

MINUTES
PUBLIC SAFETY COMMISSION
JUNE 18, 2015
AUSTIN, TX

The Public Safety Commission met in Austin, Texas on June 18, 2015. Attending the meeting were Chairman Cynthia Leon, Commissioners Faith Johnson, Steven Mach and Randy Watson. A quorum was present at the meeting. DPS staff members and guests were also present.

CALL TO ORDER (0:00:09)

The meeting was called to order by Chairman Leon at 9:01 a.m. Proper notice had been posted.

APPROVAL OF MINUTES (0:01:03)

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving the minutes from the April 15th and 16th meetings. Motion passed unanimously.

PUBLIC COMMENT (0:01:27)

None

DIRECTORS REPORT (0:01:32)

A. Presentations

Service Awards

Robert Davis – 30 years
Mary Garcia-Lopez – 30 years
Laura Luckie – 30 years
Denise Nutting – 30 years
Leonardo Perez III – 30 years
Lonnie Harms – 35 years
Timothy Baker – 40 years

Unit Citation

Austin Crime Latent Prints Section

Lifesaving Award

Corporal Ronald Holub

Trooper Byron Ivey

Directors Award

Sergeant Jerry Zamora

Directors Citation

Amy Herchek

FBI Recognition

Law Enforcement Support Division

(0:22:27) Break 9:20 a.m. – 9:35 a.m.

Chairman Leon acknowledged the following individuals attending the meeting:

Malika Te – House Appropriations

Brady Vaughn – Senate Finance

Brady Franks – Speaker's Office

Steve Will – Representative Stephanie Klick's office

B. Public Integrity Unit (0:24:01)

Director McCraw advised it is premature to discuss the Public Integrity Unit since Governor Abbott has not signed the bill as of yet.

Chief Pilot Billy Nabors provided an Aircraft Operations update:

- Aircraft has flown 212 hours over a three week period, covering the Memorial Day flood events from Wimberly, Martindale, Wichita Falls, DeWitt County, Coryell County, Dallas and Houston
- Video downlink system has been used over the past two years, the Pilatus, 2 Caravans and five helicopters have live feed to a fixed receive site which can then be pushed to DPSNet
- Aircraft has a person stationed at the State Operations Center during events to assist with aircraft response
- Each rescue aircraft has a pilot, tactical flight officer and rescue swimmer on board

(0:41:06) Director McCraw discussed the implementation of dashboards:

- Develop systems so we don't have to pull people to extract data at any given time
- Agency-wide dashboard, as well as regional dashboards, will be generated to capture numbers

- Receive data requests set forth by Legislature and we adjust our data collection based on those requests
- Legislature determines success, we provide the numbers
- Secure the border zone by zone through saturation
- Ranger Company to work on the border
- Currently looking at 45 days to populate new dashboards
- NIBRS data is not currently captured on the dashboards
- Aggregate numbers for all agencies would be under 'Border Security'; DPS numbers would be under THP, CID, etc
- Border Security dashboard is in the works which would be the compilation of 2 reports
- Commissioner Mach expressed concern over providing accurate, comparative numbers for 'Month/2014' vs 'Month/2015' instead of year to date totals
- Commissioner Watson added he would like DPS to focus on automation so we have the ability to pull data as requested

NEW BUSINESS (1:26:58)

A. Report and discussion on Legislative Update

DAD Candace Nolte provided an update:

- 6/1/15 Sine Die; no talk of a special session
- 11,356 bills filed, including resolutions
- 6,083 House Bills, including resolutions passed (approximately 250 of those bills impact DPS)
- Governor Abbott has until June 21st to veto bills
- Senate Bill listing was reviewed
- House Bill listing is not ready – updated listing should go out next week
- Legislators are starting to request border tours; Commissioners will be notified of confirmed border tours
- After June 21st, Candace will generate a completed Legislative report to be mailed to the commissioners

B. Advice and consent pursuant to Government Code, Section 411.006(6) for the Chief Financial Officer (1:47:42)

Director McCraw requested advice and consent of the Commission to assign Suzy Whittenton as the Chief Financial Officer.

A motion was made by Commissioner Mach, seconded by Commissioner Johnson approving Suzy Whittenton as the Chief Financial Officer. Motion passed unanimously.

C. Report, discussion and possible action on 2016-2017 Exceptional Item Funding
(1:49:00)

- AD Whittenton reported the House Appropriations bill has not been signed by Governor Abbott
- State Funds has an increase of 31% (\$465 million) for AY 2016-2017 (funding primarily for border security)
- Legislature discontinued use of highway funds to support DPS operations and will replace with General Revenue funds.
- Exceptional Items:
 - \$107 Million to recruit, train and equip 250 new troopers with 110 support staff
 - \$142.6 Million for the state-wide 50-hour work week for commissioned officers
 - \$83.4 Million for Operation Strong Safety operations
 - \$8.8 Million to field a new Texas Ranger Company
 - \$7.5 Million for a Pilatus aircraft
 - \$2.4 Million Texas Transnational Intelligence Center
 - \$2 Million Multi-use training facility on donated land in Hidalgo County
 - \$1.5 Million support South Texas College Regional Center for Public Safety Excellence
 - \$40 Million Driver License Improvement Program (additional 175 FTEs)
- Article 9 Changes:
 - \$2 Million to implement the Comptrollers Human Resources Payroll System (CAPPS) (4 additional FTEs)
 - \$21 Million authority given for deferred maintenance (not new money)

D. Discussion and possible action to approve Director's salary increase to amount authorized by 84th Legislature (1:55:12)

Chairman Leon announced the director's new salary of \$214,672 authorized by the Legislature with an effective date of September 1, 2015.

A motion was made by all the commissioners, seconded by all the commissioners approving the new salary amount designated by the Legislature for Director McCraw. Motion passed unanimously.

The department will seek solutions for salary increases for Schedule A & B employees.

E. Report, discussion, and possible action on potential salary structure of senior management team (1:57:45)

Director McCraw recommended a 17% salary increase for the senior management team (Deputy Directors, Assistant Directors, Chief Information Officer, Regional Commanders, General Counsel and Deputy Assistant Directors) in alignment with his salary increase.

A motion was made by Commissioner Watson, seconded by Commissioner Mach approving the salary structure for senior staff as recommended by the director. Motion passed unanimously.

F. Report and discussion on current Fingerprinting Policy (1:59:34)

A fingerprinting policy overview was presented by AD Skylor Hearn, AD Joe Peters, General Counsel Adkins and DAD Mike Lesko:

-Factors to capture prints:

*fingerprint quality (standard used by the National Institute of Standards & Technology)

*matching accuracy

*interoperability

-84th Legislative Session (HB1888) states the department will establish an image verification system based on the applicant's facial image; and an applicant's thumbprints or, if thumbprints cannot be taken, the index fingerprints of the applicant.

-The department must develop a dedicated database for the Driver License thumbprints and it is estimated that the database will cost the agency approximately \$2.5 million.

It was recommended by the Commission for the department to review the fingerprint policy prior to the next legislative session.

G. Report, discussion and possible action on FY 2016 Information Technology Staff Augmentation Plan (2:27:05)

AD Jon Percy and DAD Celina Wilson presented the IT Staff Augmentation Plan:

-FY 2015 - \$8.7 million planned; \$5.9 million spent resulting in a savings of \$2.9 million

-FY 2016 - \$10.6 million plan; an increase of \$1.9 million from FY 2015

-The strategy is to move DBITS and Managed Services Contracts during FY 2016 (augmentees will compete for all posted positions)

H. Report and discussion of requested debrief from Gartner speaking engagement (2:36:44)

AD Percy and Detoneal Cook provided debrief on the Gartner project:

-Enterprise architecture and the public sector

-Discipline for proactively and holistically leading enterprise responses to disruptive forces by identifying and analyzing the execution of change toward desired vision and outcomes:

1. efficiency

2. cost cutting abilities

3. innovation

-Recognizing enterprise project opportunities:

1. data architecture
2. application architecture
3. technology architecture (enterprise data warehouse)

I. Report, discussion, and possible action on the following rule proposals for publication to receive public comment: (2:51:45)

1. Amendments to 37 TAC Section 15.54, concerning Vehicle Inspection

A motion was made by Commissioner Watson, seconded by Commissioner Mach approving Rule 15.54 for publication to receive public comment. Motion passed unanimously.

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

ONGOING BUSINESS

A. Update report, discussion and possible action regarding recruitment (2:53:39)

Major Jason Hester provided the recruitment update:

- 77 recruits are scheduled to graduate on June 20th at 10 a.m. (A-2015 Recruit School); initial enrollment 93; 23 graduates have prior military experience
- B-2015 Recruit Class (Advanced School) 6/21/15 – 8/15/15; starting with 68 recruits; recruits will be stationed in Regions 3 & 4
- C-2015 Recruit Class (7/12/15 – 12/18/15); over 3,500 applications received; 114 approved; 63 pending backgrounds; 49 have prior military experience
- A-2016 Recruit Class (1/10/16 – 6/17/16); over 1,600 applications received to date

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

1.New 37 TAC Section 35.14, concerning Security Officer Uniforms (3:03:58)

No comments.

2.Amendments to Section 35.82, concerning Commissioned Security Officer Standards

No comments.

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving amendments to Sections 35.14 and 35.82. Motion passed unanimously.

C. Report, discussion, and possible action by the Commission regarding modification and transformation of the DPS organizational structure, approval of personnel placements and salaries pursuant to Government Code Chapter 411, Secs. 411.005, 411.006 and 411.0071 (3:04:51)

None.

D. Report, discussion, and possible action regarding the appointment, promotion, ratification, employment, evaluation, reassignment, duties, discipline, or dismissal of a member of the Department or Commission management team (3:04:56)

None.

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

To be discussed during Executive Session.

REPORTS (3:05:00)

A. Commission member reports and discussion - none

B. Finance Report - none

C. Chief Auditors Office - none

D. Division status reports on activities and action - none

CONSENT ITEMS (3:05:06)

A. Discussion and possible action on appointments of Special Rangers and Special Texas Rangers pursuant to Government Code Chapter 411, Secs. 411.023 & 411.024: Special Rangers: Glen W. Garrett, Jose E. Gonzalez, Johnny C. Jackson, Jeffrey C. Maeker, Gary F. Paddock, Steven K. Radney, and Virgil L. Thompson; Special Texas Rangers: Tracy Q. Murphree; and Special Ranger Applicant from the Texas and Southwestern Cattle Raisers Association: David K. Duncan

B. Report, discussion and possible action on the Office of Psychological Services Other Victim Assistance Grant (OVAG) FY2016 & FY2017 Funding

C. Donations:

1. One (1) Horse, Zanzabar – Region 7, Capitol Complex

2. Gartner conference expenses (approximately \$3,600) – Information Technology

3. Additional donation items, as needed

A motion was made by Commissioner Mach, seconded by Commissioner Johnson approving Consent Items A, B, and C. Motion passed unanimously.

ITEMS FOR FUTURE AGENDA (3:05:40)

-AD Whittenton will present the FY 2016 operating budget.

DATE FOR FUTURE MEETING (3:05:52)

Any discharge hearings will be scheduled on August 26, 2015, and the regular Public Safety Commission meeting is scheduled for August 27, 2015. If no discharge hearing is scheduled, the regular Public Safety Commission meeting will be moved to August 26, 2015, due to the skeleton crew holiday (LBJ Birthday) on August 27, 2015.

ADJOURN INTO EXECUTIVE SESSION (3:06:47)

The Commission adjourned into Executive Session to discuss security issues, 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. Executive Session began at 12:19 p.m.

The Public Safety Commission reconvened this open session at 3:37 p.m. Commissioners present were Chairman Cynthia Leon, Commissioners Faith Johnson, Steven Mach, and Randy Watson.

Chairman Leon advised that an evaluation had been conducted for Director McCraw during Executive Session. He rated 'Exemplary' in all categories of his evaluation.

ADJOURN

A motion was made by Commissioner Johnson, seconded by Commissioner Mach to adjourn the meeting. Motion passed unanimously.

The meeting was adjourned at 3:39 p.m.

Read and approved this 27th day of August, 2015.


Chairman

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 18, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter A
Section 35.14

The Texas Department of Public Safety (the department) adopts new §35.14, concerning Security Officer Uniforms. This section is adopted without changes to the proposed text as published in the April 24, 2015 issue of the *Texas Register* (40 TexReg 2241) and will not be republished.

This new rule reflects the addition of uniform requirements for noncommissioned security officers and consolidates in a single rule the uniform requirements for both commissioned and noncommissioned private security officers. It is adopted in conjunction with amendments to §35.82, concerning Commissioned Security Officer Standards, which removes text related to the current uniform requirements for commissioned security officers and adds rule language referencing this new section.

No comments were received regarding the adoption of this section.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Occupations Code, §1702.061(b), which authorizes the department to adopt rules to administer Texas Occupations Code, Chapter 1702.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

The effective date of the rules is 20 days after the rules are filed with the Texas Register Division, Office of the Secretary of State.

This order constitutes the order of the commission required by the Administrative Procedures Act, Government Code, Section 2001.033.


A. Cynthia Leon, Chair
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY
ORDER ADOPTING A RULE

On June 18, 2015, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Private Security
Title 37 T.A.C. Part I, Chapter 35
Subchapter F
Section 35.82

The Texas Department of Public Safety (the department) adopts amendments to §35.82, concerning Commissioned Security Officer Standards. This section is adopted without changes to the proposed text as published in the April 24, 2015 issue of the *Texas Register* (40 TexReg 2242) and will not be republished.

This amendment reflects the deletion of the provision relating to uniform requirements and is proposed in conjunction with proposed new §35.14, concerning Security Officer Uniforms. Section 35.14 will reflect the current uniform requirements for commissioned security officers provided in §35.82, but will add uniform requirements for noncommissioned security officers.

No comments were received regarding the adoption of these amendments.

This proposal is adopted pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work, and Texas Occupations Code, §1702.061(b), which authorizes the department to adopt rules to administer Texas Occupations Code, Chapter 1702.

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A. Cynthia Leon, Chair
Public Safety Commission

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS
June 18, 2015



Special Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Garrett, Glen W.	THP	HP/Victoria	03/31/15	26 years	
Gonzalez, Jose E.	CID	San Antonio	03/31/15	27 years	
Jackson, Johnny C.	CID	Garland	11/30/02	28 years	
Maeker, Jeffrey C.	CID	Tyler	03/31/15	25 years	
Paddock, Gary F.	DLD	Sherman	05/31/02	30 years	
Radney, Steven K.	Chief of Staff	Austin HQ	06/30/14	32 years	
Thompson, Virgil L.	THP	HP/Stephenville	11/30/00	29 years	

Special Texas Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Murphree, Tracy Q.	Texas Rangers	Denton	11/30/11	23 years	

Special Ranger Applicant from the Texas and Southwestern Cattle Raisers Association:

Name	Approved
Duncan, David K.	

Approved by the Public Safety Commission:

Date:

6/18/15