartels operating in Texas and we deal with drugs, guns and money smuggling, human trafficking, criminal trespassing, commercial vehicle trafficking deaths, stash houses, etc. In September, there were 18 deaths. The threat is multi-faceted, and so must be our response and strategy.

Commissioner Wainwright asked Director McCraw what he thinks the main changes are along the border.

Director McCraw responded that in years past most of the activity along the border took place in the Rio Grande valley where there is more Border Patrol presence, but now we are seeing more activity further north up the Rio Grande River in Eagle Pass and Del Rio (Maverick and Valverde Counties) where our DPS presence is not as active as in the more highly populated RGV. As they continue to move further north and west to the more highly populated El Paso region, there will be more law enforcement presence to deal with them. Now El Paso has become very active, with 13,000 apprehension last week of the 33,000 apprehended statewide. There were 11,000 apprehended in the Del Rio area.

B. Case Update: Operation Lone Star Stash House Initiative

Director McCraw invited Lt. Morty Mensada, CID and Special Agent Mark Garcia, CID to discuss the Operation Lone Star Stash House Initiative. Below are the slides from their report.



① March 4, 2021

Starr, Hidalgo

Val Verde, Edward

*Val Verde, Edwards, Real, Kinney, Maverick,
Zavala, Dimmit, La Salle*

Webb, Duval,

Webb, Duval, Zapata, Jim Hogg

④ May 11, 2021

May 11, 2021
El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Pecos, Terrell,
Crockett, Sutton



- Implemented by DPS with the Office of the Governor and Texas Crime Stoppers.
- Funded by the Governor's Criminal Justice Division.
- Encourages the public to anonymously report information regarding stash houses.
- Reward amount increased to \$5,000 by Governor Abbott on August 31, 2022.
- Of the 32 South Texas Region tips, 16 were received after September 1, 2022, 9 of which are active tips.



DPS ICT MCATS data for 01/01/2021 – 12/01/2022



Via
webex
by CISCO

SIGNIFICANT STASH HOUSE EVENTS

- Date: April 8, 2022.
- DPS Special Agents and US Border Patrol Agents conducted a knock-and-talk operation at a suspected stash house in El Paso County.
- The operation resulted in the discovery of 52 migrants.



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UNCLASSIFIED / LAW ENFORCEMENT SENSITIVE

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Via
webex
by CISCO

SIGNIFICANT STASH HOUSE EVENTS (CONT.)


- Date: May 2, 2022.
- DPS Special Agents conducted a consensual encounter in Webb County that led to one arrest and the discovery of six migrants in a vehicle.
- The follow-up investigation led investigators to a stash house, where an additional 58 migrants were discovered.



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UNCLASSIFIED / LAW ENFORCEMENT SENSITIVE


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Via
webex
by CISCO

SIGNIFICANT COMMERCIAL MOTOR VEHICLE EVENTS

- Date: September 21, 2022.
- DPS Special Agents approached a commercial vehicle in Webb County and observed multiple subjects attempting to abscond from the tractor trailer. When questioned, the driver could not provide information regarding his cargo.
- A subsequent search of the trailer led to the discovery of 50 migrants, including two minors.
- Two suspects were arrested for Smuggling of Persons with Likelihood of Serious Bodily Injury or Death.



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UNCLASSIFIED / LAW ENFORCEMENT SENSITIVE

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Via webex
UNCLASSIFIED / LAW ENFORCEMENT SENSITIVE

SIGNIFICANT STASH HOUSE EVENTS (CONT.)

- Date: October 12, 2022.
- As a result of a stash house tip, DPS Special Agents conducted a surveillance operation on a suspected stash house in Webb County.
- The operation resulted in the discovery of 10 migrants.
- This investigation is ongoing.



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Via webex
UNCLASSIFIED / LAW ENFORCEMENT SENSITIVE

SIGNIFICANT COMMERCIAL MOTOR VEHICLE EVENTS (CONT.)

- Date: October 25, 2022.
- A DPS Trooper initiated a routine commercial motor vehicle inspection in La Salle County.
- During the inspection, the Trooper discovered 85 migrants lying on top of each other under a tarp in the dump body of the truck.
- The driver was arrested for Smuggling of Persons.




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Via webex
UNCLASSIFIED / LAW ENFORCEMENT SENSITIVE

SIGNIFICANT STASH HOUSE EVENTS (CONT.)

- Date: November 30, 2022.
- Officers initiated a vehicle pursuit in Webb County after a suspect robbed a victim of \$500 and stole her vehicle. During the robbery, the woman managed to remove her children from the vehicle while being dragged down the road.
- The suspect subsequently abandoned the vehicle but was later arrested by DPS Troopers and Special Agents.
- A follow-up investigation identified the suspect as a Mexican National who had been in a stash house approximately one week prior to his apprehension.



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Via webex

SIGNIFICANT COMMERCIAL MOTOR VEHICLE EVENTS (CONT.)

- Date: November 21, 2022.
- A DPS Trooper initiated a commercial motor vehicle inspection on IH-35 in La Salle County.
- During the inspection, the Trooper discovered 18 migrants in the sleeper berth.
- The driver was arrested for Smuggling of Persons.



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Via webex

SIGNIFICANT COMMERCIAL MOTOR VEHICLE EVENTS (CONT.)

- Date: November 28, 2022.
- DPS Special Agents identified a location in Webb County suspected of being involved in human smuggling.
- The investigation led to the discovery of five migrants hidden in the cab of a truck tractor and an additional 48 migrants in a storage container.
- The migrants stated that they had been in the storage container for approximately four hours.



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Via webex

Questions / Comments



UNCLASSIFIED / LAW ENFORCEMENT SENSITIVE

Chairman Mach thanked the officers for their good report. He stated that he was glad that Governor Abbott had initiated a 5-year mandatory sentence for human trafficking and said that we also need more public prosecutors.

Commissioner Wainwright thanked the officers for their service in this area.

Director McCraw said "great job" regarding the report and thanked the Governor and Legislature for their support in this area. He also thanked our partners including the Texas National Guard, TxDOT, and others.

McCraw said that the threats were multi-faceted with the 6 Cartels, transnational gang activity, stash houses, commercial vehicle involvement. We work closely with the FBI, Homeland Security, etc. Gangs also play a major roll in violent crimes. With the substantial and unwavering influx coming across the border we are deploying multiple strategies to deal with it all. On December 21 Title 42 goes away and we are anticipating an even greater surge in border crossings as well as the illegal activities that come in as well. We are concerned about the stress this will place on our resources but are committed to do whatever is necessary and whatever we are called on to do. We will keep the Public Safety Commission advised.

Chairman Mach said that he remembers when Hidalgo County was the major hub of the activity. Apparently, the illegal activity works like water flowing and moves to the area of least resistance.

VIII. NEW BUSINESS

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

1. SOAH Docket No. 405-22-07256.PSB – David Lamar Boykin



General Counsel Phil Adkins reported that there was only one case and it involved David Boykin who was applying for a non-commissioned private security license. He had a child injury offense which is an automatic disqualifier for 10 years. He appealed to SOAH and they recommended denying the license.

A motion was made by Commissioner Wainwright and seconded by Commissioner Stodghill to deny the non-commissioned private security license to David Boykin.

The motion passed.

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

1. Proposed amendment to TAC Section 16.1, concerning General Requirements

Chief Sherri Gipson, DLD – regarding general requirements of hazardous materials endorsements. She asked for approval to post the rule to the Texas Register for review and public input.

A motion was made by Commissioner Wainwright and seconded by Commissioner Stodghill to post the rule for publishing in the Texas Register.

The Motion passed.

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

This item was handled in executive session.

IX. ONGOING BUSINESS

A. Discussion and possible action regarding Compassionate Use Program

Chief Wayne Mueller, Regulatory Services Division and Deputy Director Jeoff Williams, Law Enforcement Services provided the report. Chief Mueller stated that they are continuing to work on statewide coverage in a measured approach. Press releases went out for applications for a working group to consult on this. We have selected 10 individuals including one public representative as suggested at the last PSC meeting, but we have not contacted them yet. We will do this right away and hope to have our first meeting in about 30 days. We have also asked for a consulting contract and the Governor's office has been helpful in facilitating the proposal. We are posting the solicitation right away and hope to be able to get a contract in February.

Chief Mueller stated that they had hope to have proposed rule language for review at this meeting but have been struggling with how to form it and with the Legislature convening in January, we were hoping for direction from them. Waiting for legislative guidance, we are hoping for rule proposals in late summer or early fall. We will also announce accepting new applications for Compassionate Use dispensing licenses in mid-January for a 90-day period ending sometime in March 2023. We will use the response to this announcement as an indication of interest in the program. We will let the legislative actions play out and reserve any action on the applications until late June or early July.

Chairman Mach said that he was glad that we are opening up the application for license process and also glad that we are waiting for legislative feedback before moving on with the rules. He stated that it was critical that those seeking licenses intend to be active participants in the program. They need a window of time to get up and going and we need metrics to gauge their level of activity in continuing their business.

Chief Mueller said that they will be given an expectation of minimum activity requirements. Deputy Director Williams said that they are committed to issuing no idle licenses and will have stated involvement requirements to continue holding their licenses. We will provide sufficient notifications for violators and will ensure the legality of the process. The licenses are issued to and held by individuals (not entities) and are non-transferable.

Commissioner Wainwright wanted to make sure that we are ensuring our capacity to serve those in need and issuing licenses only to law abiding citizens with integrity.

Commissioner Stodghill asked about the window for taking applications and Chief Mueller responded mid-January to mid-March or so.

Chairman Mach asked that when we request additional information on the new applications will we also go back and ask current licensees to update their information on file to include this new information requirement. Chief Mueller said that any additional information that was deemed useful and necessary would be solicited from current licensees.

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

1. Proposed new 37 TAC Section 36.5, concerning Sellers of Catalytic Converters in the Ordinary Course of Business

Chief Wayne Mueller said that they received four comments: 1. essentially agreeing with the proposal, 2. noting that one line was already covered in another are of the rule (which we agreed to), 3. was

removed because it was redundant (also agreed to), 4. one comment wishing to add to the restrictions which we could not do due to statutory requirements.

A motion to adopt the previously published rule concerning Sellers of Catalytic Converters with the noted amendments was made by Commissioner Stodghill and seconded by Commissioner Wainwright.

The motion passed.

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

Director McCraw stated that there were no changes.

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

This item was handled in executive session.

X. REPORTS

- A.** Commission member reports and discussion

None

- B.** Finance Report

None

- C.** Chief Auditors Office

None

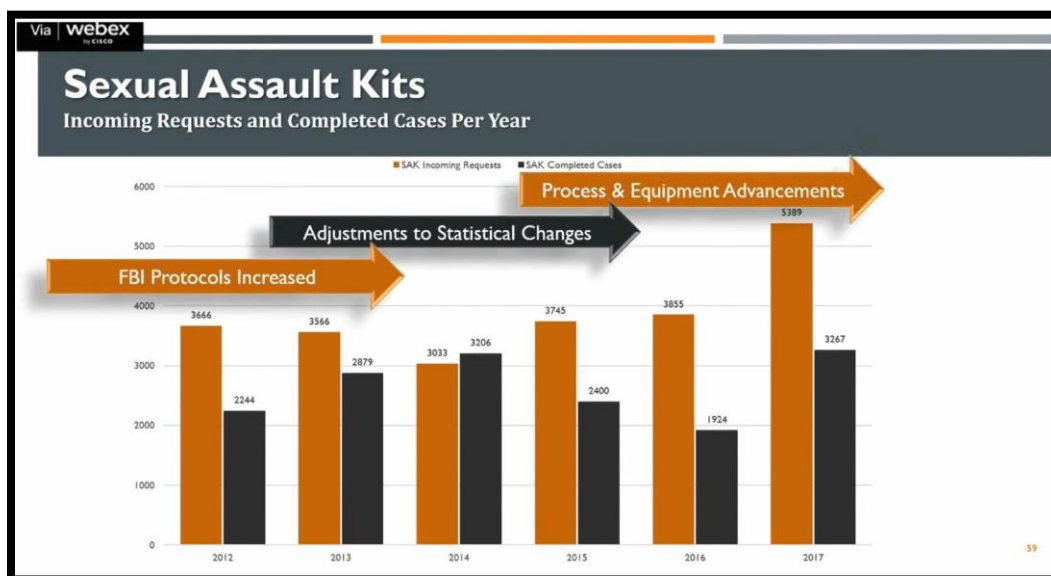
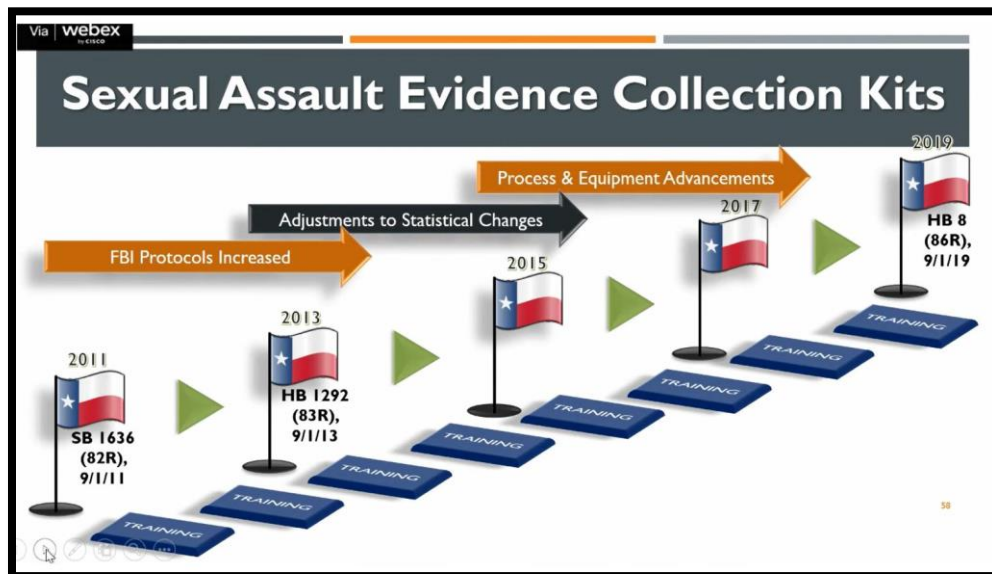
- D.** Division status reports on activities and action

Chief Brady Mills, Crime Laboratory Division gave the following report as laid out in his slides below:

Sexual Assault Evidence Collection Kits

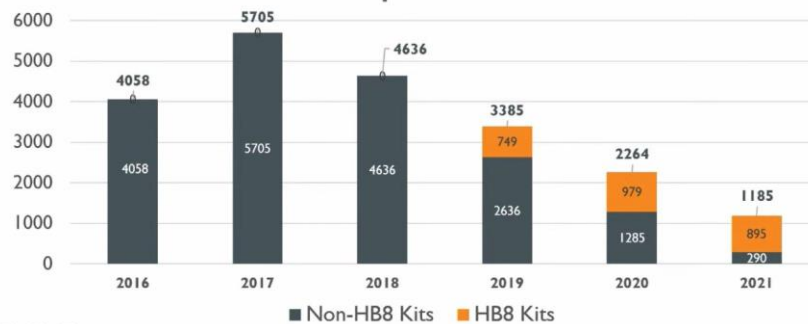
Brady W. Mills, M.S.

Chief, Crime Laboratory Division



Sexual Assault Kits – DPS Crime Lab

Crime Lab: Calendar End-of-Year Inventory & Completed Kits



Statewide Electronic Tracking System Report

- Texas Government Code 420.034 (h) requires the Department to publish the "Statewide Electronic Tracking System Report" by December 1st of each year.
- Track-Kit data is used to identify the number of kits that have not yet been submitted for laboratory analysis or for which laboratory analysis has not yet been completed.
- Track-Kit only tracks evidence kits collected on or after September 1, 2019.

Unsubmitted Kits

November 23, 2021

| | |
|---|------------|
| Current Unsubmitted Kits within Statutory Timeframe | 356 |
| Current Unsubmitted Kits Overdue to Lab | 216 |
| Total Current Unsubmitted Kits | 572 |

November 23, 2022

| | |
|---|------------|
| Current Unsubmitted Kits within Statutory Timeframe | 288 |
| Current Unsubmitted Kits Overdue to Lab | 313 |
| Total Current Unsubmitted Kits | 601 |

| Unanalyzed Kits | |
|--|--------------|
| November 23, 2021 | |
| Current Unanalyzed Kits within Statutory Timeframe | 1,926 |
| Current Unanalyzed Kits Over 90 Days <small>Of the 1,079 kits which have been submitted and are beyond 90 days, 39 are in DPS inventory</small> | 1,079 |
| Total Current Unanalyzed Kits | 3,005 |
| November 23, 2022 | |
| Current Unanalyzed Kits within Statutory Timeframe | 1,797 |
| Current Unanalyzed Kits Over 90 Days <small>Of the 1,451 kits which have been submitted and are beyond 90 days, 0 are in DPS inventory</small> | 1,451 |
| Total Current Unanalyzed Kits | 3,248 |

Historical Audit 2019 – 2020

Texas Government Code §420.047 as enacted by HB 8 (86R - 2019):

Required law enforcement agencies (LEAs) to submit to the DPS a list of the agency's active criminal cases for which a sexual assault evidence collection kit had not been submitted for laboratory analysis. The list only included kits collected on or before August 31, 2019.

- **December 2019: 719 agencies participating in Track-Kit**
 - 136 agencies reported a total of 3,582 cases
 - 285 agencies reported zero cases on hand
 - 298 non-responsive agencies

Unsubmitted Kits Project

- **March 2022: DPS began receiving kits**
- **June 30, 2022: DPS has received 544 kits from 41 agencies as part of this project**
 - Kits Screened for DNA: 223
 - Kits Completed: 162
 - Profiles Entered into CODIS: 55
 - CODIS Offender Hits: 2
 - Negative Kits: 107*

*35 negative at screening, 72 negative at DNA, 66% of completed cases did not yield a CODIS-eligible profile

Chairman Mach said that he applauds the work of the Crime Lab; the numbers speak for themselves. I also applaud the Governor and the Legislature for providing the necessary support and funding to help make these improvements.

Assistant Chief Brian Baxter, Training Operations, and Mr. Michael Harper gave preliminary results on the Physical Fitness Testing and Command Presence Evaluation. Below are their slides:

TX DPS Fall 2022

Physical Fitness Testing and Command Presence Evaluation Preliminary Results

Preliminary Results Only

Via **webex** by CISCO

Program Overview

- Physical Fitness Testing
 - Five test options
 - Minimum requirement of 70%
- Command Presence Requirements
 - Three pathways to compliance

All of the data is being analyzed for potential discrepancies, disparities and impact on a variety of groups including gender, age, race, location and division.

Preliminary Results Only

The following slide shows overall waivers as 2.6%.

Of the 2.6%, 68% were Males, and 38% were Female

Of those with waivers, 24.4% of the Males were within 2", and 18.1% of the Females were with 2"

Fall 2022 Report

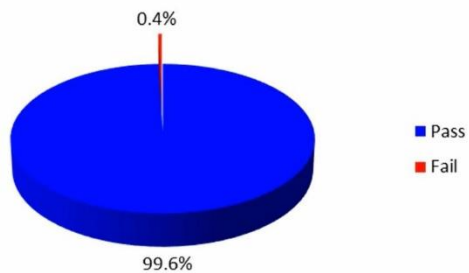
- 2.6% (n=106) obtained a waiver



Preliminary Results Only

Physical Fitness Testing Fall 2022 Report

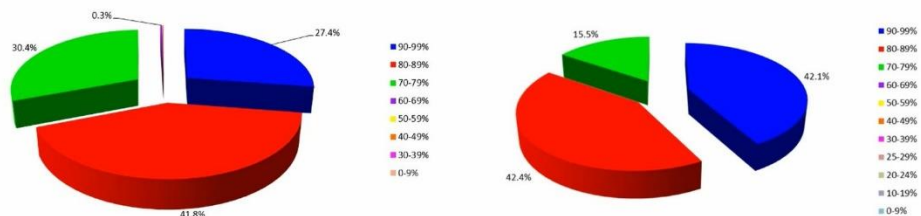
- 99.6% of agency in compliance
 - 70.3% of agency achieved a score of 80% or higher



Preliminary Results Only

Physical Fitness Testing Fall 2022 Report

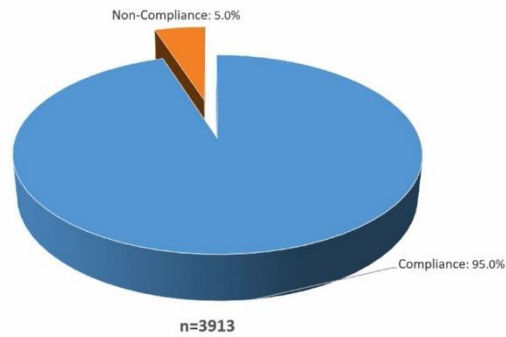
- Male Compliance Rate: 99.6%
- Female Compliance Rate: 100%



Preliminary Results Only

Command Presence Evaluation Fall 2022 Report

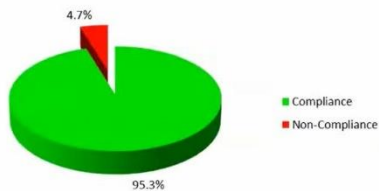
- 95.0% of agency in compliance



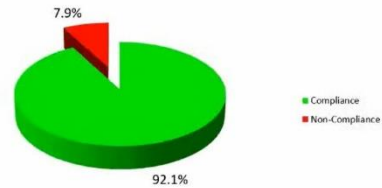
Preliminary Results Only

Command Presence Evaluation Fall 2022 Report

Male Compliance Rate



Female Compliance Rate

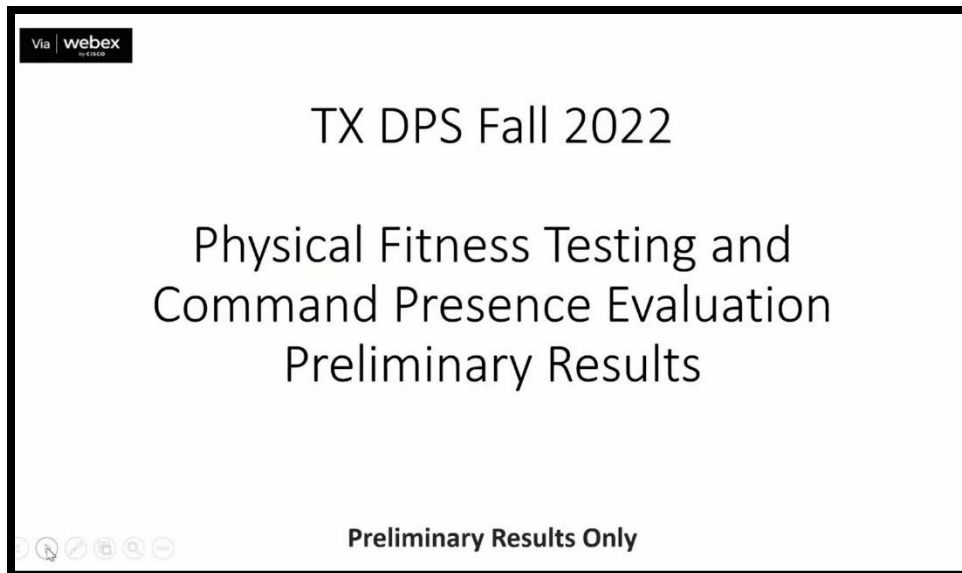


Preliminary Results Only

Fall 2022 Report

- Fitness Improvement Plans providing individual guidance and training have already been initiated
 - Participants have been provided means to document progress
 - 5.18% of the total commissioned population

Preliminary Results Only



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. Donations:

1. Additional donation items, as needed

Chairman Mach said there were no Consent Items for approval.

XII. ITEMS FOR FUTURE AGENDA

Chairman Mach asked the Commissioners to send any items to be included in the future agenda to General Counsel Adkins or to Sophie Yanez.

XIII. DATE FOR FUTURE MEETING

The regular Public Safety Commission meeting is scheduled for February 16, 2023.
Discharge hearings will be scheduled for February 17, 2023.

The date for the next Public Safety Commission is scheduled for February 16, 2023.

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

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