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

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

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

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

BRIAN HAWTHORN: Mr. Chairman, my name is Brian Hawthorn. I'm president of the Department of Public Safety Officer's Association. I represent just under 3,700 commissioned, noncommissioned and retired members of this agency. I'd like to thank the Department and the Commission for putting employees of this Department first. It's my understanding that first on the exceptional item list for compensation. It's very important to this Officer's Association and, I know, the membership of this agency that the Commission has taken that step. And I think it's important to acknowledge it.
A few sessions ago, the Department of Public Safety Officer's Association worked diligently to get a law passed that required the state auditor's office to do a salary compensation survey trying to figure out where the average salary compensation was for police officers across the state. And I'd like to thank the Colonel and the leadership of the agency for looking at that survey that this Officer's Association worked so hard to accomplish a few sessions ago.

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

The Officer's Association would like to see the Department and the Commission please look at that, considerate it. We think it's important that the Department looks out for the citizens of the state of
Texas. But let's don't do it at the jeopardy of our commissioned officers and locations for them to live, finding housing, finding good school districts. TABC and Parks & Wildlife, the other state police agencies, seem to operate fine on a 30-mile policy. Thank you very much for your time.

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

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

MR. POLUNSKY: That's correct. And with respect to the 20-mile rule, that's something that I anticipate that we'll be discussing today as well. I've
asked Chief Baker to be able to discuss this matter. It is an issue that I think is right for a discussion and very likely amendment. So hopefully we'll be getting into that today as well.

BRIAN HAWTHORN: Thank you, Mr. Chairman.

Thank you, Commission.

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

DON DICKSON: Something of that nature.

Good morning, Mr. Chairman, and Colonel, and Commissioners. My name is Don Dickson. I'm an attorney at the Austin office of the Parker Law Firm, and I'm here on behalf of the Texas State Trooper's Association. And I'd like to align myself with most of Sergeant Hawthorn's comments. TSTA and DPSOA are united in interest about 95 percent of the time. And we're united in interest on most of this.

TSTA's official position on the residency policy is that a first line trooper ought to be able to live within his area of patrol responsibility. I think that would give troopers the maximum flexibility. I think it would help the Department as a recruiting tool. And I think we'd be satisfied with the 30-mile policy. But I -- I really think that, particularly for
recruiting purposes, it's hard enough to get people to undergo the sacrifices that it takes to become a member of the state police, that this is something that we could offer them as an ability to dove tail their personal and professional lives.

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

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

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

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

We are so grateful to this Commission for standing behind our officers in a very unprecedented way with respect to the salary proposals. This has never happened before where we've had a Commission that has determined that our people's salary is their number one
priority. And we applaud you for it, and we are
grateful for it. And we know that there's going to have
to be some give and take, and we know that the sharp
knives are going to come out. But we applaud you for
the stance you have taken up till today, and we urge you
to not give in any more than you have to, because as I
say, it is the most critical issue facing this
Department. Thank you very much for your time.

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

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

(Discharge appeal hearing)

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

DUNCAN FOX: We do, sir. We do have items
for Executive Session. The Commission now adjourns to
the Executive Session which is closed to the public in
accordance with the Texas Government Code, Sections
551.071 and 551.074. The Commission will move to one of
the conference rooms over here so it's unnecessary for
the individuals in the audience to leave the room.
Thank you. It's 12:15.
(Adjourn for Executive Session)
MR. POLUNSKY: The regular session of the
Texas Public Safety Commission is reconvened. It is
2:30 p.m. Next item on the agenda, Ongoing Business:
Reports, discussion, deliberation and possible action
regarding the following: Discussion and possible action
concerning the organization structure study of the
Department and procurement of a project manager to
implement organizational changes. Colonel Clark.
COLONEL CLARK: Mr. Chairman,
before I make comments, if we will back up onto "New
Business" and handle "B" and "C." You passed by that.
We went into Executive Session.
MR. POLUNSKY: We can come back
to that. But let's do this.
COLONEL CLARK: Okay.
Mr. Chairman, Commissioners, following our workshop last
week, we met with Drew Beckley with Deloitte and we
discussed those issues that were discussed in our
workshop regarding our plans as we go forward. Had a
good meeting. What -- we took some guidance from
Deloitte. And Drew Beckley is here this afternoon to
answer any questions that the Commission might have.

But we are going to concentrate on our 100-day plan.

We're going to work on the things that we can currently accomplish. And as we look forward to the selection of the director and the PMO, we will continue to do those quick fixes that we are already engaged in as well as some things that we do have planned.

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

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

MR. POLUNSKY: Thank you, Colonel Clark.

Mr. Clowe, this was an issue that was of interest to you at our last meeting. Would you like to discuss this in any manner at this point?
Mr. Clowe: No, Mr. Chairman. I think the Colonel has the essence of the discussion that we had last week. And I understand, not only in what he said, but in another conversation I've had with him that the Deloitte folks have been very helpful. And I think perhaps one of the things that we might want to discuss in the open session is how the Board as a group feels we're going to move ahead with this and how the timing might fall into place if it suits your pleasure.

Mr. Polunsky: I think that would be fine. Do you have a time frame that you've been looking at? Or do you need direction from us? Do we need need discussion —

Mr. Clowe: Let me help the Colonel, if I may.

Mr. Polunsky: Sure.

Mr. Clowe: Can I give you a hand?

Colonel Clark: Go ahead.

Mr. Clowe: Mr. Chairman and Commissioners, my sense is that we're moving ahead on this with the work that Corn Fairy is doing in identifying candidates for the position of director. And Paula Logan and I have been in constant touch with Corn Fairy since they were selected. And they're attempting now to contact the Commissioners. They talked with two of the five.
And if the Commissioners could be responsive to communicating with them and giving them their input on what they see is the qualifications and the characteristics of the ideal candidate, that would be very helpful. They're additionally talking to the Colonels. And they are asking the Commission and the Colonels for other stakeholders that they think should be visited with, and they're going to proceed with that.

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

We anticipate a good result on that. And we have a distinguished group of individuals with good, really excellent experience, that are going to serve with Paula Logan as a selection committee. And, Mr. Chairman, my recollection is you have directed Commissioner Steen and me to be the committee that hears those reports when the ratings come in, and then come to
the full Board with our recommendation. We're hopeful that that will move ahead and we'll be able to come to the Board, if not in the February meeting, certainly in the March meeting for affirmation of the PMO.

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

COLONEL CLARK: That -- that is -- that's exactly correct. You know, our concerns are we understand that this is going to carry several months into the session. And our primary concern right now, of course, is our budget. We understand that the implementation of some of these Deloitte findings are going to have a significant fiscal impact on this agency. And we've already begun to feel questions downtown concerning the implementation of the organizational chart, or the plan. And so these are our concerns. And to be quite honest, we do need some guidance from the Commission.
As we talk about the budget today, we don't have a lot of the cost factored in for Deloitte because we just don't know exactly where we're going on some of these issues. But that's not going to stop us from presenting our budget, and we're going to get into great detail in that a little bit later. But we have concerns in this economic climate we're in and the guidance that we've received from the Governor's office and the Comptroller.

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

But if you're asking me for a timeline, you know, I -- I couldn't give you that. But we have a number of issues that we continue to work on and do those things that Sunset and Deloitte both have suggested that we do. And so we feel good about our progress. And so -- but the sooner that we can show our
employees what we are going to look like in two years
organizationally, in a format that they truly
understand, I think that helps them see where we're
going.

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

MR. POLUNSKY: Thank you, sir.

MR. STEEN: Mr. Chairman, I have some
thoughts. You know, arguably the most important thing
we do is this hiring of a director, a CEO. And, you
know, I have a hesitancy about implementing a new
organizational structure ahead of hiring -- of hiring a
permanent CEO. And, Colonel Clark, you're doing a great job, but we do have this -- this facing us with this, you know, the process that we're going through. And maybe I'd ask Commissioner Clowe, is the only reason we're even considering that, talking about the organizational structure at this point in time is because of the legislative session; is that correct?

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

MR. POLUNSKY: Yes.

MR. CLOWE: I think it's twofold, Commissioner. Certainly, the Colonel is getting questions, you know, what you going to do, what money do you need. And the honest answer to that, in my mind, right now for the Colonel is, we don't know. And we're going to have to just answer that honestly. The other reason is the employees of this agency, I think, want to know what the future looks like. And the Colonels are getting questions of genuine interest and concern. You know, what's it going to be. Who's going to get these jobs and what are we going to be doing. And I think the Colonels have done an excellent job in their interim appointments; couldn't ask for better performance. And they're relaying to the Board those wants, and concerns, and needs of the
employees of this agency.

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

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

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

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

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

MR. CLOWE: Well, it leaves us with, I think what is really the honest answer is we have not quantified what the changes we want to make are going to cost because we haven't identified all the changes. And
I'd rather give that answer as an honest, we're not there yet. You know, what we've done since this process started in March of '08 is, in my opinion, very rapid progress in moving forward in a major agency in the state.

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

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

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

MR. STEEN: Well, just -- you were following the discussion we were having and the thought of us --
you know, last meeting we were -- you know, it was a possible thing we could've done to implement a new organizational structure, and I just had some concerns about doing that ahead of hiring the CEO. Of course, we're overlaying this as the whole question of we're into the legislative session and funding and that sort of thing, so I just wanted your thoughts on it.

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

So to that point, I think our recommendation would be as we laid it out, to get the director in place. And we'd really lay most of the organizational recommendations around structure for implementation, not in the 100-day plan, but in the two years following, based upon the plans that were done initially. So I think to that piece of it, I hear a lot of agreement, great concern. And of course, it's going to leave people unsettled because they'd like to know what the
organization will ultimately look like. You can't answer that, really, until you move to that step.

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

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

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

MR. STEEN: Yes. Thank you.

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

MR. STEEN: Yes.

MR. POLUNSKY: See, I'm not quite sure I agree with that. I really think that the redesign and restructuring of the Department is our responsibility. And we in collaboration with the present director, the new director or others, including our consultant and whatever, or whoever, makes those decisions, the structure is created, and then we bring somebody in to oversee that new hierarchy, or design, or structure of the Department. I don't think I would be comfortable in
turning all that over to the new director when we've
gone this far to -- to restructure the Department.

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

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

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

MR. POLUNSKY: I'm not saying that that
person should not be involved, but I just don't want to
delegate it to that person. As I said, I think it
should be a collaborative effort by all of the stakeholders and people in the Department, or even outside the Department, for that matter. But I -- you know, on fundamental issues as to this Department's going to be structured and designed, I think it really should come from the Commission.

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

MR. POLUNSKY: Yes, sir.

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

Now, that would be the recommendation we would bring to you. But it would be perhaps the basis
for some discussion because we actually tried to outline
some of that for you.

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

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

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

MR. STEEN: I think we need to be on the
fast track. I think, we're -- you know, that we really
need to -- that's the most important thing we need to do
is to get this CEO hired. So, you know, I would urge
that we not -- and I know Commissioner Clowe is moving
with urgency on it, but I don't want to see it go on
that long. And I would think that any person that's
interested in this director's position, the first thing
they're going to do is get ahold of the Deloitte report.
And so I think as the process goes along, they're going
to be educating themselves on it and preparing
themselves to talk to us on it.

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

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

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

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

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

MR. STEEN: So at our March meeting?

MR. CLOWE: I think at the earliest.

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

MR. POLUNSKY: I just don't want to -- I
Don't want to stop the process and I don't want to
delegate it to the new director. I don't want to use --

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

MR. CLOWE: May I try to help in this?

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

MR. POLUNSKY: I -- I would be fine with

that.

MR. CLOWE: Well, I'm just looking for, you
know, where it is you want to see this go. I think
you're both, in your conversation with each other, don't
you love the Open Meetings Act? I think you're both
very close. And I see it as a collaborative effort
where the Board is in control and is directed. But the
director, whomever that turns out to be, and right now
it's Colonel Clark, works with the Board. And I think
he and Colonel Beckworth have done an excellent job of
trying to do that.

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

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

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

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

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

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

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

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

DREW BECKLEY: Yes, sir, I do. Because as I
listen to the discussion, it seems to -- I may have this
incorrectly -- presume that the organization chart is a
decision to be made. And at least the way we have
prepared the recommendations, it was very much that we
think this is the way it makes sense to organize the
work of the director and the work of the Department, in
that it -- as we identified, there are a series of key
hires to be made. And with those people in place and in
those positions, the planning can continue for the
detailed organization work underneath that.

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

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

MR. POLUNSKY: What'd you just say?

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

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

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

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

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

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

MR. POLUNSKY: You asking me?

MR. CLOWE: Yes, sir.

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

MR. CLOWE: Well, I just -- you said you
wanted to keep the momentum going, and I was asking if
that would, in your mind, do that. And I -- you know, I
I don't see anything better to do than that right now. I think if we just say, we're going to stop and do nothing, we do lose the momentum.

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

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

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

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

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

MS. BROWN: Just so I'm clear, we're saying
that March at the earliest; is that right? So it's not
that we expect we're going to have -- I mean, certainly
we may, but it's not necessarily that we're going to
have an answer on who the leader is in March, it's that
we think that would be our earliest?

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

MS. BROWN: Okay.

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

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

And we can do some more on our part of it, I guess is a justification for looking at something in February.

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

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

MR. CLOWE: Certainly.

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

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

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

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

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

MR. CLOWE: Thank you.

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

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

COLONEL CLARK: Mr. Chairman, what I think we're comfortable in doing, and we certainly would not ask for any adoption of this, but I think we are prepared to bring for the Commission, after consulting with Deloitte and understanding the findings, and really, I can't stress this enough, incorporating everything that Deloitte has recommended for the most part, we are ready to incorporate that into this organizational chart understanding this is a framework. I think I mentioned that last week. This is just a framework knowing that once the PMO is on board
and the permanent director, they're going to go forward
and refine these tasks, these jobs. But I must say,
regardless who the director is, the things that we're
doing now, and we keep using that term, it gets old, but
this low hanging fruit, these quick fixes, we are very
involved in a lot of these issues right now regardless
of the Deloitte study. We're making changes and making
progress in the Department to improve our operations
whether it be regulatory, enforcement, administration,
we're trying to do those things.

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

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

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

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

    COLONEL CLARK:  And, Mr. Chairman, I can

assure you that Drew will be involved in our
presentation. And we'll invite you out to the office as
we get this on the chart and let you have your input
with it.

    MR. POLUNSKY:  Is that okay with you,

Mr. Beckley, the fact that you're outside?

    DREW BECKLEY:  Pardon?

    MR. POLUNSKY:  You're outside the --

    DREW BECKLEY:  It's okay for me from a

resource standpoint, if that's the question. We need to
be very careful that we stay within the recommendations
and the explanation of those rather than in the
development of any new plans beyond that. And I know
that we all understand that. I just wanted you to know
that we understand that.

    MR. POLUNSKY:  We agree with that. Okay.

Well, then that's what we'll be doing. Thank you for
being here today.

    DREW BECKLEY:  You're welcome.

    MR. POLUNSKY:  PMO, do you want to get into

that, Mr. Clowe?

    MR. CLOWE:  I think we've gotten into that,

unless anyone has any questions.
MR. POLUNSKY: I don't think so. Next item, internal audit. Mr. Walker.

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

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

MR. CLOWE: Yes, sir.

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

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

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

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

As far as the key legislative dates, we just on Tuesday had the election of Joe Straus as our new speaker. I understand he's from a little city about 90 miles south of here, as a couple of our commissioners, so that may be helpful. And -- and so we've been working already with his staff to kind of visit, get an idea of what their interests are. But
they're still very new at this. And so we are working
with them and believe that they will announce in early
February what the new committees will be.

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

Cathy Panazek is here today with the House
of Appropriations Committee, and she is still a member
of the Committee and continues to work with us. And I
appreciate that she's here when she's not even sure if
she'll have a job after the new chairman's announced.

We are continuing to work on the Senate side where we do
know pretty much what the committees are going to look
like. We're just not sure on the nominations committee
yet. But we expect in the next week or two, likely this
next week, that lieutenant governor will announce the
committees and that he will keep them along the same
structure. They'll be the same names and the same organization of the committees.

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

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

The next issue on the key dates is
nominations. I talked to the clerk of the nominations committee last night. Robert does not know for sure if Senator Mike Jackson will maintain his chairmanship on nominations because, again, the lieutenant governor has not named how they're going to rearrange now that Senator Briber's moved on and some of the seniority's changed. As soon as we know, we'll get back with you.

I've asked for as early as possible. It'll be likely in mid to late February that the four commissioners who are not approved yet would go before the nominations committee. We'll keep you informed as soon as I hear something on that.

The next item I'd like to update you on is the bills tracked and monitored by our agency. And I did send you on Friday the work product of working with the office of audit & Inspection, the Office of General Counsel and the meeting with division representatives on Friday morning. We have a standing 9 A.M. meeting where we're going to meet every Friday so that we can all get together, make sure that the product you're receiving is the most up-to-date, and that we're providing you that high, medium and low priority based on what we believe is not only strategically how it's going to impact us, but then also publicly. If it's an item that's going to raise to a high level of public attention, we want to
make sure you're very much aware of that. And we'll keep you posted as those bills go through the process.

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

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

So I appreciate that Chairman Driver is still interested in helping us regardless of what happens with his position of leadership. Although, he
has worked closely with all the members, and I believe will be looked upon favorably consideration to be able to get another chairmanship to be able to help up in our leadership position.

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

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

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

MICHAEL KELLEY: Yes, sir.

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

MICHAEL KELLEY: Correct.

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

MICHAEL KELLEY: I would suggest -- and I appreciate the opportunity to give this type of input because I've been talking with some of the staff and members to let them know we are going through this
process of trying to hire the new director and then put
the organization in order. And if you fall on that time
line, you're looking really after most of the key
decisions have been made.

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

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

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

MICHAEL KELLEY: Yes, sir.

MR. CLOWE: Thank you very much.

MICHAEL KELLEY: Yes, sir.

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

MICHAEL KELLEY: Thank you.

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

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

They had seven specific recommendations to enhance our promotional process. Six of the seven initiatives we can actually start implementing today, and we've already started some of those processes. Recommendation number two, the Department should initiate new monetary incentives to the highest awarded participation DPS promotion process to improve more
monetary benefits to those having to relocate due to a
DPS promotion. We've currently been working on some
funding to identify how much that costs.

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

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

MR. POLUNSKY: Being the --

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

recommendation for $6,000 for relocation fee for any
person who promotes within the process. We went back
and put those dollars together for the Commission
personnel. We have not put any dollars together to
relate to communication supervisor and (Inaudible)
supervisor, those particular noncommissioned personnel
who was all in that same category.

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

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

COLONEL BECKWORTH: No, sir. We're
automatically going to start doing these things. The
other recommendations, we've already started on several
of them already. We're reviewing the test -- written
test process. We're already taking the high and low
score off. We're already in the process of identifying
who's going to be on the interview board until the day
of the interview. We've already identified creating an
eligibility list beyond one year. So those are the
things we're beginning to put together which is
(Inaudible) policy changes within the agency. And we're
moving forward.

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

COLONEL BECKWORTH: Yes, sir.

COLONEL CLARK: Administrative changes.

MR. POLUNSKY: Okay.

COLONEL BECKWORTH: Administrative and
policy changes.

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

JUDY BROWN: Good afternoon, Chairman
Polunsky and Commissioners. There were two items
outstanding from the work session that we had last week.
One of those items was to work with and reach agreement
with the Governor's office with regard to how we sought
funding for the driver's license restructuring proposal.
We met with the Governor's office on two occasions. I
think we reached a good agreement. You'll see that laid
out in more detail as we get to the LAR.

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

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

MR. CLOWE: Well, is it my issue?

MR. POLUNSKY: It is now.

MR. CLOWE: I'd like to study this a little
bit more. And if Chief Brown is looking for an answer
to a question, I'm not ready to respond. I'd like to
gather some more information and study this a little
bit.
JUDY BROWN: I agree. I don't believe it needs an answer today. We've got a legislative session before us where we've got to find other answers before we can move forward. I'll provide additional detail in my Commissioner report for February for you to review.

MR. POLUNSKY: That sounds great. Thank you.

JUDY BROWN: Thank you.

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

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

MR. POLUNSKY: Not anymore.

MS. BROWN: It's mine.

MR. POLUNSKY: Ms. Logan and Commissioner Brown.

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

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

MR. CLOWE: And, Mr. Chairman, that posting was closed. And I'd like to ask a question, if subsequent applications were received, could that
posting be reopened if Commissioner Brown wanted that?

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

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

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

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

PAULA LOGAN: Yes.

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

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

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

PAULA LOGAN: Thank you.

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

VALERIE FULMER: Good afternoon. Valerie Fulmer, Chief of Administration. I've got just a short report this afternoon. We have put together a working group. We have representatives from each of the major divisions as well as some of the other groups that have
commissioned officers. We also have TSTA and DPSOA represented. We're waiting on a couple of the representatives' names.

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

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

VALERIE FULMER: I am, too.

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

VALERIE FULMER: Okay. Certainly.

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

VALERIE FULMER: Yes. Let me grab my folder. We do appreciate the opportunity to look at
this. The training academy took about two months to
look at the issue of retention of recruits, and
obviously, that is a big issue for us these days. And I
have a few of the folks I'd like to introduce in a few
minutes. But I want to point out a few things about the
report, and I don't know if any of the Commissioners
have had a chance to look at it yet, but you'll see that
it's not a package of recommendations. I mean, they're
all separate recommendations that could stand on their
own.

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

Another thing that's not included in this is
obviously the new training academy, and that's something
you'll hear about later during the exceptional items.
Certainly a state of the art training academy would be a
big draw to applicants and would be a good way to retain
recruits. That's something, I believe, may have been
brought up in the Sunset recommendations as well. But
some of these recommendations that we've made are on a much simpler scale, but we think would have a dramatic effect. We've tried to look at the reasons that recruits leave the academy. And so we've tried to specifically tailor the recommendations to those reasons.

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

MR. POLUNSKY: Sounds great.
MS. BROWN: Can I ask a question?
MR. POLUNSKY: Sure.
MS. BROWN: I did get a chance to review portions of this, and there's -- I've got a question about the ramping approach. Kind of read a little bit about that. And, I guess, is the philosophy behind that that you want to kind of break people in gently, I guess?
VALERIE FULMER: Yes. I would say so. And, gentleman, correct me if I say something wrong. But I'll have to say my impression is it's a little more of a Generation "Y" approach. I hate to use that term. We overuse that. But a lot of the folks that we're getting in don't have the previous military experience or the previous law enforcement experience. And -- and to sort of gently introduce them to that, I think might take care of some of the retention issues we're having after the first two weeks. We do lose a lot of recruits during the first two weeks because they're simply unprepared for that.

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

VALERIE FULMER: Right.

MS. BROWN: For a state this big, it looks
like our rates are actual pretty good, pretty comparable, right?

VALERIE FULMER: Comparatively, yes.

They're obviously not what we would want them to be.

But we're not out of line with other states.

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

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

MS. BROWN: To some extent.

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

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

MS. BROWN: Well, and I appreciate you clarifying that. And certainly I think there's a nice, happy, normal medium between, you know, turning it into boot camp where you're abusive and you run off people who really are suited for the job and ramping such
that -- I mean, a lot of what you all do deals with a really sensitive situation. And you can be a really good person that can't handle it, and finding out in that program can you handle the stress.

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

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

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

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

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

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

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

ALBERT RODRIGUEZ: Yes, ma'am, it did.
MS. BROWN: Okay. Thank you.

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

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

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

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

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

VALERIE FULMER: I'll be right here.

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

ALBERT RODRIGUEZ: Well, on the ramping
part, we don't want to go with a complete collegiate model, but a semicollegiate model initially. Because what we've noticed initially, they're overwhelmed and they can't handle the stress. That's what we've noticed. And obviously, it's the first two weeks where we lose the majority of our personnel. So we want to kind of ramp in those first two weeks, set kind of a semi-collegiate model, and then work into the structured paramilitary model that we -- prior to this, that's what we started off with, hopefully giving them a break-in period to get adjusted to the environment and to the semi-paramilitary environment.

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

ALBERT RODRIGUEZ: Well, and there's a lot of things. For example, on our schedule, or day starts at 5:00 in the morning, and they're out there roughly about 4:45 a.m. ready to go. And the day ends class wise normally at 8 p.m. We cram them with work. And we've noticed fatigue level is extremely high. And I think that we need to change that, the way we look at that, and maybe look for short term goals where they go possibly 14 weeks, give them a midterm break. They go home, take care of business at home, and then start off with another goal of the next 14 weeks. And I think
that that's something that we've seen. We used to have that kind of schedule and we saw our attrition rate drop significantly. And I think that that would be quite helpful.

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

ALBERT RODRIGUEZ: Doubt.

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

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

MS. BROWN: Turn it up full blast --

ALBERT RODRIGUEZ: Yes.

MS. BROWN: -- to what it's really like for
ALBERT RODRIGUEZ: Yes. We're going to be at the same level that we normally are, we're just not going to start it at that level.

MS. BROWN: Okay.

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

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

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

MS. BROWN: Yeah.

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

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

ALBERT RODRIGUEZ: Right. And we are planning on -- because of the short time limit that we had, we did interact with the -- North Carolina. North Carolina put an attrition report similar to ours. In fact, we patterned ours after theirs, and we have not had enough conversations with them. Because, pretty much, the state police throughout the U.S. are modeled very much the way we are. So, you know, there's a lot of similarities, and so definitely the conversations with them will help in this regard.
MS. BROWN: So that's kind of a dialogue we're still having; is that right?

ALBERT RODRIGUEZ: Yes, ma'am.

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

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

MS. BROWN: Sure.
MR. CLOWE: Lieutenant, what would you tell us about it?

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

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

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

ALBERT RODRIGUEZ: Well, I think one of the key things that's important is that they need to know what's expected of them in writing, what are the standards. And we really, at this point, we don't have set standards. We look at everything pretty much on a case by case basis. And I know that that's got to be at the times you've got to go there. But they should have the expectations up-front on every critical area, I.E., driving, firearms, cycle motor skills, defensive
tactics, all those areas, academics, they should know
what these standards are subject to the fact if you fail
two mandated courses after the retakes, you're subject
for disciplinary action. They should know that
up-front. And that's something that we're working on
also, is setting a criteria for all of these critical
areas that we demonstrate.

MR. CLOWE: Captain, how about you?

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

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

SCOT HOUGHTON: No, sir.

MR. CLOWE: Okay.

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

ALBERT RODRIGUEZ: That -- that's not our --
part of our process. Maybe Ms. Logan can answer that
question. That's the recruiting part. We don't set the
standards. We get the product and we train them.

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

ALBERT RODRIGUEZ: No, sir.

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

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

MR. STEEN: So --

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

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

ALBERT RODRIGUEZ: Well, obviously, you know, we -- I mean --
MR. STEEN: Is all that included in these attrition --

ALBERT RODRIGUEZ: No, sir.

MR. STEEN: -- percentages?

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

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

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

ALBERT RODRIGUEZ: There's very few of those. What we do is simply make recommendations. We
make recommendations to the director on the deficiencies. And the director's -- it's the ultimate decision of the director of what action to take. We simply make the -- the recommendations.

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

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

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

MS. BROWN: Well, and I don't think anybody wants to move to a model where, you know, I think you need to look more attractive. But there's -- I guess what I'm -- I guess what I'm not understanding is you've been around a long time. There's some people who are
going to come in who are just not going to cut it. And you're wasting their time and yours. And that's a warm bodied spot that could go to somebody who was going to be able to cut the mustard. And I don't know that -- I just -- I hope we haven't moved so far that we're so worried about hurting their feelings that we're wasting their time.

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

MS. BROWN: So the 20 percent --

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

MS. BROWN: The 20 percent that you're talking about at 80 percent, I mean, in your training and experience, is that 20 percent that doesn't make it?
ALBERT RODRIGUEZ: No, I --

MS. BROWN: I'm sure there are people that fall outside that.

ALBERT RODRIGUEZ: No, I can't say that.

You know, I really can't say that. It varies. And there's a variety of reasons and they're all in that brochure that we produced. But, you know, a lot of them are not prepared emotionally. It's physically and emotional. They have not taken care of business at home, they show up, they've got problems at home, they've got to leave. Or it's a -- and those are the two biggest, is the physical and emotional part. That's what we see is the two major reasons for them leaving.

MS. BROWN: And so if we extend -- if we -- if you're telling me more than -- I think I saw six weeks, I can't remember. If you give me enough advanced notice, you think that will help a lot as to emotional?

ALBERT RODRIGUEZ: We -- we -- we firmly believe that in that they'll be able to take care of the home front before reporting to the academy.

MS. BROWN: Thank you.

MR. POLUNSKY: Let me ask you a couple questions. You're saying that you'll accept a recruit if they're able to do 80 percent of the PRT?

ALBERT RODRIGUEZ: Yes, sir. To meet the
standards at 80 percent, that that's the percentage that
they're accepted, not at the 100 percent.

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

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

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

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

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

ALBERT RODRIGUEZ: Human Resources,
recruiting.

PAULA LOGAN: That's not what we say.

ALBERT RODRIGUEZ: That's the answer that
I've gotten, is that we would not have enough applicants from the recruiting that actually do the testing.

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

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

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

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

VALERIE FULMER: And that is one of our
recommendations.

Colonel Beckworth: And that's one of the recommendations. That's the background and that's why we are where we are today.

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

Ms. Brown: Right.

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

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

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

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

So, no, I cannot say that we're lowering our
standards. Because the product that we graduate, I
think it's a very high quality product. But we lose a
lot of people in the interim, which we spent a lot of
money getting them, which I think we could save money by
getting those people that are not qualified or not going
to make it.

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

ALBERT RODRIGUEZ: Sure.

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

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

ALBERT RODRIGUEZ: We agree with that
wholeheartedly.

MS. BROWN: Yeah. What would that do,
though, to -- I mean, what would be the outcome of that
in your opinion?
ALBERT RODRIGUEZ: A lower attrition rate.

When they come in they would be able to keep up with what we're doing because we would start them of what's required at the 100 percent level. Like, for example, if they have to run a mile-and-a-half in 16 minutes, for example, we would start them at that point and build from there, bring them down to a, you know, 13-minute mile-and-a-half. We would build them up from there. But we would start at the 16-minute mark, the 100 percent mark.

JASON GRIFFIN: Can I add something?

ALBERT RODRIGUEZ: Sure.

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

MS. BROWN: Well I'm glad you point that out because it sounds like if you're not at 100 percent then
I'm just kind of guessing at what you're going to like when you're on the street, right? If you were in great shape -- it's just sort of theoretical, if you're in great shape, you could probably perform that move correctly. And I don't think we should be graduating people if we don't know you can do it. I don't want an 80 percent trooper standing in front of me.

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

MS. BROWN: Okay.

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

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

ALBERT RODRIGUEZ: Yes, sir.

MR. CLOWE: Isn't that true?

ALBERT RODRIGUEZ: No doubt.

MR. POLUNSKY: And isn't it true you have situations where people go through the entire -- entire
process and fall out at the very end?

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

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

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

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

ALBERT RODRIGUEZ: Yes, sir.

MR. POLUNSKY: -- recruit school.

ALBERT RODRIGUEZ: Right.

MR. POLUNSKY: You've had situations where people could not, at the very end -- I mean, literally the very end pass whatever physical test was necessary in order to graduate and basically, you know, five
months and three weeks into it were asked to leave.

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

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

ALBERT RODRIGUEZ: Yes, sir, we have.

MR. POLUNSKY: Does that send you a message?

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

MR. POLUNSKY: But on the face of it,
they -- they were unfit to come back.

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

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

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

MR. POLUNSKY: And when was this implemented?

SANDRA FULENWIDER: I think this was last
VALERIE FULMER: Yeah, it was within the
last month.

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

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

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

ALBERT RODRIGUEZ: Yes, sir.

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

ALBERT RODRIGUEZ: That's correct.

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

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

VALERIE FULMER: We do have a specific
recruiting section that's also made up of commissioned
officers, and there is a very specific process that
applicants go through. They have to be accepted in the
field first before the application even comes to the
Department. They undergo psychological testing. They undergo medical testing. They undergo physical fitness testing. And there are requirements that they have to meet before they are invited to attend the school.

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

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

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

COLONEL CLARK: I can give you a specific example. For years, I chaired applicant boards, Commissioner. And it's just like the chief said, there's a specific process that they go through with the background investigation. Then they come before an interview board chaired by a lieutenant, and there could be four or five other members of this interview board. You spend 30 to 40 minutes with that individual. You've got their background investigation, they work history, the typical thing. But it's like a college football player. They look good in college, they perform well.
But on draft day, that's another ball game. And they may be drafted into the NFL. But you don't know what you've got until you get that uniform on them and get them in training camp. Then you realize if they've really got what it takes.

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

And it's just the process that we've had for years. And as Albert said, every state in the union, most of them are adopted after our academy. You would be amazed at how many states come to Texas and look at
our academy. We are the standards, and yet, we don't
bat a thousand. And I forgot what the percentage is.
It's almost 17 percent.

VALERIE FULMER: It's about 19.

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

        But we can't go up to him and say, buddy,
you're not going to make it, because we open ourself up
for what we refer to in this room as an 1825. You've
just created a hostile work environment for this guy.
You've passed judgment on him before he's had an
opportunity to -- let me prove myself, is what they want
to say, knowing -- and we're looking at this guy going,
you're not going to make it. There's no way. And
there's a lot of indicators here. It's just like our
good troopers who are good criminal interdictors, they
look for those -- they just know. They look for those
signs. And these men have got the experience of doing
this. But that's the best explanation I can give you.

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

COLONEL CLARK: Why aren't training?

Because there's guys just with the same amount of
experience of being around law enforcement as these men
are out in the field. We've got lieutenants and
sergeants evaluating these people. If they came -- if
Scot or Albert came to Dallas to sit on that interview
board, they'd be saying the same thing we are.

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

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

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

ALBERT RODRIGUEZ: We wouldn't have the manpower.

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

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

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

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

MR. POLUNSKY: Ms. Logan.

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

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

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

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

And, you know, the 80 percent standard may not be the magic number. We may want to move to an 85. We may want to tweak some of that. We may want to go to a 90 percent standard. But the philosophy was that we don't expect them to come in knowing the Penal Code, we're going to teach that to them. As long as they come in medically fit and generally physically fit, we can teach them in the first few weeks of the academy to be
 able to be at the 100 percent standard, and then we can
move forward from there to teach them how to arrest
somebody that weighs 100 pounds more than they do and so
forth and so on. So that was the philosophy of the
prior administration.

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

PAULA LOGAN: I don't think --

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

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

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

PAULA LOGAN: I don't believe that the
actual outcome, the actual facts bare that up. I don't
think that we've had --

MR. POLUNSKY: I've heard differently today.

Did you not say that, sir?

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

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

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

ALBERT RODRIGUEZ: Well, I think it is a valid point, but we're talking about attrition that we're losing people and the reasons we're losing them. And our response is that if they would come in in better condition they would be able to train day in and day out, to where if they're not in good condition at the
80th percentile, they're not able to train day in and
day out. They'll be able to train once or twice which
is what the standard required. They go out there one
time, they go do what they've got to do, the
mile-and-a-half. They'll be sore for the next two or
three weeks sitting on a couch putting Bengay on, which
we don't do at the training academy. They got to get up
the next morning and get with the program again, and
they can't handle that.

MS. BROWN: Well, here's a question for you.

If -- if there are gender issues, and it sounds like
there are, and you know that these -- there are a group
of people capable, women included, obviously, of
reaching 100 percent, then doesn't that make it even
more important especially to female candidates to say,
because genetically we're going to have more upper body
problems, we'll see you in two months at 100 percent,
give you a little extra time to get ready.

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

MS. BROWN: Okay.

ALBERT RODRIGUEZ: Which is exactly what
you're saying. It's not a gender issue, it's a training
issue because we're able to train 99 percent of anybody
that is not at 100 percent. We bring them up to
100 percent. So it's basically just a training issue.

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

But, I mean, they were trying, I think, to
do some of the same things we're talking about here.
And they considered all of those, you know, different
issues. And they felt like by moving the standard to
100 percent, that would -- you know, there are some
benefits to that. I mean, I think you're hearing both
sides of the story today. I'm trying to maybe even
argue a point that -- that I wasn't involved in making.
But I just -- I was at the table and I remember what the
conversations were. And I'm just trying to make sure
that you're seeing both sides of those issues. I think
they're valid, you know, things to be said about the 100
percent. And there are two or three people we're
waisting our money on versus the 128 people that we put into the school, and how many of those would not have made it into the school if we had had a higher standard.

MR. CLOWE: Lieutenant, did you have something?

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

ALBERT RODRIGUEZ: What's really interesting to note is we lose very, very few females for fitness issues. Females leave either because of an injury or family issues, personal issues. I don't recall many leaving for fitness issues. They stick it out. It's mostly male.
MR. CLOWE: Well, Sandra, did you have a comment?

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

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

MR. CLOWE: That's a very good comment. Thank you. Mr. Chairman, I want to thank all of these people. They do a wonderful job. You know, so often times the only time we get to see you is at graduation. And I hope our new Commissioners will come over and go
to the academy like I know the Chairman and I have. You all do a super job. And I wanted you to come up here and talk to us like you have today. I love this discussion. I think -- this is what the new DPS is all about. Let's -- let's take it apart and look at it.

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

MR. POLUNSKY: Are you done, Mr. Clowe?
MR. CLOWE: Yes, sir, I'm done.
MR. POLUNSKY: I disagree with that. We're hearing different things from different people here. I'm hearing from the training staff that we're essentially (Inaudible) because our standards have been lowered. Am I misconstruing that?

ALBERT RODRIGUEZ: And the standard that I'm referring to, it's not -- it's where it was set at 80. It has not been lowered from there. It's been at 80 and it's never been lowered. And that's the standard that I've been talking about. When you asked me about the
other standards, no, the academic standards are still there. They passed the state licensing examination and they're all there. It's the 80 percent. It's never been lowered. That's what it was set at, Mr. Chairman.

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

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

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

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

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

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

So when we had the new study, they recommended that the standard that we set previously was
too high. And they -- the 100 percent standard that relates to everybody is a lower standard than what we used to do for the entry level of the academy.

MR. POLUNSKY: And when was this implemented?

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

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

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

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

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

ALBERT RODRIGUEZ: I guess I want to clarify which standard you're talking about. The 80 percent has never been lowered, what it was set at, but the previous
entry standard was a little bit more demanding. So yes, in essence, that was lowered. That's a standard that was lowered. You are correct.

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

MR. CLOWE: That's okay.

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

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

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

MR. POLUNSKY: Okay.

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

ALBERT RODRIGUEZ: Right.

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

MR. CLOWE: I think Paula has brought up -- Sandra -- some really good points. It really ought to be considered. And I really think, when I go back
through when I went through boot camp, I hated it, I fought it, but I came out better physically than when I started. I could do things when I finished I couldn't do when I began. And you do that with every recruit, don't you? You guys are the ones that are on the ground.

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

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

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

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

MR. CLOWE: Commissioner Steen raised a good
point earlier today. Do you have any help for us about how we recognize a graduate who may not measure up at a later point in their career? Is there any thought given to that at this point in time?

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

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

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

PAULA LOGAN: Well, you know, I think things like that can be very beneficial. And they're fairly labor intensive on the front end to make sure that they're set up correctly and that you aren't just looking at statistics. You know, any time you start throwing around statistics, it's like, well, you know, on Thursdays it rains 30 percent of the time. Well, does that mean it rains 30 percent of the time because
it's Thursday or -- you know, so you have to make sure
that when you -- particularly if you're going the use it
later on for changing, you know, the way things are done
in the academy or, you know, getting rid of somebody
because you're saying, you know, we've identified you
all along as somebody that's not that great of a
performer, we're going to cut you loose.

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

MR. CLOWE: Great discussion. Thank you.

MR. POLUNSKY: Okay. Just -- just a general
comment. This is my comment. But I am extremely
interested in making sure that the Department of Public
Safety has high standards for our recruits, the highest
standards possible so that first we bring them in and
we're reasonably sure that they'll go through the school
and come out. I'm not even just talking about the
physical standards, I'm talking about all standards so
that we get the best and the brightest, the cream of the
crop who comes into the recruit school at DPS so they
are able to go through the school and come out. Beyond
that, I want to make sure -- again, this is my own
comment -- that once they graduate, once they get
through it, that when they're out on the road or they're
wherever they end up within the Department, that they're
good people that we won't have to worry about, and
they're not possible liabilities or anything else down
the road.

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

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

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

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

MR. POLUNSKY: Okay.

MR. CLOWE: This is excellent work. Are you
talking about implementing this in the March class?
ALBERT RODRIGUEZ: I guess it's going to be piece milled as we -- at no cost that we can implement, is my understanding. No cost once we've implement immediately. We're going to try to implement it.

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

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

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

MR. CLOWE: I've been waiting.

PAULA LOGAN: We can do that.

MR. POLUNSKY: Thank you all very much.

MR. CLOWE: Good job.

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

VALERIE FULMER: We -- we discussed that
during the Executive Session and I gave the Chairman and members a briefing on possible security issues. And next month I intend to come back with both some short-term recommendations and some long-term recommendations for you to consider. And, again, we'll probably want to discuss those during the Executive Session and make decisions during the open session.

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

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

VALERIE FULMER: Absolutely.

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

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

MR. POLUNSKY: Thank you.

VALERIE FULMER: Now am I done for a while?

MR. POLUNSKY: For a while.

VALERIE FULMER: Okay.

MR. POLUNSKY: Yeah, for a while.

MR. CLOWE: You're not done, you're finished.
MR. POLUNSKY: Next item, reports, budget matters. Chief Ybarra.

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

The events that have occurred since the last meeting are that the Comptroller has submitted their biennial revenue estimate to the legislature on January 12, 2009. As the Colonel has mentioned, the CPA has identified that the GR estimate is about 10 percent lower than the '08-'09 biennium. The entire (Inaudible) estimate, all funds, is about $167 billion. I would like to identify that what the legislature appropriated all funds in the '08-'09 biennium was about $152
billion. So if all things remain same, funds would be available.

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

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

What I'd like to do is based on the meeting we had with the Governor's office and the meetings I've had with the directors and the decisions to take a look
at the exceptional items and consider cutting further
back on some of these items, I'll tell you the ink on
some spreadsheets I plan to present to you, the ink is
still wet. When I walked out of here this morning we
received the figures for the facilities, and we entered
that information into some of these spreadsheets. Chief
Hass, if you wouldn't mind, presenting some of these
spreadsheets.

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

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

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

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

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

We submit these items in this ranked order for your consideration. I have also provided you this spreadsheet which kind of identifies what's changed.

But before I get into that, I think we should -- it'd be best to discuss any concerns the Commission may have as
to the ranking order of the items presented.

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

OSCAR YBARRA: Yes, sir, that is correct.

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

OSCAR YBARRA: Yes, sir.

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

OSCAR YBARRA: Yes, sir.

MR. STEEN: All right. Thank you.

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

MR. STEEN: Thank you.

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

MR. CLOWE: Please.

OSCAR YBARRA: Item number one, critical personnel needs. Item number two, information technology and other information technology. Item number three, operating shortfall, several items under there. We went ahead and listed them for you there so
you could see what was involved in that particular
exceptional item. Item number four, restructure of the
Driver License Division. We gave that a little bit of a
different title, but pretty much similar to what you saw
at the last meeting. Item number five, border security
and highway corridors. Item number six, TDEX funding.
Item number seven, driving track operations and
personnel. Item number eight, the Governor's office
Division of Emergency Management request. Item number
nine, new training academy and fleet operations to
Florence. Item number ten, office facilities throughout
the state. Item 11, Real ID act. Item 12, the
Polygraph Examiner's Board.

COLONEL BECKWORTH: Commissioners, what we
chose to do as it relates to several of these items that
the Chief has identified, we met with the Governor's
office and we looked at what we proposed as it relates
to commissioned officer salary. We went back and used
the state auditor's office information which was
significantly lower than our initial recommendation for
salary for commissioned personnel. We also, as I said
earlier, we chose not to move forward on the information
as it relates to our promotional process. So we did not
include that in there based upon the state of the
economy. Another thing that we did, we reduced that
amount for our commissioned officer salary by $53 million.

MR. CLOWE: By what, Colonel?

COLONEL BECKWORTH: By $53 million.

MR. CLOWE: Thank you.

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

Then we went down to our information technology component, and we reduced our IT request by removing many of the categories that driver's license had in place to address issues relating to an IBR system that they needed for the customer service component. We moved that down to the driver's license strategy. Also, the mailing machines that were previously there that you see on the other chart, we moved those costs down from our IT component, and so it reduced our IT component by $1.6 million (Inaudible) to driver's license program upgrade. Those mailing machines were $2.1 million, we moved those down to the driver's license process.
There were great concerns on our operating
shortfalls. That's why we decided to look at number
three as our priority for operating shortfalls based on
some of the things that are identified there that are
critical to what our needs are. Deferred maintenance,
director's staff has positions that we have been in
place right now to address the accounting needs. And so
we're paying for those issues our unused salary funds
right now. And based on where we hit it, we know those
funds won't be there in the future. So we need to
address those shortfalls.

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

We also addressed the new expansion and
cost that was there before. A lot of
facilities we have, there's no funding to address the
needs of those new facilities, and so we're asking for
that. Recruit school process we left in place because our critical needs as it relates to the recruit school. Utilities, we're always in a shortfall there and we left those in place.

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

Then we went down to driver's license restructure quote, and we met with the Governor's staff. We have another meeting scheduled a little while later with Sunset. And our challenge here and the discussion we had is that the Sunset Commission recommended that we move our commissioned officers from the driver's license program. Their mindset behind that was we leave the money behind to transition that to a noncommissioned category in the amount of about $14 million. So what
we're doing in this process is we are leaving the 14 million behind to replace 264 non-commissioned employed.

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

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

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

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

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

The other things you see on there would be
the buildings information we got back from TFC
San Antonio northwest multiple purpose facilities and
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
6 So we're asking for in this process a
7 totality of 287 commissioned officers and a total of 955
8 noncommissioned officers over the biennium. So that's
9 the information that we are presenting to you today
10 based upon our discussion as you directed us to visit
11 with the Governor's personnel, and also based on
12 information we received from Comptroller's office as it
13 relates to the funding for this session. So we want to
14 present this particular LAR document to you for
15 consideration and include it so we can move forward with
16 our legislative process.
17
18 OSCAR YBARRA: The -- the overall cuts that
19 were made are in a general vicinity of about $114
20 million, majority being the schedule C and the border
21 security. We were in communication with the Governor's
22 office on the border security as far as if that would be
23 something we need to look at.
24
25 MR. STEEN: Mr. Chairman, I have a question.
26 This procedural, we're going to take formal action on
27 this at some point to accept these exceptional items,
28 and do we need to do that today?
MR. POLUNSKY: We should.

OSCAR YBARRA: Given the time line, yes, sir.

MR. STEEN: You know, and I heard you say why you couldn't but, you know, I asked you if you could get this to us in advance of the meeting because it is awfully hard for us --

OSCAR YBARRA: Oh, yes.

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

OSCAR YBARRA: You see some of the meetings that occurred are happening on Monday, Tuesday --

MR. STEEN: Right. And I know that even as we were meeting you were doing some tweaking.

OSCAR YBARRA: Yes, sir.

MR. STEEN: But you -- you can understand it's --

OSCAR YBARRA: Absolutely.

MR. STEEN: This is kind of a -- level of complication's kind of hard for us to be passed this and then try to make decisions on them. We'll do our best if we have to do it today.

MR. POLUNSKY: How do you want to approach this? May I ask you a question?

OSCAR YBARRA: Yes, sir.
MR. POLUNSKY: I was out, I guess, for part of your initial remarks. But the commissioned officer compensation, you're dropping down to the SAO recommendation.

OSCAR YBARRA: Yes, sir.

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

OSCAR YBARRA: About $50 million over the biennium.

MR. POLUNSKY: 50?

OSCAR YBARRA: Yes, sir.

MR. POLUNSKY: Over the biennium.

OSCAR YBARRA: Yes, sir.

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

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

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

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

COLONEL CLARK: Brian Hawthorn contacted us and basically expressed his concern that because, again,
we've discussed this because of the state's budgetary climate and the direction we receive from Comptroller and the Governor's office, that our proposal, the Department's proposal, the $106 million proposal over the biennium was excessive to the point where -- and he was in contact with a lot of legislators throughout the last few months. And his feeling was that this would -- had the possibility of completely turning off members of the legislature in this climate that we were asking for this $106 million packet considering the previous raises that the legislature had -- had given the Department.

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

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

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

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

OSCAR YBARRA: Without the facilities.

MR. CLOWE: Without what?

OSCAR YBARRA: The facilities' costs.

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

OSCAR YBARRA: Crimson.

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

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

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

OSCAR YBARRA: The other facility, San Antonio northwest.

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

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

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

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

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

MR. STEEN: The Colonel.

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

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

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

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

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

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

OSCAR YBARRA: And we won't take all the
credit. The responsiveness of the divisions was incredible in a short period of time.

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

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

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

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

    COLONEL CLARK: IT improvements.

    OSCAR YBARRA: And our IT optimization.

    MR. STEEN: If we have a consensus on the priorities, and Colonel just told us that the staff feels very comfortable with the numbers, what else do we
need to look at?

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

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

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

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

COLONEL CLARK: Well, that's just one --
that was just one thing. I can tell you in previous
meetings downtown with Senator Ogden, these -- this was
brought up, compensation for officers. They're quick to
point out that they have been good to the officers with previous pay raises. They address the vacancies that we have. They always ask us, why haven't you filled up your vacancies. Well, there's a lot of reasons for that.

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

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

I'm not sure that, as I tried to explain that to Senator Ogden, he was really buying off on that. He's a big supporter of DPS. But then we've heard this
individually as we meet other -- other legislators. And
the $106 million that we're proposing, it's wonderful.
It's great. We just -- we're a little scared when Susan
Combs sent her report out. And we were cautioned to be
prudent in our request. So that's why the discussion.
And we have the three options between the DPSOA
recommendation, the SAO, and our recommendation.
They're all a little different. So it's just presented
to the Commission to get your thoughts. And you raise a
good point. You're looking at a $1 billion figure,
what's another $80 million added on. Well, they look at
it as --

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

COLONEL CLARK: I'm ready to ask.

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

MICHAEL KELLEY: Michael Kelley, legislative
liaison. I think one thing you've got to look at on
this document is on the back side you have items number
nine and ten. These are capital items. The legislature
tends to pay for many capital items using bonds that are
approved during general elections. The state can not
spend or borrow more money than it takes in. Although,
I don't believe you can look at number nine, the training academy and say they're going to give us half a billion dollars and go. That has always been seen as being done in parks. So you might look at it as they can look at that big number and then break it down to we'll allow you to move your fleet operations or we'll allow you to build your dormitory, and that's all we're going to give you this time. Kind of like we built our range, the actual shooting part first, now we're working on a driver training facility.

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

So they may pick a few of these buildings and add them into that bond package and allow that to be paid for. So I think it's difficult to look and say
this is really a billion dollars we're asking for. Because the building cost will oftentimes be borne out in bonds that are paid for by borrowing money and paying for it separate from the actual appropriations in the Appropriations Act.

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

The Legislative Audit Committee consists of House and Senate members who picked John Keel. Keel then went off and studied what the compensation was. And so now we can fall back on saying we have a report. You can look at why having a Deloitte report or a
Gartner study. This was a study done by the auditor that was hired by the legislature so we can justify these numbers much more easily. So I believe that was the rationale behind going with this figure because it's more reasonable and it's supported by a document prepared by the auditor.

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

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

But then if you only look at the front then take away the capital, I believe this is a much more manageable amount compared to what we brought forth before. We've taken out what you can consider the -- any excess that law makers may question such as the aircraft. We've worked down and paired down our requests and put them in order making all personnel
needs. And by saying this in a means as saying we've added additional personnel, commissioned, non and commissioned recruitment.

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

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

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

MR. CLOWE: Second.

MR. POLUNSKY: And seconded by Mr. Clowe.

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

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

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

MR. CLOWE: Can't ask for more.

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

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

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

MR. CLOWE: Well --
MR. STEEN: No?

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

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

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

MICHAEL KELLEY: Yes, sir. And you can expect that John Keel, who has been there to testify at the House Appropriations Committee meetings and Senate Finance Committee meetings, that he was also available at the legislative appropriations request presentation. He will be there to testify. So by using his numbers, he will be able the be there to justify that we're in the same boat, that we're all -- we're all looking at the same number.
MR. CLOWE: That's a big factor in my thinking. You know, it's less than I wanted for our people. I assume that's true for every one of the Commissioners. But I think you ask for what you think you can reasonably get. I'm disappointed, but I -- I don't want to get nothing.

MICHAEL KELLEY: Right.

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

OSCAR YBARRA: Yes, sir.

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

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

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

MICHAEL KELLEY: I think --

MR. POLUNSKY: Help me out.

MICHAEL KELLEY: All main things considered.

MR. POLUNSKY: Right.

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

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

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

MICHAEL KELLEY: Yeah. I think that's why
we have to stay we stick with the auditor's numbers,
that we don't want it lower. We're asking it not be
higher. But at the same time, we want to stay with what
the auditor said. There's a reason why he said that
this is the average. Just like Mr. Dickson said, we
sure would love to pay our troopers well above average
and we truly believe they deserve that. But all things
considered, when you look at all the other requests that
all the other agencies are making, and lawmakers have to
make hard decisions, it's going to be a little bit more
difficult to sell in these tough fiscal times.

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

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

COMMISSIONERS: Aye.

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

OSCAR YBARRA: The next steps that we'll be
taking, sir, is we will start pretty much taking our
current proposal narrative and restructuring that to
match this particular spreadsheet than what was adopted,
and we will also be -- it'll probably be ready in
TOM HAAS: A week from Monday.

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

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

OSCAR YBARRA: Yes, sir.

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

FARRELL WALKER: Farrell Walker, Director of Audit & Inspection. Mr. Chairman, Commissioners, I will be brief. My report, as usual, contains completed projects and working process. You'll notice that I've included in this report three completed audit projects and one headquarters inspection. I'd like to point out that in the first quarter, audit recommendations report, that management has completed the implementation of most
all of the recommendations of previous reports. OAI will be performing follow-up projects on all of these for the rest of the fiscal year, and we'll catch up with management on those.

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

MR. POLUNSKY: Questions?

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

MR. POLUNSKY: We have an audit liaison, and that would be Ms. Barth. But if you're interested in
MR. STEEN: No, I'm not interested necessarily.

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

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

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

FARRELL WALKER: We visit frequently.

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

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

MR. POLUNSKY: Okay. All right.

MR. STEEN: But you are interacting with her, you're sending her the reports?
FARRELL WALKER: Yes, sir. Anytime I think there's an issue that I think the Commission needs to be particularly aware of, I'll bring it to her attention. And there have been times that she suggested that I send additional information to the Commission based on her review of those things. I think an audit committee would be more than appropriate at some point in time and would welcome that.

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

MR. POLUNSKY: That's a good idea.

FARRELL WALKER: Thank you.

MR. POLUNSKY: Thank you, Mr. Walker.

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

VALERIE FULMER: I'll be very brief.

There's just a few things I want to point out. To the new Commissioners, I want to point out the Texas Data Exchange contract. On the second page of our report at the bottom, we have this in our report every month and I just wanted to make sure that you had seen it. The
overall cost of TDEX is estimated at 6.3 million. But generally, the Commission will not see those on the contract reports that come through each month because the individual contracts themselves don't reach the threshold of a million dollars.

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

MS. BROWN: Thank you.

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

MS. BROWN: Thank you for the summary.

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

MR. POLUNSKY: So we'll be secure and

beautiful.

VALERIE FULMER: Secure and beautiful, yes.

We're hoping to accomplish both. But I think you have

the right team for the job here.

MS. BROWN: Are you sure you're not from

Dallas? That's a very Dallas thing to --

VALERIE FULMER: I am from Dallas.

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

JOE ORTIZ: Chairman, Commissioners,

Colonels, Jose Ortiz, Assistant Commander, acting Chief

for the Criminal Law Enforcement. You have the report

we've submitted. I would bring to your attention,

Chairman, there was a mistake on the statistics for the

crime laboratory that we later caught on cases received

in December and cases completed in December under

controlled substances. The figures you have show 5,201

and 5,248 respectively for controlled substances, and

the actual figures are 3,531 for cases received for

December. And cases completed for December are 3,467.

The totals also changed. The total for

cases received for December are 5,396, and the cases

completed for December are 5,193. The error was we

received a year -- from one lab in Laredo, we received a
year-end statistics as opposed to fiscal year, so that was the need for the correction. Other than that, I have nothing else to add unless, there's a question regarding the report.

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

JOE ORTIZ: Thank you.

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

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

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

MR. POLUNSKY: I think that's a good idea.
JUDY BROWN: That's all I've got, unless
you've got questions.
MR. POLUNSKY: Questions?
MR. STEEN: How do we move forward with that
idea?
JUDY BROWN: Propose it to the legislative
body and ask for a bill to be drafted and see if we can
find a sponsor.
MR. STEEN: There's nothing like (Inaudible)
people that way. Hope we'll follow up on that.
MR. POLUNSKY: Do you want the Commission to
recommend that to you or --
JUDY BROWN: I don't think it's formal. I'd
be glad to move forward with it. We'll be on it
tomorrow morning.
MR. POLUNSKY: I think the sense of the
Commission is (Inaudible)
JUDY BROWN: Thank you.

MR. POLUNSKY: Emergency Management.

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

MR. POLUNSKY: Questions? Thank you, Chief.

Next is Highway Patrol, Chief Baker.

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

There was a murder in San Angelo. A gentleman murdered his wife and shot his -- I'm sorry,
murdered his estranged wife and shot his ex
mother-in-law. San Angelo PD operates on an 800
megahertz radio system. Therefore, if not for the
efforts of our radio operator in our San Angelo
communications facility monitoring that traffic, we
would -- our troopers on the road would've kind of been
in the blind.

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

So he became on high alert along with the
local officers. And sure enough, he stopped a vehicle
that was one of the few vehicles on the road that night,
and approached the driver, looked in the vehicle. The
passenger was the suspect that we were looking for. He
had reclined the passenger seat all the way back and was
laying down basically. The trooper approached the
vehicle, looked at the driver and saw one person
initially and said, I'm sorry I bothered you. I'll
release you.

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

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

DAVID BAKER: Yes, we do.

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

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

MS. BROWN: That's awesome.
DAVID BAKER: Yeah, she did a great job.

MR. POLUNSKY: Yeah, that is good news.

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

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

MR. POLUNSKY: Now?

DAVID BAKER: Yes, sir. I'll tell you that I've done some research. In the early 90s there was no rule or regulation particularly for the agency.

Different divisions, different districts had different residency policies. The administration at the time recognized the need to make it a uniform policy for the agency. And on October the 28th of 1991, they established the 20-mile rule for the agency.

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

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

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

Other states that have no residence policy, Connecticut, Delaware, Kentucky. I kind of like Maryland's, they have no residence policy but they do have a 25-mile vehicle radius of the residence for the
allowance of the state vehicle for personal use. I thought that was pretty interesting. Rhode Island has no residency policy.

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

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

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

DAVID BAKER: Would it be irresponsible to increase it? You know, I asked -- I was not a part when
the 20-mile rule was adopted. And how 20 miles came up or was decided upon, I have no idea. I was told that several times consideration had been given to changing that number. But what number it would've been changed to, nobody could come to a consensus on.

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

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

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

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

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

MR, POLUNSKY: Well, probably from the Association. But beyond that, I think it's coming from a lot of the troopers out in the field. And you talk to the troopers and you ask them questions about issues, things that they either think would be helpful to -- that they would be appreciative or they feel it would be
constructive to make changes, this is one that I hear quite frequently.

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

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

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

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

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

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

    COLONEL CLARK: Well, I was around when that rule was implemented. And here's the issue, it doesn't matter what you set it at, 20, 25, 30. There's always going to be that individual, and it's already happened, it happens all the time, what about 31, Colonel. I
mean, I'm 31.2. Do you make an exception for this guy?
Whatever the limit is, there's always those that want to exceed it. That's one of those situations that we have to deal with.

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

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

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

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

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

DAVID BAKER: Sure.

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

DAVID BAKER: And there are a lot of
instances, Colonel, that we could not get an accurate
number because the trooper would get the call from the
sheriff's office dispatcher and go 1023 with DPS
dispatcher. So there is variance in this number.

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

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

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

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

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

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

COLONEL CLARK: Well, if you have a partner
and your partner lives on the other side of town, it's
just increased mileage, increased time, increased cost.

It's just an issue that I think we need to look at in
depth.

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

COLONEL CLARK: Sure.

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

COLONEL CLARK: Sure.

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

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

MR. STEEN: Thank you.

DAVID BAKER: Thank you.

MR. POLUNSKY: Texas Rangers Division, Chief
Leal.

TONY LEAL: Director, Commissioners, Tony
Leal, the Ranger Division. You have our report. I have
nothing further. If you have a question, I'll try to
answer them.
MR. CLOWE: Do I understand the 20-mile rule applies to the Rangers, Chief?

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

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

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

TONY LEAL: Anybody with a car.

MR. CLOWE: Will you take that into
consideration, Colonel, in your paper to us?

COLONEL CLARK: Yes.

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

COLONEL CLARK: Yes, sir.

MR. POLUNSKY: Anything else for Chief Leal?

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

TONY LEAL: 34 days.

MR. STEEN: 34 days?

TONY LEAL: Yes, sir.

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

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

I'm very eager to see who the new CLE chief is going to be so that then the three of us can get together, the -- the Highway Patrol chief, the CLE chief and myself. And moving forward with the captains, I've got them sending me ideas. We had a meeting last Tuesday telling them what my philosophy was and where the Department's looking at going. And they're fired up. So -- and as I am to work with the Highway Patrol and with the other divisions. I think it's going very well and I'm having a lot of fun.

MS. BROWN: I got a question of you. How does it feel to be the leader of a legend?

TONY LEAL: I sat at that captain's meeting the other day. Every time you get promoted, it doesn't matter, from Highway Patrol to Highway Patrol sergeant, you're moving up. And it's -- it's a scary thing when you look at those guys and you say, I was one of them and I used to look down the table and say, that stupid guy talking. Now that you're down there at the end of the table, it's -- but I'm having fun. So I haven't really --

MR. CLOWE: Supposed to be a little scary, too.

TONY LEAL: I know. It's a little scary.
Any time you promote, I think it's a little scary. You know, it should be.

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

MR. POLUNSKY: Absolutely.

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

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

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

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

MR. POLUNSKY: I can tell you that this is an excellent selection, and Chief Leal has tremendous enthusiasm. It's contagious almost. He's really
embraced it. And to y'all, a very good selection. And I'm sure you're going to do a great job.

TONY LEAL: Thank you.

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

TONY LEAL: Yes, sir. Thank you.

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

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

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

MR. POLUNSKY: Questions?

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

BRYAN LANE: Yes, sir.

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

BRYAN LANE: Yes, sir.

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

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

TABC has had purchased, and they've had those installed, plasma screens and then they push those plasma screens using a laptop. I think nowadays -- they
purchased those several years ago -- an LCD TV is a very viable operation a tenth of the cost so to answer your question more. So to answer your question more directly, it's a simple technology solution. And pending we find the funds, which aren't many, I can commit to you that we can definitely have a design laid out and give you a working paper of what we would anticipate you would want to see presented.

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

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

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

MR. STEEN: All right. Thank you.

MS. BROWN: I've got a question.

BRYAN LANE: Yes, ma'am.

MS. BROWN: You're talking about using the computer screen. It looks like even best case scenario, for example, with your presentation, it wasn't lack of preparation, it was that you were having to rely on
other people to kind of give you last minute info so
you're churning it out. Could we have an Elmo machine
so that, for example, if you've got something hot off
the press that someone wants to present we could just
lay it down and show them the screen?

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

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

BRYAN LANE: Right.

MS. BROWN: Okay.

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

BRYAN LANE: Yes, sir, they are. And the
challenge that we spoke of when we visited them this
week was as you're looking at a -- a large document, you
know, your binders are two or three inches thick. If
you go paperless and try to present that same
information across your commission, you may have
questions about a part of the document that today you
can thumb back to gather your thoughts, and where
Commissioner Brown or Chairman Polunsky may want to be
somewhere else in that document. And making that
paperless where they were in control of how that
document scrolls is going to be a challenge.

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

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

MR. CLOWE: Bryan.
BRYAN LANE: Yes, sir.

MR. CLOWE: Us old guys want paper.

BRYAN LANE: Understood.

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

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

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

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

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

MR. POLUNSKY: Thank you.

BRYAN LANE: Thank you, sir.

MR. POLUNSKY: Next item is consent items.

And I think that Mr. Steen wants to pull "A" for the individual discussion.
MR. STEEN:  I move that we approve appointments of the following Special Rangers and Special Texas Rangers pursuant to Government Code Chapter 411, Sections 411.023 and 411.024. And I list the names:  Cyrus Daniels, Glen Deason, Joel B. Garcia, Steve McKinney, Jerry B. Moore, Allen L. Spears, Don W. Anderson, Gerardo De Los Santos, and Ronald McBride.

MR. CLOWE:  Second.

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

COMMISSIONERS:  Aye.

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

MR. CLOWE:  Move adoption.

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

MR. STEEN:  Second.

MR. POLUNSKY:  Seconded by Mr. Steen. Discussion?

MR. STEEN:  Just briefly, was -- did we get
any feedback on these rules?

DUNCAN FOX: There was no comment received

on -- submitted on these rules by the public.

MR. STEEN: Thank you.

MR. POLUNSKY: All in favor, please say,

"Aye."

COMMISSIONERS: Aye.

MR. POLUNSKY: Any against? No. Motion

passes. Items for future agendas, any items that any of

the Commissioners would like to have added for the

February or beyond?

MS. BROWN: There was a discussion -- broken

record -- there were some statistics as to the issue of

ramping that he said he'd consider, and I would really

like to look at that.

MR. STEEN: Mr. Chairman, I have none at

this time. But we have a period of time where if we

think of something we can --

MR. POLUNSKY: Oh, absolutely. Sure.

MR. STEEN: Thank you.

MR. POLUNSKY: Anything else? All right.

And our future meetings are going to be consistent, on

the third Thursday of each month, with the exception of

March.

DOROTHY WRIGHT: February 19th will be the
next meeting.

MR. POLUNSKY: All right. This meeting of the Texas Public Safety Commission is hereby adjourned. It is 6:23 p.m.
THE STATE OF TEXAS  
COUNTY OF TRAVIS  

I, Joy N. Quiroz-Hernandez, Certified Shorthand Reporter No. 8391 in and for the State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of my stenographic notes taken in the above-captioned cause at the Texas Public Safety Commission meeting in Austin, Texas.

Witness my hand this the _______ day of __________, 2009.

_______________________________________
Joy N. Quiroz-Hernandez, CSR
CSR No. 8391 - Expires 12/31/09
Integrity Legal Support Solutions
Firm Registration No. 528
114 West 7th Street, Suite 240
Austin, Texas 78701
(512) 320-8690
(512) 320-8692-Fax
IN THE MATTER OF

THE APPEAL OF DISCHARGE OF

JASON CARTIER WILLIAMS

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 Clow, the discharge was affirmed.


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