



Public Safety Commission Meeting

June 28, 2018, 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

10:01 am – Chairman Steven Mach called the meeting to order. In attendance: Chairman Steve Mach, Commissioners Cindy Leon, Jason Pulliam, and Randy Watson.. A quorum was present. Also present were, Director Steve McCraw, Deputy Director David Baker, Deputy Director Robert “Duke” Bodisch, Division Director Randy Prince, Regional Director Freeman Martin, and General Counsel Phil Adkins.



II. APPROVAL OF MINUTES

A motion was made by Commissioner Leon and seconded by Commissioner Watson to approve the minutes from the April 26, 2018 PSC Meeting. The motion carried.

III. PRESENTATIONS

Director Steve McCraw – Made the following presentations for Service Awards:

30 YEAR SERVICE AWARD



Ted "Barry" Caldwell – THP, Region 6

40 YEAR SERVICE AWARDS



David Gene Baker – Deputy Director, HQ



Ronald Jerome Kulak – THP, Region 1



Kenneth Wayne Pittman – THP, Region 7



Stephen Jay Tone – THP, Region 5



John Edward Cruddas – THP, Region 6



Alan Alexander – DL Division, Region 2



Anna Lucille Mendez – LES, Region 3



Jesus Eduardo Alatorre, Reg. Serv. Div., R.3

50 YEAR SERVICE AWARD



Donald Lee Van Zandt – THP, Region 4

DIRECTOR'S AWARD



The 100 Club – William F. Skeen, Executive Director

2018 NAWLEE WOMAN LAW ENFORCEMENT EXECUTIVE OF THE YEAR



Rhonda Lawson – Texas Division of Emergency Management, HQ

STATE SENATE – APPRECIATION AWARDS



- *DPS – Top 10 Agency Awarding the Most Procurement Dollars*
- *DPS – Top 10 Agency Awarding the Most HUB Dollars*

Jessica Ballew, Division Director, Administration, accepted the awards.

TEXAS VETERANS COMMISSION AWARD



DPS – 2017 Large Veteran Employer Government Entity Recipient

ADOLPH THOMAS DISTINGUISHED SERVICE AWARD



Goodluck Elei – Driver License Division, HQ



William “Bill” Schneider – THP, Region 5

DIRECTOR’S CITATION



Justin Chrane – THP, HQ



Derek Peterson – Ed. Training, & Research, HQ

LIFE SAVING AWARD AND DIRECTOR'S AWARD



- Rene Olivarez – Criminal Investigations Division, Region 3
 - Ismael Garza – La Joya Police Department

LIFE SAVING AWARDS



James Rentfro – THP, Region 3



Christopher Rocha – THP, Region 6



Christopher Dale, CID, Region 6



Kearney Brown, Jr. – THP Region 5



Travis High – THP, Region 5



**Garrett Ray – THP, Region 3
Raul Garcia – THP, Region 3
Jacob Gonzalez – THP, Region 3**

AUSTIN POLICE DEPARTMENT MERITORIOUS UNIT MEDAL



- **Thomas Kovacs – Texas Rangers Division, HQ**
- **Andrew Martinez – Texas Rangers Division, HQ**
- **Donald Bolton – Texas Rangers Division, HQ**
- **Raymond Real – Texas Rangers Division, HQ**

IV. 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.)

Susan R. Nelson – Texas Gun Sense – wished to speak about informing the Texas public about gun safety and safe gun storage. Both Director Steven McCraw and Division Director Renearl Bowie have been supportive and we appreciate that the DPS website advocates for safe gun storage. We are making progress but she feels that a lot more can be done to educate the public regarding responsible gun ownership. She stated that she looks forward to continue working with Director Bowie to do more to advise the public regarding responsible gun storage.

I personally was shot by a person who had unauthorized access to an unsecured handgun. I am not anti-gun. My family owns a gun shop and we are members of the NRA. \$10.2 million in Federal funds

have been made available for public safety in Texas. I believe that we can improve this public awareness program and look forward to your continued support.

V. DIRECTORS REPORT

A. Case Update: Aggravated Sexual Assault of a Child



Special Agents Christian Greer and Lance Kline (sp?) – described in detail the investigation of an aggravated sexual assault of a 2 year old child by her father, Joseph Clinton Leatherman Jr. of New Boston, Texas. During the course of the investigation, it became clear that he was also abusing another 2 year old daughter from a different mother, as well as other relatives. We were able to identify the suspect through matching his hands to photographs held in his possession, and from fingerprints on photos collected while executing a search warrant on August 11, 2016. It was determined that he had several

other kids by different partners.

A publication of the Texas Department of Public Safety, Criminal Investigations Division

REGION 1
Aggravated Sexual Assault of a Child

JOSEPH CLINTON LEATHERMAN, JR.

A publication of the Texas Department of Public Safety, Criminal Investigations Division

Investigative Overview (Cont.)

- On August 11, 2016, investigation executed a search warrant at LEATHERMAN's residence, seizing cell phones, computers, and a pair of camouflage trousers matching clothing worn by the suspect in the child pornography images.
- During the search warrant, special agents also recovered four children, living at the residence, who were taken into protective custody by DPS. Additional evidence indicates that LEATHERMAN has had access to multiple children through various relationships and has been involved in additional sexual abuse incidents.

A publication of the Texas Department of Public Safety, Criminal Investigations Division

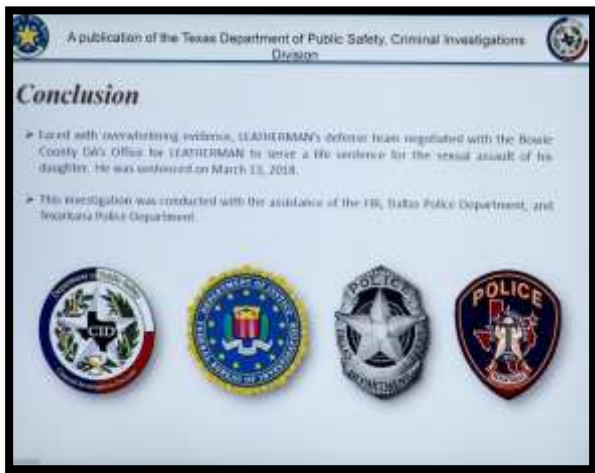
Investigative Overview (Cont.)

- LEATHERMAN's current wife subsequently identified the child in the child pornography images as LEATHERMAN's 2-year-old daughter.
- Special agents took photographs of LEATHERMAN's entire body, matching an injury to one of his hands to an injury seen in the child pornography images. Photos of friction ridge patterns on LEATHERMAN's fingers were also used to match him to the suspect in the child pornography images.

A publication of the Texas Department of Public Safety, Criminal Investigations Division

Investigative Overview (Cont.)

- Special agents obtained cellular tower information that indicated LEATHERMAN was at his Bowie County residence during the time of the sexual assault.
- Employment records obtained through a court order also indicated that LEATHERMAN had the opportunity to assist his daughter before coming to work that afternoon.



Working in cooperation with the FBI, the Dallas Police Department and the Texarkana Police Department, and based on overwhelming evidence, they were able to get a conviction and a life sentence for the sexual assault of his daughter on March 13, 2018.

Director Steve McCraw also asked to address a situation that occurred in May south of Dallas. A woman was stopped and questioned for DWI. She subsequently charged that the Trooper had raped her in his patrol car. This report got out on social media, and very quickly, the Trooper and his family (and actually another Trooper with a similar name as the one who made the stop and his family) began receiving threats, including death threats. As we would with any such charge, we were able to review the video records as recorded not only by the Trooper's dash cam, but also recorded by his newly issued body cam. The video record clearly showed that the allegations were totally unfounded, and the Trooper had made a proper stop by the book. Subsequent to the release of the video footage, the lawyer for the person who made the stop, apologized to the Trooper and to the Department for the false accusations made by his client.



Director McCraw thanked the Texas Legislature for funding the new cameras, and especially Senator Royce West of Dallas for his efforts in outfitting our troopers with this very useful equipment.

B. Aviation Operations

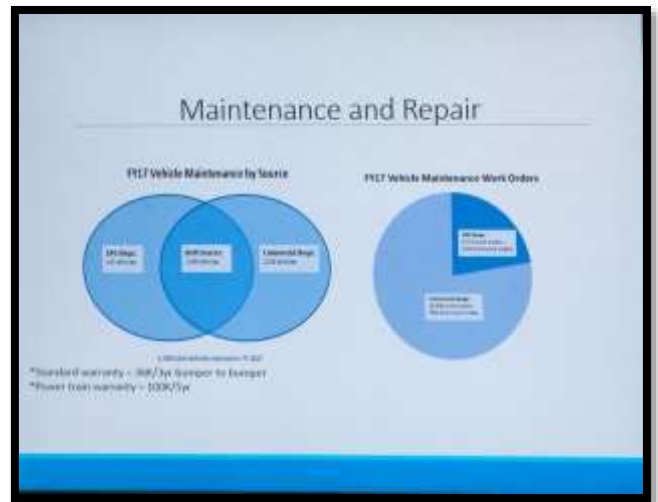
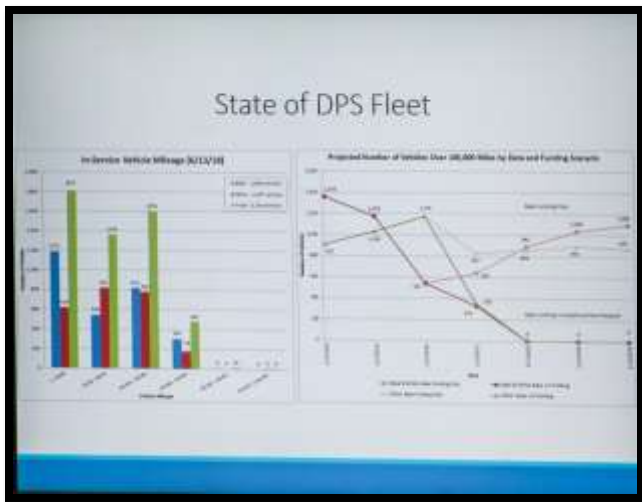
Director Steve McCraw said that they need additional time to get approval of the video that they were going to show before releasing showing it at a public meeting. He offered to share it with the Commissioners in the Executive Session if they wished.

A. Overview of Fleet Vehicle Program

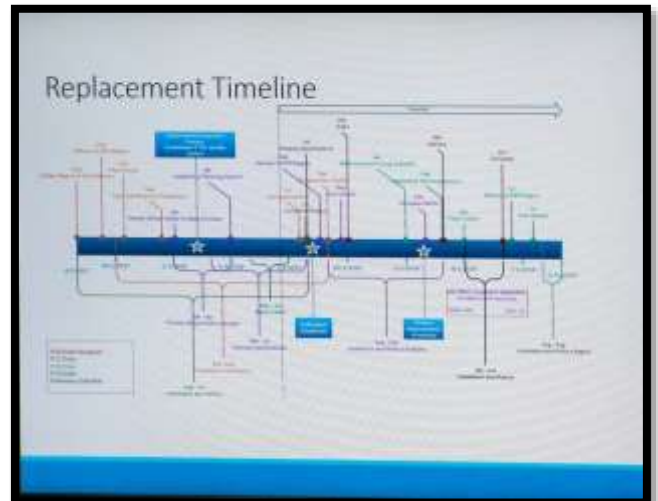


Division Director Jessica Ballew, Administration Division, and Assistant Division Director Wayne Mueller, Enterprise Services – We currently have 40% of our fleet of black and white vehicles that have over 100,000 miles on them; many have over 150,000. We are working to bring the number down for these high-mileage vehicles, at the expense of continuing to operate some of the unmarked cars with high mileage. We are asking for \$86.5 million in our base request, with an additional \$85 million in our exceptional items request. It is our hope that this will be funded by the legislature this upcoming session, and that we can move

forward in the future with \$171.5 in our base budget for vehicles. Commissioner Watson mentioned going on a ride-along and after 3 incidents where the patrol vehicle hit 120 mph, he asked what the mileage on the vehicle was and it was 158,000. He asked, in a perfect world, what would be the ideal mileage at which to replace the vehicle.

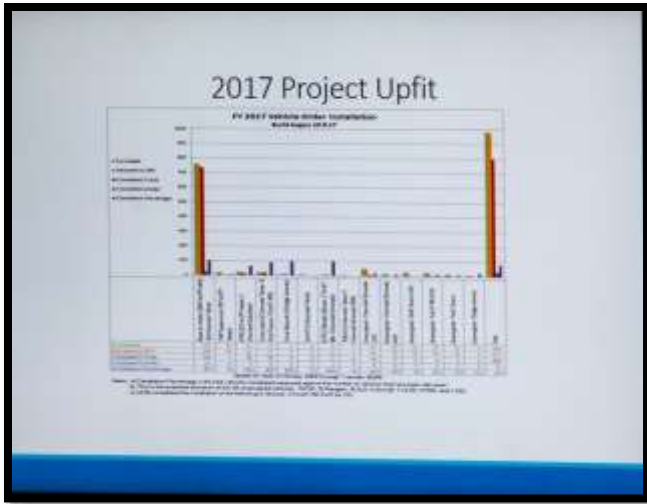


- Current State**
1. Identify vehicle design requirements
 2. Provide vehicle specifications to Texas Comptroller, State Procurement Division (SPD)
 3. Assess best value purchase options with consideration to available funding
 4. Base models purchased through SPD with additional options to support business needs
 5. Contractor installs some specialized police equipment in pursuit vehicles



Jessica Ballew – Division Director for Administration suggested that since the warranties expire at 100,000, financially that would be a good time to replace the vehicle.

Design changes needed? Keyboard access to the driver side of the vehicle; a new rifle that fits better into the holder for the rifle; etc.



- ### Other
- Upfit Strategy Study
 - Location Analysis
 - Fleet Management System Request For Information
 - Supply Process Improvements
 - Inventory Management Plan

Division Director Ballew also invited the Commissioners and others to attend the Second Annual “Ride and Drive Event” on October 30, 2018 in Florence, where 49 vendors and major car manufacturers show off their wares to 35 agencies.

Ride and Drive Event October 30, 2018

- DPS will host the 2nd Annual Ride and Drive Event at the Tactical Training Center in Florence.
- Scheduled for October 30, 2018 and is being coordinated by DPS HUB office with assistance from ETR, Fleet Operations and Facilities.

2017 Ride and Drive Event Stats:

- 49 Vendors
- 25 Agencies represented
- Major car manufactures provided police pursuit vehicles to test drive




Photo: 2017 - DPS-TTC Florence

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

General Counsel Phillip Adkins informed the Commission that Governor Abbot has asked that all rule proposals and modifications be vetted through his office. The Chairman Mach and Counsel Adkins agreed that DPS would fully comply, but had some concerns regarding how this would affect the timeline of the process.

1. Repeal and proposed new 37 TAC Section 15.34, concerning Renewal Period Prior to Expiration

Amanda Arriaga – Division Director, Driver License – this would allow people to come in within a year of their renewal date to renew their license without a penalty on the renewal date of the new license (6 years from the current expiration date).

2. Amendments to 37 TAC Section 15.59, concerning Alternative Methods for Driver License Transactions
3. Amendments to 37 TAC Section 16.1, concerning General Requirements
4. Amendments to 37 TAC Section 37.2, concerning Commercial Social Networking Sites

Items 2, 3, and 4, - Division Director Amanda. Arriaga, Driver License Division and Division Director Mike Lesko –Law Enforcement Support Services stated that these were basic updates to rules that were fairly straight forward.

A motion made by Commissioner Leon, and seconded by Watson to move forward with the rule proposal complying with the Governor’s new mandate.

The motion carried.

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

This item of business was addressed in executive session.

VII. ONGOING BUSINESS

- A. Report, discussion, and possible adoption of the following previously published rules:
1. New 37 TAC Section 1.265, concerning Buy America Requirements for Iron and Steel used in Construction

Div. Director Ballew – No public comments.

Motion to approve by Comm. Pulliam, Seconded by Watson.

Motion Carries

2. New 37 TAC Section 4.57, concerning Safety and Driver Training Requirements for Certain Permits
3. Amendments to 37 TAC Section 14.52, concerning Texas School Bus Specification

Chief Ron Joy – no public comment.

*A motion was made by Commissioner Leon, and seconded by Commissioner Watson
The motion carried.*

- B. 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

Nothing on this item.

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

This item of business was addressed in executive session.

VIII. REPORTS

- a. Commission member reports and discussion

Commissioner Cynthia Leon asked if there was any update on the Department's special items requests to the legislature. Division Director Suzy Whittenton, Finance, stated that they are still under review. Director McCraw added that they should be ready within two weeks or so, a month prior to the date that they are due.

Comm. Leon thanked them for the update and stated that that was all that she was concerned about.

- b. Finance Report
- c. Chief Auditors Office
- d. Division status reports on activities and action

No further updates or reports

IX. CONSENT ITEMS

- a. Advice and consent regarding director's determination that a certain probationary employee was found unsuitable for work during June 2018

No additional discussion

- 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: Gary R. Haltom, Michael W. Hearn, James E. Long, Michael McElroy, Jessie M. Mendez, Dana C. Moore, Juan Rodriguez Jr., Robert J. Sims, Hoby R. Smith, and Timothy W. Stewart; Special Texas Rangers: Brad K. Harmon; and Texas and Southwestern Cattle Raisers Association Special Rangers: James W. Bennett and Lenwood Fox II
- c. Donations:
 - i. Additional donation items, as needed

A motion was made by Commissioner Watson to approve all of the consent items, and second by Commissioner Pulliam.

The motion carried.

X.ITEMS FOR FUTURE AGENDA

None requested.

XI. DATE FOR FUTURE MEETING

A discharge hearing will be scheduled on August 30, 2018, and the regular Public Safety Commission meeting is scheduled for August 31, 2018.

The next Public Safety Commission Meeting will be held on Friday, August 31, 2018.

XII. 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

Adjourn to Executive Session – 12:33 pm.

XIII. 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.