MINUTES
PUBLIC SAFETY COMMISSION
February 11, 2016
AUSTIN, TX

The Public Safety Commission met in Austin, Texas on February 11, 2016. Attending the meeting were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores, Steven Mach and Randy Watson. A quorum was present at the meeting. DPS staff members and guests were also present.

CALL TO ORDER (0:00:03)

The meeting was called to order by Chairman Leon at 9:00 a.m. Proper notice had been posted.

APPROVAL OF MINUTES (0:00:42)

A motion was made by Commissioner Mach, seconded by Commissioner Johnson, approving the minutes from the December 17, 2015 meeting. Motion passed unanimously.

PUBLIC COMMENT (0:01:09)

None

DIRECTORS REPORT (0:01:17)

A. Presentations

Service Awards

Jose Corral – 35 years Eugene De Los Santos – 35 years Gene Henderson – 45 years

William P. Clements Excellence Award

Shantel Kaster – Non-Commissioned Texas Ranger Joe Haralson - Commissioned

Purple Heart

Sergeant Chad Matlock Sergeant Michael Thomas

Directors Citation

Sergeant Matlock
Sergeant Michael Thomas
Corporal Jon Shock
Corporal Oscar Villarreal
Trooper Kevin McKellar
BreAunna Glover
Utanah Hoermann
Frank Pritchett

Directors Award

Juan Espinoza US Border Patrol Agent Evenson Demas

Lifesaving Award

Corporal Gary Stiles
Trooper Mario Ayala
Trooper David Patch
Sergeant Virgil Verduzco

Directors Award

Chief Bob Montgomery – Lometa Police Department Deputy Sheriff Johnny Brown – Mills County Sheriff's Office

(0:42:07) Break 9:41 – 9:58 a.m.

(0:42:13) Chairman Leon acknowledged the following individuals attending the meeting:

Libby Elliott - Governor's Office

Desiree Castro - Senator Hinojosa's office

Brady Vaughn - Senate Finance

John Wielmaker - Legislative Budget Board

Malika Te - House Appropriations

Courtney Reed - House Committee on Homeland Security and Public Safety

Lauren Fleming - Lieutenant Governor's office

Suzanne Mackowiak - Lieutenant Governor's Office

DIRECTORS REPORT

C. DPS Dashboard Revisions (0:44:01)

Director McCraw reported on the updated DPS dashboard:

- -Tracks our mission, goals and values
- -Data broken down by 60 Days/12 Months/24 Months
- -Dashboard to be posted to our website
- -Chairman Leon suggested we add asteriks for acronyms that will be helpful for the public
- -Commissioner Mach recommended an annual snapshot to get comparisons of Fiscal Year numbers for previous years

B. Report on Testimony to the Subcommittee on Immigration & Border Security (1:05:13)

- -Testimony provided on January 21, 2016, for the Joint Interim Committee to Study Border Security to report on what has been done and our framework
- -Congressional Testimony on February 4, 2016, for the Subcommittee on Immigration and Border Security
- -Review of Monthly Briefing report border specific
- -Trooper Thomas Arriaga and Special Agent Wayne Cipriani provided a PowerPoint presentation on a February 13, 2012 traffic stop resulting in a currency seizure of \$1,068,930 in Victoria County by a former marine/trooper/narcotics officer
- -Case of the Month will be added under Director's Report for all future meetings

NEW BUSINESS

A. Report, discussion, and possible action on the Office of Inspector General 2015

Annual Report (1:47:18)

IG Rhonda Fleming provided the 2015 OIG Annual Report:

- -Volunteer Investigator Program 300 investigators trained January/February 2015
- -370 Complaints
- -199 Division Referrals
- -163 OIG Investigations (8 VIP Investigations)
- -32 EEO Investigations
- -79 Employee Criminal Investigations Tracked
- -3 Management Inquiries
- -Major Trends: Courtesy Policy, 7-Step Violator Policy, Reporting of Hours, DWI Non-Commissioned, Assault & Family Violence, and Theft Non-Commissioned
- -Investigation Timeliness is 21 working days
- -Early Intervention System (Blue Team) is an 'add on' software to the OIG-IAPRO software program designed to save careers (spots trends and patterns of performance issues to be addressed before it leads to an OIG investigation)
- -Blue Team became a pilot project at DPS during 2013-2015
- -Blue Team went 'live' in October 2015

- -Blue Team captures: Use of Force Issues, Firearm Discharge, Vehicle Pursuits & Crashes, and Formal OIG and EEO Complaints
- -Intervention system will kick off at end of March 2016

B. Report and discussion on the Contract Review Board (2:05:21)

AD Arriaga provided the following report:

- -Contract Review Board was created in November 2009
- -Created the Executive Committee of the CRB in August 2013
- -Future best practices to be considered for action at a later date:
 - *Contract changes
 - *Charter changes
 - *Roll Call Vote
 - *Changes to Executive Contract Review Board
 - *Legislative mandate

C. Report and discussion on DPS Facilities (2:19:20)

AD Amanda Arriaga and DAD Wayne Mueller reported on DPS Facilities:

- -Most deficient buildings at headquarters are Buildings A, B and C
- -Received \$17.7 million during the 84th Session in Deferred Maintenance but no additional funding
- -DPS' list of needs totals \$38 million for Deferred Maintenance projects
- -Rider 54 is a legislative mandate to conduct a headquarters relation study but no funding was provided for this study (study is estimated to cost \$2 million)
- -Future Construction Projects
- -Commission would like to receive updates during all future meetings

<u>D. Intelligence Threat Briefing (Clearance Required – Executive Session Expected)</u> To occur during Executive Session.

ONGOING BUSINESS

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

1. Amendments to 37 TAC Section 14.12 and Section 14.14, concerning School Bus Driver Qualifications (2:45:39)

No comments.

2. Amendments to 37 TAC Section 14.52, concerning Texas School Bus Specifications No comments.

A motion was made by Commissioner Mach, seconded by Commissioner Watson, adopting Ongoing Business, Items A1 and A2. Motion passed unanimously.

3. Amendments to 37 TAC Section 15.7, concerning Occupational License (Essential Need) (2:47:18)

No comments.

4. Simultaneous repeal of current 37 TAC Section 15.23 and proposed new 37 TAC Section 15.23, concerning Names

No comments.

- 5. Amendments to 37 TAC Section 15.42, concerning Social Security Number No comments.
- 6. Amendments to 37 TAC Section 15.55, concerning Waiver of Knowledge and/or Skills Tests

No comments.

- 7. New 37 TAC Section 15.63, concerning Out-of-State Examinations and Applications No comments.
- 8. Repeal of 37 TAC Sections 15.91 15.93, concerning Reciprocity in Driver Licensing No comments.

A motion was made by Commissioner Johnson, seconded by Commissioner Flores, adopting Ongoing Business, Items A3 thru A8. Motion passed unanimously.

- B. Update report, discussion and possible action regarding recruitment (2:52:48) AD Woodall provided an update on recruitment:
- -158 applicants reported to the A-2016 school on January 10, 2016; currently stand at 130 applicants; graduation scheduled for June 17, 2016
- -B-2016 school begins on March 13, 2016; 101 applicants currently approved and accepted (10 Females/91 Males/21 Vets); 123 applicants are active and in the process; graduation scheduled for August 26, 2016
- -Currently recruiting and accepting applications for the C-2016 (begins July 10, 2016) and B-2016 (begins September 11, 2016) schools
- -9/1/16 8/31/17 will have started and graduated eight schools
- 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 (2:55:50)

Director McCraw introduced Amy Clay as the new Senior Legislative Liaison. Ms. Clay graduated from the University of Texas and has worked for the Texas House, Governor's Office and DIR.

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 (2:57:01)

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 (2:57:08)

- 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 (2:57:23)

A. Advice and consent regarding the Director's determination that a certain probationary employee was found unsuitable for work during December 2015

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: David C. Cullison, Jackie T. Griffin, Jody P. Hammond, Edward A. Longoria, Jose A. Mora, Ronald L. Morgan and Kenneth B. West Jr.; Special Texas Rangers: Tony C. Arnold and William R. Flores; Special Ranger Applicant from the National Insurance Crime Bureau: Tony D. Folkers; and a Special Ranger Applicant from the Texas and Southwestern Cattle Raisers Association: Kenneth D. Murchison B. Donations:

1.Additional donation items, as needed

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

ITEMS FOR FUTURE AGENDA (2:57:52)

- -Contract Review Board Process Update
- -Facilities Deferred Maintenance Update

DATE FOR FUTURE MEETING (2:58:30)

Discharge hearing is scheduled for April 13, 2016, and the regular Public Safety Commission meeting is scheduled for April 14, 2016.

ADJOURN INTO EXECUTIVE SESSION

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 12:15 p.m.

(2:59:26) The Public Safety Commission reconvened this open session at 2:51 p.m. Commissioners present were Chairman Cynthia Leon, Commissioners Faith Johnson, Manny Flores, Steven Mach and Randy Watson.

ADJOURN

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

The meeting was adjourned at 2:52 p.m.

On February 11, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

School Bus Safety Standards
Title 37 T.A.C. Part I, Chapter 14
Subchapter B
Section 14.12 and Section 14.14

The Texas Department of Public Safety (the department) adopts amendments to §14.12 and §14.14, concerning School Bus Driver Qualifications. These sections are adopted without changes to the proposed text as published in the January 8, 2016 issue of the *Texas Register* (41 TexReg 441) and will not be republished.

The proposed amendments update the rules to reflect the revised Medical Examination Report Form for Commercial Driver Medical Certification and School Bus Drivers' Driving Record Evaluation as the current publications. Additional nonsubstantive changes have been made to update the rules.

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 Transportation Code, §521.022, which authorizes the department to adopt rules to administer and enforce the school bus driver qualifications.

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.

On February 11, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

School Bus Safety Standards
Title 37 T.A.C. Part I, Chapter 14
Subchapter D
Section 14.52

The Texas Department of Public Safety (the department) adopts amendments to §14.52, concerning Texas School Bus Specifications. This section is adopted without changes to the proposed text as published in the January 8, 2016 issue of the *Texas Register* (41 TexReg 443) and will not be republished.

The proposed amendments update the rule to reflect the 2016 Texas School Bus Specifications as the current publication.

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; Texas Education Code, §34.002, which authorizes the department to adopt safety standards for school buses; Texas Transportation Code, §547.102, which authorizes the department to adopt standards and specifications for school bus equipment; and §547.7015, which authorizes the department to adopt rules governing the design, color, lighting, and other equipment, construction, and operation of a school bus for the transportation of schoolchildren.

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.

On February 11, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter A
Section 15.7

The Texas Department of Public Safety (the department) adopts amendments to §15.7, concerning Occupational License (Essential Need). This section is adopted without changes to the proposed text as published in the January 8, 2016 issue of the *Texas Register* (41 TexReg 444) and will not be republished.

These amendments are intended to clarify that an occupational order from the court is now valid for a period of 45 days pursuant to Texas Transportation Code, §521.249. Further proposed amendments are made to clarify which courts are allowed to issue an occupational court order, and amendments also change the language that indicates a customer submits an "application" to a customer submits a "request for an occupational extension" to extend the expiration of the occupational license. These changes also comply with Chapter 521, Subchapter L.

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; Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code, and Texas Transportation Code, §521.249, which changed the expiration of an occupational court order from 30 days to 45 days.

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.

On February 11, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

> Driver License Rules Title 37 T.A.C. Part I, Chapter 15 Subchapter B Section 15.23

The Texas Department of Public Safety (the department) adopts the repeal of §15.23, concerning Names. This section is repealed without changes to the proposed text as published in the January 8, 2016 issue of the Texas Register (41 TexReg 445) and will not be republished.

The repeal of §15.23 is filed simultaneously with the proposed new §15.23. This repeal and proposed new rule is intended to clarify the options for customers when determining the names to be used on driver licenses and personal identification certificates. The new rule also updates language to reflect court rulings and the creation of new names under the laws of other states.

No comments were received regarding the adoption of this repeal.

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; Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code, and Texas Transportation Code, §521.142, which requires that the application include the applicant's full name.

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

On February 11, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter B
Section 15.23

The Texas Department of Public Safety (the department) adopts new §15.23, concerning Names. This section is repealed without changes to the proposed text as published in the January 8, 2016 issue of the *Texas Register* (41 TexReg 445) and will not be republished.

The creation of new §15.23 is filed simultaneously with the proposed repeal of current §15.23. This new rule is intended to clarify the options for customers when determining the names to be used on driver licenses and personal identification certificates. This rule also updates language to reflect court rulings and the creation of new names under the laws of other states.

No comments were received regarding the adoption of this new 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; Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code, and Texas Transportation Code, §521.142, which requires that the application include the applicant's full name.

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

On February 11, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter B
Section 15.42

The Texas Department of Public Safety (the department) adopts amendments to §15.42, concerning Social Security Number. This section is adopted with non-substantive changes to the proposed text as published in the January 8, 2016 issue of the *Texas Register* (41 TexReg 446). The text of the rule will be republished.

These amendments are intended to clarify that a Social Security number is now required for an identification certificate pursuant to Texas Transportation Code, §521.142.

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; Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code, and Texas Transportation Code, §521.142, which requires the applicant's Social Security number for an identification certificate.

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.

On February 11, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter C
Section 15.55

The Texas Department of Public Safety (the department) adopts amendments to §15.55, concerning Waiver of Knowledge and/or Skills Tests. This section is adopted without changes to the proposed text as published in the January 8, 2016 issue of the *Texas Register* (41 TexReg 448) and will not be republished.

These amendments are intended to clarify conditions under which exam requirements will not be waived when a driver education certificate is presented that is dated more than two years prior to the date of application. In addition, the language has been revised and reorganized for clarity.

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; Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

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.

On February 11, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter C
Section 15.63

The Texas Department of Public Safety (the department) adopts new §15.63, concerning Out of State Examinations and Applications. This section is adopted without changes to the proposed text as published in the January 8, 2016 issue of the *Texas Register* (41 TexReg 449) and will not be republished.

This rule is intended to eliminate redundancies and clearly outline requirements concerning out of state examinations and applications. The creation of new §15.63 is filed simultaneously with the proposed repeal of §15.93.

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; Texas Transportation Code, §521.005, which authorizes the department to adopt rules necessary to administer Chapter 521 of the Texas Transportation Code.

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.

On February 11, 2016, the Public Safety Commission (the commission) by majority vote approved rules concerning:

Driver License Rules
Title 37 T.A.C. Part I, Chapter 15
Subchapter E
Sections 15.91 – 15.93

The Texas Department of Public Safety (the department) adopts the repeal of $\S15.91 - 15.93$, concerning Reciprocity in Driver Licensing. This section is adopted without changes to the proposed text as published in the January 8, 2016 issue of the *Texas Register* (41 TexReg 450) and will not be republished.

The repeal of §15.91 and §15.92 is intended to eliminate redundant language found in Texas Transportation Code, §§521.001, 521.028, 521.030 and delete outdated information. The repeal §15.93 is filed simultaneously with proposed new §15.63. These proposals move information regarding out of state examinations to 37 TAC Chapter 15, Subchapter C, eliminating redundancies and clearly outlining requirements concerning out of state examinations applications.

No comments were received regarding the adoption of this repeal.

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 Transportation Code, §§521.001, 521.028, and 521.030.

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.

SPECIAL RANGER/SPECIAL TEXAS RANGER APPLICANTS February PSC 2016



Special Ranger Applicants:

Name	Division	Service/Station	Retire	Years of	Approved
			Date	Service	
Cullison, David C.	THP	Refugio	11/30/15	28 years	
Griffin, Jackie T.	THP	Sherman	7/13/95	28 years	
Hammond, Jody P.	THP	Tyler	11/30/15	26 years	
Longoria, Edward A.	THP	Spearman	11/30/15	32 years	
Mora, Jose A.	CID	Houston	3/31/05	26 years	
Morgan, Ronald L.	THP	Muleshoe	8/31/03	26 years	
West, Jr., Kenneth B.	THP	San Angelo	2/29/04	29 years	

Special Texas Ranger Applicants:

Name	Division	Service/Station	Retire Date	Years of Service	Approved
Arnold, Tony C.	Texas Rangers	Lubbock	12/31/15	29 years	
Flores, William R.	Texas Rangers	Palestine	11/30/15	27 years	

National Insurance Crime Bureau Special Ranger Applicant:

Name	Approved
Folkers, Tony D.	

Texas and Southwestern Cattle Raisers Association Special Ranger Applicant:

Name	Approved
Murchison, Kenneth D.	

Approved by the Public Safety Commission on:

Date: 2111