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OPEN MEETING  
PUBLIC SAFETY COMMISSION  
JANUARY 15, 2009

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On the 15th of January, 2009, the following  
meeting was held in Austin, Travis County, Texas

## A P P E A R A N C E S

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## COMMISSIONERS OF THE PUBLIC SAFETY COMMISSION:

Allan B. Polunsky, Chair

C. Tom Clowe

Carin Marcy Barth

Ada Brown

John Steen

## DIRECTOR'S STAFF OF THE DEPARTMENT OF PUBLIC SAFETY:

Colonel Stanley E. Clark

Lt. Colonel Lamar Beckworth, Assistant Director

Dorothy Wright, Executive Assistant

Duncan Fox, Acting General Counsel

Michael Kelley, Legislative Liaison

1                   MT. POLUNSKY: (Role call) (Commissioner  
2     Barth not present)

3                   Let the record show that I am present. The  
4     regular session of the Texas Public Safety Commission is  
5     convened in accordance with Chapter 551 of the Texas  
6     Government Code, the Open Meetings Act. During this  
7     meeting, the Commission will be conducting business from  
8     the agenda posted in the Texas Register. A quorum of  
9     the Board is present and the meeting is now declared  
10    open. It is 10:37 a.m.

11                  First item on the agenda is public comment.  
12    Is there anybody here this morning who would like to  
13    address the Commission? If so, please come forward.

14                  BRIAN HAWTHORN: Mr. Chairman, my name is  
15    Brian Hawthorn. I'm president of the Department of  
16    Public Safety Officer's Association. I represent just  
17    under 3,700 commissioned, noncommissioned and retired  
18    members of this agency. I'd like to thank the  
19    Department and the Commission for putting employees of  
20    this Department first. It's my understanding that first  
21    on the exceptional item list for compensation. It's  
22    very important to this Officer's Association and, I  
23    know, the membership of this agency that the Commission  
24    has taken that step. And I think it's important to  
25    acknowledge it.

1           A few sessions ago, the Department of Public  
2     Safety Officer's Association worked diligently to get a  
3     law passed that required the state auditor's office to  
4     do a salary compensation survey trying to figure out  
5     where the average salary compensation was for police  
6     officers across the state. And I'd like to thank the  
7     Colonel and the leadership of the agency for looking at  
8     that survey that this Officer's Association worked so  
9     hard to accomplish a few sessions ago.

10           The other thing that's important to this  
11     Officer's Association, and one of the things that has  
12     taken place with the Sunset Commission on the review was  
13     the 20-mile residency policy. This Officer's  
14     Association has vowed to work with the leadership trying  
15     to increase the fleet of the Highway Patrol Division so  
16     that we can possibly have a one trooper/one patrol unit  
17     ratio of highway Patrol Division fleet in hopes that we  
18     can address the 20-mile policy. Parks & Wildlife, as  
19     you may know, and TABC operate on a 30-mile policy. We  
20     operate on a 20 with some districts either restricting  
21     that down to 10.

22           The Officer's Association would like to see  
23     the Department and the Commission please look at that,  
24     considerate it. We think it's important that the  
25     Department looks out for the citizens of the state of

1 Texas. But let's don't do it at the jeopardy of our  
2 commissioned officers and locations for them to live,  
3 finding housing, finding good school districts. TABC  
4 and Parks & Wildlife, the other state police agencies,  
5 seem to operate fine on a 30-mile policy. Thank you  
6 very much for your time.

7 MR. POLUNSKY: Mr. Hawthorn, thank you for  
8 being here this morning. Let me make sure I understand  
9 what your initial point is. Do you -- are you making  
10 any type of specific recommendation with respect to the  
11 exceptional item that we're asking for with regard to  
12 salary increase?

13 BRIAN HAWTHORN: Nothing specific. The  
14 Officer's Association has some plans that we will work  
15 with the Department and the Commission on. The Colonel  
16 has -- has reviewed them. We think they're very viable  
17 salary plans that the legislature will consider  
18 seriously. But I don't want to put numbers in the  
19 Colonel's hands until, obviously, we figure out exactly  
20 where the Department's going to go with the exceptional  
21 item list. And I'm assuming you're going to work on  
22 that today.

23 MR. POLUNSKY: That's correct. And with  
24 respect to the 20-mile rule, that's something that I  
25 anticipate that we'll be discussing today as well. I've

1 asked Chief Baker to be able to discuss this matter. It  
2 is an issue that I think is right for a discussion and  
3 very likely amendment. So hopefully we'll be getting  
4 into that today as well.

5 BRIAN HAWTHORN: Thank you, Mr. Chairman.  
6 Thank you, Commission.

7 MR. POLUNSKY: Thank you. Is there anyone  
8 else here this morning who would like to address the  
9 Commission? Is this an equal time?

10 DON DICKSON: Something of that nature.  
11 Good morning, Mr. Chairman, and Colonel, and  
12 Commissioners. My name is Don Dickson. I'm an attorney  
13 at the Austin office of the Parker Law Firm, and I'm  
14 here on behalf of the Texas State Trooper's Association.  
15 And I'd like to align myself with most of Sergeant  
16 Hawthorn's comments. TSTA and DPSOA are united in  
17 interest about 95 percent of the time. And we're united  
18 in interest on most of this.

19 TSTA's official position on the residency  
20 policy is that a first line trooper ought to be able to  
21 live within his area of patrol responsibility. I think  
22 that would give troopers the maximum flexibility. I  
23 think it would help the Department as a recruiting tool.  
24 And I think we'd be satisfied with the 30-mile policy.  
25 But I -- I really think that, particularly for

1 recruiting purposes, it's hard enough to get people to  
2 undergo the sacrifices that it takes to become a member  
3 of the state police, that this is something that we  
4 could offer them as an ability to dove tail their  
5 personal and professional lives.

6           And I think it would help our recruiting  
7 efforts enormously by giving our officers the maximum  
8 flexibility to live within their assigned patrolled  
9 area. And I think the residency policy would become far  
10 less important if every first line officer was assigned  
11 a patrol car. I think this would dramatically improve  
12 the Department's visibility throughout the state. And I  
13 think it would alleviate the necessity of having a  
14 highly restrictive residence policy.

15           With respect to Schedule C, obviously we're  
16 very disappointed by the Comptroller's revenue  
17 certification. And clearly, it effects the Commission's  
18 proposal for pay raises for all Department personnel.  
19 We're not prepared to make any specific recommendation  
20 to the Commission, just like my colleague at DPSOA. But  
21 the thing that biannually frustrates me about the state  
22 auditor's report is that it conducts this very  
23 sophisticated salary survey of the top five police  
24 departments in Texas and then determines that state  
25 troopers should have average pay. And we don't believe

1 the state troopers should have average or medium pay.

2 There is no law enforcement agency in this  
3 state that requires greater sacrifices on the part of  
4 its officers in terms of their person lives and their  
5 professional lives. And we think that that coupled with  
6 the rigors of becoming a trooper and the credentials  
7 required even to apply to be a trooper merit more than  
8 average or medium pay.

9 Moreover, I think in your consultations with  
10 the legislature, I would urge you to point out that the  
11 pay, the salary that we pay officers effects virtually  
12 everything that happens in this Department. And I -- I  
13 shouldn't exclude the noncommissioned people as well,  
14 even though they're not part of my so called  
15 constituency. Our DL examiners, our IT people, you  
16 know, we have critical salary deficiencies throughout  
17 the agency, commissioned and noncommissioned. And I  
18 think even in difficult economic times, it is a critical  
19 factor for the legislature to address these issues even  
20 if it is at the expense of addressing other issues.

21 We are so grateful to this Commission for  
22 standing behind our officers in a very unprecedented way  
23 with respect to the salary proposals. This has never  
24 happened before where we've had a Commission that has  
25 determined that our people's salary is their number one

1 priority. And we applaud you for it, and we are  
2 grateful for it. And we know that there's going to have  
3 to be some give and take, and we know that the sharp  
4 knives are going to come out. But we applaud you for  
5 the stance you have taken up till today, and we urge you  
6 to not give in any more than you have to, because as I  
7 say, it is the most critical issue facing this  
8 Department. Thank you very much for your time.

9 MR. POLUNSKY: Thank you, Mr. Dickson. And  
10 your point with respect to the goal to have cars  
11 assigned to each trooper resonates as well. \*\*\*not at  
12 this time, but a goal to look forward to in most areas  
13 of the state. So not in disagreement with that  
14 argument.

15 Anyone else who would like to address the  
16 Commission at this time? There being no one else, we'll  
17 move on to the next item on the agenda.

18 (Discharge appeal hearing)

19 MR. POLUNSKY: Mr. Fox, do we have items for  
20 Executive Session?

21 DUNCAN FOX: We do, sir. We do have items  
22 for Executive Session. The Commission now adjourns to  
23 the Executive Session which is closed to the public in  
24 accordance with the Texas Government Code, Sections  
25 551.071 and 551.074. The Commission will move to one of

1 the conference rooms over here so it's unnecessary for  
2 the individuals in the audience to leave the room.

3 Thank you. It's 12:15.

4 (Adjourn for Executive Session)

5 MR. POLUNSKY: The regular session of the  
6 Texas Public Safety Commission is reconvened. It is  
7 2:30 p.m. Next item on the agenda, Ongoing Business:  
8 Reports, discussion, deliberation and possible action  
9 regarding the following: Discussion and possible action  
10 concerning the organization structure study of the  
11 Department and procurement of a project manager to  
12 implement organizational changes. Colonel Clark.

13 COLONEL CLARK: Mr. Chairman,  
14 before I make comments, if we will back up onto "New  
15 Business" and handle "B" and "C." You passed by that.  
16 We went into Executive Session.

17 MR. POLUNSKY: We can come back  
18 to that. But let's do this.

19 COLONEL CLARK: Okay.  
20 Mr. Chairman, Commissioners, following our workshop last  
21 week, we met with Drew Beckley with Deloitte and we  
22 discussed those issues that were discussed in our  
23 workshop regarding our plans as we go forward. Had a  
24 good meeting. What -- we took some guidance from  
25 Deloitte. And Drew Beckley is here this afternoon to

1 answer any questions that the Commission might have.  
2 But we are going to concentrate on our 100-day plan.  
3 We're going to work on the things that we can currently  
4 accomplish. And as we look forward to the selection of  
5 the director and the PMO, we will continue to do those  
6 quick fixes that we are already engaged in as well as  
7 some things that we do have planned.

8 We understand that once the PMO and the  
9 director are in place, we can move forward to refine and  
10 revise some of the exact plans that we have. But we  
11 understand that it is a significant process that's going  
12 to take time to get the proper personnel in place. But  
13 in the meantime, we're working toward achieving the goal  
14 that we all ultimately want, and that is to put the  
15 right people in place, to accomplish our law enforcement  
16 task, our regulatory functions, and do the job that the  
17 citizens want us to do.

18 So with that, that's kind of a brief  
19 synopsis of what we discussed in our meeting with Drew.  
20 Drew is here if we have any specific questions that  
21 y'all might direct toward him.

22 MR. POLUNSKY: Thank you, Colonel Clark.  
23 Mr. Clowe, this was an issue that was of interest to you  
24 at our last meeting. Would you like to discuss this in  
25 any manner at this point?

1                   MR. CLOWE: No, Mr. Chairman. I think the  
2 Colonel has the essence of the discussion that we had  
3 last week. And I understand, not only in what he said,  
4 but in another conversation I've had with him that the  
5 Deloitte folks have been very helpful. And I think  
6 perhaps one of the things that we might want to discuss  
7 in the open session is how the Board as a group feels  
8 we're going to move ahead with this and how the timing  
9 might fall into place if it suits your pleasure.

10                   MR. POLUNSKY: I think that would be fine.  
11 Do you have a time frame that you've been looking at?  
12 Or do you need direction from us? Do we need need  
13 discussion --

14                   MR. CLOWE: Let me help the Colonel, if I  
15 may.

16                   MR. POLUNSKY: Sure.

17                   MR. CLOWE: Can I give you a hand?

18                   COLONEL CLARK: Go ahead.

19                   MR. CLOWE: Mr. Chairman and Commissioners,  
20 my sense is that we're moving ahead on this with the  
21 work that Corn Fairy is doing in identifying candidates  
22 for the position of director. And Paula Logan and I  
23 have been in constant touch with Corn Fairy since they  
24 were selected. And they're attempting now to contact  
25 the Commissioners. They talked with two of the five.

1 And if the Commissioners could be responsive to  
2 communicating with them and giving them their input on  
3 what they see is the qualifications and the  
4 characteristics of the ideal candidate, that would be  
5 very helpful. They're additionally talking to the  
6 Colonels. And they are asking the Commission and the  
7 Colonels for other stakeholders that they think should  
8 be visited with, and they're going to proceed with that.

9 They will, in fact, then develop a profile  
10 and from that a job description will evolve. And there  
11 will be one for the market and there'll be one for the  
12 posting. And the hope is to have some results in March.  
13 At the same time, we have the RFP for the PMO out.  
14 We've had good responses to that. Again, Ms. Paula  
15 Logan and Duncan Fox are working on that. And we have  
16 postponed the closing date on that from January the 20th  
17 to January the 28th to give the respondees adequate  
18 time.

19 We anticipate a good result on that. And we  
20 have a distinguished group of individuals with good,  
21 really excellent experience, that are going to serve  
22 with Paula Logan as a selection committee. And,  
23 Mr. Chairman, my recollection is you have directed  
24 Commissioner Steen and me to be the committee that hears  
25 those reports when the ratings come in, and then come to

1 the full Board with our recommendation. We're hopeful  
2 that that will move ahead and we'll be able to come to  
3 the Board, if not in the February meeting, certainly in  
4 the March meeting for affirmation of the PMO.

5 My sense is that as we move ahead on those  
6 two projects, then we're really putting the building  
7 blocks in place for dealing with the Deloitte study.  
8 But beyond that, where the Board wants to go with  
9 implementation of the Deloitte study and how far the  
10 Board wants to go and where the resources are coming  
11 from to finance those changes, is something that  
12 probably the Board needs to deliberate and deal with.  
13 And, Colonel, does that help you?

14 COLONEL CLARK: That -- that is -- that's  
15 exactly correct. You know, our concerns are we  
16 understand that this is going to carry several months  
17 into the session. And our primary concern right now, of  
18 course, is our budget. We understand that the  
19 implementation of some of these Deloitte findings are  
20 going to have a significant fiscal impact on this  
21 agency. And we've already begun to feel questions  
22 downtown concerning the implementation of the  
23 organizational chart, or the plan. And so these are our  
24 concerns. And to be quite honest, we do need some  
25 guidance from the Commission.

1           As we talk about the budget today, we don't  
2     have a lot of the cost factored in for Deloitte because  
3     we just don't know exactly where we're going on some of  
4     these issues. But that's not going to stop us from  
5     presenting our budget, and we're going to get into great  
6     detail in that a little bit later. But we have concerns  
7     in this economic climate we're in and the guidance that  
8     we've received from the Governor's office and the  
9     Comptroller.

10           So we're going to move forward regardless,  
11     and do those things that we discussed with Deloitte. We  
12     have a lot of work to do regardless if we implement the  
13     Deloitte plan in three months, four months, five months.  
14     We presented our chart last -- at the workshop, and we  
15     understand we had some issues with that, and we've  
16     corrected a lot of those and made them very plain and  
17     more understandable. But we're not ready to present  
18     that chart at this moment. We have other issues that we  
19     need to concentrate on.

20           But if you're asking me for a time line, you  
21     know, I -- I couldn't give you that. But we have a  
22     number of issues that we continue to work on and do  
23     those things that Sunset and Deloitte both have  
24     suggested that we do. And so we feel good about our  
25     progress. And so -- but the sooner that we can show our

1 employees what we are going to look like in two years  
2 organizationally, in a format that they truly  
3 understand, I think that helps them see where we're  
4 going.

5 We realize there's a lot of unfilled  
6 positions and names that we don't know where they're  
7 going to be. But think it's important to put that  
8 skeleton out there so they can see what we're going to  
9 look like. And the sooner we can do that, the better.  
10 But there's no rush to get that done. As long as we can  
11 encourage our people to be patient and let them  
12 understand that we're working toward the goal of making  
13 this agency the best we can make it, and let them know  
14 that the Commission wants nothing more than for this to  
15 succeed. And we all know you do. And we just need to  
16 get that to our people to let them know that, hey, we're  
17 going to get this accomplished, and everybody's on the  
18 same team here wanting this to succeed. So that's kind  
19 of where I stand as the interim director right now.

20 MR. POLUNSKY: Thank you, sir.

21 MR. STEEN: Mr. Chairman, I have some  
22 thoughts. You know, arguably the most important thing  
23 we do is this hiring of a director, a CEO. And, you  
24 know, I have a hesitancy about implementing a new  
25 organizational structure ahead of hiring -- of hiring a

1 permanent CEO. And, Colonel Clark, you're doing a great  
2 job, but we do have this -- this facing us with this,  
3 you know, the process that we're going through. And  
4 maybe I'd ask Commissioner Clowe, is the only reason  
5 we're even considering that, talking about the  
6 organizational structure at this point in time is  
7 because of the legislative session; is that correct?

8 MR. CLOWE: Well, I think it's twofold --  
9 may I respond to that?

10 MR. POLUNSKY: Yes.

11 MR. CLOWE: I think it's twofold,  
12 Commissioner. Certainly, the Colonel is getting  
13 questions, you know, what you going to do, what money do  
14 you need. And the honest answer to that, in my mind,  
15 right now for the Colonel is, we don't know. And we're  
16 going to have to just answer that honestly. The other  
17 reason is the employees of this agency, I think, want to  
18 know what the future looks like. And the Colonels are  
19 getting questions of genuine interest and concern. You  
20 know, what's it going to be. Who's going to get these  
21 jobs and what are we going to be doing.

22 And I think the Colonels have done an  
23 excellent job in their interim appointments; couldn't  
24 ask for better performance. And they're relaying to the  
25 Board those wants, and concerns, and needs of the

1 employees of this agency.

2 I couldn't agree with you more that first  
3 job is to get the CEO. We talked about that at our  
4 workshop last week. Then that person with the input  
5 from the Board works with the PMO to move forward. The  
6 Chairman has said numerous times, the Deloitte study is  
7 a blueprint. And the Colonels have already come up with  
8 a modification which they're blending now with Deloitte  
9 into something that is another modification of what  
10 we've talked about. This is a process. And we're not  
11 going to get it done in the first 100 days, and we  
12 probably really won't be able to answer those questions  
13 about funding fully until we're well into the  
14 legislative session.

15 And to me, the risk of doing something wrong  
16 and making the misstep is far more serious on the  
17 downside than trying to get something in place in a  
18 hurry and making an error and then -- and say, "Uh, we  
19 just -- we shouldn't have done this." And it's -- it's  
20 hard. It's -- it's grueling for these leaders, this  
21 senior leadership, to keep folks aware and motivated.  
22 But that's the task that they've signed on to do, and I  
23 think they're doing a good job. And we should help  
24 them.

25 Corn Fairy is eager to implement this

1 search. They're already, you know, feeling the market  
2 internally and externally. But they need the input from  
3 the stakeholders to do a good job. And I've had a  
4 couple of visits with them and they say, we're just  
5 raring to go, we're trying to get started but we need  
6 this input. And I think they'll do a good job for us.  
7 That's my sense of how we ought to move forward.

8           And I've asked the Chairman and he's agreed  
9 to put on the agenda in February the fact that the six  
10 months limitation on the interim appointments expires.  
11 And the Commission has to deliberate and determine what  
12 they want to do on that. But that's an issue that is  
13 part of this whole process.

14           MR. STEEN: Well, you see what I'm grappling  
15 with, because I understand the concern of the employees,  
16 but I think they would understand if we're going the  
17 bring a new CEO, on, that CEO, I think to implement a  
18 major new organizational structure and then bring the  
19 CEO, it seems to me kind of getting it backwards. So  
20 where does that leave us in the funding in terms of the  
21 legislature?

22           MR. CLOWE: Well, it leaves us with, I think  
23 what is really the honest answer is we have not  
24 quantified what the changes we want to make are going to  
25 cost because we haven't identified all the changes. And

1 I'd rather give that answer as an honest, we're not  
2 there yet. You know, what we've done since this process  
3 started in March of '08 is, in my opinion, very rapid  
4 progress in moving forward in a major agency in the  
5 state.

6 But we just can't sit down and do it on the  
7 back of an envelope. We'll make a mistake if we do.  
8 And we shouldn't ask for \$500 million or 50-million or a  
9 million until we really know what we need. And we may  
10 have to, you know, work through this next biennium  
11 without some of the funding that we would want and  
12 justify, and be able to ask for it if we were six months  
13 further down the road. But it's like this Board came to  
14 the conclusion on the airplane in our last meeting, you  
15 know, if we don't feel good about it and we can't fully  
16 justify it, we're just not going to ask for it. That's  
17 a safe place to be, in my mind. It's frustrating.

18 MR. STEEN: It is. Mr. Chairman, we have  
19 Mr. Beckley here. Could we get his thoughts on what  
20 we're talking about?

21 MR. POLUNSKY: Mr. Beckley. And then I want  
22 to address your concern as well. But go ahead,  
23 Mr. Steen.

24 MR. STEEN: Well, just -- you were following  
25 the discussion we were having and the thought of us --

1 you know, last meeting we were -- you know, it was a  
2 possible thing we could've done to implement a new  
3 organizational structure, and I just had some concerns  
4 about doing that ahead of hiring the CEO. Of course,  
5 we're overlaying this as the whole question of we're  
6 into the legislative session and funding and that sort  
7 of thing, so I just wanted your thoughts on it.

8 DREW BECKLEY: I think from, at least what I  
9 hear, there's a lot of agreement around the selection of  
10 the director preceding the implementation of the  
11 organization structure and changes. So, at least, I  
12 didn't hear any disagreement in the discussion we had  
13 earlier this week. The focus really moved toward what  
14 are the priorities, what are the things that can be done  
15 now. And -- and there are a number of those within the  
16 organization.

17 So to that point, I think our recommendation  
18 would be as we laid it out, to get the director in  
19 place. And we'd really lay most of the organizational  
20 recommendations around structure for implementation, not  
21 in the 100-day plan, but in the two years following,  
22 based upon the plans that were done initially. So I  
23 think to that piece of it, I hear a lot of agreement,  
24 great concern. And of course, it's going to leave  
25 people unsettled because they'd like to know what the

1 organization will ultimately look like. You can't  
2 answer that, really, until you move to that step.

3 To the second question in terms of funding  
4 for the legislature, we had done some preliminary  
5 looking just as we went through the recommendations as  
6 we prepared them. The organization, if you will, chart  
7 by itself, is -- that's not a driver of a great deal of  
8 cost. It's more the business process questions  
9 underneath it, the technology questions to support it.  
10 There were clear recommendations that had both -- that  
11 we had put forth, but also there was a genesis of some  
12 in Sunset in the state auditor in terms of compensation.  
13 Those aren't necessarily from the organizational changes  
14 much as dealing with the questions of compensation that  
15 were raised.

16 So actually, I think that the -- in terms of  
17 those items which are most key, that they -- they can at  
18 least have place holders put against them and some rough  
19 estimates of what it might take over the next biennium.  
20 And as I understand the priorities to be around the --  
21 the people and compensation questions first, and  
22 technology, even though the answers aren't in place,  
23 those estimates could be rolled into discussions with  
24 the legislature.

25 So I'd be actually persuaded that you

1 probably could while not have final definition, have  
2 adequate basis for what needs to happen over the next  
3 legislature with placed holders on the larger items, at  
4 least with some sense from the Department of what the  
5 priorities might ultimately be once the director's in  
6 place and the Commission has decided which priorities  
7 for the next two years. Does that answer --

8 MR. STEEN: Yes. Thank you.

9 MR. POLUNSKY: Mr. Steen, let me make sure I  
10 understand your concerns and your thoughts here. Are  
11 you stating that you feel that we need to bring in the  
12 new directors, CEO, however you want to describe it,  
13 first so that that individual can be very much involved  
14 in the restructuring or redesign of the Department? Is  
15 that what you're saying?

16 MR. STEEN: Yes.

17 MR. POLUNSKY: See, I'm not quite sure I  
18 agree with that. I really think that the redesign and  
19 restructuring of the Department is our responsibility.  
20 And we in collaboration with the present director, the  
21 new director or others, including our consultant and  
22 whatever, or whoever, makes those decisions, the  
23 structure is created, and then we bring somebody in to  
24 oversee that new hierarchy, or design, or structure of  
25 the Department. I don't think I would be comfortable in

1 turning all that over to the new director when we've  
2 gone this far to -- to restructure the Department.

3 MR. STEEN: And yet, the last meeting we  
4 had, we had our two Colonels presenting a structure that  
5 they had developed taking the lead on. So if we had  
6 acted and adopted that, then we'd have -- you know, we'd  
7 be doing what the Colonels want --

8 MR. POLUNSKY: Yeah. Well, at the same  
9 time, with all due respect to the Colonels, that didn't  
10 launch. You know, we said, as I recall, this is  
11 something that we want to think about and that we would  
12 like to have input from the consulting firm that we  
13 hired, and this is a little premature. I don't think  
14 the Colonels were asked for this structure to come forth  
15 and present it. So I think it should be driven by the  
16 Commission and not by the director.

17 MR. STEEN: Well, I agree with you that we  
18 ultimately have to decide upon it. But I do think --  
19 but for this legislative session, I would say that I  
20 feel pretty strongly that when we're this close to  
21 hiring a new director, that that person should be very  
22 involved in these major changes that we're making.

23 MR. POLUNSKY: I'm not saying that that  
24 person should not be involved, but I just don't want to  
25 delegate it to that person. As I said, I think it

1 should be a collaborative effort by all of the  
2 stakeholders and people in the Department, or even  
3 outside the Department, for that matter. But I -- you  
4 know, on fundamental issues as to this Department's  
5 going to be structured and designed, I think it really  
6 should come from the Commission.

7 DREW BECKLEY: Mr. Chairman, could I offer  
8 something?

9 MR. POLUNSKY: Yes, sir.

10 DREW BECKLEY: We also, as part of the  
11 recommendations, had addressed the question of  
12 governance. And actually, it's gone so far as to  
13 suggest a starting point for descriptions of the rules  
14 of the chair, the commissioners and of the director.  
15 That might be useful in your discussion, not necessarily  
16 today, but at the point you decide to go through that.  
17 And the recommendation we had put in front of you was  
18 basically that it was the responsibility of the  
19 Commission to establish the organization and the  
20 processes, but also to do those kind of things in  
21 concert and working with the director, with the director  
22 having the responsibility to implement and to staff  
23 that.

24 Now, that would be the recommendation we  
25 would bring to you. But it would be perhaps the basis

1 for some discussion because we actually tried to outline  
2 some of that for you.

3 MR. POLUNSKY: My other concern, Mr. Steen,  
4 is that hopefully we can bring a new director on, if it  
5 is a new director, in the next two or three months. But  
6 this thing could go on five, six, seven months. I mean,  
7 who knows. And I'd like to continue --

8 MR. STEEN: What thing could go on five or  
9 six --

10 MR. POLUNSKY: The selection of a permanent  
11 director. So, you know, as -- as Mr. Clowe has stated,  
12 I mean, we've made some pretty dramatic progress here in  
13 the last few months as far as getting all of this moving  
14 forward, and we have. I mean, I feel good about where  
15 we are today as compared to where we began this process.  
16 But I -- you know, if we're going to -- we want a better  
17 description, put it on hold until we bring in a  
18 permanent director, I mean, it could be this summer, it  
19 could be next fall before that actually happens. Or it  
20 could be -- you know, could be March or April. I don't  
21 know.

22 MR. STEEN: I think we need to be on the  
23 fast track. I think, we're -- you know, that we really  
24 need to -- that's the most important thing we need to do  
25 is to get this CEO hired. So, you know, I would urge

1 that we not -- and I know Commissioner Clowe is moving  
2 with urgency on it, but I don't want to see it go on  
3 that long. And I would think that any person that's  
4 interested in this director's position, the first thing  
5 they're going to do is get ahold of the Deloitte report.  
6 And so I think as the process goes along, they're going  
7 to be educating themselves on it and preparing  
8 themselves to talk to us on it.

9 As I said, just to repeat, I think it just  
10 seems -- doesn't seem like we're doing it the right way  
11 to finalize this new organizational structure and then  
12 bring -- and then -- when we're so close to doing it,  
13 and then bring in a new director at that point and  
14 not -- doesn't seem like it's the right way to go about  
15 it. I would like -- I think it's very important to have  
16 the input of this director on these major changes that  
17 we're making.

18 MR. POLUNSKY: Again, I don't disagree. But  
19 it's a cart versus the horse type of situation. I  
20 really don't want to disturb the momentum that's in  
21 place here. I like the fact that we're going forward on  
22 it. And we are -- we are moving forward on dual tracks.  
23 I mean, Mr. Clowe and Ms. Barth are working on this as I  
24 believe the rest of us are as well. But I think we're  
25 going to get there. I mean, we're making progress in

1 both areas.

2 Now, whether we get a new director here in  
3 the next month or two, if we are going to have a new  
4 director, you know, that would be helpful in going  
5 forward with these changes. But I think under the  
6 circumstances, with the legislature in session, with  
7 some -- some assistance we're going to need from -- from  
8 the state legislature and other factors, that we should  
9 not delay making progress with respect to these  
10 structural changes. Particularly, since I -- I firmly  
11 believe when it's all said and done, that these changes  
12 are policy decisions that need to be made by the  
13 Commission.

14 MR. STEEN: Let me -- let me then ask you,  
15 what would -- or maybe ask Mr. Clowe. When -- if  
16 everything goes right, when can we expect to be at that  
17 decision point on a new director?

18 MR. CLOWE: I think we said from the  
19 beginning the earliest would be March.

20 MR. STEEN: So at our March meeting?

21 MR. CLOWE: I think at the earliest.

22 MR. STEEN: And so, Mr. Chairman, so you're  
23 thinking that we might make these decisions on the  
24 organizational structure before March?

25 MR. POLUNSKY: I just don't want to -- I

1 don't want to stop the process and I don't want to  
2 delegate it to the new director. I don't want to use --

3 MR. STEEN: And I didn't say anything about  
4 delegating. And I said I wanted -- in the same way that  
5 they were presenting it at the last meeting, I think we  
6 ought to -- it ought to be collaboration, that the  
7 director ought to be very involved.

8 MR. CLOWE: May I try to help in this?  
9 Mr. Chairman, how do you see the momentum going forward  
10 on this organizational issue? Do you see asking the  
11 Colonels to come forward with a plan? Somebody's got to  
12 say, well this is something for you to consider. And  
13 they tried and it wasn't -- it didn't get off. As you  
14 say, it didn't fly. They've been back with Mr. Beckley.  
15 They worked on it. And I think if we said to them, we  
16 want you to come back with a plan in February, they'd be  
17 delighted to do that. Do you see that as a next step to  
18 keep the momentum going?

19 MR. POLUNSKY: I -- I would be fine with  
20 that.

21 MR. CLOWE: Well, I'm just looking for, you  
22 know, where it is you want to see this go. I think  
23 you're both, in your conversation with each other, don't  
24 you love the Open Meetings Act? I think you're both  
25 very close. And I see it as a collaborative effort

1 where the Board is in control and is directed. But the  
2 director, whomever that turns out to be, and right now  
3 it's Colonel Clark, works with the Board. And I think  
4 he and Colonel Beckworth have done an excellent job of  
5 trying to do that.

6           They came forward with a proposal and we  
7 said, well, no, that's not -- we had a whole lot of  
8 questions. And so they took it upon themselves to go  
9 back, get with Deloitte. And you've done some work.  
10 You've changed some lines and you could give us another  
11 chart pretty quick. But until we get the director, the  
12 permanent director, whether it's Colonel Clark or  
13 somebody else, that team member -- and I see it as a  
14 team effort -- is messy. And Colonel Clark and Colonel  
15 Beckworth have done a super job.

16           But we don't know for certain whether  
17 they're going to be there in the final act. And the  
18 Chairman's saying let's move forward. And if he's  
19 giving you the green light to come back with another  
20 chart in February, then that keeps this process going.  
21 But the director that's selected, maybe at the earliest  
22 in March, is a key team player. And I think it's a  
23 collaborative effort. And the PMO has got to be in  
24 there and collaborate with all the players, the Board,  
25 the director and all the senior leadership. And I think

1 that's the way we get the best result.

2           And we had to have this discussion at this  
3 point. I think this is very important to moving  
4 forward. And everybody needs to get as comfortable as  
5 they can so the Colonels know what to do and what not to  
6 do, and the Board feels good about where they are. And  
7 I can assure you, Corn Fairy is trying every way to get  
8 in contact with you to get your input. They want to get  
9 this out there and get in the market, as they put it,  
10 internally within the agency and externally; identify  
11 these candidates and bring us the prospects.

12           And, Mr. Chairman, there's no doubt about  
13 it. The Board's going to be the decision maker. But  
14 it's like -- you know that everybody loves a football  
15 analogy in Texas, I see us as kind of the coaches and  
16 the director's the quarter back. We don't touch the  
17 ball on every play but the director does. And that's a  
18 key member of the team. So I think you're very close  
19 together.

20           MR. STEEN: You know, because we're just  
21 talking now about a month apart, I just think it  
22 wouldn't be a good idea to -- especially because we're  
23 looking for a strong director, to have that person come  
24 in and then say, I wish you hadn't implemented this new  
25 organizational structure because I wouldn't have done it

1 quite that way, I would've recommended this or that.

2 MR. CLOWE: And, you know, I said, I think,  
3 at the last meeting, I wouldn't take the job myself if  
4 you said, well, we want you as a director but here's the  
5 organization you've got to implement.

6 MR. STEEN: Well, and you're a good person  
7 to address this because you've been a very successful  
8 business person and CEO.

9 MR. CLOWE: But I would know that I had to  
10 work with my Board. And I wouldn't come in and say,  
11 here's my organization, you've got to take it. I'd say,  
12 let's work together to get the organization that  
13 everybody is happy with. That's the only way it's going  
14 to be successful. And that's what the Colonels started  
15 working. And I don't think it's fair to them to say,  
16 come back with a chart in February unless we're really  
17 readily to consider it and to get serious about it and  
18 say, if we like it we're going to implement it. And I'm  
19 so glad this is out on the table now and I wish  
20 Commissioner Barth was here because I think we're at a  
21 decision making juncture in this process and the  
22 legislature in the questions that they're asking are  
23 turning the heat up on us to be decisive about where we  
24 are. Got a comment Mr. Beckley?

25 DREW BECKLEY: Yes, sir, I do. Because as I

1 listen to the discussion, it seems to -- I may have this  
2 incorrectly -- presume that the organization chart is a  
3 decision to be made. And at least the way we have  
4 prepared the recommendations, it was very much that we  
5 think this is the way it makes sense to organize the  
6 work of the director and the work of the Department, in  
7 that it -- as we identified, there are a series of key  
8 hires to be made. And with those people in place and in  
9 those positions, the planning can continue for the  
10 detailed organization work underneath that.

11 So it would not have been our recommendation  
12 that top to bottom this is how it's done and it's done  
13 as a decision, but instead that there's a flow to that  
14 so that what is admittedly a blue print and not the  
15 final answer would have a chance to work through. And a  
16 specific example around that might be in the area of  
17 intelligence and counterterrorism where there's both a  
18 combining of activities, an enhancement and change of  
19 others and an addition of some. And the recommendation  
20 there was to hire that person into that role and do the  
21 detailed planning within those organizations because  
22 they would furtherer change.

23 And so we -- not try to present it as a  
24 single decision, but in fact, a layer of decisions, if  
25 you will, in terms of putting the people in place

1       underneath that.

2                   MR. POLUNSKY:   What'd you just say?

3                   DREW BECKLEY:   What I just said, I'm sorry I  
4       didn't say it better, was that if I were to look at the  
5       organization chart, and we put one in the -- in the  
6       recommendations, you wouldn't go to every box and say,  
7       we finished the work and it's fully defined.  But in  
8       fact, if you were to say, how does this happen?  Rather  
9       than an org chart, I'd suggest there's a flowchart to  
10      this whole process, that there would be the selection of  
11      the director and the fundamental governance relationship  
12      between the Board and the director and the senior  
13      leaderships within the Department.

14                   With the people in those positions, then the  
15      decisions and the detailed planning of given that we're  
16      combining these pieces, how will that actually occur,  
17      that would happen at a separate point.  And some of  
18      those boxes might change as they get better defined, as  
19      one does the threat scenarios and looks at, for  
20      instance, the theater of operations.  Specifically, we  
21      talked about doing the scenario planning there which  
22      would then provide the basis for making the, frankly,  
23      people decisions and planning for each of the regions  
24      and how they would be run.  So then in fact it's a set  
25      of decisions followed by planning and a set of decisions

1 in getting the right people.

2 And if you were to ask me, is it more  
3 important -- I know you didn't ask me this, but I'll  
4 offer it -- is it more important -- are the people more  
5 important or is the org chart far more important than  
6 the people with the right charter and the right focus  
7 than the boxes on the page. Mr. Chairman, did that --  
8 does that answer that?

9 MR. POLUNSKY: Yes. Okay. So, Mr. Steen,  
10 do you have a --

11 MR. STEEN: No, I think I've said my peace.

12 MR. CLOWE: Well, Mr. Chairman, this  
13 discussion is very good and thank you, Mr. Beckley, for  
14 your comments. How would it be to ask the Colonels to  
15 come back to us in February with another chart based on  
16 the comments they received from us last week and their  
17 work with Mr. Beckley and let us consider that and look  
18 at it with them as a next step?

19 MR. POLUNSKY: You asking me?

20 MR. CLOWE: Yes, sir.

21 MR. POLUNSKY: That'd be fine with me, but  
22 what about the rest of y'all?

23 MR. CLOWE: Well, I just -- you said you  
24 wanted to keep the momentum going, and I was asking if  
25 that would, in your mind, do that. And I -- you know, I

1 don't see anything better to do than that right now. I  
2 think if we just say, we're going to stop and do  
3 nothing, we do lose the momentum.

4 MR. STEEN: No, I'm -- I'm not opposed to  
5 that.

6 MR. CLOWE: And -- and I really like the  
7 spirit that the Colonels have demonstrated. They've  
8 certainly been innovative and they've shown good work.  
9 And my -- I think we keep the momentum going as the  
10 Chairman said he's wanted. And we're doing the best we  
11 can on other fronts. And I think we ought to keep  
12 looking.

13 MR. STEEN: And that's great to have the  
14 discussion in February. I just have to tell you,  
15 though, if somebody at our February meeting made a  
16 motion to adopt this chart, I don't know if --  
17 especially being potentially that close to hiring a  
18 director, I don't know if I'd go along with that.

19 MR. CLOWE: That's certainly a fair  
20 statement to make. And I think we'd all have to  
21 understand that and think seriously about it.

22 MR. POLUNSKY: Yeah, I'm not sure we need to  
23 make a motion in February to adopt it, but I'd like to  
24 see progress made in that direction.

25 MS. BROWN: Just so I'm clear, we're saying

1 that March at the earliest; is that right? So it's not  
2 that we expect we're going to have -- I mean, certainly  
3 we may, but it's not necessarily that we're going to  
4 have an answer on who the leader is in March, it's that  
5 we think that would be our earliest?

6 MR. CLOWE: Yes, ma'am. That's correct.

7 MS. BROWN: Okay.

8 MR. STEEN: I know Commissioner Clowe is  
9 working on this, but really that's so important to us  
10 that we ought to make every effort to make that happen  
11 in March. And I know part of it requires the  
12 cooperation of us with Corn Fairy. But we need to  
13 really push that to the top in terms of priority and see  
14 if we can get it accomplished.

15 MR. CLOWE: Let me tell you, Corn Fairy said  
16 that -- I'm not going to tell you what they said. But  
17 they are waiting for responses. And they're raring to  
18 go. And just as soon as they feel like they have  
19 direction from the stakeholders, their machinery is well  
20 oiled and primed. And I'm confident they'll do their  
21 part. They're very eager to move ahead with this  
22 search. And, you know, we don't even have it posted  
23 yet. We've got to get the job description written  
24 and -- but I think the Chairman is right. We've got to  
25 keep our momentum going and we want to keep the

1 enthusiasm for change and the level of commitment high.  
2 And we can do some more on our part of it, I guess is a  
3 justification for looking at something in February.

4 It always helps when you're doing big work  
5 to keep looking at it and look at it after you've slept.  
6 And I think the Colonels are doing good work. Let's ask  
7 them to come back in February and show us what they've  
8 done. And from my conversations with them, Mr. Beckley  
9 has been very helpful and I think we'll see some good  
10 changes.

11 DREW BECKLEY: Commissioner Clowe, could I  
12 add something to that?

13 MR. CLOWE: Certainly.

14 DREW BECKLEY: If they were to -- if Colonel  
15 Clark and Colonel Beckworth were to say, let's get into  
16 the 100-day plan, if you will, as Colonel Clark laid  
17 out, and let's show progress so we can start building  
18 some enthusiasm for it and to show that progress at the  
19 February meeting, my recommendation to them would  
20 probably be more in line of the establishment of for  
21 discussion with you of the priorities for that period,  
22 and what things are important in each area and not be  
23 focussed on the organization chart per se.

24 Understanding the desire is to move in the  
25 direction of implementing the recommendation, and the

1 picture seems to be the organization chart. But maybe  
2 what you could task them to come back with in February  
3 is how do we get started; what's your sense of where the  
4 priorities are given in where we are in the search for  
5 the director; what things can you do now; how are you  
6 communicating with the Department; how are you working  
7 with the legislature; how are you dealing with the  
8 financial questions around the budget as it flows  
9 through; what are the things that we can do that cause  
10 the most progress given those constraints, and it might  
11 be a different answer than if you were to just ask them  
12 to finish on the organization chart.

13 MR. CLOWE: That's a very good comment, and  
14 let me ask you a question that it raises. Is the  
15 comment that you just gave us what we should expect from  
16 your firm or as we go forward the kind of help we should  
17 expect from the PMO?

18 DREW BECKLEY: I think I understand that  
19 question to be were we beyond the completion of our work  
20 going to continue with the Department in developing  
21 strategy and implementation. And the answer to that  
22 would be, no, I would expect you would be getting the  
23 ongoing work as that's actually within the scope of what  
24 you've laid out within the PMO.

25 MR. CLOWE: That's what I thought.

1                   DREW BECKLEY: So if I were having a  
2 conversation with them, being respectful of the  
3 procurement, it would only be as it has been in the  
4 explanation of our recommendations rather than in the  
5 development plans. That's the line we tried to be very  
6 clear about in our discussions and had agreed to that  
7 before we spoke.

8                   MR. CLOWE: Thank you.

9                   MR. POLUNSKY: Okay. So what do you want to  
10 see in February?

11                  MR. CLOWE: The next step, where they are in  
12 the refinement of the organizational process that  
13 they've presented to us last week after they visited  
14 with Deloitte and heard this discussion.

15                  COLONEL CLARK: Mr. Chairman, what I think  
16 we're comfortable in doing, and we certainly would not  
17 ask for any adoption of this, but I think we are  
18 prepared to bring for the Commission, after consulting  
19 with Deloitte and understanding the findings, and  
20 really, I can't stress this enough, incorporating  
21 everything that Deloitte has recommended for the most  
22 part, we are ready to incorporate that into this  
23 organizational chart understanding this is a frame work.

24                  I think I mentioned that last week. This is  
25 just a frame work knowing that once the PMO is on board

1 and the permanent director, they're going to go forward  
2 and refine these tasks, these jobs. But I must say,  
3 regardless who the director is, the things that we're  
4 doing now, and we keep using that term, it gets old, but  
5 this low hanging fruit, these quick fixes, we are very  
6 involved in a lot of these issues right now regardless  
7 of the Deloitte study. We're making changes and making  
8 progress in the Department to improve our operations  
9 whether it be regulatory, enforcement, administration,  
10 we're trying to do those things.

11 So regardless who the director is, they're  
12 going to do -- and regardless of the chart, they're  
13 going to continue to do some good things. But what we  
14 can do is bring you what we believe, after consulting  
15 with Deloitte, what we're going to look like in two  
16 years. It's not chiseled in stone, but it's going to be  
17 close because we're adopting your findings. No doubt  
18 about that. And I think that after consulting with a  
19 lot of the experienced people in this room that have the  
20 institutional knowledge, we believe this is a good  
21 organizational chart that will be workable, doable, and  
22 can be expanded upon. And especially when the PMO gets  
23 on board, there's a lot of room for improvement in a lot  
24 of areas.

25 So we -- we can be prepared to present you

1 that on a big chart with -- in a lot of the new areas,  
2 Commissioner, that you asked about last week. And we  
3 can do that for you just to have up here to look at  
4 knowing that it can be changed. But I think it's  
5 important just to -- that's DPS. That's who we are.  
6 And so that's important to us, and we'll be glad to do  
7 that for you in February.

8 MR. POLUNSKY: Well, I personally would like  
9 to see that. And, I mean, if for no other reason,  
10 discussion purposes. I think this is an evolutionary  
11 process. I think we put it on the table last week,  
12 February, going forward, and just talk through it. We  
13 don't necessarily -- in fact, I don't think we should be  
14 adopting anything next month, but I think it just needs  
15 to be a subject of continued discussion, and input, and  
16 refinement, and so on. And -- because, in my opinion, I  
17 mean, that's the biggest thing we've got going.

18 This is -- this is our biggest charge as the  
19 Texas Public Safety Commission is to make sure that we  
20 oversee the design and implementation of a 21st Century  
21 organizational structure that can bring this -- you  
22 know, take this Department forward. So the more we talk  
23 about it, the better I feel about it. That's just my  
24 feeling. So is it okay with y'all if we do what Colonel  
25 Clark has suggested and bring this back for a discussion

1 item at our next meeting?

2 COLONEL CLARK: And, Mr. Chairman, I can  
3 assure you that Drew will be involved in our  
4 presentation. And we'll invite you out to the office as  
5 we get this on the chart and let you have your input  
6 with it.

7 MR. POLUNSKY: Is that okay with you,  
8 Mr. Beckley, the fact that you're outside?

9 DREW BECKLEY: Pardon?

10 MR. POLUNSKY: You're outside the --

11 DREW BECKLEY: It's okay for me from a  
12 resource standpoint, if that's the question. We need to  
13 be very careful that we stay within the recommendations  
14 and the explanation of those rather than in the  
15 development of any new plans beyond that. And I know  
16 that we all understand that. I just wanted you to know  
17 that we understand that.

18 MR. POLUNSKY: We agree with that. Okay.  
19 Well, then that's what we'll be doing. Thank you for  
20 being here today.

21 DREW BECKLEY: You're welcome.

22 MR. POLUNSKY: PMO, do you want to get into  
23 that, Mr. Clowe?

24 MR. CLOWE: I think we've gotten into that,  
25 unless anyone has any questions.

1           MR. POLUNSKY: I don't think so. Next item,  
2 internal audit. Mr. Walker.

3           FARRELL WALKER: Mr. Chairman,  
4 Commissioners, Farrell Walker, Director of Audit  
5 Inspection. The audit RFQ's been completed. The  
6 posting of that RFQ is pending. The SAO and Governor's  
7 Office approved so we're moving ahead with that. I  
8 would expect to get that approval probably sometime next  
9 week.

10          MR. POLUNSKY: Questions? Thank you. All  
11 right. And we pretty much discussed the executive  
12 search firm services for executive director, correct?

13          MR. CLOWE: Yes, sir.

14          MR. POLUNSKY: Next item, discussion and  
15 possible action regarding the ongoing Sunset Review  
16 recommendations and other legislation affecting the  
17 Department of Public Safety. Mr. Kelley.

18          MICHAEL KELLEY: Mr. Chairman,  
19 Commissioners, my name is Michael Kelley. I'm the  
20 legislative liaison. Today I'd like to present to you  
21 four items. One, I'll discuss as the Sunset Review of  
22 DPS. Next will be the key legislative dates that we  
23 look forward to in the near future. Then I'll give you  
24 an update on bills tracked and monitored by our agency,  
25 and then an update on bills that we requested by -- that

1 the legislature enact.

2 As far as the Sunset review, Ken Martin is  
3 here with the Sunset Commission. Ken, if you could  
4 stand. He's continued to work with us, along with Amy  
5 Trost. And I understand there's a meeting later today  
6 with Amy Trost as well between the agency and some of  
7 the Commissioners. So we're continuing to work with  
8 them. But we do not have a final -- there's no decision  
9 been made exactly or publicly made as to who's going to  
10 author the Sunset bill in the House and the Senate.

11 We've already discussed that Mr. -- Senator  
12 Hinojosa has expressed a great interest in doing that.  
13 Typically, the lieutenant governor is the one that signs  
14 off on Sunset bills as to who authors them. We don't  
15 have final word yet, but we can expect probably Senator  
16 Hinajosa on the Senate side. And we're unsure,  
17 obviously, with the new speaker, who's going to carry  
18 that legislation over on the House side.

19 As far as the key legislative dates, we just  
20 on Tuesday had the election of Joe Straus as our new  
21 speaker. I understand he's from a little city about  
22 90 miles south of here, as a couple of our  
23 commissioners, so that may be helpful. And -- and so  
24 we've been working already with his staff to kind of  
25 visit, get an idea of what their interests are. But

1 they're still very new at this. And so we are working  
2 with them and believe that they will announce in early  
3 February what the new committees will be.

4 I understand that the speaker has the  
5 authority to actually pick what committees actually  
6 exist. So that means even though we had committees this  
7 last session that are assigned based on what chairman --  
8 or what the Speaker Craddick wanted, Speaker Straus may  
9 pick different committees. He may pick a House law  
10 enforcement committee again or he may pick a House  
11 public safety committee just like we had under the  
12 previous speaker. So we'll have to wait and see how  
13 that aligns, who those chairmen are and be able to work  
14 with them.

15 Cathy Panazek is here today with the House  
16 of Appropriations Committee, and she is still a member  
17 of the Committee and continues to work with us. And I  
18 appreciate that she's here when she's not even sure if  
19 she'll have a job after the new chairman's announced.  
20 We are continuing to work on the Senate side where we do  
21 know pretty much what the committees are going to look  
22 like. We're just not sure on the nominations committee  
23 yet. But we expect in the next week or two, likely this  
24 next week, that lieutenant governor will announce the  
25 committees and that he will keep them along the same

1 structure. They'll be the same names and the same  
2 organization of the committees.

3 As far as some dates to look forward to, the  
4 House as adjourned and they will reconvene next Thursday  
5 on the 22nd, and that's the only day they're going to  
6 meet. The Senate has convened until next Monday. So  
7 they're taking off. And this is mostly for the  
8 inauguration. Any time we have an inaugural activity,  
9 the activities and so many law makers go to that, they  
10 tend not to meet around that. Plus, you've got the MLK  
11 holiday on Monday.

12 The Senate Finance Committee will typically  
13 meet in early February to ask us to come back and  
14 present our LAR. So we can expect that to be a key date  
15 for us to look forward to. And then later in the month  
16 we usually -- it's going to be around mid to late  
17 February, the subcommittee on appropriations that deals  
18 with criminal justice and public safety will typically  
19 meet in order to have us present the LAR. Those then  
20 will be -- move up for full committee approval, go up  
21 through the process. But that is really important  
22 because most of the decisions are going to be made at  
23 that time as to what -- what's on the table to be  
24 decided for our budget.

25 The next issue on the key dates is

1 nominations. I talked to the clerk of the nominations  
2 committee last night. Robert does not know for sure if  
3 Senator Mike Jackson will maintain his chairmanship on  
4 nominations because, again, the lieutenant governor has  
5 not named how they're going to rearrange now that  
6 Senator Briber's moved on and some of the seniority's  
7 changed. As soon as we know, we'll get back with you.  
8 I've asked for as early as possible. It'll be likely in  
9 mid to late February that the four commissioners who are  
10 not approved yet would go before the nominations  
11 committee. We'll keep you informed as soon as I hear  
12 something on that.

13           The next item I'd like to update you on is  
14 the bills tracked and monitored by our agency. And I  
15 did send you on Friday the work product of working with  
16 the office of audit & Inspection, the Office of General  
17 Counsel and the meeting with division representatives on  
18 Friday morning. We have a standing 9 A.M. meeting where  
19 we're going to meet every Friday so that we can all get  
20 together, make sure that the product you're receiving is  
21 the most up-to-date, and that we're providing you that  
22 high, medium and low priority based on what we believe  
23 is not only strategically how it's going to impact us,  
24 but then also publicly. If it's an item that's going to  
25 raise to a high level of public attention, we want to

1 make sure you're very much aware of that. And we'll  
2 keep you posted as those bills go through the process.

3 The -- the other work product now is on the  
4 updates on the bills being requested by DPS, and  
5 continue to work in my office with Senator Corona's  
6 office to get the original drafts, since he offered to  
7 help us with the bill drafts, and he's already started  
8 to file some of the legislation. Senator Hager has  
9 asked if he could pick up some of the bills including  
10 the driver's license, some of the driver's license  
11 provisions that we've talked about. So now we also have  
12 another senator who's seeking to be part of this  
13 process.

14 Joe Driver was our chairman of our House Law  
15 Enforcement Committee. He is still committed to helping  
16 us get the bills through the House regardless if he --  
17 fi he maintains a chairmanship position. And what I  
18 found in the past, even when you have a member of the  
19 legislature that may lose their chairmanship, they're  
20 still looked upon as a subject matter expert because  
21 they're the ones who did the interim studies. They're  
22 thought highly of by their colleagues.

23 So I appreciate that Chairman Driver is  
24 still interested in helping us regardless of what  
25 happens with his position of leadership. Although, he

1 has worked closely with all the members, and I believe  
2 will be looked upon favorably for consideration to be able to  
3 get another chairmanship to be able to help up in our  
4 leadership position.

5 So that concludes looking at Sunset Review,  
6 the key legislative dates, the updates on bills that  
7 we're tracking and monitoring, and an update on the  
8 bills that are requested by DPS. And I'll answer any of  
9 your questions.

10 MR. POLUNSKY: Thank you, very much,  
11 Mr. Kelley. Are there any questions? Yes, sir.

12 MR. CLOWE: Michael, you heard our  
13 discussion on the organization and the relative cost of  
14 what changes might be made.

15 MICHAEL KELLEY: Yes, sir.

16 MR. CLOWE: And you heard us, I think, come  
17 down on the fact that until we were sure what we needed,  
18 we wouldn't ask for anything.

19 MICHAEL KELLEY: Correct.

20 MR. CLOWE: What's your reaction to that?  
21 Do you have any suggestions to the Board?

22 MICHAEL KELLEY: I would suggest -- and I  
23 appreciate the opportunity to give this type of input  
24 because I've been talking with some of the staff and  
25 members to let them know we are going through this

1 process of trying to hire the new director and then put  
2 the organization in order. And if you fall on that time  
3 line, you're looking really after most of the key  
4 decisions have been made.

5 So one suggestion might be you might want to  
6 consider a line item in the LAR that you call Deloitte  
7 organizational changes, or organizational restructure  
8 change costs, and have a number that you know falls in  
9 line with the -- you're looking at how the organization  
10 might look, so you're going to know what some of your  
11 costs might be.

12 For example, if you know you're going to  
13 hire regional directors that we don't have, go ahead and  
14 cost out what those are likely going to cost. And at  
15 least ask for some moneys that we can go ahead and be  
16 asking for early in the budget process knowing that it  
17 may not be everything we need, but it's a whole lot  
18 easier if we at least have something to start with. And  
19 then if the rest of it's too late to ask for with this  
20 biennium, we could then at least have some moneys to  
21 work with and then find a way to make up the difference  
22 in our current budget.

23 MR. CLOWE: That's helpful. And that could  
24 be defended on the basis of where we are at this point  
25 in time and what we see as costs that would be required

1 based on the organization as we see it.

2 MICHAEL KELLEY: Yes, sir.

3 MR. CLOWE: Thank you very much.

4 MICHAEL KELLEY: Yes, sir.

5 MR. POLUNSKY: Are there any other questions  
6 for Mr. Kelley? I was pleased with the bill update that  
7 we received last week. I think it's going to be very  
8 helpful to have that.

9 MICHAEL KELLEY: Thank you.

10 MR. POLUNSKY: Next item, update report,  
11 discussion and possible action regarding the DPS Working  
12 Group on DPS promotional process. Colonel Beckworth.

13 COLONEL BECKWORTH: Mr. Chairman,  
14 Commissioners, I would like to first of all give you an  
15 update as it relates to the outstanding work that our  
16 work group put together on the promotional process. And  
17 you expressed your appreciation for them doing that work  
18 at our last meeting.

19 They had seven specific recommendations to  
20 enhance our promotional process. Six of the seven  
21 initiatives we can actually start implementing today,  
22 and we've already started some of those processes.  
23 Recommendation number two, the Department should  
24 initiate new monetary incentives to the highest awarded  
25 participation DPS promotion process to improve more

1 monetary benefits to those having to relocate due to a  
2 DPS promotion. We've currently been working on some  
3 funding to identify how much that costs.

4 So far, those costs are well over \$20  
5 million because of the information we received from the  
6 Comptroller's issues associated with the \$9.1 billion  
7 reduction in funding available. And also, some  
8 discussion with the Governor's office staff and others,  
9 we would like to work initially on the six  
10 recommendations and then continue to work to put the  
11 product together on future cost estimate for that  
12 particular -- those allocations because we're concerned  
13 that if we ask for those maybe at this point in time,  
14 with the state of the economy, would be pretty  
15 challenging based on a lot of the other recommendations  
16 that you're going to hear us ask for in the LAR later on  
17 when Chief Ybarra talks about the recommendation.

18 So we'd ask for consideration to move  
19 forward in doing the initial six and then working with  
20 this process to try to look for later on to bring these  
21 other components into place that are significant  
22 monetary issues.

23 MR. POLUNSKY: Being the --

24 COLONEL BECKWORTH: It's a \$6,000 --

25 recommendation for \$6,000 for relocation fee for any

1 person who promotes within the process. We went back  
2 and put those dollars together for the Commission  
3 personnel. We have not put any dollars together to  
4 relate to communication supervisor and (Inaudible)  
5 supervisor, those particular noncommissioned personnel  
6 who was all in that same category.

7 We also, through Paula Logan's process, went  
8 back and identified what it would cost if we created a  
9 career progression for all the noncommissioned employees  
10 within the agency who currently do not have a career  
11 progression process. And those are some pretty  
12 significant costs. And so the cost of the state of the  
13 information received on Monday and the discussion we had  
14 with the Governor's office, and going back and really  
15 looking at our LAR requests, we believe that timing is  
16 everything. And we'd like to step forward to recommend  
17 that the six other recommendations that were identified,  
18 that we proceed to implement those and work hard to get  
19 them funded for the next legislative session.

20 MR. POLUNSKY: Okay. That would not be an  
21 action item, though, would it?

22 COLONEL BECKWORTH: No, sir. We're  
23 automatically going to start doing these things. The  
24 other recommendations, we've already started on several  
25 of them already. We're reviewing the test -- written

1 test process. We're already taking the high and low  
2 score off. We're already in the process of identifying  
3 who's going to be on the interview board until the day  
4 of the interview. We've already identified creating an  
5 eligibility list beyond one year. So those are the  
6 things we're beginning to put together which is  
7 (Inaudible) policy changes within the agency. And we're  
8 moving forward.

9 MR. POLUNSKY: Okay. So essentially what  
10 you're doing is you're advising us as to --

11 COLONEL BECKWORTH: Yes, sir.

12 COLONEL CLARK: Administrative changes.

13 MR. POLUNSKY: Okay.

14 COLONEL BECKWORTH: Administrative and  
15 policy changes.

16 MR. POLUNSKY: And asking whether there are  
17 any objections to that, and I hear none. All right.  
18 Thank you. Update report, discussion and possible  
19 action to develop an approach for transforming the  
20 administration of the Driver License Division to a  
21 civilian model. Chief Brown.

22 JUDY BROWN: Good afternoon, Chairman  
23 Polunsky and Commissioners. There were two items  
24 outstanding from the work session that we had last week.  
25 One of those items was to work with and reach agreement

1 with the Governor's office with regard to how we sought  
2 funding for the driver's license restructure proposal.  
3 We met with the Governor's office on two occasions. I  
4 think we reached a good agreement. You'll see that laid  
5 out in more detail as we get to the LAR.

6           Secondly, the question that was pending with  
7 regards to Driver License troopers in DL offices. If --  
8 currently we have 117 troopers in our Driver License  
9 offices. If we reduce the offices that are assigned  
10 to -- that are assigned with two troopers, we can reduce  
11 the number from 117 to 90. If we want to make a more  
12 drastic cut in our Driver License offices, we can look  
13 at some of the medium offices where we have troopers  
14 assigned, and can reduce that number further by 17 which  
15 would reduce our numbers to 17 -- to 73 troopers in  
16 Driver License offices.

17           MR. POLUNSKY: This is one of your issues, I  
18 believe.

19           MR. CLOWE: Well, is it my issue?

20           MR. POLUNSKY: It is now.

21           MR. CLOWE: I'd like to study this a little  
22 bit more. And if Chief Brown is looking for an answer  
23 to a question, I'm not ready to respond. I'd like to  
24 gather some more information and study this a little  
25 bit.

1           JUDY BROWN: I agree. I don't believe it  
2 needs an answer today. We've got a legislative session  
3 before us where we've got to find other answers before  
4 we can move forward. I'll provide additional detail in  
5 my Commissioner report for February for you to review.

6           MR. POLUNSKY: That sounds great. Thank  
7 you.

8           JUDY BROWN: Thank you.

9           MR. POLUNSKY: Discussion and possible  
10 action regarding the employment of an assistant to the  
11 Commission.

12          MR. CLOWE: I know this isn't mine.

13          MR. POLUNSKY: Not anymore.

14          MS. BROWN: It's mine.

15          MR. POLUNSKY: Ms. Logan and Commissioner  
16 Brown.

17          PAULA LOGAN: Paula Logan, HR director for  
18 the agency. It's my understanding that Ms. Brown is  
19 going through the applications to determine who to ask  
20 for interviews.

21          MS. BROWN: That's correct. I should have a  
22 short list for you late tonight, early tomorrow.

23          MR. CLOWE: And, Mr. Chairman, that posting  
24 was closed. And I'd like to ask a question, if  
25 subsequent applications were received, could that

1 posting be reopened if Commissioner Brown wanted that?

2 What's -- what's the protocol on that?

3 PAULA LOGAN: Well, yeah, that was -- I  
4 think I gave an e-mail to Ms. Brown. And our policy,  
5 which, of course, is not the law, in which case we can  
6 do, you know, what the Commission wishes, is we list a  
7 closing date on the application and we require people to  
8 get applications in by the deadline. And that way we --  
9 you know, if there are questions later about why did you  
10 treat one person one way and another person another way,  
11 that's the way we've always handled it.

12 But there's no legal -- the only legal  
13 requirement in the Government Code is that we post all  
14 our jobs to the outside. So we've done that. And so,  
15 you know, if the Commission wishes to add other  
16 applicants to the process after it's closed, that's  
17 within your --

18 MR. CLOWE: So Commissioner Brown has that  
19 prerogative if she should so choose.

20 PAULA LOGAN: Yes.

21 MR. CLOWE: And in the comments I made to  
22 the Commissioners about the search for the director and  
23 the PMO, would you correct me in anything that I said  
24 erroneously?

25 PAULA LOGAN: Well, I don't really have any

1 corrections. I mean, I do believe that the Corn Fairy  
2 indicated that after they finished the job description,  
3 they wanted eight or nine weeks to do their search. And  
4 so since we've been somewhat delayed in them being able  
5 to write up the job description because they're still  
6 waiting on some stakeholders to call them, then, you  
7 though, that's pushing the dates. But, you know, I  
8 don't know that we still can't have at least a list of  
9 candidates by March. But that would -- that would be  
10 that very -- like you said, very, very earliest, and any  
11 other delays would push that to another day.

12 MR. CLOWE: Thank you for your work on all  
13 those projects. You have been very resourceful, very  
14 helpful, very professional, and you've been a great help  
15 to this Board.

16 PAULA LOGAN: Thank you.

17 MR. POLUNSKY: Next item, discussion and  
18 possible action regarding the review and reconsideration  
19 of the physical readiness standards for commissioned  
20 officers of the Department. Chief Fulmer.

21 VALERIE FULMER: Good afternoon. Valerie  
22 Fulmer, Chief of Administration. I've got just a short  
23 report this afternoon. We have put together a working  
24 group. We have representatives from each of the major  
25 divisions as well as some of the other groups that have

1 commissioned officers. We also have TSTA and DPSOA  
2 represented. We're waiting on a couple of the  
3 representatives' names.

4 We are set to have our first meeting next  
5 Thursday, January 22nd. And we've set up an initial  
6 scope of the work. And I think one of the things that  
7 we'll want to do is draw from kind of the success of the  
8 promotional working group. And we do want to put  
9 together a survey that we can put out to the rest of the  
10 commissioned officers in the agency. But I should have  
11 more information to report in February after we've had  
12 our first meeting.

13 MR. POLUNSKY: Thank you. Very interested  
14 to see where all that goes.

15 VALERIE FULMER: I am, too.

16 MR. POLUNSKY: Could you -- would you mind  
17 staying because I'm going to come back to a couple of  
18 items that are also your input.

19 VALERIE FULMER: Okay. Certainly.

20 MR. POLUNSKY: I'm going back to "New  
21 Business," the item from "3B," discussion and possible  
22 action on recruit retention recommendations. Are you  
23 prepared?

24 VALERIE FULMER: Yes. Let me grab my  
25 folder. We do appreciate the opportunity to look at

1 this. The training academy took about two months to  
2 look at the issue of retention of recruits, and  
3 obviously, that is a big issue for us these days. And I  
4 have a few of the folks I'd like to introduce in a few  
5 minutes. But I want to point out a few things about the  
6 report, and I don't know if any of the Commissioners  
7 have had a chance to look at it yet, but you'll see that  
8 it's not a package of recommendations. I mean, they're  
9 all separate recommendations that could stand on their  
10 own.

11 And you'll also notice that a lot of them  
12 involve philosophical changes. Not -- no money to  
13 implement, not a difficult thing to implement. It  
14 really just requires a shift in how we do our business.  
15 And the training academy is -- is ready to make that  
16 shift. So I think a lot of these things, we can put  
17 into place fairly quickly. I think it'll make a big  
18 difference as far as our retention of recruits.

19 Another thing that's not included in this is  
20 obviously the new training academy, and that's something  
21 you'll hear about later during the exceptional items.  
22 Certainly a state of the art training academy would be a  
23 big draw to applicants and would be a good way to retain  
24 recruits. That's something, I believe, may have been  
25 brought up in the Sunset recommendations as well. But

1 some of these recommendations that we've made are on a  
2 much simpler scale, but we think would have a dramatic  
3 effect. We've tried to look at the reasons that  
4 recruits leave the academy. And so we've tried to  
5 specifically tailor the recommendations to those  
6 reasons.

7           If you'll give me just a second, I would  
8 like to introduce the folks that are -- that are here  
9 today. We have Commander Albert Rodriguez from -- will  
10 you guys stand up for me? Captain Scott (Inaudible)  
11 and we had lieutenant Jason Griffin who did the lion  
12 share of the work on this, and I very much appreciate  
13 the work that he did on this. The group is really kind  
14 of excited about making -- making philosophical changes  
15 and -- and so I hope we can move forward on some of  
16 these.

17           MR. POLUNSKY: Sounds great.

18           MS. BROWN: Can I ask a question?

19           MR. POLUNSKY: Sure.

20           MS. BROWN: I did get a chance to review  
21 portions of this, and there's -- I've got a question  
22 about the ramping approach. Kind of read a little bit  
23 about that. And, I guess, is the philosophy behind that  
24 that you want to kind of break people in gently, I  
25 guess?

1 VALERIE FULMER: Yes. I would say so. And,  
2 gentleman, correct me if I say something wrong. But  
3 I'll have to say my impression is it's a little more of  
4 a Generation "Y" approach. I hate to use that term. We  
5 overuse that. But a lot of the folks that we're getting  
6 in don't have the previous military experience or the  
7 previous law enforcement experience. And -- and to sort  
8 of gently introduce them to that, I think might take  
9 care of some of the retention issues we're having after  
10 the first two weeks. We do lose a lot of recruits  
11 during the first two weeks because they're simply  
12 unprepared for that.

13 MS. BROWN: Well, and I want to ask you  
14 about that, too. One of the things I noticed here was  
15 that it looks like one of the biggest ways we could keep  
16 folks involved is to give them plenty of notice, I guess  
17 when school is going to come up. And it looked like  
18 there was a decent percentage of people with six weeks,  
19 I think, that -- you know, I know if I had to go show up  
20 to be in great physical shape in six weeks, I'd need a  
21 couple of months to get it together. And so it looked  
22 like that was one of the things we were going to work  
23 on.

24 VALERIE FULMER: Right.

25 MS. BROWN: For a state this big, it looks

1     like our rates are actual pretty good, pretty  
2     comparable, right?

3                   VALERIE FULMER:  Comparatively, yes.  
4     They're obviously not what we would want them to be.  
5     But we're not out of line with other sates.

6                   MS. BROWN:  Okay.  My concern, when I was  
7     reading the ramping, kind of tried to figure out what  
8     that was, tried to analogize -- certainly, law  
9     enforcement's very different than lawyering, but in law  
10    school, a lot of what happens the first year when you  
11    come in, and especially the first couple months, is  
12    people have watched L.A. Law and they think that's what  
13    lawyering's going to be.  And so a lot of what you're  
14    doing is figuring out, is this really going to be a good  
15    fit for you.  Not the theoretical lawyering, but what  
16    you really do.

17                   And so I'm assuming that part of what you do  
18    in the training academy is find out, okay, that's what  
19    TV cops do; here's what we really do.  And I'm assuming  
20    that part of it is finding out is this going to be a  
21    good fit for you.  My concern with ramping is, certainly  
22    don't want to run anybody off and overwhelm them.  But  
23    on the other hand, it's really not fair to them if --  
24    you know, I'm not sure if they'd ramped me in law school  
25    if that would've helped me.

1 VALERIE FULMER: Oh. Right.

2 MS. BROWN: To some extent.

3 VALERIE FULMER: And I think part of that  
4 would depend on how successful we are in implementing  
5 some of these other recommendations, as far as managing  
6 expectation before they come. Because in the same way  
7 that we watched L.A. Law and decided we wanted to become  
8 attorneys, they've watched Cops and Walker, Texas Ranger  
9 and they think they know what it means to be a trooper.  
10 And I think if we do a better job of managing their  
11 expectations and letting them know what's expected of  
12 them and what they can expect, it may not be such a  
13 shock to them.

14 But I think you're right. I think you can  
15 ramp too far. This is not going to be, you know, a  
16 college dorm, and go to class if you want to. But I  
17 think we may have been the other way on the pendulum a  
18 little bit. And I think just to move a little bit more  
19 toward what works for the folks we're attracting today  
20 would be helpful.

21 MS. BROWN: Well, and I appreciate you  
22 clarifying that. And certainly I think there's a nice,  
23 happy, normal medium between, you know, turning it into  
24 boot camp where you're abusive and you run off people  
25 who really are suited for the job and ramping such

1 that -- I mean, a lot of what you all do deals with a  
2 really sensitive situation. And you can be a really  
3 good person that can't handle it, and finding out in  
4 that program can you handle the stress.

5 VALERIE FULMER: Right, right. And this  
6 will be a 26, possibly 28-week program. And, you know,  
7 I would say within the two weeks, you know, we expect to  
8 have folks at the level that we're going to be at for  
9 the remainder of the class.

10 MS. BROWN: Is ramping a concept that has  
11 been -- this concerns me -- is ramping a concept that  
12 has been -- other states have also kind of played with;  
13 do we know that?

14 VALERIE FULMER: You know, that's a good  
15 question.

16 MS. BROWN: Do we know how that's worked out  
17 for them? Has it been good?

18 VALERIE FULMER: Commander, do you mind  
19 coming up to talk?

20 ALBERT RODRIGUEZ: In fact, this is  
21 patterned after North Carolina.

22 MS. BROWN: Okay. And so, have we visited,  
23 for example, with North Carolina, they like it, it's  
24 worked for them?

25 ALBERT RODRIGUEZ: Yes, ma'am, it did.

1 MS. BROWN: Okay. Thank you.

2 MR. CLOWE: Chief, with all due respect, you  
3 haven't been through the academy. I want to have a  
4 conversation with the commander and the captain and the  
5 lieutenant.

6 VALERIE FULMER: Absolutely. I spent nine  
7 weeks at the academy, but I had more of the college dorm  
8 approach. So absolutely, bring them up.

9 MR. CLOWE: Come on up here. Come on up  
10 here. I want y'all to get up here and talk.

11 VALERIE FULMER: I would like Lieutenant  
12 Griffin, since he did a lot of work on this, I would  
13 like for you to hear from him, whether he'd like to talk  
14 or not.

15 MR. CLOWE: This is -- chief, you can stay.  
16 That's all right.

17 VALERIE FULMER: I'll be right here.

18 MR. CLOWE: This is real important. And,  
19 you know, this is the life blood, as you guys well know  
20 because you dedicated your lives to it, to what we do on  
21 the highway. And I'd like to hear more one on one from  
22 you all about this philosophic change, and how you feel  
23 about that and what that really means. I read the  
24 report, but I want to hear it articulated.

25 ALBERT RODRIGUEZ: Well, on the ramping

1 part, we don't want to go with a complete collegiate  
2 model, but a semicollegiate model initially. Because  
3 what we've noticed initially, they're overwhelmed and  
4 they can't handle the stress. That's what we've  
5 noticed. And obviously, it's the first two weeks where  
6 we lose the majority of our personnel. So we want to  
7 kind of ramp in those first two weeks, set kind of a  
8 semi-collegiate model, and then work into the structured  
9 paramilitary model that we -- prior to this, that's what  
10 we started off with, hopefully giving them a break-in  
11 period to get adjusted to the environment and to the  
12 semi-paramilitary environment.

13 MR. CLOWE: And what else in the philosophic  
14 change that you're talking about?

15 ALBERT RODRIGUEZ: Well, and there's a lot  
16 of things. For example, on our schedule, our day starts  
17 at 5:00 in the morning, and they're out there roughly  
18 about 4:45 a.m. ready to go. And the day ends class  
19 wise normally at 8 p.m. We cram them with work. And  
20 we've noticed fatigue level is extremely high. And I  
21 think that we need to change that, the way we look at  
22 that, and maybe look for short term goals where they go  
23 possibly 14 weeks, give them a midterm break. They go  
24 home, take care of business at home, and then start off  
25 with another goal of the next 14 weeks. And I think

1 that that's something that we've seen. We used to have  
2 that kind of schedule and we saw our attrition rate drop  
3 significantly. And I think that that would be quite  
4 helpful.

5 MS. BROWN: Question about the attrition  
6 rate. And I don't -- I'm going to put aside political  
7 correctness for a moment here. Some people need to go,  
8 will you agree with me?

9 ALBERT RODRIGUEZ: Doubt.

10 MS. BROWN: Okay. So I guess my concern is,  
11 ramping to break people in, I think that's healthy.  
12 Ramping to not let people know what this job is really  
13 like I think does a real disservice to the person who is  
14 wasting their time there and it's a really bad  
15 investment for DPS. So I guess my concern is, you know,  
16 not that you have to get the realty of job on the first  
17 day, but I don't know that we're doing anybody any  
18 favors by giving them an unrealistic -- to me that's  
19 just as bad as watching TV cops.

20 ALBERT RODRIGUEZ: And don't get me wrong,  
21 at one point we're going to turn up the heat.  
22 Because --

23 MS. BROWN: Turn it up full blast --

24 ALBERT RODRIGUEZ: Yes.

25 MS. BROWN: -- to what it's really like for

1       you?

2                   ALBERT RODRIGUEZ:  Yes.  We're going to be  
3       at the same level that we normally are, we're just not  
4       going to start it at that level.

5                   MS. BROWN:  Okay.

6                   ALBERT RODRIGUEZ:  But we're going to end up  
7       at that same level so that they can perform adequately  
8       on the side of the road when they encounter these  
9       stresses, these dangers, et cetera.  So the stress level  
10      will be increased.  The paramilitary type structure will  
11      be increased, no doubt, to the same level that we are  
12      now.  We're just not going to start off -- our idea does  
13      not start off at that level to give them a breaking  
14      period.  Because we're getting a lot of people that come  
15      from colleges, you know.  And that's not all bad, but  
16      they're not used to that kind of stress.  They're  
17      overwhelmed initially with that impact.

18                  MS. BROWN:  As long as we're recognizing  
19      that some attrition, I think, is probably healthy.  
20      Because you don't know -- this is one of those kinds of  
21      jobs I don't think you're ever going to know what it's  
22      like till you do it.

23                  ALBERT RODRIGUEZ:  No doubt.  And you look  
24      at Oregon state police, you wonder -- because I think  
25      they've had zero as their numbers, and I'm going,

1       there's something wrong.

2                   MS. BROWN:  Yeah.

3                   ALBERT RODRIGUEZ:  There's something wrong  
4       there.  Because definitely, we get a lot of people --  
5       not a lot, but a significant number that don't fit the  
6       DPS, the law enforcement model.

7                   MS. BROWN:  Doesn't mean they're bad people,  
8       just means maybe (Inaudible)  I would love to see --  
9       I've never requested any statistics from anybody else --  
10      but I'm really concerned about this because I do agree  
11      with Mr. Clowe, this is the life blood.  If -- if this  
12      is not something we have to take action on today, I'd be  
13      very interested in seeing how other states dealt with it  
14      and how they felt about using that model.  Because I  
15      have real concern about that.

16                  ALBERT RODRIGUEZ:  Right.  And we are  
17      planning on -- because of the short time limit that we  
18      had, we did interact with the -- North Carolina.  North  
19      Carolina put an attrition report similar to ours.  In  
20      fact, we patterned ours after theirs, and we have not  
21      had enough conversations with them.  Because, pretty  
22      much, the state police throughout the U.S. are modeled  
23      very much the way we are.  So, you know, there's a lot  
24      of similarities, and so definitely the conversations  
25      with them will help in this regard.

1 MS. BROWN: So that's kind of a dialogue  
2 we're still having; is that right?

3 ALBERT RODRIGUEZ: Yes, ma'am.

4 MS. BROWN: Okay. I'd be really interested  
5 before we commit to this approach. This wheel has been  
6 invented and I'd like to know if it falls off the cart,  
7 whatever. So if that's possible, I'd like to find out a  
8 little bit more about how other states have -- how they  
9 feel about having adopted it and what they feel that  
10 does to their ranks.

11 ALBERT RODRIGUEZ: Right. And one of the  
12 things we're interested in is -- like, for example, the  
13 number of complaints, for example, do they increase by  
14 going to this ramping approach. In other words, are we  
15 letting people out there not as disciplined. So we're  
16 looking at that. And possibly the number of use of  
17 force issues, those kinds of things. We'll compare all  
18 those and see what kind of affect the ramping method had  
19 on that particular agency. So we're not completely done  
20 with our research, but these are some of ideas that I  
21 think will assist us in maintaining some of our recruits  
22 that we don't need to be losing. Because we lose some  
23 very good people for some of these reasons that we  
24 shouldn't.

25 MS. BROWN: Sure.

1                   MR. CLOWE: Lieutenant, what would you tell  
2 us about it?

3                   JASON GRIFFIN: Well, I would just clarify  
4 that in ramping, we're not forfeiting rules,  
5 regulations, structure. We're not forfeiting those  
6 important things. It's just toned down, as far as some  
7 of the interaction.

8                   MS. BROWN: Well, as long as you're getting  
9 the heat up all the way at some point -- because what I  
10 don't want Sally Citizen -- I'm counting on you to be a  
11 better shot than me. And so I don't want you to have  
12 ramped somebody out of doing their job right. And if  
13 that means they need to pack up at the end of training  
14 academy, then they need to go.

15                  MR. CLOWE: Anything else that you want to  
16 tell us about this?

17                  ALBERT RODRIGUEZ: Well, I think one of the  
18 key things that's important is that they need to know  
19 what's expected of them in writing, what are the  
20 standards. And we really, at this point, we don't have  
21 set standards. We look at everything pretty much on a  
22 case by case basis. And I know that that's got to be at  
23 the times you've got to go there. But they should have  
24 the expectations up-front on every critical area, I.E.,  
25 driving, firearms, cycle motor skills, defensive

1       tactics, all those areas, academics, they should know  
2       what these standards are subject to the fact if you fail  
3       two mandated courses after the retakes, you're subject  
4       for disciplinary action. They should know that  
5       up-front. And that's something that we're working on  
6       also, is setting a criteria for all of these critical  
7       areas that we demonstrate.

8               MR. CLOWE: Captain, how about you?

9               SCOT HOUGHTON: Just would echo the same  
10       sentiments that's already been expressed, sir. The  
11       training academy is the mill. It's a process that  
12       people go through to become a trooper. And when they  
13       come out the backside, they should be capable of  
14       handling the job. Need to make sure that we do that.

15              MR. CLOWE: I had a DI in the Air Force that  
16       looked a lot like you. Are you the --

17              SCOT HOUGHTON: No, sir.

18              MR. CLOWE: Okay.

19              MR. STEEN: I have a question, and -- and  
20       forgive me because I'm new to this, but what are your  
21       admission standards? Are -- are you being -- are you  
22       being very selective in who you take in to the academy?  
23       Is that -- do you have a high admission standard?

24              ALBERT RODRIGUEZ: That -- that's not our --  
25       part of our process. Maybe Ms. Logan can answer that

1 question. That's the recruiting part. We don't set the  
2 standards. We get the product and we train them.

3 MR. STEEN: But here's the question I have,  
4 when someone enters the academy, are you expecting that  
5 full class to finish?

6 ALBERT RODRIGUEZ: No, sir.

7 MR. STEEN: Or do you feel like we're going  
8 to -- I'm not talking about people dropping out because  
9 they feel it's not for them, but when you recognize that  
10 someone's here that shouldn't be here.

11 ALBERT RODRIGUEZ: We recognize that. We  
12 can pretty much, from years of experience -- I've been  
13 there a little over 20 years -- we can pretty much, from  
14 first workout, we can tell who's not going to make their  
15 three months --

16 MR. STEEN: So --

17 ALBERT RODRIGUEZ: -- and be pretty accurate  
18 on it.

19 MR. STEEN: But when you look -- when you  
20 look -- we're looking at all this, we're sort of talking  
21 about why people drop out. But are some of the people  
22 in here really people that you've sat down with and  
23 said, you know, you're not suited for this?

24 ALBERT RODRIGUEZ: Well, obviously, you  
25 know, we -- I mean --

1                   MR. STEEN:  Is all that included in these  
2 attrition --

3                   ALBERT RODRIGUEZ:  No, sir.

4                   MR. STEEN:  -- percentages?

5                   ALBERT RODRIGUEZ:  No.  No, they're not.

6 But we do -- you know, our approach is to try to  
7 encourage them up-front even though we know that chances  
8 of them making it are probably very low, some of these  
9 people that are obese, but they manage to pass the  
10 fitness standards and they're obese.  We've gotten  
11 320-pounders that are about five-ten, five-eleven, so  
12 we're not talking solid muscle, we're talking about  
13 lot -- a lot of weight, a lot of obesity.  And we know  
14 they're not going to make it, but we try to encourage  
15 them.  Because we've got the product, we spent money on  
16 them.  Our job at the training academy is to try to get  
17 them to where they should be.

18                   MR. STEEN:  But you -- you know, but you  
19 recognize you're going to have to weed people out and  
20 that's -- you -- can you almost count on a percentage of  
21 them that aren't going to get through it?  And I'm  
22 talking about people that you're -- that you're asking  
23 to leave basically.

24                   ALBERT RODRIGUEZ:  There's very few of  
25 those.  What we do is simply make recommendations.  We

1 make recommendations to the director on the  
2 deficiencies. And the director's -- it's the ultimate  
3 decision of the director of what action to take. We  
4 simply make the -- the recommendations.

5 MS. BROWN: Well, I've got a question for  
6 you on that. I guess I'm unclear. So if I am clearly  
7 not suited, and I may be a super nice person, but you  
8 can look at me from your experience and say, this is not  
9 going to work out for you; we're not telling that person  
10 that?

11 ALBERT RODRIGUEZ: Not -- not unless there's  
12 a -- like, for example, they cannot qualify in firearms,  
13 they cannot qualify in our driving course, academically  
14 they're -- they're not up to speed. At that point, yes.  
15 But unless we -- we can't just do it by looking at them.  
16 Obviously we've got to spot some major deficiency where  
17 we make the recommendation.

18 MR. CLOWE: It's not discretionary is what I  
19 think he's telling us. They've got fail. It's not  
20 discretionary.

21 MS. BROWN: Well, and I don't think anybody  
22 wants to move to a model where, you know, I think you  
23 need to look more attractive. But there's -- I guess  
24 what I'm -- I guess what I'm not understanding is you've  
25 been around a long time. There's some people who are

1 going to come in who are just not going to cut it. And  
2 you're wasting their time and yours. And that's a warm  
3 bodied spot that could go to somebody who was going to  
4 be able to cut the mustard. And I don't know that -- I  
5 just -- I hope we haven't moved so far that we're so  
6 worried about hurting their feelings that we're wasting  
7 their time.

8 ALBERT RODRIGUEZ: Well, it's really not  
9 hurting their feelings. What happens is that when you  
10 look at the PRT, they're accepted at 80 percent of the  
11 standards, which we believe they should be accepted at  
12 100 percent. Because on day one they start performing  
13 law enforcement functions training for that. And 100  
14 percent is the minimum standards to be able to perform  
15 the law enforcement functions. So we start performing  
16 them immediately even though they're at 80 percent. So  
17 that handicaps them quite a bit. We bringing them in at  
18 80 percent is a major handicap on these people. And  
19 that is a big, big issue --

20 MS. BROWN: So the 20 percent --

21 ALBERT RODRIGUEZ: -- is that they're not  
22 physically prepared.

23 MS. BROWN: The 20 percent that you're  
24 talking about at 80 percent, I mean, in your training  
25 and experience, is that 20 percent that doesn't make it?



1 standards at 80 percent, that that's the percentage that  
2 they're accepted, not at the 100 percent.

3 MR. POLUNSKY: Okay. Well, walk me through  
4 this. Why are we doing that? Why are we taking people  
5 who are at 80 percent of what we're expecting our  
6 officers to be able to perform at, and why are we taking  
7 people, with all due respect, who are five-foot-ten and  
8 310 pounds who might be able to get through the -- the  
9 physical examination or physical fitness test on the way  
10 in and maybe even on the way out, but a year or two  
11 thereafter are, you know, not fit?

12 ALBERT RODRIGUEZ: The response that I've  
13 gotten, Mr. Chairman, is we would not get enough  
14 applicants. They would not -- we would not get enough  
15 qualified applicants at 100 percent.

16 MR. POLUNSKY: Let me tell you something,  
17 that's the wrong answer.

18 ALBERT RODRIGUEZ: That's the answer that I  
19 get.

20 MR. POLUNSKY: Okay. Who's giving you that  
21 answer?

22 ALBERT RODRIGUEZ: Human Resources,  
23 recruiting.

24 PAULA LOGAN: That's not what we say.

25 ALBERT RODRIGUEZ: That's the answer that

1 I've gotten, is that we would not have enough applicants  
2 from the recruiting that actually do the testing.

3 COLONEL BECKWORTH: Mr. Chairman, could I  
4 kind of give you a background on this?

5 MR. POLUNSKY: Yeah, I need some background  
6 because this is a -- this is a --

7 COLONEL BECKWORTH: When this particular  
8 legislative initiative was created, we were tasked to  
9 validate the program for the agency, the previous  
10 administration, to allow for our personnel within the  
11 agency to build up the program, establish a process by  
12 which the first year was voluntary. You volunteer  
13 whether you want to participate in the process or not.  
14 The second year guidelines stipulated you had to pass  
15 the process by 80 percent. And that decision at that  
16 time was also made that anyone coming into the  
17 Department would use the same guidelines and build  
18 themselves up to the 100 percent.

19 Then the second -- the third year of it, it  
20 went to 90 percent. And then September the 1st of 2008,  
21 all of us had to process this at 100 percent, but yet  
22 the process in place for an employee coming to agency  
23 today still remains at 80 percent. We can resolve that  
24 very quickly. Not an issue.

25 VALERIE FULMER: And that is one of our

1 recommendations.

2 COLONEL BECKWORTH: And that's one of the  
3 recommendations. That's the background and that's why  
4 we are where we are today.

5 MR. POLUNSKY: All right. Specifically to  
6 that issue, I think these people -- I'm speaking for  
7 myself. But I think these people ought to be coming in  
8 at 100 percent. I don't understand at all why we would  
9 be accepting people at 80 percent and hoping for the  
10 best here, hoping that they improve themselves up to the  
11 level that we're holding our commissioned officers at.  
12 And I would think that you would want to have some type  
13 of physical standards where they don't have to look  
14 pretty --

15 MS. BROWN: Right.

16 MR. POLUNSKY: -- as you said, but, you  
17 know, they're obviously in some type of physical shape  
18 and proportion and so on so that they're going to be  
19 able to perform their duties not only through recruit  
20 school and the year or two after they leave, but 10, 15,  
21 20 years down the road. But in a larger sense, I want  
22 to make sure that we are not reducing the standards of  
23 this Department in order to fill these recruit classes.  
24 What's your opinion?

25 ALBERT RODRIGUEZ: Well, again, when -- when

1       they implement the 80 percent standard, we spoke up and  
2       we said we believe they need to be at 100 percent.  
3       Because from day one, they're doing law enforcement  
4       functions. They're training for that. And they will  
5       not be able to have full appreciation of what they're  
6       learning if they're not able to do it. We were  
7       overruled on that and thus that's one of the  
8       recommendations, is to go to 100 percent. So, yes, I  
9       agree that we need to have fully qualified people. It  
10      would make it a lot easier. And I think that our  
11      attrition rate would not be as high because of it.

12                 MR. POLUNSKY: Are we lowering the standard  
13      of these classes as compared to previous classes?

14                 ALBERT RODRIGUEZ: I can't say we are,  
15      Commissioner. But, again, with the 80 percent, I  
16      thought that we needed to be at 100 percent. But I can  
17      want say that we're lowering the standards. I just  
18      think that we need to set written standards which we  
19      have not had on each of the critical areas, whether it's  
20      academic, cycling motor skills, the driving, the  
21      firearms, those areas, I think we need to have specific  
22      written standards on that and abide by it.

23                 So, no, I cannot say that we're lowering our  
24      standards. Because the product that we graduate, I  
25      think it's a very high quality product. But we lose a

1 lot of people in the interim, which we spent a lot of  
2 money getting them, which I think we could save money by  
3 getting those people that are not qualified or not going  
4 to make it.

5 MS. BROWN: Well, let me -- can I chime in  
6 here?

7 ALBERT RODRIGUEZ: Sure.

8 MS. BROWN: Hypothetically, okay, so here's  
9 this 80 percent. I'm imagining showing up to work on  
10 your first day and they say you have to get 80 percent  
11 of the orders right. You're never going to get any  
12 better than that. You're never going to get any better  
13 than that. You may have five people who are  
14 overachievers who turn into 100 percent salesman. But I  
15 think whatever standard you start out with, probably  
16 most people are going to rise to what they have to.

17 If we went to if we give you more time to  
18 show up to the academy, we say, we'll see you in two  
19 months, and then we require 100 percent, wouldn't that  
20 be better?

21 ALBERT RODRIGUEZ: We agree with that  
22 wholeheartedly.

23 MS. BROWN: Yeah. What would that do,  
24 though, to -- I mean, what would be the outcome of that  
25 in your opinion?

1                   ALBERT RODRIGUEZ: A lower attrition rate.  
2           When they come in they would be able to keep up with  
3           what we're doing because we would start them of what's  
4           required at the 100 percent level. Like, for example,  
5           if they have to run a mile-and-a-half in 16 minutes, for  
6           example, we would start them at that point and build  
7           from there, bring them down to a, you know, 13-minute  
8                   mile-and-a-half. We would build them up  
9           from there. But we would start at the 16-minute mark,  
10          the 100 percent mark.

11                   JASON GRIFFIN: Can I add something?

12                   ALBERT RODRIGUEZ: Sure.

13                   JASON GRIFFIN: To get specific, two things,  
14          the more physically fit you are and the better you're  
15          doing in that area, you tend to do better academically  
16          as well for all the physiological reasons. Not only  
17          that, the second week of the recruit school is when they  
18          start their arresting patrol tactics, defensive  
19          measures. And if they would come at a high percentage  
20          physically, they would be ready for that -- that portion  
21          of the training rather than if they're a little behind  
22          in the physical and fitness area, you put the defense  
23          tactics on top of that, you got some issues there.

24                   MS. BROWN: Well I'm glad you point that out  
25          because it sounds like if you're not at 100 percent then

1 I'm just kind of guessing at what you're going to like  
2 when you're on the street, right? If you were in great  
3 shape -- it's just sort of theoretical, if you're in  
4 great shape, you could probably perform that move  
5 correctly. And I don't think we should be graduating  
6 people if we don't know you can do it. I don't want an  
7 80 percent trooper standing in front of me.

8 ALBERT RODRIGUEZ: And don't get me wrong,  
9 at the time they graduate, I think it's by the 10th week  
10 that they've got to be at 100 percent. 12th week, they  
11 got to be at 100 percent.

12 MS. BROWN: Okay.

13 ALBERT RODRIGUEZ: We bring them up to 100  
14 percent at the 12th week because that's when we do what  
15 we call the tactical simulation drills.

16 MR. CLOWE: It's important to say that,  
17 Commander, because my sense is that as they go through  
18 this training program, they get a lot better physically.  
19 You feed them right, you see they get their rest, you  
20 work them harder, and they do better.

21 ALBERT RODRIGUEZ: Yes, sir.

22 MR. CLOWE: Isn't that true?

23 ALBERT RODRIGUEZ: No doubt.

24 MR. POLUNSKY: And isn't it true you have  
25 situations where people go through the entire -- entire

1 process and fall out at the very end?

2 ALBERT RODRIGUEZ: Can you be a little more  
3 specific in that question? They fall out at the end,  
4 they quit?

5 MR. POLUNSKY: No, they're unable to pass  
6 the last -- whatever test they need to pass in order  
7 to -- to graduate. Therefore, they're not graduated.

8 ALBERT RODRIGUEZ: Well, on the state  
9 licensing exam, we have not had anyone be a complete  
10 failure on that. They might fail it the first time.  
11 But most of them, on the retake -- which, TCLEOSE  
12 administers that examination -- they all pass. We have  
13 a 90-plus passing percentage rate first time. So on the  
14 state licensing exam, we have not had any three time  
15 failures. You talking about the TSD drills, the  
16 tactical simulation drills?

17 MR. POLUNSKY: I'm talking about graduating  
18 from the --

19 ALBERT RODRIGUEZ: Yes, sir.

20 MR. POLUNSKY: -- recruit school.

21 ALBERT RODRIGUEZ: Right.

22 MR. POLUNSKY: You've had situations where  
23 people could not, at the very end -- I mean, literally  
24 the very end pass whatever physical test was necessary  
25 in order to graduate and basically, you know, five

1 months and three weeks into it were asked to leave.

2 ALBERT RODRIGUEZ: Mr. Chairman, in those  
3 instances where -- because our tactical simulation  
4 drills are required drills are pretty much on the 12th  
5 to the 16th week. What happens if we have to retest  
6 somebody because of an injury, it might happen towards  
7 the end. But those are on very rare occasions where  
8 someone's had an injury and they've been restricted to  
9 no physical activity and if we try to get them through  
10 testing them in that particular drill to get them  
11 through. Those have been the only instances where we  
12 release somebody because they have not been able to  
13 complete a physical activity. It's because of special  
14 circumstance, more specifically, an injury. That's the  
15 only time at the end they failed in a physical activity.

16 MR. POLUNSKY: Have you had situations where  
17 somebody has gone into the recruit academy, recruit  
18 school, unable to finish, came back again, went through  
19 the recruit academy, again was unable to finish?

20 ALBERT RODRIGUEZ: Yes, sir, we have.

21 MR. POLUNSKY: Does that send you a message?

22 ALBERT RODRIGUEZ: Again, we don't recruit  
23 them. We get the product. We try to do everything to  
24 train them.

25 MR. POLUNSKY: But on the face of it,

1 they -- they were unfit to come back.

2 ALBERT RODRIGUEZ: And, again, it's on a  
3 case by case basis. Some of them leave at times because  
4 of an injury. They -- they sustained an injury early on  
5 and they left, and then they were rehired for safety  
6 school. Or they -- it could be that they've had a  
7 person issue. I don't recall very many that have washed  
8 out because they were physically unable because of  
9 obesity and that we rehired them and they didn't make it  
10 again. I don't recall any off the top of my head. Do  
11 you, Kevin?

12 MR. POLUNSKY: Yeah, I do. All right? I  
13 do.

14 SANDRA FULENWIDER: Mr. Chairman, we have  
15 recently changed our policy, and that -- if a recruit  
16 washes out of school because of an injury, for example,  
17 in the past, we may offer them employment temporarily in  
18 some other position while they heal, and then after,  
19 they come back for the next school. We no longer do  
20 that. To come back to the next school they must go  
21 through the application process again and meet all the  
22 requirements.

23 MR. POLUNSKY: And when was this  
24 implemented?

25 SANDRA FULENWIDER: I think this was last

1 month.

2 VALERIE FULMER: Yeah, it was within the  
3 last month.

4 MR. CLOWE: Would you identify yourself for  
5 the record, please.

6 SANDRA FULENWIDER: Sorry. Sandra  
7 Fulenwider, Assistant Chief of Administration.

8 MR. STEEN: Mr. Chairman, I have a question,  
9 and I'm sure there's a reason for this. But earlier you  
10 said, you know, we're being sent these recruits.

11 ALBERT RODRIGUEZ: Yes, sir.

12 MR. STEEN: And you don't have any part in  
13 selecting who they are?

14 ALBERT RODRIGUEZ: That's correct.

15 MR. STEEN: And is there a reason why if you  
16 think of people sitting around a table deciding who  
17 should be accepted, that you wouldn't -- that somebody  
18 like you wouldn't be at the table providing your input?

19 ALBERT RODRIGUEZ: I do not. I don't know  
20 how to answer that question.

21 VALERIE FULMER: We do have a specific  
22 recruiting section that's also made up of commissioned  
23 officers, and there is a very specific process that  
24 applicants go through. They have to be accepted in the  
25 field first before the application even comes to the

1 Department. They undergo psychological testing. They  
2 undergo medical testing. They undergo physical fitness  
3 testing. And there are requirements that they have to  
4 meet before they are invited to attend the school.

5 MR. STEEN: It seems to me that if you all,  
6 with all your years of experience, you can recognize  
7 people that aren't suited for it, why wouldn't you be at  
8 the table and participating in those decisions so that  
9 those people never even get in the pipeline?

10 ALBERT RODRIGUEZ: And I'm sure it's a  
11 statewide process. But I really couldn't answer that  
12 question, Commissioner.

13 MR. POLUNSKY: All right. Well, what's the  
14 answer to the question?

15 COLONEL CLARK: I can give you a specific  
16 example. For years, I chaired applicant boards,  
17 Commissioner. And it's just like the chief said,  
18 there's a specific process that they go through with the  
19 background investigation. Then they come before an  
20 interview board chaired by a lieutenant, and there could  
21 be four or five other members of this interview board.  
22 You spend 30 to 40 minutes with that individual. You've  
23 got their background investigation, they work history,  
24 the typical thing. But it's like a college football  
25 player. They look good in college, they perform well.

1 But on draft day, that's another ball game. And they  
2 may be drafted into the NFL. But you don't know what  
3 you've got until you get that uniform on them and get  
4 them in training camp. Then you realize if they've  
5 really got what it takes.

6 We do our best in the field to evaluate  
7 these individuals against their competition in that  
8 region. And the major in that specific region, they  
9 don't go to the academy unless that regional commander  
10 approves that individual. You do your best. You try to  
11 make the best selection. Then that group comes to  
12 Austin where they're given that conditional job offer,  
13 testing. But really, I'm telling you, it's not until  
14 they arrive at the academy and get that workout gear on.  
15 And that's the biggest indicator you've got right there  
16 if they're going to be successful. You get them in  
17 those workout clothes, you get them in that gym. And  
18 all of a sudden they're not home anymore. They're under  
19 the authority of lieutenants and captains and sergeants.  
20 And you find out real quickly if they're going to be  
21 physically fit mentally.

22 And it's just the process that we've had for  
23 years. And as Albert said, every state in the union,  
24 most of them are adopted after our academy. You would  
25 be amazed at how many states come to Texas and look at

1 our academy. We are the standards, and yet, we don't  
2 bat a thousand. And I forgot what the percentage is.  
3 It's almost 17 percent.

4 VALERIE FULMER: It's about 19.

5 COLONEL CLARK: 19 percent failure every  
6 school that we start. We just know, for whatever  
7 reason, we're going to lose that many. But it's a game  
8 that we try to pick the best players we can. But it's  
9 not until we get them out there in the classroom, in the  
10 gym to see if they're suited for this work. Like you  
11 said, they're not bad people if they wash out. But some  
12 of them are not suited for employment. But I agree with  
13 the Chairman and you, sir, that sometimes you see a  
14 person who has managed to pass the physical standards  
15 and they show up. Albert can look at that individual  
16 and almost 100 percent of the time say, this guy's not  
17 going to make it.

18 But we can't go up to him and say, buddy,  
19 you're not going to make it, because we open ourself up  
20 for what we refer to in this room as an 1825. You've  
21 just created a hostile work environment for this guy.  
22 You've passed judgment on him before he's had an  
23 opportunity to -- let me prove myself, is what they want  
24 to say, knowing -- and we're looking at this guy going,  
25 you're not going to make it. There's no way. And

1       there's a lot of indicators here.  It's just like our  
2       good troopers who are good criminal interdictors, they  
3       look for those -- they just know.  They look for those  
4       signs.  And these men have got the experience of doing  
5       this.  But that's the best explanation I can give you.

6                 MR. POLUNSKY:  I'm not sure you answered the  
7       question, though.  He asked why aren't they at the table  
8       when the cadets or recruits are selected.

9                 COLONEL CLARK:  Why aren't training?  
10       Because there's guys just with the same amount of  
11       experience of being around law enforcement as these men  
12       are out in the field.  We've got lieutenants and  
13       sergeants evaluating these people.  If they came -- if  
14       Scot or Albert came to Dallas to sit on that interview  
15       board, they'd be saying the same thing we are.

16                MR. STEEN:  (Inaudible) want to follow the  
17       athletic analogy, but it's -- it's as if you're going  
18       out and recruiting people across the state but the  
19       coaches aren't involved.  But then you bring them to  
20       Austin and it's only at that point that the coaches get  
21       involved.  Why wouldn't the coaches be more involved in  
22       bringing the recruits in?

23                COLONEL CLARK:  Well -- and a lot of times  
24       it's their scouts that go out and recruit.

25                MR. CLOWE:  That's the right answer.

1 COLONEL CLARK: The scouts actually do the  
2 bulk of the recruiting. The coaches make the final  
3 decision on who's going to start. But I understand your  
4 point. We -- I don't know how many numbers we have. If  
5 we had the training staff reviewing all of the -- the  
6 applicants that we have, that's all they would do. They  
7 wouldn't have time to train.

8 ALBERT RODRIGUEZ: We wouldn't have the  
9 manpower.

10 COLONEL CLARK: We have 15 people assigned  
11 to the training bureau.

12 MR. STEEN: I'm just trying to get at this  
13 idea that there are people that are showing up at the  
14 academy that you all can spot right away aren't suited;  
15 is there some way we can prevent them from getting in  
16 the pipeline?

17 ALBERT RODRIGUEZ: And Commissioner, I  
18 believe that going with the 100 percent standard on the  
19 PRT will solve a majority of our problem. Because  
20 that's the ones we pick out. They're obese. And, yeah,  
21 you might have passed a standard one time at 80 percent,  
22 but you're got going to be able to do it day in and day  
23 out. So we know -- that's what I'm saying, is that  
24 particular standard that I believe will have a major  
25 impact on the attrition rate --

1 MR. STEEN: Thank you.

2 ALBERT RODRIGUEZ: -- on those that we see  
3 up-front.

4 MR. POLUNSKY: Ms. Logan.

5 PAULA LOGAN: When the 80 percent standard  
6 was selected, I believe the administration at that time  
7 listened to what training had to say. But there are  
8 some other issues there. And one of the issues is  
9 similar to the ramping up issue we've been talking  
10 about, and that is that there are people who may not,  
11 for instance, have quite enough upper body strength or  
12 may not quite have enough stamina but they can be close  
13 to our graduating standards. And this was the  
14 philosophy that the administration said. We don't  
15 expect them to be at 100 percent on anything else we're  
16 going to be teaching them in the academy, why would we  
17 expect them to be at 100 percent graduation rate on  
18 their physical fitness on the day that they enter the  
19 academy.

20 And I will tell you that in part of the  
21 process when we're looking at the statistical analysis  
22 that the firm did, women are impacted more heavily  
23 particularly on upper body strength. And if you move  
24 from the 80 percent standard to the 100 percent  
25 standard, you're going to call a lot of female

1 applicants.

2 MS. BROWN: Let me ask you this, is that  
3 because they'll never reach the 100 percent standard?

4 PAULA LOGAN: No. Because as he said, they  
5 all get to the 100 percent standard by the time they  
6 graduate. And the way they're working the school now  
7 which was set up by the prior administration, they have  
8 to be at that 100 percent standard at the 12th week. So  
9 basically, the 80 percent standard was selected as  
10 something that was so close to the 100 percent standard  
11 that you could take somebody that had gone to the  
12 doctor, doesn't have any physical defects, doesn't have  
13 any physical disease, you know, they're in generally  
14 good shape, and you can get them to the 100 percent  
15 standard in a fairly short period of time by having them  
16 workout at 4:45 every morning. And that allows us to  
17 have a greater quantity of people that we can look at.

18 And, you know, the 80 percent standard may  
19 not be the magic number. We may want to move to an 85.  
20 We may want to tweak some of that. We may want to go to  
21 a 90 percent standard. But the philosophy was that we  
22 don't expect them to come in knowing the Penal Code,  
23 we're going to teach that to them. As long as they come  
24 in medically fit and generally physically fit, we can  
25 teach them in the first few weeks of the academy to be

1 able to be at the 100 percent standard, and then we can  
2 move forward from there to teach them how to arrest  
3 somebody that weighs 100 pounds more than they do and so  
4 forth and so on. So that was the philosophy of the  
5 prior administration.

6 MR. POLUNSKY: All right. That's a  
7 philosophy. But that's -- you know, what we've heard  
8 here today essentially is that if you come in at 80  
9 percent, you have a much higher likelihood of failing  
10 than if you come in at 100 percent.

11 PAULA LOGAN: I don't think --

12 MR. POLUNSKY: That's -- excuse me?

13 PAULA LOGAN: I don't think that statistics  
14 bare that out. Our attrition rate hasn't changed  
15 substantially since we changed the rate.

16 MR. POLUNSKY: I'm not taking about the  
17 attrition rate for the entire class. I'm talking about  
18 "X" number of people coming in at 80 percent. If  
19 it's -- if you have 120 recruits and 15 are at  
20 80 percent, then I would say that probably at least 15  
21 in the higher percentage of those people will drop out  
22 and leave a balance who are at 100 percent; would you  
23 disagree with that?

24 PAULA LOGAN: I don't believe that the  
25 actual outcome, the actual facts bare that up. I don't

1 think that we've had --

2 MR. POLUNSKY: I've heard differently today.

3 Did you not say that, sir?

4 ALBERT RODRIGUEZ: Yes, sir. What we're  
5 saying is that you'll get people that are obese that  
6 have passed the 80 percent standard and they're obese.  
7 And there's two or three -- a minimum of two or three in  
8 every school, and majority of the time, they will not  
9 make it.

10 PAULA LOGAN: But if you change the standard  
11 from 80 percent to 100 percent, there may be 15 or 20  
12 other people that didn't make it into that school that  
13 were able to do it. So I don't know that we're ever --  
14 you know, because as I said, there are people,  
15 particularly going to impact females, that are going to  
16 wash out of the process before they get to the school if  
17 we change the standard.

18 MR. CLOWE: I think you're making a very  
19 valid point. What do you say to that, commander?

20 ALBERT RODRIGUEZ: Well, I think it is a  
21 valid point, but we're talking about attrition that  
22 we're losing people and the reasons we're losing them.  
23 And our response is that if they would come in in better  
24 condition they would be able to train day in and day  
25 out, to where if they're not in good condition at the

1 80th percentile, they're not able to train day in and  
2 day out. They'll be able to train once or twice which  
3 is what the standard required. They go out there one  
4 time, they go do what they've got to do, the  
5 mile-and-a-half. They'll be sore for the next two or  
6 three weeks sitting on a couch putting Bengay on, which  
7 we don't do at the training academy. They got to get up  
8 the next morning and get with the program again, and  
9 they can't handle that.

10 MS. BROWN: Well, here's a question for you.  
11 If -- if there are gender issues, and it sounds like  
12 there are, and you know that these -- there are a group  
13 of people capable, women included, obviously, of  
14 reaching 100 percent, then doesn't that make it even  
15 more important especially to female candidates to say,  
16 because genetically we're going to have more upper body  
17 problems, we'll see you in two months at 100 percent,  
18 give you a little extra time to get ready.

19 ALBERT RODRIGUEZ: In the words of Dr.  
20 Collingwood who did the validation of our program, he  
21 says it's not a gender issue, it's a training issue.

22 MS. BROWN: Okay.

23 ALBERT RODRIGUEZ: Which is exactly what  
24 you're saying. It's not a gender issue, it's a training  
25 issue because we're able to train 99 percent of anybody

1 that is not at 100 percent. We bring them up to  
2 100 percent. So it's basically just a training issue.

3 PAULA LOGAN: And so that was -- and based  
4 on that comment by Dr. Collingwood, the determination  
5 was well, if we can -- if it's not that they're bad  
6 candidates, it's that they're not ready yet. We would  
7 rather bring in that candidate rather than lose it to  
8 another agency and do the training ourself and then get  
9 them to the 100 percent standard, let them go through  
10 the rest of the school and graduate, and then we have a  
11 good officer on the road. I mean, I use the word,  
12 philosophy.

13 But, I mean, they were trying, I think, to  
14 do some of the same things we're talking about here.  
15 And they considered all of those, you know, different  
16 issues. And they felt like by moving the standard to  
17 100 percent, that would -- you know, there are some  
18 benefits to that. I mean, I think you're hearing both  
19 sides of the story today. I'm trying to maybe even  
20 argue a point that -- that I wasn't involved in making.  
21 But I just -- I was at the table and I remember what the  
22 conversations were. And I'm just trying to make sure  
23 that you're seeing both sides of those issues. I think  
24 they're valid, you know, things to be said about the 100  
25 percent. And there are two or three people we're

1       waisting our money on versus the 128 people that we put  
2       into the school, and how many of those would not have  
3       made it into the school if we had had a higher standard.

4               MR. CLOWE:  Lieutenant, did you have  
5       something?

6               JASON GRIFFIN:  Yes, sir, if you don't mind.  
7       With respect to the 80 percent, I don't know the  
8       statistics prior to that being implemented, and it may  
9       very well be that the attrition rate is the same at 80  
10      percent as it was prior to.  But our task was to improve  
11      the attrition rate, not just to maintain what we had  
12      previously.  And there are a few that we lose for  
13      physical reasons that wouldn't have made the 100 percent  
14      but they got in on the 80.  So we do lose some in that  
15      category.  And we felt to improve the attrition rate  
16      putting it up to 100, now we're not losing those folks  
17      because they're coming in where they should be.  So it  
18      may very well be true that the stats are the same, but  
19      our goal was to improve it, not just to maintain it.

20              ALBERT RODRIGUEZ:  What's really interesting  
21      to note is we lose very, very few females for fitness  
22      issues.  Females leave either because of an injury or  
23      family issues, personal issues.  I don't recall many  
24      leaving for fitness issues.  They stick it out.  It's  
25      mostly male.

1           MR. CLOWE: Well, Sandra, did you have a  
2 comment?

3           SANDRA FULENWIDER: We're kind of looking at  
4 this as an all or nothing approach. When if we kind of  
5 look at it from a different standpoint, we can bring  
6 people in at 80 or we can bring them in at 100 percent.  
7 But we could also bring them in at 80 or below, not for  
8 the academic or any breast of the training, but to have  
9 some, say a month before the school starts, say you're  
10 not up to your physical level now. We're going to bring  
11 you in early, and it's going to be purely physical  
12 training. If you're not up to our standard by the time  
13 the class starts, then you're not in the school.

14           So there are other things we can look at.  
15 That was just one idea. But there are other things we  
16 can look at to try to help this process along. Because  
17 I'm sure it is much easier on the training staff to  
18 train someone who's already at 300 percent physically.  
19 So our goal maybe should be how do we get people there  
20 before they start the school.

21           MR. CLOWE: That's a very good comment.  
22 Thank you. Mr. Chairman, I want to thank all of these  
23 people. They do a wonderful job. You know, so often  
24 times the only time we get to see you is at graduation.  
25 And I hope our new Commissioners will come over and go

1 to the academy like I know the Chairman and I have. You  
2 all do a super job. And I wanted you to come up here  
3 and talk to us like you have today. I love this  
4 discussion. I think -- this is what the new DPS is all  
5 about. Let's -- let's take it apart and look at it.

6 Mr. Chairman, I would like to suggest that  
7 this is not a decision that this Board ought to make. I  
8 think this is too far down in the detail. We've asked  
9 for a study and we've gotten it. It's a good study.  
10 And my hope is that we have the leadership in place and,  
11 obviously, the training professionals in place to make a  
12 good decision. They ought to tell us what they're going  
13 to do and then give us the best results we can get.

14 MR. POLUNSKY: Are you done, Mr. Clowe?

15 MR. CLOWE: Yes, sir, I'm done.

16 MR. POLUNSKY: I disagree with that. We're  
17 hearing different things from different people here.  
18 I'm hearing from the training staff that we're  
19 essentially (Inaudible) because our standards have been  
20 lowered. Am I misconstruing that?

21 ALBERT RODRIGUEZ: And the standard that I'm  
22 referring to, it's not -- it's where it was set at 80.  
23 It has not been lowered from there. It's been at 80 and  
24 it's never been lowered. And that's the standard that  
25 I've been talking about. When you asked me about the

1 other standards, no, the academic standards are still  
2 there. They passed the state licensing examination and  
3 they're all there. It's the 80 percent. It's never  
4 been lowered. That's what it was set at, Mr. Chairman.

5 MR. POLUNSKY: It's always been at  
6 80 percent.

7 ALBERT RODRIGUEZ: Yes, sir. And it's never  
8 been lowered.

9 MR. POLUNSKY: Forever it's been at  
10 80 percent.

11 ALBERT RODRIGUEZ: When we first started  
12 this fitness program. That's correct, sir.

13 VALERIE FULMER: Albert, what was it before  
14 that? What was the physical requirement before we had  
15 these tests?

16 PAULA LOGAN: It was probably at 120 percent  
17 of what we use now. Our previous study back in the 80s  
18 that we used, actually, in some places it was fairly  
19 close, like on the push-ups, the standard is pretty much  
20 the same. But for instance, on the mile-and-a-half run,  
21 our standard used to be 15 percent -- 15 minutes. The  
22 100 percent standard is now 16.43 or something like  
23 that, and the 80 percent standard is 1920-something.

24 So when we had the new study, they  
25 recommended that the standard that we set previously was

1 too high. And they -- the 100 percent standard that  
2 relates to everybody is a lower standard than what we  
3 used to do for the entry level of the academy.

4 MR. POLUNSKY: And when was this  
5 implemented?

6 PAULA LOGAN: In September or August of  
7 19 -- I mean, of 2006.

8 ALBERT RODRIGUEZ: So, in essence, in that  
9 standard, yes, in some areas it was lower, Mr. Chairman.  
10 And I didn't mean to mislead you in that. But I was  
11 referring to when it went to 80 percent, the PRT.  
12 That's what it was set at and it was never lowered. But  
13 the previous entry standards in some areas were a little  
14 more demanding. Everybody had to run a mile-and-a-half  
15 under 15 minutes. And now it's somewhere in the  
16 vicinity of 17 minutes at the 80 percent.

17 MR. POLUNSKY: All right. The standard have  
18 been lowered; am I right or am I wrong?

19 ALBERT RODRIGUEZ: That's correct, sir.  
20 From the 80 percent --

21 MR. POLUNSKY: Which is it, am I right or am  
22 I wrong?

23 ALBERT RODRIGUEZ: I guess I want to clarify  
24 which standard you're talking about. The 80 percent has  
25 never been lowered, what it was set at, but the previous

1 entry standard was a little bit more demanding. So yes,  
2 in essence, that was lowered. That's a standard that  
3 was lowered. You are correct.

4 MR. POLUNSKY: All right. Well, I disagree  
5 with you, Mr. Clowe.

6 MR. CLOWE: That's okay.

7 MR. POLUNSKY: And I would like to see that  
8 addressed. And whether it comes directly from the  
9 Commission or if it comes from the director, or if it  
10 comes from the chief of that division, you know, I would  
11 like to see that addressed.

12 MR. CLOWE: Well, your recommendation is to  
13 go to 100 percent.

14 ALBERT RODRIGUEZ: Yes, sir. It's being  
15 addressed. Yes, sir.

16 MR. POLUNSKY: Okay.

17 MR. CLOWE: That's his recommendation. You  
18 know, we're just talking about whether that's the right  
19 thing to do or not.

20 ALBERT RODRIGUEZ: Right.

21 MR. POLUNSKY: And my opinion is that's the  
22 right thing to do.

23 MR. CLOWE: I think Paula has brought up --  
24 Sandra -- some really good points. It really ought to  
25 be considered. And I really think, when I go back

1 through when I went through boot camp, I hated it, I  
2 fought it, but I came out better physically than when I  
3 started. I could do things when I finished I couldn't  
4 do when I began. And you do that with every recruit,  
5 don't you? You guys are the ones that are on the  
6 ground.

7 PAULA LOGAN: And all the recruits do  
8 graduate at 100 percent standard. And they actually  
9 have to reach it much earlier into the --

10 MR. CLOWE: And I think, Commander, you kind  
11 of put yourself in a hole with that example that your  
12 threw out. You know, you don't get many people that are  
13 five-foot-two or three and weigh --

14 ALBERT RODRIGUEZ: No, we don't get that  
15 many. But you'll get -- you get some. Those are the  
16 ones we can -- from day one we can tell -- like the  
17 Colonel said, you put them on the gym floor and you're  
18 going, you're not going to make it. In your mind,  
19 you're just -- you know, you're not going to make it.

20 MR. POLUNSKY: Okay. And all I'm saying is  
21 we need to do whatever we need to do in order to reduce  
22 the number of people who come in with, you know, an  
23 obvious situation that are not going to be able to make  
24 it.

25 MR. CLOWE: Commissioner Steen raised a good

1 point earlier today. Do you have any help for us about  
2 how we recognize a graduate who may not measure up at a  
3 later point in their career? Is there any thought given  
4 to that at this point in time?

5 PAULA LOGAN: We -- we don't have a program  
6 in place at this point where we -- and there are some  
7 agencies that do that have had studies done and have  
8 built their performance evaluations around things, and  
9 they've looked at the grades people made in the academy  
10 and then the performance evaluation 5 years out, and  
11 have gone back and said, well, these people that were  
12 scoring in this arena are the people that are not  
13 performing well, and there's a causal relationship here.  
14 We don't have a program like that, no.

15 MR. CLOWE: Is that what you had in mind?

16 MR. STEEN: Well, I'm interested in what you  
17 think about that, Ms. Logan.

18 PAULA LOGAN: Well, you know, I think things  
19 like that can be very beneficial. And they're fairly  
20 labor intensive on the front end to make sure that  
21 they're set up correctly and that you aren't just  
22 looking at statistics. You know, any time you start  
23 throwing around statistics, it's like, well, you know,  
24 on Thursdays it rains 30 percent of the time. Well,  
25 does that mean it rains 30 percent of the time because

1 it's Thursday or -- you know, so you have to make sure  
2 that when you -- particularly if you're going the use it  
3 later on for changing, you know, the way things are done  
4 in the academy or, you know, getting rid of somebody  
5 because you're saying, you know, we've identified you  
6 all along as somebody that's not that great of a  
7 performer, we're going to cut you loose.

8           You've got to make sure that you got all  
9 your ducks in a row with that kind of stuff. But I  
10 think once you do it and once you've put all the front  
11 end labor in making sure you're doing it right, it can  
12 be a very beneficial tool to know, you know, people both  
13 before they start working for us and then while they're  
14 in the academy and then later on. And being able to  
15 say, you know what, based on this study that we're  
16 doing, we really do need to tweak our entry level  
17 requirements. We really do need to tweak the way we're  
18 teaching this in the academy. And, you know, that way  
19 we end up not spending a lot of money on somebody that's  
20 not going to, five years out, be a good trooper for us.

21           MR. CLOWE: Great discussion. Thank you.

22           MR. POLUNSKY: Okay. Just -- just a general  
23 comment. This is my comment. But I am extremely  
24 interested in making sure that the Department of Public  
25 Safety has high standards for our recruits, the highest

1 standards possible so that first we bring them in and  
2 we're reasonably sure that they'll go through the school  
3 and come out. I'm not even just talking about the  
4 physical standards, I'm talking about all standards so  
5 that we get the best and the brightest, the cream of the  
6 crop who comes into the recruit school at DPS so they  
7 are able to go through the school and come out. Beyond  
8 that, I want to make sure -- again, this is my own  
9 comment -- that once they graduate, once they get  
10 through it, that when they're out on the road or they're  
11 wherever they end up within the Department, that they're  
12 good people that we won't have to worry about, and  
13 they're not possible liabilities or anything else down  
14 the road.

15 So that's very important to me. I mean,  
16 that is a threshold issue with me. So that's where I'd  
17 like to see it go. But I'm one out of five people.

18 MR. CLOWE: No, you're not. You're the  
19 Chairman.

20 MR. POLUNSKY: I'm one out of five people.  
21 I'm just giving you my opinion. That's my opinion.

22 MR. CLOWE: We -- we all share in that.

23 MR. POLUNSKY: Okay.

24 MR. CLOWE: This is excellent work. Are you  
25 talking about implementing this in the March class?

1           ALBERT RODRIGUEZ: I guess it's going to be  
2 piece milled as we -- at no cost that we can implement,  
3 is my understanding. No cost once we've implement  
4 immediately. We're going to try to implement it.

5           PAULA LOGAN: And we're already doing  
6 additional job offers on people for the March class. So  
7 some of it may have to be for the people that are  
8 currently putting in applications because trying to  
9 change the process in the middle of the stream can be  
10 difficult as well.

11          MR. CLOWE: Mr. Chairman, I would like to  
12 suggest that next month we have a similar group from  
13 recruiting to talk to us about what they do and how they  
14 do it so that we can get more on the front end of this  
15 and have the benefit of that information.

16          MR. POLUNSKY: I think that's an excellent  
17 idea. I'm finally in agreement with you.

18          MR. CLOWE: I've been waiting.

19          PAULA LOGAN: We can do that.

20          MR. POLUNSKY: Thank you all very much.

21          MR. CLOWE: Good job.

22          MR. POLUNSKY: Discussion and possible  
23 action on options regarding headquarter security. Chief  
24 Fulmer.

25          VALERIE FULMER: We -- we discussed that

1 during the Executive Session and I gave the Chairman and  
2 members a briefing on possible security issues. And  
3 next month I intend to come back with both some  
4 short-term recommendations and some long-term  
5 recommendations for you to consider. And, again, we'll  
6 probably want to discuss those during the Executive  
7 Session and make decisions during the open session.

8 MR. POLUNSKY: Questions? All right. Thank  
9 you.

10 MR. STEEN: Thank you for your presentation.  
11 And I just want to reiterate in the this public meeting  
12 my sense of urgency that we move forward on this with  
13 dispatch.

14 VALERIE FULMER: Absolutely.

15 MR. POLUNSKY: And I -- I agree as well. I  
16 think we all do.

17 VALERIE FULMER: As someone who's on the  
18 complex every day, I do, too. Absolutely. Thanks.

19 MR. POLUNSKY: Thank you.

20 VALERIE FULMER: Now am I done for a while?

21 MR. POLUNSKY: For a while.

22 VALERIE FULMER: Okay.

23 MR. POLUNSKY: Yeah, for a while.

24 MR. CLOWE: You're not done, you're  
25 finished.

1                   MR. POLUNSKY: Next item, reports, budget  
2 matters. Chief Ybarra.

3                   OSCAR YBARRA: Oscar Ybarra, Chief of  
4 finance. Good afternoon Commissioners, Mr. Chairman,  
5 Colonels. Mr. Chairman, we had a meeting workshop on  
6 January the 8th where the Commission had adopted changes  
7 and updates to the exceptional items. The Commission  
8 had some directives for the agency. First of all, with  
9 the rank exceptional items and present and proposal of  
10 ranking to the Commission. Also, the Commission  
11 requested that the agency meet with the Governor's  
12 office, and we heard from Chief Brown's report that  
13 we've done that, to submit our proposal and identify any  
14 issues and potentially come to an agreement on what  
15 dates you may propose an exceptional item in the 10, 11  
16 legislative process.

17                   The events that have occurred since the last  
18 meeting are that the Comptroller has submitted their  
19 biennial revenue estimate to the legislature on  
20 January 12, 2009. As the Colonel has mentioned, the CPA  
21 has identified that the GR estimate is about 10 percent  
22 lower than the '08-'09 biennium. The entire (Inaudible)  
23 estimate, all funds, is about \$167 billion. I would  
24 like to identify that what the legislature appropriated  
25 all funds in the '08-'09 biennium was about \$152

1 billion. So if all things remain same, funds would be  
2 available.

3           The second thing that's happened since the  
4 last meeting is the agency met with the Governor's  
5 office on Tuesday, January 13th and discussed the DL  
6 civilian based model. We believe we've come to an  
7 agreement with the Governor's office on how to present  
8 this particular item and both agree that there is a cost  
9 to this transformation. In addition, that meeting  
10 also -- the Governor's office stressed to the agency  
11 that we should continue to consider scaling back our  
12 exceptional items due to the state of the economy, the  
13 state of the economy beyond what was considered on  
14 January 8th Commission meeting.

15           And then most recently -- I just penciled  
16 this in -- we've been approached by the legislative  
17 budget board to attend a meeting on January 22nd to  
18 discuss the base LAR and what the LBB plans to present  
19 for the agency the next session. So probably by the  
20 next meeting we'll have a side by side of what we  
21 presented and what the LBB has presented. I'll report  
22 on that.

23           What I'd like to do is based on the meeting  
24 we had with the Governor's office and the meetings I've  
25 had with the directors and the decisions to take a look

1 at the exceptional items and consider cutting further  
2 back on some of these items, I'll tell you the ink on  
3 some spreadsheets I plan to present to you, the ink is  
4 still wet. When I walked out of here this morning we  
5 received the figures for the facilities, and we entered  
6 that information into some of these spreadsheets. Chief  
7 Hass, if you wouldn't mind, presenting some of these  
8 spreadsheets.

9 MR. POLUNSKY: Going forward in the  
10 future -- this is a little off track here -- but the  
11 suggestion that Mr. Steen made last week where we have  
12 overhead views or slides or whatever would be helpful.

13 OSCAR YBARRA: Yes, sir. And I think we're  
14 working with Chief Lane on in the future.

15 BRYAN LANE: Chairman Polunsky, Dorothy and  
16 Duncan and I went to TABC's conference room this week  
17 and visited with their IT staff regarding their current  
18 setup and are evaluating what's going to be the best  
19 solution for us. And we intend to move forward with  
20 that and give you some options and look at how to keep  
21 that at a minimal cost but at the same time be able to  
22 present that information to the audience as you're  
23 receiving or through any presentation that you may be  
24 given. So thank you, Commissioner Steen, for that  
25 recommendation.

1 MR. POLUNSKY: Go ahead, Oscar.

2 OSCAR YBARRA: Okay. These are three  
3 worksheets, sir. The first worksheet I'll identify to  
4 you is the teal green worksheet which represents updates  
5 and changes that were approved on the January 8th  
6 meeting. The crimson spreadsheet, which looks similar  
7 to the teal green spreadsheet, is what based on  
8 conversations we've had with the Governor's office and  
9 many discussions with division chiefs, certain division  
10 chiefs, and of course the directors, is what the agency  
11 is proposing to the Commission today for consideration.

12 If you'll look at the crimson sheet, you'll  
13 look at some of these items have been ranked -- well,  
14 all of these items have been ranked. The strategy  
15 behind the ranking was to identify the agency's critical  
16 needs from a perspective of performing its essential  
17 functions. And finally, the strategy of ranking these  
18 items to the best of our ability based on input from the  
19 Commission, Sunset findings, the Governor's office,  
20 legislators and federal mandates.

21 We submit these items in this ranked order  
22 for your consideration. I have also provided you this  
23 spreadsheet which kind of identifies what's changed.  
24 But before I get into that, I think we should -- it'd be  
25 best to discuss any concerns the Commission may have as

1 to the ranking order of the items presented.

2 MR. STEEN: I have a question just on what  
3 you've given us. So the teal sheet is where we were  
4 after our last meeting.

5 OSCAR YBARRA: Yes, sir, that is correct.

6 MR. STEEN: And then if you factor in what  
7 you're recommending here --

8 OSCAR YBARRA: Yes, sir.

9 MR. STEEN: -- then you end up here?

10 OSCAR YBARRA: Yes, sir.

11 MR. STEEN: All right. Thank you.

12 OSCAR YBARRA: And I wish I could provide  
13 you with their report, but we had a very small amount of  
14 time to put this information together.

15 MR. STEEN: Thank you.

16 OSCAR YBARRA: Also, you'll note on the  
17 crimson sheet that the costs of the facilities are on  
18 there now. Would the Commission like me to identify the  
19 in ranking order?

20 MR. CLOWE: Please.

21 OSCAR YBARRA: Item number one, critical  
22 personnel needs. Item number two, information  
23 technology and other information technology. Item  
24 number three, operating shortfall, several items under  
25 there. We went ahead and listed them for you there so

1 you could see what was involved in that particular  
2 exceptional item. Item number four, restructure of the  
3 Driver License Division. We gave that a little bit of a  
4 different title, but pretty much similar to what you saw  
5 at the last meeting. Item number five, border security  
6 and highway corridors. Item number six, TDEX funding.  
7 Item number seven, driving track operations and  
8 personnel. Item number eight, the Governor's office  
9 Division of Emergency Management request. Item number  
10 nine, new training academy and fleet operations to  
11 Florence. Item number ten, office facilities throughout  
12 the state. Item 11, Real ID act. Item 12, the  
13 Polygraph Examiner's Board.

14 COLONEL BECKWORTH: Commissioners, what we  
15 chose to do as it relates to several of these items that  
16 the Chief has identified, we met with the Governor's  
17 office and we looked at what we proposed as it relates  
18 to commissioned officer salary. We went back and used  
19 the state auditor's office information which was  
20 significantly lower than our initial recommendation for  
21 salary for commissioned personnel. We also, as I said  
22 earlier, we chose not to move forward on the information  
23 as it relates to our promotional process. So we did not  
24 include that in there based upon the state of the  
25 economy. Another thing that we did, we reduced that

1 amount for our commissioned officer salary by \$53  
2 million.

3 MR. CLOWE: By what, Colonel?

4 COLONEL BECKWORTH: By \$53 million.

5 MR. CLOWE: Thank you.

6 COLONEL BECKWORTH: Another thing that we  
7 did, we followed your instructions as it relates to our  
8 not having any funds for staff recruitment. And based  
9 on information we calculated, we found that \$250,000 for  
10 the marketing process each year of the biennium is what  
11 we recommended. So that particular category is \$250,000  
12 each year the biennium for the staff recruitment  
13 process. And that's an addition to the initial cost.

14 Then we went down to our information  
15 technology component, and we reduced our IT request by  
16 removing many of the categories that driver's license  
17 had in place to address issues relating to an IBR system  
18 that they needed for the customer service component. We  
19 moved that down to the driver's license strategy. Also,  
20 the mailing machines that were previously there that you  
21 see on the other chart, we moved those costs down from  
22 our IT component, and so it reduced our IT component by  
23 \$1.6 million (Inaudible) to driver's license program  
24 upgrade. Those mailing machines were \$2.1 million, we  
25 moved those down to the driver's license process.

1           There were great concerns on our operating  
2 shortfalls. That's why we decided to look at number  
3 three as our priority for operating shortfalls based on  
4 some of the things that are identified there that are  
5 critical to what our needs are. Deferred maintenance,  
6 director's staff has positions that we have been in  
7 place right now to address the accounting needs. And so  
8 we're paying for those issues our unused salary funds  
9 right now. And based on where we hit it, we know those  
10 funds won't be there in the future. So we need to  
11 address those shortfalls.

12           As you can see, that gasoline writer is what  
13 we talked to you about before, is critical that we move  
14 in discussion with the legislature to put back the  
15 writer of \$1.38 that we had in place not the past  
16 legislative session but the one prior to that. So we  
17 had \$11 million for gasoline shortfalls in there the  
18 last time. We removed that \$11 million and went back to  
19 that \$1.38 writer. And there's an asterisk down at the  
20 bottom of the page that identifies the information as it  
21 relates to the writer.

22           We also addressed the new expansion and  
23 facility operation cost that was there before. A lot of  
24 facilities we have, there's no funding to address the  
25 needs of those new facilities, and so we're asking for

1 that. Recruit school process we left in place because  
2 our critical needs as it relates to the recruit school.  
3 Utilities, we're always in a shortfall there and we left  
4 those in place.

5 What we've done here is there is a writer in  
6 place that specifically says that each year of our  
7 biennium, we are to pay the Attorney General's Office  
8 \$650,000 each of the years of the biennium if we have  
9 funds available. And because of the economic downturn,  
10 we're removing that particular provision. And if we  
11 have it, we'll pay it. If we don't have it, we will not  
12 be able to pay it. We also pulled down the first  
13 vehicle mileage reimbursement, delete that category of  
14 \$450,000 because we think we can manage within the scope  
15 of that based on some of the costs going down as it  
16 relates to mileage compensation.

17 Then we went down to driver's license  
18 restructure quote, and we met with the Governor's staff.  
19 We have another meeting scheduled a little while later  
20 with Sunset. And our challenge here and the discussion  
21 we had is that the Sunset Commission recommended that we  
22 move our commissioned officers from the driver's license  
23 program. Their mindset behind that was we leave the  
24 money behind to transition that to a noncommissioned  
25 category in the amount of about \$14 million. So what

1 we're doing in this process is we are leaving the 14  
2 million behind to replace 264 non-commissioned employed.

3 We've created another category and we're  
4 going to ask the legislature to fund the salary for the  
5 223 commissioned officers that we'll now be moving into  
6 Highway Patrol and to Criminal Law Enforcement. It is  
7 critical that we get that funding. If we do not get  
8 that funding, we're actually in (Inaudible) reducing our  
9 FTEs and commissioned officers' rank by 223. So it's  
10 critical that we get that funding from this legislative  
11 session or we'll be 223 boots on the ground less than  
12 what we have today. So there's an asterisk that  
13 requests the importance of that particular category.

14 The other thing we've done, as I said  
15 earlier, we moved those customer service imitatives down  
16 and put them in Category 4. And "4C" is conversion from  
17 DL to THP, and we'll need \$32 million in the biennium to  
18 address that, 17 million the first year, about 15 the  
19 second year to do those things. We went back, initially  
20 looked at Category number 5. We were asking for 256  
21 commissioned personnel to place in the border operation.  
22 That original cost was \$69.2 million. We went back and  
23 reduced those numbers from 256. Now we're asking for  
24 approximately for 100 FTEs. I think the number's about  
25 101 FTEs on the commissioned side and 17 on the

1 noncommissioned side to support our border initiative.

2           The TDEX funding, we left it the same. The  
3 driving track operation, we left the same. Governor's  
4 Division of Management, we added in the \$17 million that  
5 it would take to build their operations out. That  
6 information was provided to us by --

7           OSCAR YBARRA: Today. So that's why it says  
8 no change there. We just got it this morning.

9           COLONEL BECKWORTH: So we got that  
10 information this morning. The other thing that you'll  
11 see on this particular category as it relates to the  
12 cost is received all the cost for the new training  
13 academy and fleet operations to Florence. That entire  
14 packet based on Texas Facility Commission would be \$477  
15 million. Our thought process there, this system will be  
16 done in stages over several years of the biennium  
17 process. We would ask for funding -- a portion of that  
18 funding each session to facilitate building that  
19 particular facility. So that \$477 million would not be  
20 a request all at one time. But we want to show them  
21 what those costs would be.

22           The other things you see on there would be  
23 the buildings information we got back from TFC  
24 San Antonio northwest multiple purpose facilities and  
25 new facilities 15 million. Welfare office is 17

1 million, going on and on for a total of \$73 million for  
2 new buildings as it relates to that. Real ID act  
3 information is the same. And polygraph information is  
4 the same.

5           So we're asking for in this process a  
6 totality of 287 commissioned officers and a total of 955  
7 noncommissioned officers over the biennium. So that's  
8 the information that we are presenting to you today  
9 based upon our discussion as you directed us to visit  
10 with the Governor's personnel, and also based on  
11 information we received from Comptroller's office as it  
12 relates to the funding for this session . So we want to  
13 present this particular LAR document to you for  
14 consideration and include it so we can move forward with  
15 our legislative process.

16           OSCAR YBARRA: The -- the overall cuts that  
17 were made are in a general vicinity of about \$114  
18 million, majority being the schedule C and the border  
19 security. We were in communication with the Governor's  
20 office on the border security as far as if that would be  
21 something we need to look at.

22           MR. STEEN: Mr. Chairman, I have a question.  
23 This procedural, we're going to take formal action on  
24 this at some point to accept these exceptional items,  
25 and do we need to do that today?

1                   MR. POLUNSKY: We should.

2                   OSCAR YBARRA: Given the time line, yes,

3                   sir.

4                   MR. STEEN: You know, and I heard you say

5                   why you couldn't but, you know, I asked you if you could

6                   get this to us in advance of the meeting because it is

7                   awfully hard for us --

8                   OSCAR YBARRA: Oh, yes.

9                   MR. STEEN: -- to absorb this on the spot

10                  like this.

11                  OSCAR YBARRA: You see some of the meetings

12                  that occurred are happening on Monday, Tuesday --

13                  MR. STEEN: Right. And I know that even as

14                  we were meeting you were doing some tweaking.

15                  OSCAR YBARRA: Yes, sir.

16                  MR. STEEN: But you -- you can understand

17                  it's --

18                  OSCAR YBARRA: Absolutely.

19                  MR. STEEN: This is kind of a -- level of

20                  complication's kind of hard for us to be passed this and

21                  then try to make decisions on them. We'll do our best

22                  if we have to do it today.

23                  MR. POLUNSKY: How do you want to approach

24                  this? May I ask you a question?

25                  OSCAR YBARRA: Yes, sir.

1                   MR. POLUNSKY: I was out, I guess, for part  
2 of your initial remarks. But the commissioned officer  
3 compensation, you're dropping down to the SAO  
4 recommendation.

5                   OSCAR YBARRA: Yes, sir.

6                   MR. POLUNSKY: And the difference between  
7 what we originally recommended in this is how much you  
8 get.

9                   OSCAR YBARRA: About \$50 million over the  
10 biennium.

11                  MR. POLUNSKY: 50?

12                  OSCAR YBARRA: Yes, sir.

13                  MR. POLUNSKY: Over the biennium.

14                  OSCAR YBARRA: Yes, sir.

15                  MR. POLUNSKY: And there were other options  
16 also that you looked at?

17                  OSCAR YBARRA: As far as the Schedule C is  
18 concerned, sir, there was the DPSOA proposal.

19                  MR. POLUNSKY: That kind of splits the  
20 difference maybe.

21                  OSCAR YBARRA: Yes, sir. I think Colonel  
22 Clark had some discussions with DPSOA earlier this week  
23 if you want to discuss those.

24                  COLONEL CLARK: Brian Hawthorn contacted us  
25 and basically expressed his concern that because, again,

1 we've discussed this because of the state's budgetary  
2 climate and the direction we receive from Comptroller  
3 and the Governor's office, that our proposal, the  
4 Department's proposal, the \$106 million proposal over  
5 the biennium was excessive to the point where -- and he  
6 was in contact with a lot of legislators throughout the  
7 last few months. And his feeling was that this would --  
8 had the possibility of completely turning off members of  
9 the legislature in this climate that we were asking for  
10 this \$106 million packet considering the previous raises  
11 that the legislature had -- had given the Department.

12 So he had been in consultation with his  
13 people and basically told us that he was satisfied with  
14 the SAO proposal and that they would support that. So I  
15 just advised him that we would take that into  
16 consideration. We received the same information as they  
17 did. That is the discussion that I had with Bryan  
18 Hawthorn, of course, representing DPSOA. I have not  
19 discussed anything with Mr. Dickson. But that is just a  
20 suggestion that they made.

21 OSCAR YBARRA: The DPSOA proposal is roughly  
22 86 million over the biennium.

23 MR. POLUNSKY: So that's another 20  
24 something million.

25 OSCAR YBARRA: Yes, sir.

1           MR. STEEN: Help me with this, and just your  
2 comment on this, but if I'm looking at this correctly,  
3 looking at the teal worksheet, so when we finished our  
4 meeting a week ago, the -- the total that we were  
5 looking at was 496 million.

6           OSCAR YBARRA: Without the facilities.

7           MR. CLOWE: Without what?

8           OSCAR YBARRA: The facilities' costs.

9           MR. STEEN: But if you're just looking at  
10 one number to the other and then now with looking at  
11 the -- what color did you call it?

12          OSCAR YBARRA: Crimson.

13          THE STEEN: The crimson, we're now at a  
14 billion.

15          OSCAR YBARRA: Yes, sir. A lot of it has to  
16 do with the recruit school cost. About -- if I'm not  
17 mistaken -- excuse me, the training academy cost, \$477  
18 million. And then you have the 73 million for the other  
19 facilities. So that's the major difference.

20          MR. CLOWE: 73 million for the what, Oscar?

21          OSCAR YBARRA: The other facility,  
22 San Antonio northwest.

23          MR. CLOWE: You've got the building costs in  
24 there.

25          OSCAR YBARRA: Yes, sir.

1                   MR. CLOWE: Comes back to about 575 when you  
2 take Florence, the academy out. I think you've got the  
3 priorities right, and that's the way they wanted them  
4 ranked. We're in conformance now.

5                   OSCAR YBARRA: The ranks are coming from the  
6 agency. I think we took what we need to function.

7                   MR. STEEN: I guess my question is does  
8 everybody feel comfortable with -- with that  
9 billion-dollar biennial cost for these exceptional items  
10 or should we -- does it look okay to be presenting a  
11 number that big?

12                  COLONEL CLARK: You're asking me or the  
13 Chairman?

14                  MR. STEEN: The Colonel.

15                  COLONEL CLARK: It's a scary number. Now,  
16 if you back out, of course, the new training academy,  
17 that's half a billion dollars right there. But we feel  
18 like we have really made a good faith effort. And I  
19 want to publicly acknowledge Oscar and Tom Haas and  
20 Karen Elliston who spent hours working with Lieutenant  
21 Colonel Beckworth to chip away and get this down to what  
22 we consider -- it's not bare bones, but it is a  
23 reasonable budget that we can go forward with. I  
24 certainly won't be embarrassed to ask for anything on  
25 here. This is what we need if we're going to go forward

1 and be the agency that we want to be.

2           They could -- they could easily reject some  
3 of these figures. Hey, we're going to ask. You know,  
4 we -- we feel that it's reasonable. A lot of work has  
5 gone into this. A lot of thought, a lot of preparation.  
6 And we don't take this lightly. And yet, even in these  
7 difficult times, I believe it's a good budget. I think  
8 it's appropriate, and we're ready to go forward and  
9 present this to the legislature with no apologies. And  
10 you'll be sitting right next to me, I hope.

11           MR. STEEN: Colonel Beckworth, I want to say  
12 that was impressive, all the work that you've done on  
13 this and the way you took us through that.

14           COLONEL BECKWORTH: Well, I have to commend  
15 the staff. Oscar and his staff did a great job. They  
16 was here last night late. They came back in early this  
17 morning. A lot of information (Inaudible) they were  
18 working while we were in Executive Session. So I  
19 commend them. And if there's any modification changes  
20 you want to make, Karen Elliston's sitting back there.

21           COLONEL CLARK: She's online, ready to go.

22           COLONEL BECKWORTH: She can print it off and  
23 make the modifications and give you a different document  
24 in amount of seconds.

25           OSCAR YBARRA: And we won't take all the

1 credit. The responsiveness of the divisions was  
2 incredible in a short period of time.

3 MR. POLUNSKY: Okay. I guess we can start  
4 going through this and doing our own surgery, our own  
5 comments or whatever.

6 MR. STEEN: Commissioner Clowe, did you say  
7 that looking over the project and putting it in priority  
8 order, that you're pleased with that?

9 MR. CLOWE: Yes, sir. That was a request  
10 that I think we had. And I think we named the first  
11 three. And the only change I see there is operating  
12 shortfall is put in three, and driver's license has been  
13 put in four. I don't quarrel with that. And the rest  
14 of them, I think, pretty well fall in line. There's no  
15 consideration in here for organizational change  
16 expenses. Mr. Bledsoe suggested a place marker, I think  
17 he called it. I don't think the legislature smiles  
18 favorably on place markers.

19 OSCAR YBARRA: I think items one and two do  
20 kind of address some of the management.

21 COLONEL CLARK: IT improvements.

22 OSCAR YBARRA: And our IT optimization.

23 MR. STEEN: If we have a consensus on the  
24 priorities, and Colonel just told us that the staff  
25 feels very comfortable with the numbers, what else do we

1 need to look at?

2 MR. CLOWE: I think we can sit here and  
3 stare at it for hours, but I don't think -- I wouldn't  
4 know anything more about it. What do you think,  
5 Mr. Chairman?

6 MR. POLUNSKY: Well, I mean, I want to give  
7 everyone the opportunity to comment, discuss, recommend,  
8 whatever. I'm still a little hung up on -- on the --  
9 the drop on the -- the additional compensation. If  
10 we're going to be -- how much more shocking is that  
11 going to be to the legislature than walking in with that  
12 request for \$477 million for a new training academy.

13 MS. BROWN: Can I ask a question? Is the  
14 thinking -- my understanding is that the thinking behind  
15 asking for less money and commissioned officer  
16 compensation is that somehow we -- think we get a  
17 heightened sense of credibility or we have a heightened  
18 credibility with the legislature; is that it, the idea,  
19 I guess?

20 MR. POLUNSKY: This is coming through one of  
21 the associations through the Colonel.

22 COLONEL CLARK: Well, that's just one --  
23 that was just one thing. I can tell you in previous  
24 meetings downtown with Senator Ogden, these -- this was  
25 brought up, compensation for officers. They're quick to

1 point out that they have been good to the officers with  
2 previous pay raises. They address the vacancies that we  
3 have. They always ask us, why haven't you filled up  
4 your vacancies. Well, there's a lot of reasons for  
5 that.

6 One of the -- one of the reasons we -- we  
7 share with them is compensation. We feel that our  
8 troopers need to be compensated. And I'll agree with  
9 Mr. Dickson, not average, we want to be the best. But  
10 this has always been an issue with the legislature. We  
11 want to pay our officers the best. And we feel that if  
12 we can do that, we will attract and retain.

13 As was mentioned earlier, there's no other  
14 police department in this agency that responds to  
15 hurricanes unless they're on the coast. We send our  
16 people to tornados when they strike a community. They  
17 respond. Hurricanes, all kind of disasters. We ask our  
18 people when they promote to sergeant, move across the  
19 state. That's why we'd offer -- or it was proposed of  
20 this \$6,000 stipend, if you will, in lieu of moving  
21 expenses anytime that you promote. So this compensation  
22 issue comes up.

23 I'm not sure that, as I tried to explain  
24 that to Senator Ogden, he was really buying off on that.  
25 He's a big supporter of DPS. But then we've heard this

1 individually as we meet other -- other legislators. And  
2 the \$106 million that we're proposing, it's wonderful.  
3 It's great. We just -- we're a little scared when Susan  
4 Combs sent her report out. And we were cautioned to be  
5 prudent in our request. So that's why the discussion.  
6 And we have the three options between the DPSOA  
7 recommendation, the SAO, and our recommendation.  
8 They're all a little different. So it's just presented  
9 to the Commission to get your thoughts. And you raise a  
10 good point. You're looking at a \$1 billion figure,  
11 what's another \$80 million added on. Well, they look at  
12 it as --

13 MR. POLUNSKY: Well, maybe not 80 million  
14 added on, maybe take some stuff off. I don't know. I  
15 mean, just --

16 COLONEL CLARK: I'm ready to ask.

17 MR. CLOWE: Could we hear from Mr. Kelley?

18 MICHAEL KELLEY: Michael Kelley, legislative  
19 liaison. I think one thing you've got to look at on  
20 this document is on the back side you have items number  
21 nine and ten. These are capital items. The legislature  
22 tends to pay for many capital items using bonds that are  
23 approved during general elections. The state can not  
24 spend or borrow more money than it takes in. Although,  
25 with approval from the constitutional amendment, they

1 can borrow money.

2 I don't believe you can look at number nine,  
3 the training academy and say they're going to give us  
4 half a billion dollars and go. That has always been  
5 seen as being done in parks. So you might look at it as  
6 they can look at that big number and then break it down  
7 to we'll allow you to move your fleet operations or  
8 we'll allow you to build your dormitory, and that's all  
9 we're going to give you this time. Kind of like we  
10 built our range, the actual shooting part first, now  
11 we're working on a driver training facility.

12 So I think it's -- it's a misnomer to look  
13 at that and say that's truly what we're asking for all  
14 at one time. We're putting out what the total cost  
15 would be in hopes that they will break off and pay for  
16 part of it. Likewise, usually I've never seen where  
17 everybody single building we've asked for gets paid for.  
18 You might look and see that there -- the law makers may  
19 look at that, and it may be simply a matter of the  
20 chairman of the -- of the committee may have an interest  
21 because it's in their district or maybe that's the  
22 highest need because of its use.

23 So they may pick a few of these buildings  
24 and add them into that bond package and allow that to be  
25 paid for. So I think it's difficult to look and say

1 this is really a billion dollars we're asking for.  
2 Because the building cost will oftentimes be borne out  
3 in bonds that are paid for by borrowing money and paying  
4 for it separate from the actual appropriations in the  
5 Appropriations Act.

6 As far as dealing with the Schedule "C"  
7 commission pay raise -- and I spoke extensively on  
8 Saturday with Brian Hawthorn. He and I were visiting  
9 and he asked if we could talk about -- and I -- and I  
10 set up to have the phone discussion with the Colonel on  
11 Monday if he could talk and visit. Because his concern  
12 in talking to law makers, and I've heard the same, is if  
13 you ask for too much they won't even look at it.  
14 Because you got to think the mentality of the law maker  
15 is if you ask for 106 and they only give you 30, you're  
16 going to think of that as a defeat, so why should I give  
17 you 30. I might as well give you zero because you're  
18 going to still feel just as defeated. But if I ask --  
19 if we go in and ask for 50, we can justify it because  
20 the auditor is hired by the legislature.

21 The Legislative Audit Committee consists of  
22 House and Senate members who picked John Keel. Keel  
23 then went off and studied what the compensation was.  
24 And so now we can fall back on saying we have a report.  
25 You can look at why having a Deloitte report or a

1 Gartner study. This was a study done by the auditor  
2 that was hired by the legislature so we can justify  
3 these numbers much more easily. So I believe that was  
4 the rationale behind going with this figure because it's  
5 more reasonable and it's supported by a document  
6 prepared by the auditor.

7 MR. STEEN: Mr. Kelley, your overall  
8 thoughts on this?

9 MICHAEL KELLEY: I believe -- having worked  
10 with the staff when we were working on this, I believe  
11 this is -- this is a good legislative appropriations  
12 request. This is what we ought to be asking for. And,  
13 again, I say that knowing that the capital costs are  
14 large. But what we have to expect is that we're not  
15 going to get all of our capital paid for in one session.  
16 So we have to continue to let the law makers know this  
17 is what our needs are, we wait for you to fund as much  
18 as you want to fund.

19 But then if you only look at the front then  
20 take away the capital, I believe this is a much more  
21 manageable amount compared to what we brought forth  
22 before. We've taken out what you can consider the --  
23 any excess that law makers may question such as the  
24 aircraft. We've worked down and paired down our  
25 requests and put them in order making all personnel

1 needs. And by saying this in a means as saying we've  
2 added additional personnel, commissioned, non and  
3 commissioned recruitment.

4           You can't have peace officers in the field  
5 properly trained and -- and given the right materials  
6 and support without also having the proper  
7 noncommissioned support. And that include your lab  
8 technicians, breath alcohol testing, crime lab. What  
9 good is the crime -- crime scene if you have a peace  
10 officer gathering evidence when you don't have the right  
11 crime personnel in the lab to process it. We can  
12 justify these costs and we can justify these needs on  
13 this LAR request.

14           MR. STEEN: Very well spoken. I just -- and  
15 I know we can have further discussion, but I'd like to  
16 go ahead and move that we accept the exceptional items  
17 as laid out to us by the staff today.

18           MR. POLUNSKY: Mr. Steen has made a motion.  
19 Is there a second to Mr. Steen's motion?

20           MR. CLOWE: Second.

21           MR. POLUNSKY: And seconded by Mr. Clowe.

22           MR. STEEN: And, Mr. Chairman, just to  
23 clarify, if we adopt this today, it's not in concrete.  
24 We could -- or is it? Answer that question.

25           OSCAR YBARRA: Well, what we're getting at

1 is we're very close to your hearings for -- as far as  
2 appropriations are concerned. So this would be the  
3 mark. If there's going to be planned meetings, I'm  
4 sure, where the directors and some of you and the  
5 Chairman will be meeting with legislators talking about  
6 the very items, yes, they could change. They could  
7 change. But this is the initial mark. When we walk in,  
8 this is what we're starting with, and then the  
9 discussion beginning.

10 MR. STEEN: Right. But as time goes on we  
11 can tweak this as we --

12 MR. CLOWE: Can't ask for more.

13 MR. STEEN: No, no, not asking for more.

14 MR. CLOWE: No. But yes, you're right. But  
15 time is of the essence. I think Michael came in the  
16 meeting before last and identified the window is -- is  
17 opening up in January and it probably starts closing in  
18 March.

19 MR. STEEN: I guess my point is that if we  
20 vote on it -- I'm trying to relieve some of the  
21 pressure. But if we vote on it today we accept it. And  
22 Commissioner Clowe, you've studied this like I know you  
23 do you find some issue with it, maybe we can come back  
24 at the next meeting and tweak it, right?

25 MR. CLOWE: Well --

1 MR. STEEN: No?

2 MR. CLOWE: -- I don't think we can increase  
3 it, and that speaks to the Chairman's point. You know,  
4 I'm disappointed, too, about the reduction in personnel  
5 and compensation. I think if we go forward on this  
6 today, we could not ask for more in the future. I  
7 think --

8 MR. STEEN: That part of it is -- we're sort  
9 of finalizing it today.

10 MR. CLOWE: Yeah. And I think, Michael,  
11 you're right about the SAO. You know, you're trying to  
12 go upstream when you go against the auditor's  
13 recommendation. We've got a good case for what we want  
14 for our people. But every other agency can make very  
15 convincing arguments. And that SAO report's going to  
16 loom big, I think, in the legislator's minds.

17 MICHAEL KELLEY: Yes, sir. And you can  
18 expect that John Keel, who has been there to testify at  
19 the House Appropriations Committee meetings and Senate  
20 Finance Committee meetings, that he was also available  
21 at the legislative appropriations request presentation.  
22 He will be there to testify. So by using his numbers,  
23 he will be able to be there to justify that we're in  
24 the same boat, that we're all -- we're all looking at  
25 the same number.

1           MR. CLOWE: That's a big factor in my  
2 thinking. You know, it's less than I wanted for our  
3 people. I assume that's true for every one of the  
4 Commissioners. But I think you ask for what you think  
5 you can reasonably get. I'm disappointed, but I -- I  
6 don't want to get nothing.

7           MICHAEL KELLEY: Right.

8           MR. CLOWE: I don't think that would happen  
9 to us with the SAO. But I just want to make the point,  
10 Commissioner Steen, I don't think we can go back and  
11 say, well, we want to go back to 106 if we vote on this  
12 and move forward today. Because this is -- the train's  
13 leaving the station.

14          OSCAR YBARRA: Yes, sir.

15          MR. POLUNSKY: Michael, do you think that  
16 there's going to be a problem on the SAO recommendation?

17          MICHAEL KELLEY: As far as the lawmakers not  
18 liking that recommendation?

19          MR. POLUNSKY: Well, end of the day, will we  
20 get -- get that amount?

21          MICHAEL KELLEY: I think --

22          MR. POLUNSKY: Help me out.

23          MICHAEL KELLEY: All main things considered.

24          MR. POLUNSKY: Right.

25          MICHAEL KELLEY: I will say statistically

1 speaking you have a much greater chance of asking for  
2 and receiving good compensation for your commissioned  
3 peace officers and the increase in compensation by going  
4 with the auditor's numbers versus asking for 106 million  
5 more than twice what the auditor asked for. I also  
6 think statistically speaking you have a higher increase  
7 chance of getting this increased compensation for your  
8 peace officers by starting with a lower number. We may  
9 not even get what the auditor asked for. They may say  
10 we're going to have to go less than that.

11 But as I mentioned earlier, if you ask for  
12 too much, then you're likely not to get anything.  
13 Something that I had been told one time at the --  
14 Senator Whitmire brought this up with me. He said, pigs  
15 get fat, hogs get slaughtered. And if you ask for too  
16 much, you're going to get slaughtered by the  
17 legislature. They won't even consider the request.

18 MR. POLUNSKY: I wouldn't disagree with  
19 that. I'm just fearful into getting into a situation  
20 where we lower the asking price, so to speak, and then  
21 the negotiations come down from there.

22 MICHAEL KELLEY: Yeah. I think that's why  
23 we have to stay we stick with the auditor's numbers,  
24 that we don't want it lower. We're asking it not be  
25 higher. But at the same time, we want to stay with what

1 the auditor said. There's a reason why he said that  
2 this is the average. Just like Mr. Dickson said, we  
3 sure would love to pay our troopers well above average  
4 and we truly believe they deserve that. But all things  
5 considered, when you look at all the other requests that  
6 all the other agencies are making, and lawmakers have to  
7 make hard decisions, it's going to be a little bit more  
8 difficult to sell in these tough fiscal times.

9 I'm certainly ready to come back and excited  
10 about the opportunity if this economy picks up, go back  
11 in two years and let's go for it. Let's keep moving  
12 forward. But I sure would hate to lose the momentum and  
13 not get any increase in compensation considering we have  
14 been successful the last two sessions.

15 MR. POLUNSKY: Well, he makes a point. So  
16 further discussion? There's a motion on the table. All  
17 in favor, please say, "Aye."

18 COMMISSIONERS: Aye.

19 MR. POLUNSKY: Any against? No. Motion  
20 passes unanimously.

21 OSCAR YBARRA: The next steps that we'll be  
22 taking, sir, is we will start pretty much taking our  
23 current proposal narrative and restructuring that to  
24 match this particular spreadsheet than what was adopted,  
25 and we will also be -- it'll probably be ready in

1 about --

2 TOM HAAS: A week from Monday.

3 OSCAR YBARRA: A week from Monday. We'll be  
4 working through this weekend to get this thing ready for  
5 you all, and also to the legislature.

6 MR. POLUNSKY: Thank you very much for your  
7 hard work. I very much appreciate it. And not be  
8 repetitive, but let me once again state we are  
9 disappointed. And I am very confident that the  
10 Commission will be working together for 2011 and come  
11 back, as Mr. Kelley said, hopefully the economy will be  
12 better and so on and we'll have a deeper well than  
13 the -- to draw from. But we're not going to forget the  
14 people make this Department what it is. Thanks a lot.

15 OSCAR YBARRA: Yes, sir.

16 MR. POLUNSKY: Thank you. Audit and  
17 inspection report. Mr. Walker.

18 FARRELL WALKER: Farrell Walker, Director of  
19 Audit & Inspection. Mr. Chairman, Commissioners, I will  
20 be brief. My report, as usual, contains completed  
21 projects and working process. You'll notice that I've  
22 included in this report three completed audit projects  
23 and one headquarters inspection. I'd like to point out  
24 that in the first quarter, audit recommendations report,  
25 that management has completed the implementation of most

1 all of the recommendations of previous reports. OAI  
2 will be performing follow-up projects on all of these  
3 for the rest of the fiscal year, and we'll catch up with  
4 management on those.

5 In connection with the fraud unit,  
6 management's agreed to take steps to improve the  
7 Department's fraud policies and to take action to  
8 educate employees about fraud issues. Finally, in  
9 connection with internal audit, the (Inaudible) audit  
10 pointed out certain control issues that need to be  
11 addressed. The management's agreed to address those  
12 appropriately. And finally, in connection with the  
13 training bureau inspection, there are 19 recommendations  
14 for improvement. Management has taken action on all but  
15 two of those. And those two represented, budget issues  
16 that -- hopefully to be included in the LAR this year.  
17 And pending funding, they'll take action on those  
18 remaining two. That concludes my report, unless you  
19 have questions.

20 MR. POLUNSKY: Questions?

21 MR. STEEN: You know, I have -- I do have a  
22 comment. We don't have an audit committee, do we, of  
23 the Commission?

24 MR. POLUNSKY: We have an audit liaison, and  
25 that would be Ms. Barth. But if you're interested in

1 this --

2 MR. STEEN: No, I'm not interested

3 necessarily.

4 MR. POLUNSKY: No, but we can make it into a  
5 committee and you can serve it.

6 MR. STEEN: Well, just a suggestion that  
7 probably if -- now that there are five commissioners  
8 where you could have, you know, two on a committee. I  
9 think this is an important area. We're reaching it late  
10 in the day. It's a lot to absorb. But if we had an  
11 audit committee, maybe they could meet between our  
12 meetings with the auditor and go into this in much  
13 greater detail. And then when we're reporting to us,  
14 we'd know that at least two of our commissioners have  
15 really looked into this closely.

16 MR. POLUNSKY: I believe that Mr. Walker has  
17 had meetings with Ms. Barth. But --

18 FARRELL WALKER: We visit frequently.

19 MR. POLUNSKY: But would you -- if you're  
20 not interested, that's fine. But if you are interested,  
21 I'd be happy to --

22 MR. STEEN: Well, let's talk about it.

23 MR. POLUNSKY: Okay. All right.

24 MR. STEEN: But you are interacting with  
25 her, you're sending her the reports?

1           FARRELL WALKER: Yes, sir. Anytime I think  
2 there's an issue that I think the Commission needs to be  
3 particularly aware of, I'll bring it to her attention.  
4 And there have been times that she suggested that I send  
5 additional information to the Commission based on her  
6 review of those things. I think an audit committee  
7 would be more than appropriate at some point in time and  
8 would welcome that.

9           MR. STEEN: We can talk about it more. But  
10 if you did form that committee, maybe they could meet  
11 prior so that they're not setting aside another day.  
12 But say, they meet at -- starting at 8:30 on our monthly  
13 meetings, meet with the auditor and get that out of way  
14 before our meeting.

15           MR. POLUNSKY: That's a good idea.

16           FARRELL WALKER: Thank you.

17           MR. POLUNSKY: Thank you, Mr. Walker.

18 Division reports. Administration, Chief Fulmer, one  
19 more time.

20           VALERIE FULMER: I'll be very brief.  
21 There's just a few things I want to point out. To the  
22 new Commissioners, I want to point out the Texas Data  
23 Exchange contract. On the second page of our report at  
24 the bottom, we have this in our report every month and I  
25 just wanted to make sure that you had seen it. The

1 overall cost of TDEX is estimated at 6.3 million. But  
2 generally, the Commission will not see those on the  
3 contract reports that come through each month because  
4 the individual contracts themselves don't reach the  
5 threshold of a million dollars.

6 And we agreed in an earlier Commission  
7 meeting that as long as we kept the Commission informed  
8 of the total cost, that they were comfortable with the  
9 individual contracts. And if that changes, we will  
10 advise you of the change. But I wanted to point that  
11 out to the two of you since you weren't here for that.

12 MS. BROWN: Thank you.

13 VALERIE FULMER: Also, there is an appendix  
14 to our report. Crime records service was asked to give  
15 a report to the legislature regarding the criminal  
16 history background checks, just sort of state of the  
17 union, and they're asked to do that periodically. We  
18 included the executive summary to the report. The  
19 report itself is about 45 -- 54 pages --

20 MS. BROWN: Thank you for the summary.

21 VALERIE FULMER: We thought you'd appreciate  
22 that. And we will be submitting that to the legislature  
23 very soon. The only other thing I have to say is that  
24 Chief Fulenwider and I have walked the grounds and have  
25 some ideas on beautification. So we are hopeful that

1 this spring we will see some changes.

2 MR. POLUNSKY: So we'll be secure and  
3 beautiful.

4 VALERIE FULMER: Secure and beautiful, yes.  
5 We're hoping to accomplish both. But I think you have  
6 the right team for the job here.

7 MS. BROWN: Are you sure you're not from  
8 Dallas? That's a very Dallas thing to --

9 VALERIE FULMER: I am from Dallas.

10 MR. POLUNSKY: CLE -- CLE, Chief Ortiz.

11 JOE ORTIZ: Chairman, Commissioners,  
12 Colonels, Jose Ortiz, Assistant Commander, acting Chief  
13 for the Criminal Law Enforcement. You have the report  
14 we've submitted. I would bring to your attention,  
15 Chairman, there was a mistake on the statistics for the  
16 crime laboratory that we later caught on cases received  
17 in December and cases completed in December under  
18 controlled substances. The figures you have show 5,201  
19 and 5,248 respectively for controlled substances, and  
20 the actual figures are 3,531 for cases received for  
21 December. And cases completed for December are 3,467.

22 The totals also changed. The total for  
23 cases received for December are 5,396, and the cases  
24 completed for December are 5,193. The error was we  
25 received a year -- from one lab in Laredo, we received a

1 year-end statistics as opposed to fiscal year, so that  
2 was the need for the correction. Other than that, I  
3 have nothing else to add unless, there's a question  
4 regarding the report.

5 MR. POLUNSKY: Are there any questions for  
6 Chief Ortiz?

7 JOE ORTIZ: Thank you.

8 MR. POLUNSKY: Driver's license, Chief  
9 Brown.

10 JUDY BROWN: Chairman, I just have one  
11 addition to the report that I provided for you. This  
12 week I received a report back from the state of  
13 Virginia. And Virginia, about eight months ago, they  
14 implemented legislation that increased the fee for a  
15 customer service visit on vehicle registration renewals  
16 duplicates if the person was eligible to achieve the  
17 same via the internet. Reporting from July 1st to  
18 September 30th, they saw a 30 percent reduction of  
19 visitors in their -- in their customer service centers  
20 which equated to a 50 percent increase in internet  
21 transactions. So it may be something that we could  
22 consider putting before the legislative body to see if  
23 we find a sponsor that may want to carry that.

24 Basically what they did is they increased  
25 the fee by \$5. If you were eligible for an internet

1 transaction, you went into one of their offices, they  
2 increased the fee by \$5 for that transaction. We did  
3 some reduction fee if you used the internet. That's not  
4 controlled by the Department, it's controlled by DIR.  
5 But, again, I think this would put us in the right  
6 direction to give some incentive to use the internet if  
7 in fact you were eligible to do so.

8 MR. POLUNSKY: I think that's a good idea.

9 JUDY BROWN: That's all I've got, unless  
10 you've got questions.

11 MR. POLUNSKY: Questions?

12 MR. STEEN: How do we move forward with that  
13 idea?

14 JUDY BROWN: Propose it to the legislative  
15 body and ask for a bill to be drafted and see if we can  
16 find a sponsor.

17 MR. STEEN: There's nothing like (Inaudible)  
18 people that way. Hope we'll follow up on that.

19 MR. POLUNSKY: Do you want the Commission to  
20 recommend that to you or --

21 JUDY BROWN: I don't think it's formal. I'd  
22 be glad to move forward with it. We'll be on it  
23 tomorrow morning.

24 MR. POLUNSKY: I think the sense of the  
25 Commission is (Inaudible)

1 JUDY BROWN: Thank you.

2 MR. POLUNSKY: Emergency Management.

3 RUSS LECKLIDER: Russ Lecklider, Assistant  
4 Chief of Emergency Management Division. Mr. Chairman  
5 and Commissioners, you have our report. I don't have  
6 anything to add except the one item at the end said that  
7 the state auditor has been conducting an audit for  
8 Homeland Security grants, and mitigation grants, and  
9 disaster recovery grants since August and they've  
10 wrapped up their field work actually. They have done  
11 that and they're going to (Inaudible) for those  
12 tomorrow. That's all I have, unless you have questions.

13 MR. POLUNSKY: Questions? Thank you, Chief.  
14 Next is Highway Patrol, Chief Baker.

15 DAVID BAKER: Good afternoon, Mr. Chairman,  
16 Commissioners. David Baker, Chief of Highway Patrol.  
17 You have my report, and I would like to direct your  
18 attention to page four, the top paragraph. We had an  
19 incident on New Year's Eve which ended very happily for  
20 the agency when one of our troopers was involved in a  
21 shootout. But there are some success stories that are  
22 involved in his efforts as well that I would like to  
23 bring to your attention.

24 There was a murder in San Angelo. A  
25 gentleman murdered his wife and shot his -- I'm sorry,

1 murdered his estranged wife and shot his ex  
2 mother-in-law. San Angelo PD operates on an 800  
3 megahertz radio system. Therefore, if not for the  
4 efforts of our radio operator in our San Angelo  
5 communications facility monitoring that traffic, we  
6 would -- our troopers on the road would've kind of been  
7 in the blind.

8           This operator continually monitored that  
9 scanner traffic. She went above and beyond and began  
10 developing information, and went so far as to get the DL  
11 photo on the suspect that San Angelo had broadcasted,  
12 and sent that DL photo out to our troopers via our new  
13 in-car system that we have. Our troopers were advised  
14 that there's -- this subject's cell phone was being  
15 (Inaudible) and they had just got a location on his cell  
16 phone that led him to believe that they were coming his  
17 direction.

18           So he became on high alert along with the  
19 local officers. And sure enough, he stopped a vehicle  
20 that was one of the few vehicles on the road that night,  
21 and approached the driver, looked in the vehicle. The  
22 passenger was the suspect that we were looking for. He  
23 had reclined the passenger seat all the way back and was  
24 laying down basically. The trooper approached the  
25 vehicle, looked at the driver and saw one person

1 initially and said, I'm sorry I bothered you. I'll  
2 release you.

3 And as he was walking by, he noticed the  
4 passenger laying down in the seat. And what caught his  
5 attention was an ear ring that that passenger was  
6 wearing that was on that DL photograph. And that was  
7 the clue that led him to know that he had the guy he was  
8 looking for. He immediately told the passenger to step  
9 out of the vehicle. He had to tell him twice. And at  
10 that point, the passenger shot at him one time with a  
11 12-gauge shotgun. Fortunately, the round struck the  
12 trooper in his ammunition magazine pouch. And it  
13 devastated that pouch. It completely demolished it.  
14 And had it not hit there, I'm afraid we would have been  
15 attending a funeral last week. The trooper immediately  
16 returned fire and the rest is history. Like I say, a  
17 very happy ending for us. With that, I'll conclude my  
18 report.

19 MS. BROWN: Do we know the name of this  
20 dispatcher?

21 DAVID BAKER: Yes, we do.

22 MS. BROWN: And is there a way to recognize?

23 DAVID BAKER: Yes, ma'am. She is -- she  
24 will be recognized for her efforts.

25 MS. BROWN: That's awesome.

1           DAVID BAKER: Yeah, she did a great job.

2           MR. POLUNSKY: Yeah, that is good news.

3           Since you're here, what is the status of the 20-mile  
4           rule?

5           DAVID BAKER: I'm ready to talk to the  
6           Commission about the 20-mile rule.

7           MR. POLUNSKY: Now?

8           DAVID BAKER: Yes, sir. I'll tell you that  
9           I've done some research. In the early 90S there was no  
10          rule or regulation particularly for the agency.  
11          Different divisions, different districts had different  
12          residency policies. The administration at the time  
13          recognized the need to make it a uniform policy for the  
14          agency. And on October the 28th of 1991, they  
15          established the 20-mile rule for the agency.

16          All highway patrol districts right now  
17          comply with the 20-mile rule. I did have one district  
18          that had a ten-mile rule. And, had, is the operative  
19          word in that. It is now a 20-mile rule. I've done  
20          further research on our crash response times. Within  
21          the last -- the last six months of the last fiscal year,  
22          we did a study, and our average response time to  
23          accident callouts has been about 20-and-a-half minutes.

24          I would like to address some comments that  
25          were made to y'all this morning. Comments were made

1 about the Parks & Wildlife and the Alcohol Beverage  
2 Commission having a 30-mile residency policy. I'm not  
3 sure what their response -- or their callout  
4 responsibilities are. So, you know, I don't know if  
5 we're comparing apples to apples or apples to oranges.  
6 I talked to Mr. Dickson earlier after break. He talked  
7 to y'all this morning and said that TSTA would like to  
8 see troopers -- a residence policy for troopers being in  
9 the areas of their patrol responsibilities.

10 And the way our troopers are set up, we have  
11 troopers whose area of responsibility is one county. We  
12 have other troopers who have multiple counties of areas  
13 of responsibilities. So there would not be a -- na  
14 parody in that logic in my mind. Our gasoline  
15 expenditures, the last fiscal year of '08, about \$15.1  
16 million in gasoline currently. I have surveyed other  
17 states to see what other states have. 25 states  
18 responded to our request, and the results range from no  
19 residence policy, the (Inaudible) states that had no  
20 residence policy, looking at states like Rhode Island  
21 who -- not a very big state.

22 Other states that have no residence policy,  
23 Connecticut, Delaware, Kentucky. I kind of like  
24 Maryland's, they have no residence policy but they do  
25 have a 25-mile vehicle radius of the residence for the

1 allowance of the state vehicle for personal use. I  
2 thought that was pretty interesting. Rhode Island has  
3 no residency policy.

4 I also asked those folks that have no  
5 residence policy what their trooper to car ratio is and  
6 the majority is one to one. So every -- every officer  
7 has his own personal -- or own state vehicle. The most  
8 restrictive policy I found was in South Dakota. There's  
9 is ten miles. They range. And Virginia's 50 miles.  
10 California -- California and New York were two states  
11 that do not have take-home vehicles for their first line  
12 officers. California has take-home vehicles for their  
13 canine officers and their motorcycle officers and their  
14 commanders, and they limit those -- those individuals  
15 50 miles for the canines and motorcycles and then  
16 70 miles for officers and commanders.

17 So it's a very -- very broad spectrum. And  
18 I'll tell you that my concern in increasing the mileage  
19 would be that -- that response time and our expenditure  
20 in gasoline consumption.

21 MR. POLUNSKY: Well, I would have a concern.  
22 Would it be bad policy to increase it? Would it be  
23 irresponsible, I guess I should say.

24 DAVID BAKER: Would it be irresponsible to  
25 increase it? You know, I asked -- I was not a part when

1 the 20-mile rule was adopted. And how 20 miles came up  
2 or was decided upon, I have no idea. I was told that  
3 several times consideration had been given to changing  
4 that number. But what number it would've been changed  
5 to, nobody could come to a consensus on.

6 MR. STEEN: Sir, you're saying that that  
7 Commission established a 20-mile rule?

8 DAVID BAKER: No, sir. The 20-mile rule was  
9 established by prior administration in 1991. It was --  
10 it was established by division chiefs and approved by  
11 the director at that time.

12 MR. STEEN: Never came up to the Commission  
13 before.

14 DAVID BAKER: No, sir. This issue came up,  
15 I think, initially during a Sunset meeting about our  
16 20-mile rule.

17 MR. STEEN: And somebody tell me, where's  
18 the push to change it from 20 to 30? Where's that  
19 coming from?

20 MR, POLUNSKY: Well, probably from the  
21 Association. But beyond that, I think it's coming from  
22 a lot of the troopers out in the field. And you talk to  
23 the troopers and you ask them questions about issues,  
24 things that they either think would be helpful to --  
25 that they would be appreciative or they feel it would be

1       constructive to make changes, this is one that I hear  
2       quite frequently.

3                 MR. CLOWE:  It would save them money and  
4       make accommodations more ready available; gives them a  
5       wider market to rent or buy at a lower price.  It's an  
6       economic factor.

7                 MR. STEEN:  All right.  Well, I think it's  
8       late in the day.  I don't think we could take action on  
9       it today because it's not on the agenda.  So I guess the  
10      question would be -- is it something we want to put on  
11      the agenda for the February meeting to discuss, or  
12      what's your pleasure?

13                MR. POLUNSKY:  I am -- I am in favor of  
14      revisiting this rule.

15                MR. STEEN:  So maybe we should put it on the  
16      agenda, and in the meantime we can all study up on it a  
17      little bit, the pros and cons.

18                MR. POLUNSKY:  Are you okay with that, Tom?

19                MR. CLOWE:  Sure.  I'd like to hear what the  
20      Colonel has to say.

21                COLONEL CLARK:  Well, I was around when that  
22      rule was implemented.  And here's the issue, it doesn't  
23      matter what you set it at, 20, 25, 30.  There's always  
24      going to be that individual, and it's already happened,  
25      it happens all the time, what about 31, Colonel.  I

1 mean, I'm 31.2. Do you make an exception for this guy?  
2 Whatever the limit is, there's always those that want to  
3 exceed it. That's one of those situations that we have  
4 to deal with.

5 I haven't spoken with the Chief specifically  
6 about this. He did the study on it. I do have a  
7 question, on your response times, is that all response  
8 times taken from the crash records or is that response  
9 time when they're at home and called out?

10 DAVID BAKER: That's the response time taken  
11 from our eight communications -- eight regional  
12 communications facilities. Not the eight facilities,  
13 but the communication facilities in the eight regions.  
14 It's an average.

15 COLONEL CLARK: Then that might not be an  
16 accurate number to --

17 DAVID BAKER: That's the best number that we  
18 have.

19 COLONEL CLARK: A more accurate number is if  
20 they're home asleep and they get called --

21 DAVID BAKER: Sure.

22 COLONEL CLARK: That's the number that we  
23 really need to know about. When they're out working and  
24 they're called to --

25 DAVID BAKER: And there are a lot of

1 instances, Colonel, that we could not get an accurate  
2 number because the trooper would get the call from the  
3 sheriff's office dispatcher and go 1023 with DPS  
4 dispatcher. So there is variance in this number.

5 COLONEL CLARK: I'm not -- I'm not opposed  
6 to changing it. I think we --

7 DAVID BAKER: I'm not opposed to changing  
8 the rule. You know, it's an agency rule, policy that  
9 applies to all divisions, not just the Highway Patrol  
10 Division.

11 COLONEL CLARK: But here's the other issue  
12 you have to consider. We don't have one car to one  
13 trooper. If we went to 30 miles, you could have your  
14 officer right here and you've got one trooper that lives  
15 30 miles this way.

16 MR. POLUNSKY: But I'm not sure anyone's  
17 come up with a 30-mile number.

18 COLONEL CLARK: Yeah, I just -- well, I've  
19 heard that being kicked around is 25, 30.

20 MR. POLUNSKY: I guess that in certain areas  
21 you -- that could be a problem. And that may be a  
22 situation where you would need to have some discretion.  
23 In urban areas I'm not quite sure that poses a problem.

24 COLONEL CLARK: Well, if you have a partner  
25 and your partner lives on the other side of town, it's

1 just increased mileage, increased time, increased cost.  
2 It's just an issue that I think we need to look at in  
3 depth.

4 MR. STEEN: Mr. Chairman, could we ask  
5 Colonel Clark maybe to, in preparation for discussing  
6 and possibly acting on this at the next meeting, that he  
7 prepare a memorandum to us and outline the pros and  
8 cons, and maybe make --

9 COLONEL CLARK: Sure.

10 MR. STEEN: Would you be willing to make a  
11 recommendation to us?

12 COLONEL CLARK: Sure.

13 MR. POLUNSKY: That's fine with me. That  
14 okay with everyone else? All right. Thank you, Chief.  
15 Anything else?

16 DAVID BAKER: No, sir. I'll be happy to  
17 answer any questions.

18 MR. STEEN: Thank you.

19 DAVID BAKER: Thank you.

20 MR. POLUNSKY: Texas Rangers Division, Chief  
21 Leal.

22 TONY LEAL: Director, Commissioners, Tony  
23 Leal, the Ranger Division. You have our report. I have  
24 nothing further. If you have a question, I'll try to  
25 answer them.

1                   MR. CLOWE: Do I understand the 20-mile rule  
2 applies to the Rangers, Chief?

3                   TONY LEAL: Yes, sir. I was going to -- if  
4 y'all didn't have any questions, I just wanted to -- it  
5 is a Department wide rule, but I don't know that it  
6 needs to be, you know. So I'd like that issue addressed  
7 also. Because I have -- you know, a Ranger station that  
8 covers three counties. And I wouldn't care where they  
9 live as long as they could get to those three counties  
10 that they're working at.

11                   And, of course there's an office issue of  
12 getting to and from work. But these guys now, most the  
13 time they've got their laptops with them, in-car  
14 computers, and they go to work from the house. So I  
15 would like to at least be able to address that issue on  
16 this committee or when they talk about it, whether or  
17 not it needs to be a Department wide rule or maybe a  
18 more specific rule that has to do with certain duties.  
19 Because if it doesn't -- I don't like rules just to have  
20 rules.

21                   MR. CLOWE: You bring up a good point. It  
22 applies not only to THP but to Texas Rangers, CLE,  
23 Driver License.

24                   TONY LEAL: Anybody with a car.

25                   MR. CLOWE: Will you take that into

1 consideration, Colonel, in your paper to us?

2 COLONEL CLARK: Yes.

3 MR. CLOWE: And consult with the chiefs  
4 about what their views are so we can have a consensus.

5 COLONEL CLARK: Yes, sir.

6 MR. POLUNSKY: Anything else for Chief Leal?

7 MR. STEEN: Just to ask you, how long have  
8 you been in your new job?

9 TONY LEAL: 34 days.

10 MR. STEEN: 34 days?

11 TONY LEAL: Yes, sir.

12 MR. STEEN: Can you tell us a few minutes  
13 about what, you know, your new responsibilities and kind  
14 of how it looks out there?

15 TONY LEAL: I'm -- I'm really enjoying it.  
16 We named a new assistant chief last week, Elsie Wilson,  
17 who did time as a captain in Midland and Houston and is  
18 coming here as assistant chief. I'm excited. It's been  
19 a lot about working together with some of the vision the  
20 directors have. I'm working very hard. If you look at  
21 the Deloitte study, all through it, it says in there  
22 several times that we need to find where the division --  
23 the Ranger Division works into this plan. And that is  
24 what I'm trying to do, looking at where we're at and  
25 what we do, working with the Highway Patrol. We've got



1 Any time you promote, I think it's a little scary. You  
2 know, it should be.

3 COLONEL CLARK: Mr. Chairman, can I borrow a  
4 comment from Jack Colley who's not here?

5 MR. POLUNSKY: Absolutely.

6 COLONEL CLARK: As Jack would tell Tony, the  
7 thrill was in the selection. Now it's time to go to  
8 work. And he's doing a great job, he really is. Tony  
9 keeps us well informed of all Ranger activities and he's  
10 a team player, works well with administration, THP, CLE,  
11 and we think that is going to benefit him in the long  
12 run. And all his men, they love him. Got a heart by  
13 his division name.

14 TONY LEAL: Well, Chief Fulmer, when I  
15 walked in there when they were doing the -- it had a  
16 heart by the Ranger Division. I said, why is there a  
17 heart up there, and she goes, because everybody loves  
18 the Rangers.

19 MS. BROWN: Plus, your kid has, like, the  
20 best playground story, my dad -- your kid wins.

21 TONY LEAL: They think your dad's a baseball  
22 player usually.

23 MR. POLUNSKY: I can tell you that this is  
24 an excellent selection, and Chief Leal has tremendous  
25 enthusiasm. It's contagious almost. He's really

1 embraced it. And to y'all, a very good selection. And  
2 I'm sure you're going to do a great job.

3 TONY LEAL: Thank you.

4 MR. POLUNSKY: And those under you will  
5 continue to do a wonderful job as well.

6 TONY LEAL: Yes, sir. Thank you.

7 MR. POLUNSKY: Good luck. IMS, Chief Lane.

8 BRYAN LANE: Good afternoon. Bryan Lane,  
9 Chief of IMS. I have nothing further to add to my  
10 report, but wanted to give you a quick update. We're  
11 moving forward on the disaster recovery discussions that  
12 we had last week as you directed last month. I'm  
13 working with Oscar and his group to identify the funding  
14 time line that -- for the funds that we identified we  
15 would need. And I'll be prepared to provide you a  
16 monthly report each month at the Commission meeting as  
17 we move forward.

18 The commitment from the Colonels have been  
19 very strong from the division chiefs as we begin to  
20 identify those motion critical applications that we need  
21 to be able to stand up in Boulder Colorado or Austin,  
22 Texas, or wherever we find that will provide us the best  
23 continuity business moving forward. But we are moving  
24 very quickly on that, anticipate some significant  
25 changes in the next 30 to 60 days. With that, I'm open

1 to any questions you may have.

2 MR. POLUNSKY: Questions?

3 MR. STEEN: You had a comment earlier. You  
4 know, we're talking about making these meetings --

5 BRYAN LANE: Yes, sir.

6 MR. STEEN: -- more public friendly from a  
7 technology point of view.

8 BRYAN LANE: Yes, sir.

9 MR. STEEN: And when can we expect that to  
10 happen?

11 BRYAN LANE: Well, sir, they're working with  
12 Texas Alcoholic beverage Commission and reviewing what  
13 they have done. One of their challenges have been what  
14 information specifically do they want to present. And  
15 moving forward with the -- with the direction that I  
16 understood from the Commission is if you are receiving a  
17 presentation, that it would be of interest to the public  
18 to also have the opportunity to view. That's a very  
19 much simpler solution than trying to bring all of your  
20 reports and bring everything online that you see because  
21 of, you know, some of the things that are just -- won't  
22 make sense when you present them.

23 TABC has had purchased, and they've had  
24 those installed, plasma screens and then they push those  
25 plasma screens using a laptop. I think nowadays -- they

1 purchased those several years ago -- an LCD TV is a very  
2 viable operation a tenth of the cost so to answer your  
3 question more. So to answer your question more  
4 directly, it's a simple technology solution. And  
5 pending we find the funds, which aren't many, I can  
6 commit to you that we can definitely have a design laid  
7 out and give you a working paper of what we would  
8 anticipate you would want to see presented.

9           And even if we put those on carts -- because  
10 frankly, probably the hardest work is going to be  
11 mounding them in the ceiling and getting the video  
12 cables to them. But if we just put them on carts up  
13 front, I think we can do that very quickly and be more  
14 within a 30-day period.

15           MR. STEEN: So we might see something at our  
16 next meeting.

17           BRYAN LANE: I could do that for you, yes,  
18 sir.

19           MR. STEEN: All right. Thank you.

20           MS. BROWN: I've got a question.

21           BRYAN LANE: Yes, ma'am.

22           MS. BROWN: You're talking about using the  
23 computer screen. It looks like even best case scenario,  
24 for example, with your presentation, it wasn't lack of  
25 preparation, it was that you were having to rely on

1 other people to kind of give you last minute info so  
2 you're churning it out. Could we have an Elmo machine  
3 so that, for example, if you've got something hot off  
4 the press that someone wants to present we could just  
5 lay it down and show them the screen?

6 BRYAN LANE: We've definitely have used  
7 those in the past, technology that you just project up.  
8 You know, you have the big screen behind you. And the  
9 challenge we have there is, obviously, is -- is with the  
10 setup. It's -- it's difficult to do. But we could  
11 address it directly that way. We have an LCD projector  
12 here that will project there. But once again, it would  
13 require you to relocate to be able to do that. But yes,  
14 ma'am.

15 MS. BROWN: Got ya. So maybe an Elmo would  
16 make it a little simpler.

17 BRYAN LANE: Right.

18 MS. BROWN: Okay.

19 MR. STEEN: I understand the TABC, I know  
20 you'd never get there, but they're getting close to  
21 being paperless.

22 BRYAN LANE: Yes, sir, they are. And the  
23 challenge that we spoke of when we visited them this  
24 week was as you're looking at a -- a large document, you  
25 know, your binders are two or three inches thick. If

1 you go paperless and try to present that same  
2 information across your commission, you may have  
3 questions about a part of the document that today you  
4 can thumb back to gather your thoughts, and where  
5 Commissioner Brown or Chairman Polunsky may want to be  
6 somewhere else in that document. And making that  
7 paperless where they were in control of how that  
8 document scrolls is going to be a challenge.

9           And we talked through that. And another  
10 option we had, previously the commissioner was providing  
11 just everything to you electronically where you have a  
12 book and you double click that folder, if you will, very  
13 simple and you open the documents as you come up so you  
14 can make a decision where you want to be in the  
15 document. We've identified the resources from a laptop  
16 perspective. We can provide you laptops along with this  
17 where if you wanted everything in electronic format --  
18 and the Commission has gone back and forth on that -- we  
19 could do that for you as well so you're not flipping  
20 paper.

21           Now, the challenge you have with that is  
22 obviously the note taking capability. Some -- some of  
23 the things that just depending on personal habits that,  
24 you know, may or may not work for you.

25           MR. CLOWE: Bryan.

1           BRYAN LANE: Yes, sir.

2           MR. CLOWE: Us old guys want paper.

3           BRYAN LANE: Understood.

4           MS. BROWN: And young girls. Young girls,  
5 too. I keep my notes.

6           MR. CLOWE: Give me paper. I want to write  
7 on them and I want to make notes. And don't take me to  
8 laptop. I want paper.

9           BRYAN LANE: Understood. Well, what I'm  
10 hearing from -- from the Commission is definitely  
11 projector screens where presentations are presented. We  
12 can introduce the laptop issue in the future, sir, if  
13 you'd like.

14          MR. STEEN: Well, I think they've gone in  
15 that direction if TABC keeps moving that way. But even  
16 while I was there, we had -- we had the computer screen  
17 and we also had it backed up here. We were doing both.

18          MS. BROWN: I certainly don't want to act  
19 like I want to prohibit anyone else. I'm a note taker.  
20 But if you want laptop, that's fine. Fine with me.

21          MR. POLUNSKY: Thank you.

22          BRYAN LANE: Thank you, sir.

23          MR. POLUNSKY: Next item is consent items.  
24 And I think that Mr. Steen wants to pull "A" for the  
25 individual discussion.

1           MR. STEEN: I move that we approve  
2 appointments of the following Special Rangers and  
3 Special Texas Rangers pursuant to Government Code  
4 Chapter 411, Sections 411.023 and 411.024. And I list  
5 the names: Cyrus Daniels, Glen Deason, Joel B. Garcia,  
6 Steve McKinney, Jerry B. Moore, Allen L. Spears, Don W.  
7 Anderson, Gerardo De Los Santos, and Ronald McBride.

8           MR. CLOWE: Second.

9           MR. POLUNSKY: It has been moved by  
10 Mr. Steen and seconded by Mr. Clowe that the individuals  
11 set out by Mr. Steen be appointed as Special Rangers,  
12 Special Texas Rangers. Discussion? All in favor,  
13 please say, "Aye."

14          COMMISSIONERS: Aye.

15          MR. POLUNSKY: Any against? No. Motion  
16 passes. Next item on the consent agenda is the adoption  
17 of proposed rules as set out. Any discussion on these?  
18 Would someone like to make a motion?

19          MR. CLOWE: Move adoption.

20          MR. POLUNSKY: Been moved by Mr. Clowe. Is  
21 there a second?

22          MR. STEEN: Second.

23          MR. POLUNSKY: Seconded by Mr. Steen.

24 Discussion?

25          MR. STEEN: Just briefly, was -- did we get

1 any feedback on these rules?

2 DUNCAN FOX: There was no comment received  
3 on -- submitted on these rules by the public.

4 MR. STEEN: Thank you.

5 MR. POLUNSKY: All in favor, please say,  
6 "Aye."

7 COMMISSIONERS: Aye.

8 MR. POLUNSKY: Any against? No. Motion  
9 passes. Items for future agendas, any items that any of  
10 the Commissioners would like to have added for the  
11 February or beyond?

12 MS. BROWN: There was a discussion -- broken  
13 record -- there were some statistics as to the issue of  
14 ramping that he said he'd consider, and I would really  
15 like to look at that.

16 MR. STEEN: Mr. Chairman, I have none at  
17 this time. But we have a period of time where if we  
18 think of something we can --

19 MR. POLUNSKY: Oh, absolutely. Sure.

20 MR. STEEN: Thank you.

21 MR. POLUNSKY: Anything else? All right.  
22 And our future meetings are going to be consistent, on  
23 the third Thursday of each month, with the exception of  
24 March.

25 DOROTHY WRIGHT: February 19th will be the

1 next meeting.

2 MR. POLUNSKY: All right. This meeting of  
3 the Texas Public Safety Commission is hereby adjourned.

4 It is 6:23 p.m.

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1 THE STATE OF TEXAS )

2 COUNTY OF TRAVIS )

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4 I, Joy N. Quiroz-Hernandez, Certified Shorthand  
5 Reporter No. 8391 in and for the State of Texas, do  
6 hereby certify that the above and foregoing contains a  
7 true and correct transcription of my stenographic notes  
8 taken in the above-captioned cause at the Texas Public  
9 Safety Commission meeting in Austin, Texas.

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11 Witness my hand this the \_\_\_\_\_ day of

12 \_\_\_\_\_, 2009.

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\_\_\_\_\_  
Joy N. Quiroz-Hernandez, CSR

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CSR No. 8391 - Expires 12/31/09

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IN THE MATTER OF  
THE APPEAL OF DISCHARGE OF  
JASON CARTIER WILLIAMS

§  
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§  
§  
§

BEFORE THE  
PUBLIC SAFETY COMMISSION  
IN AUSTIN, TRAVIS COUNTY, TX

**ORDER**

BE IT REMEMBERED that the Public Safety Commission convened to hear the appeal of discharge of Jason Cartier Williams, on the 15th day of January, 2009. Mr. Williams received adequate notice of the hearing on this matter and did appear in person and through counsel. Pursuant to §411.007, Government Code, the Commission proceeded to hear evidence in the above-captioned matter.

After reviewing all of the evidence presented at the hearing, the Commission finds that there is just cause to discharge Jason Cartier Williams and affirms the Director's decision in this matter.

On motion of Comm. Ada Brown, seconded by Comm. Tom Clowe, the discharge was affirmed.

ENTERED AND SIGNED on the 15th day of January, 2009.

  
Allan B. Polunsky, Chair  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On January 15, 2009, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Crime Records  
Title 37 T.A.C. Part I, Chapter 27  
Subchapter J  
Section Number 27.121

The Texas Department of Public Safety adopts new Section 27.121, concerning Sexual Assault Reporting, without changes to the proposed text as published in the November 7, 2008, issue of the *Texas Register* (33 TexReg 9069).

Adoption of new Section 27.121 is necessary in order to implement provisions of Texas Government Code, Section 411.042, directing the Texas Department of Public Safety, in consultation with statewide, nonprofit sexual assault programs, to establish rules and procedures to ensure law enforcement agencies report sexual assault offenses in the proper form and manner and at regular intervals.

No comments were received regarding adoption of the new section.

The new section is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Government Code, Section 411.042(i).

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.

  
Allan B. Polunsky, Chairman  
Public Safety Commission

TEXAS DEPARTMENT OF PUBLIC SAFETY  
ORDER ADOPTING A RULE

On January 15, 2009, the Public Safety Commission (Commission) by majority vote approved rules concerning:

Crime Records  
Title 37 T.A.C. Part I, Chapter 27  
Subchapter I  
Section Number 27.111

The Texas Department of Public Safety adopts new Section 27.111, concerning Secure Electronic Mail, Electronic Transmissions and Facsimile Transmissions, without changes to the proposed text as published in the November 7, 2008, issue of the *Texas Register* (33 TexReg 9068).

Adoption of new Section 27.111 is necessary in order to implement provisions of Texas Government Code, Chapter 411, directing the Texas Department of Public Safety in consultation with the Office of Court Administration of the Texas Judicial System to adopt rules regarding minimum standards for the security of secure electronic mail, electronic transmissions and facsimile transmissions.

No comments were received regarding adoption of the new section.

The new section is adopted pursuant to Texas Government Code, Section 411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; and Texas Government Code, Section 411.081(g-1a).

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.

  
Allan B. Polunsky, Chairman  
Public Safety Commission