

# Table of Contents

## A Legislative Information Review of the Texas Department of Public Safety

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August 1997

### Key Points of Report

**Executive Summary** ..... 1

**Overall Conclusion** ..... 7

**The Department Needs to Improve Essential Management  
Operations That Support Its Primary Mission of Providing  
Public Safety** ..... 7

Weaknesses in Evaluating, Selecting, and Training Employees  
May Adversely Limit Overall Employee Effectiveness ..... 7

Management Has Not Implemented Standards for  
Information Resources to Reduce Costs and  
Improve Integrity of Confidential and Sensitive Data ..... 10

The Department Should Continue to Look for Savings  
Opportunities in Fleet Management ..... 14

Criminal Investigative Files Lack Assurance of Timely Follow-Up ..... 20

The Department's Construction Process Lacks Written  
Policies and Procedures, Increasing a Risk of Cost  
Overruns and Statutory Noncompliance ..... 21

Inefficiencies in the Concealed Handgun Program Increase  
Costs and Risk Impairing Overall Effectiveness ..... 24

Initiating Adequate Late Fees Could Improve the Controlled  
Substances Registration Renewal Process ..... 26

**The Department Needs to Improve Accountability  
to the Legislature and General Public** ..... 27

The Department Is Not Responding Within Ten Calendar Days,  
as Required by Law, to All Citizens Who Make Open

# Table of Contents, concluded

Records Requests .....	27
Financial Reporting to the Legislature Needs Improvement .....	29
The Department's Forfeited Asset Program Should Improve Its Federal Compliance and Its Planning of Expenditures .....	32
<b>Appendices</b>	
1 - Objectives, Scope, and Methodology .....	37
2 - Excerpts From Legislative Briefing Reports .....	41
2.1 - Human Resources .....	41
2.2 - Accounting .....	46
2.3 - Fleet .....	51
2.4 - Telecommunications .....	53
2.5 - Controlled Substance Program .....	54
2.6 - Concealed Handgun Licensing Program .....	55
2.7 - Administrative License Revocation .....	56
3 - Attachments to Management Responses .....	57
3.1 - Executive Management Training to Date .....	57
3.2 - Status of Prior Audit Findings .....	62
3.3 - Vehicle Assignments as of August 7, 1997 .....	66

# Key Points of Report

## A Legislative Information Review of the Texas Department of Public Safety

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### Overall Conclusion

Management control weaknesses in key support systems at the Texas Department of Public Safety (Department) diminish accountability and increase the risk of higher costs. Examples of financial planning weaknesses included: misclassified budgeting needs (\$4.7 million), inaccurate cost estimates (\$792,000) and missed savings (\$285,000) for fiscal year 1996. The Department, with an annual budget of more than \$270 million, needs to improve its essential management operations and also its accountability to the Legislature and the general public. We identified these weaknesses during our review of certain Department operations. The review was conducted in response to Legislative inquiries.

Management's practice in the past suggests that important administrative improvements may not occur until problems surface. For instance, the Department has not implemented audit recommendations related to information systems for six years. Our concern is that until specific problems occur, management will not implement recommendations and controls will not improve.

Specific recommendations in this report address weaknesses identified in human resources management, information systems management, state and federal compliance, and financial reporting. Overall, we recommend that the Public Safety Commission ensure that the Department implements recommendations, and we encourage the Department to continue to find additional ways to improve operations and reduce costs.

### Key Facts and Findings

The Department needs to improve essential management operations by:

- Revising key aspects of human resource policies that influence employee effectiveness
- Implementing previous audit recommendations on information resources to save money and improve information quality
- Continuing to look for potential savings

The Department should also improve accountability to the Legislature and general public by complying with statutes on open records and with federal requirements on forfeited assets to minimize the risk of losing federal funds, and taking the initiative to recognize and meet the informational needs of the Legislature and the general public.

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*This review was conducted at the request of the Legislature in accordance with Article 321 of the Texas Government Code.*

## Executive Summary

Management control weaknesses in key support systems at the Texas Department of Public Safety (Department) diminish accountability and increase the risk of higher costs. Examples of financial planning weaknesses included: misclassified budgeting needs (\$4.7 million), inaccurate cost estimates (\$792,000) and missed savings (\$285,000) for fiscal year 1996. The Department, with an annual budget of more than \$270 million, needs improvement in essential management operations and also accountability to the Legislature and the general public.

Management's practice in the past suggests that important administrative improvements may not occur until problems surface. For instance, for six years, the Department has not implemented audit recommendations related to information systems. Our concern is that until specific problems occur, management will not implement recommendations and controls will not improve.

Specific recommendations in this report address weaknesses identified in human resources management, information systems management, state and federal compliance, and financial reporting. Overall, we recommend that the Public Safety Commission ensure that the Department implements recommendations and encourage the Department to continue to find additional ways to improve operations and reduce costs.

### Financial Planning Weaknesses

Descriptions	Estimated Annual Effect
Misclassified Budget Needs - Intended for New Positions Used for Other Purposes	<u>\$ 4,700,000</u>
Inaccurate Cost Estimates - Motor Vehicle Theft Inspection Stations	<u>\$ 792,000</u>
Missed Savings - Fleet Management Practices	150,000
Key Information System for Consumable Inventory	<u>135,000</u>
Total Missed Savings	<u>\$ 285,000</u>

### The Department Needs to Improve Essential Management Operations That Support Its Primary Mission of Providing Public Safety

Weaknesses in evaluating, selecting, and training employees may adversely limit overall employee effectiveness. As a result, the Department's process to select new hires or make internal promotions has significant risk that selected individuals may not be the most qualified choices for their positions.

More than half of executive management (9 of 17 files tested) did not have timely, documented evaluations. The period since the last evaluation ranged from 1 to 10 years, with one individual last receiving a formal evaluation 15 years ago.

Department policy allows the Director to make, at his discretion, direct appointments to any position deemed necessary without written justification. A policy of this nature does not ensure that qualifications are the most important criteria for appointment. We identified four instances where executive

## Executive Summary

management promotions were made without formal evaluations to support those actions.

A sample of training records for 34 executive managers indicated that almost half (16 of 34 files tested) did not receive training in management skills during the last three years, with some individuals without formal management training for more than five years.

**Management has not implemented standards for information resources to reduce costs and improve integrity of confidential and sensitive data.** For six years, the Department has not implemented audit recommendations to establish standard procedures for the purchase and development of information systems. As a result, the Department has numerous networks and e-mail systems which, in some cases, are incompatible and require employees to use two computers. There is limited coordination between and within divisions regarding the purchase or development of information systems. Without standards and coordination, the efficiency and effectiveness of the Department's use of information is likely to be adversely affected. More than \$24 million was appropriated for information resources in the 1996-1997 biennium.

The Department needs to place responsibility for the overall management of information resources at the executive level. On January 22, 1997, executive management delegated responsibility for the coordination of a single, comprehensive technology plan to one employee. We commend the Department for this positive step. However, a steering committee that would coordinate the development and purchase of information resources with executive participation and support does not exist. All divisions should be required to follow consistent systems development procedures.

**The Department should continue to look for savings opportunities in fleet management.** A prior General Appropriations Act rider required the Department to purchase black and white vehicles. However, two-tone vehicles are more expensive. Had this potential savings been identified prior to the 74th regular session, the rider could have been changed. For the 1996-1997 biennium, this could have saved the Department more than \$300,000 on the 810 vehicles purchased.

We commend the Department for saving over \$70,000 in 1996 by eliminating 99 vehicles in the Motor Vehicle Inspection Section. Additional savings can be realized if the Department reduces the number of vehicles individually assigned to commissioned employees and places more vehicles in car pools for those positions. For every net reduction of 100 vehicles, the Department could save approximately \$140,000 per biennium.

**The Department Needs to Improve Accountability to the Legislature and the General Public**

**The Department is not responding within ten calendar days, as required by law, to all citizens who make open records requests.** Tests of open record request files indicated that 48 percent did not contain a letter to the requestor advising that the Department could not provide the requested information within the statutorily required ten days. Noncompliance with open records statutes may result in litigation where open records requests are resolved by the judicial system rather than by the Department. In addition to the risk of litigation costs, a lack of response to citizens can result in the Department not meeting its overall objective,

## Executive Summary

in which it seeks to protect the rights and privileges of all people in the state of Texas.

**Financial reporting to the Legislature needs improvement:**

- Budget requests do not fully reflect the type of operating funding the Department truly needs. Appropriation requests for 563 employment positions are funding other operational needs.

For example, in the 1996 and 1997 biennium, more than \$9 million (representing approximately 140 vacant positions) paid for already existing personnel expenses and other operating costs rather than for the approved additional Traffic Law Enforcement personnel. The Department's appropriations request understated its expected operational costs and overstated its employment costs, giving the impression that the number of commissioned officers protecting the public was greater than the actual number of officers employed.

- Required financial reports are not meeting the needs of the State's decision makers. Although the Department's forfeited asset reports complied with the State's disclosure requirements, the Legislature has limited knowledge of an \$8.7 million forfeited asset fund, and how it is being spent by the Department. For example, interested legislative leaders were not aware of the Department's purchase of 1,012.89 acres in Florence, Texas, for \$915,190. A land purchase of this magnitude could increase the State's future spending needs. Reporting actual use of funds would improve both disclosure and oversight controls.

In addition, review processes allowed errors to go undetected and uncorrected in the Department's legislative appropriation requests and annual financial reports.

**The Department's forfeited asset program should improve its federal compliance and its planning of expenditures.** The Department has controls in place over forfeited assets involving cash receipts and the fiduciary aspects of seized property until a determination of a forfeiture is made.

However:

- Technical noncompliance with federal requirements on forfeited assets creates an unnecessary risk of loss of future funds. Without corrective action, such as the appointment of one individual with responsibility to assure federal compliance, federal noncompliance issues could continue undetected. The Federal Government provides sanctions for noncompliance which may include disbarment from future participation and other more severe sanctions.
- The Department's spending process using forfeited assets is outside the normal state agency planning process, and may limit legislative oversight. The Department, in its planning process to identify spending needs funded by forfeited assets, creates a risk that the most important spending needs for the overall Department may not be considered first. The Department identifies most needs in the appropriation process, and identifies additional needs through requests to spend forfeited assets. In using two methods to identify needs rather than a combined single approach, all spending needs are not considered equally against overall Departmental needs. Also, complete information on law

## Executive Summary

enforcement needs for external customers, such as the Legislature, may not be readily available.

### Summary of Management's Responses

*A major point of concern exists with regard to the finding asserting that "financial planning weaknesses" indicate "the risk of higher costs." The primary contention of this finding is based on DPS making \$4.7 million in funding transfers during fiscal year 1996. The practice of funding transfers (which can occur for many valid reasons) began in the mid 1980's when various budget reductions were mandated by the Legislature. The practice has since proliferated in state agencies due to a continuous history of partially funded or unfunded mandates from various sources. Examples of these include a partially funded Legislative salary increase, unfunded position reclassifications in Appropriations Bills and unfunded statutory programs. These events, along with rising costs of technology and inflation, resulted in a \$4.7 million shortfall in DPS operating funds. Making use of authorized funding transfers as a valid budgeting strategy commonly used throughout state and national government is not categorically an "overrun," "missed saving," or "inefficiency." The expenditure of these funds occurred only for justifiable resources critical to the DPS mission. No waste of tax dollars occurred.*

*The DPS response to this historical shortfall in operating funds has included unsuccessful appropriation requests with narratives to fully explain the Department's position for each of the last five legislative sessions. Previous Legislative sessions failed to fund the shortfall with the knowledge that DPS would be required to carry position vacancies for this*

*purpose. Although careful analysis of resources has occurred continuously, our only option has remained to hold enough position vacancies to meet minimum operating expenses. This report also states that "budget requests do not fully reflect the type of operating funding the Department truly needs." This statement is factually incorrect. DPS has consistently disclosed actual operating expenses for historical years as required by budget instructions. Further, DPS has always requested all additional funding needs in either "Option 2" or "Supplemental" requests. Actual salary costs were contained in base budget requests because any listed vacant FTE position was intended to be filled. The LBB, Governor's Office of Budget and Planning, Senate Finance Committee and House Appropriations Committee did not indicate that this was improper. The audit team recommends base budget salaries be reduced, even if a position vacancy is to be filled at the earliest opportunity. It is suggested DPS then request salary funding for these approved positions in a supplemental request. DPS strongly disagrees with this budgeting strategy on the grounds that opportunities to fill vital positions may be lost.*

*As a related issue, DPS has identified at least \$6 million in unfunded statutory mandates from the 75th Legislative Session. The Legislative Budget Board and Chairs of the House Appropriations and Senate Finance Committees have been made aware of some of the unfunded areas. It is obvious that DPS must attempt to implement this legislation. The only money available for the agency to implement unfunded programs is in salary budgets. Sufficient lapsed salary funds will only accrue if position vacancies are held to provide resources.*

## Executive Summary

*In this regard, the Department acknowledges and will comply with DPS Rider 32 of Article V of the Appropriations Act of the 75th Legislative Session which provides that the Department may only expend funds authorized by the General Appropriations Act or other affirmative action of the Legislature.*

*All other audit findings contained in this report are addressed by the management responses to the detailed issues and recommendations.*

### **Summary of Auditor's Follow-Up Comments:**

The combination of appropriation requests for additional employees with the use of authorized funding transfers as a valid budgeting strategy may allow creation of "ghost positions." An agency that asks for funding for vital positions, then uses the funding for other purposes (even for other vital needs) creates the appearance of planning inefficiencies. Budget requests and financial information prepared in this manner have limitations on their usefulness for financial decision-making by the Legislature.

The overall solution involves consideration of better budgeting information, identification of more cost savings, increased appropriations, or operating within the State's financial

constraints. We make no recommendation that base budget salaries be reduced if the positions are to be filled.

The Department points out several instances where it believes our report is in error; however, we are not aware of any information that would cause us to change our recommendations.

### **Summary of Objective and Scope**

Our audit objective was to answer questions raised by Legislators. It also included a follow-up on the status of recommendations reported in various State Auditor reports since fiscal year 1990 and identification of additional opportunities to improve controls and outcomes and reduce risk.

The scope of this audit considered six initiatives passed during the 74th Legislative Session, selected programs and management practices at the request of members of the legislative branch, and prior audit recommendations included in State Auditor reports.

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## Overall Conclusion

Management control weaknesses in key support systems at the Texas Department of Public Safety (Department) diminish accountability and increase the risk of higher costs. Examples of financial planning weaknesses included: misclassified budgeting needs (\$4.7 million), inaccurate cost estimates (\$792,000) and missed savings (\$285,000) for fiscal year 1996. The Department, with an annual budget of more than \$270 million, needs to improve its essential management operations and also its accountability to the Legislature and the general public.

Management's practice in the past suggests that important administrative improvements may not occur until problems surface. For instance, the Department has not implemented audit recommendations related to information systems for six years. Our concern is that until specific problems occur, management will not implement recommendations and controls will not improve.

Specific recommendations in this report address weaknesses identified in human resources management, information systems management, state and federal compliance, and financial reporting. Overall, we recommend that the Public Safety Commission ensure that the Department implements recommendations, and we encourage the Department to continue to find additional ways to improve operations and reduce costs.

### Section 1:

## The Department Needs to Improve Essential Management Operations That Support Its Primary Mission of Providing Public Safety

### Section 1-A:

### **Weaknesses in Evaluating, Selecting, and Training Employees May Adversely Limit Overall Employee Effectiveness**

Weaknesses identified in human resource management may adversely limit overall personnel effectiveness. As a result, the Department's process to select new hires or make internal promotions has a significant risk that selected individuals may not be the most qualified choices for their positions. We identified issues in the evaluation, selection, and training processes:

- **The Evaluation Process:**
  - More than half of executive management (9 of 17 files tested) did not have timely, documented evaluations. The period since the last evaluation ranged from 1 to 10 years, with one individual last receiving a formal evaluation 15 years ago.

- Fifteen percent of staff members (9 of 59 files) tested had not received timely evaluations within the last year. This includes two individuals who had never received an evaluation, and another who had not been evaluated in ten years.
- The formal evaluation procedure generally provides feedback limited to general ratings or comments rather than detailed information. As a result, evaluations may not identify specific, job-related skills that are either strengths or in need of improvement. Staff members are less likely to benefit and improve without a constructive evaluation process.
- **The Selection Process:**
  - Department policy allows the Director to make, at his discretion, direct appointments to any position deemed necessary without written justification. A policy of this nature does not assure that qualifications are the most important criteria for appointment. We identified four instances where executive management promotions were made without formal evaluations to support the promotion.
  - Four of the 17 files tested met the Department's definition of high-risk positions requiring reference checks, yet two of these files did not contain the documentation of the required reference checks. Filling high-risk positions without reference checks increases a risk that the most qualified applicant may not be selected in the hiring process.

The Department defines high-risk positions as positions in the Criminal Law Enforcement Division, the Traffic Law Enforcement Division, the Texas Rangers, and other sensitive divisions that are filled by new-hires. The two positions without reference checks on file were an Administrative Technician III in the Criminal Law Enforcement Division and an Attorney V position in the Traffic Law Enforcement Division.
- **The Training Process:**
  - A sample of training records for 34 executive managers indicated that almost half (16 of 34 files tested) did not receive training in management skills during the last three years, with some individuals going without formal management training for more than five years. Also, training information is not centrally located and cannot be easily accessed.
  - Newly appointed managers may wait up to two years to receive the Department's in-service training that teaches supervisory skills. A

delay in training increases the State's risk of federal litigation in areas such as sexual harassment, Americans with Disabilities Act, and other forms of discrimination.

Effective September 1, 1997, the 75th Legislature is directing the Department to adopt policies and procedures to require personnel evaluations for each executive manager, including the Director, on an annual basis. The Legislature also is requiring the Department to establish a central database for personnel data and for the maintenance of human resource records.

Recommendation:

We recommend that the Department correct weaknesses by revising key aspects of its human resource management policies. Specifically, we recommend the Department:

- Provide formal written evaluations for all management and staff at least annually. These evaluations should include, at a minimum, task-oriented criteria as the basis for ratings, written constructive feedback on performance, and appropriate short-term employee goals.
- Document and retain justification to ensure that direct-appointment hires and promotions are appropriate and reflect good business judgement.
- Comply with existing Department policy on conducting reference checks prior to hiring for key positions.
- Develop a centralized personnel database to retain important documents. The database should allow the Department to monitor and analyze management's training needs to ensure that appropriate knowledge, skills, and abilities continue to improve over time.

Management's Response:

*A DPS General Manual change has been created which will require formal documented performance evaluations be completed at least annually for all DPS employees, including the Director. DPS management will continue to carefully evaluate the format for performance evaluations in order to achieve maximum effectiveness.*

*A DPS General Manual change has been created to require written justification documentation of selection criteria and the qualifications of individuals considered for direct appointment to Department positions by the Director. This documentation will be retained in the DPS Human Resources Bureau files.*

*A DPS General Manual change has been created to clarify that employment reference checks are required for all new applicants appointed to a position in the Department and that specified security sensitive positions will also include a detailed background check.*

*The ongoing DPS process of combining all DPS employee training records into a centralized database is currently being expedited by the addition of temporary data entry personnel. This task is estimated to be completed by December 1997. The database should allow DPS to monitor and analyze management training effectively.*

*In order to achieve the Department's goal of timely management training for all DPS supervisors, a needs survey has been taken of applicable personnel. Accomplishment of training objectives will occur through the Governor's Management Development Center and DPS training resources. The Department will also take advantage of available vendor offered programs within budgetary limitations. The timeline goal for completing management skill training for present supervisory and management personnel is September 1998.*

*The following information provides a perspective of executive management training to date for DPS executive management personnel. [See Appendix 3.1 - Executive Management Training to Date.]*

Section 1-B:

### **Management Has Not Implemented Standards for Information Resources to Reduce Costs and Improve Integrity of Confidential and Sensitive Data**

For six years, the Department has not implemented audit recommendations to establish standard procedures for the purchase and development of information systems. As a result, the Department has numerous networks and e-mail systems which, in some cases, are incompatible and require employees to use two computers. Also, there is limited coordination between and within divisions regarding the purchase or development of information systems.

The Department does not agree with all of our recommendations and in part, may not recognize the benefits of implementing these recommendations. However, our concern is that until specific problems occur, controls will not be implemented.

Without standards and coordination, the efficiency and effectiveness of the Department's use of information is likely to be adversely affected. Inefficient information systems can affect internal and external customers. More than \$24 million in appropriated funds in the 1996-1997 biennium may not have been efficiently spent.

We identified inefficiencies resulting in additional costs to the Department in the following:

- The Department has not fully implemented 14 recommendations relating to access controls and disaster recovery procedures previously reported by the State Auditor's Office. Until the Department addresses the recommendations, employees may unknowingly manipulate, corrupt, or lose confidential and sensitive data, such as criminal histories. This also places the Department at a higher risk of incurring additional costs. In addition, users of the Department's information may receive unreliable information.
- The Department's Information Management Service section is implementing beneficial procedures through a newly organized team (entitled "Customer Accounts Representatives"). However, all Department divisions are not required to work with this team or to use its potentially beneficial procedures. These procedures include the use of systems development methodology and project management tools.
- Simultaneous telecommunications projects are underway (in the Traffic Law Enforcement Division and for the Department overall) yet coordination between the two projects is limited. Although the Department's Information Management Service section provides some coordination, the Department is missing the benefits that greater coordination would provide. This would include issues such as compatibility, economies of scale, and accelerated learning curves through greater sharing.
- Prior recommendations relating to the Criminal Justice Information System have not been implemented. The Department has not addressed benchmarking, performance tracking of local entities, or working on a biennial strategic plan. Of the seven data accuracy issues, five remain outstanding.
- Management has not implemented an internal recommendation to improve automation of consumable inventories despite a relatively short payback period. Cost of a proposed new system is an estimated \$295,000, with an economic payback of just over two years based on projected savings of \$135,000 annually. Existing information systems for consumable inventories are unreliable and costly to operate. Users must implement numerous manual procedures, reconstruct data, and provide for extensive duplicate effort in daily operations. As a result, data quality suffers, and future savings are lost.
- Partial implementation of an imaging system requires duplicate entry into two different systems in the Criminal Law Enforcement Division. This adversely affects productivity, efficiency, and work backlog.
- The lack of a centralized database, minimal computer software training, and insufficient automation support affect the efficiency of the Commercial Carriers Program within the Traffic Law Enforcement Division. As a result, this requires duplicate data entry, and maintaining duplicate files on different personal computers. The lack of a centralized database limits the Division's

ability to ensure that outstanding follow-up reviews are easily produced and available.

The Department needs to place responsibility for the overall management of information resources at the executive level. On January 22, 1997, executive management delegated responsibility for the coordination of a single, comprehensive technology plan to one employee. We commend the Department for this positive step. However, a steering committee that would coordinate the development and purchase of information resources with executive participation and support does not exist. All divisions should be required to follow consistent systems development procedures.

The 75th Legislature passed two riders requiring the Department to justify information resource expenditures and to implement previous audit recommendations.

Recommendation:

We recommend that executive management ensure that compliance with legislative intent occurs to improve controls over information resources. The Department should:

- Establish an overall steering committee to assist in justification of information resource expenditures. The steering committee should seek coordination, consistency, and cost reduction. Responsibilities of the steering committee should include overall information systems planning, prioritization of projects, establishment of standards and procedures, and enforcement of standards and procedures to ensure a unified and cost-effective approach to information systems management.
- Implement prior audit recommendations using time lines and deliverables to improve overall information resources and the integrity of confidential and sensitive data.

Management's Response:

*Recognizing the value of further incorporating technology as a key business process, a DPS Information Resources Executive Steering Committee has been created. The committee is composed of the Assistant Director and the Division Chiefs of Traffic Law Enforcement, Criminal Law Enforcement, Administration and Texas Rangers. The Department's Information Resource Manager performs a liaison function for the Committee. The committee will provide ongoing compliance with audit recommendations concerning planning, prioritizing, standardization and coordination. The Executive Steering Committee has initiated more effective direction and control of DPS information technology resources including goals of developing a consistent system development methodology within quality assurance guidelines.*

*In addition to the Executive Steering Committee, joint information resource meetings are occurring weekly which involve key staff members from all DPS divisions to cooperate on developing information technology standards and to improve the sharing of infrastructure resources. These meetings further serve to share design knowledge and program code, as well as to establish common standards for data and process models.*

*Regarding DPS telecommunications projects, the long range goal is to provide a network infrastructure that appropriately shares DPS resources, meets law enforcement information needs and supports all appropriate applications. The Executive Steering Committee will address the resolution of current incompatibilities and will maximize use of network resources to eliminate redundant aspects.*

*A prior audit of the Criminal Justice Information System (CJIS) concerned recommendations related to benchmarking, performance tracking of local entities and a biennial strategic plan.*

*DPS has set benchmarks for electronic reporting of dispositions. Those benchmarks are being used by the Governor's Office to determine compliance with grant requirements for funds received by counties to implement electronic disposition reporting. These benchmarks will be modified as required to be used for agency performance on paper reporting. Performance tracking of local entities is occurring for electronic reporting agencies. DPS will expand that effort to keep manual reporting entities advised of those measures that can be tracked.*

*Regarding a biennial strategic plan, the Criminal Justice Policy Council in cooperation with DPS has created a number of planning documents for the future of the CJIS system. These plans have been used in applications to federal funding agencies resulting in significant federal funds being supplied to Texas for the enhancement of the system. Most recently, cooperative planning has resulted in funds to deploy a "live scan" network around the state for the electronic intake of fingerprint cards, as well as a DPS AFIS upgrade to allow the electronic submission of fingerprint cards to the FBI. DPS will continue in its efforts with the Policy Council to enhance the program through mutual planning. While these efforts have been effective to date, DPS will aggressively cooperate with the Criminal Justice Policy Council and other appropriate entities to formalize a biennial strategic plan for Texas.*

*Issues regarding data accuracy in the CJIS Audit are addressed as follows: [See Appendix 3.2 - Status of Prior Audit Findings.]*

*A previous State Auditor's Office report identified the following fourteen issues concerning access controls and disaster recovery procedures: [See Appendix 3.2 - Status of Prior Audit Findings.]*

*The remaining issues for this section are addressed as follows:*

*As noted in the audit, the TLE Commercial Carriers Program will benefit from completion of centralized system, enhanced software training and additional automation support. A client-server state inspection database system is currently being implemented and steps are being taken to provide additional training and automation support.*

*DPS management has not implemented an internal recommendation to improve automation of the consumable inventory process due to the absence of funding to acquire an appropriate system. A new system will be acquired at such time as expenditure authority is obtained from the appropriate legislative entity.*

*The Criminal Law Enforcement Division Controlled Substance Registration Section document imaging system has been under development for approximately one year. Duplicate data entry occurred during early vendor development of the new system, but no longer is required. Full implementation of this system should occur in September 1997.*

Auditor's Follow-Up Comment:

Regarding previous audit recommendations, the 75th Legislature adopted statutory requirements to ensure appropriate implementation and the Department's compliance with specific State Auditor's audit recommendations on information systems.

The Department's completion of grant proposals for federal funds are not typically considered to be a strategic plan. Though working with the Criminal Justice Policy Council to request and receive federal funds is a tactical approach for implementing improvements over the process, an overall strategic plan does not exist that would be beneficial to the Criminal Justice Information System.

Based on the Department's analysis of consumable inventories, the Department is missing savings of \$135,000 annually due to delayed improvement in automation in this area. Discretionary funding is available either through transfer of existing appropriations or through the use of forfeited assets, which totaled more than \$10.8 million dollars as of August 31, 1996.

Section 1-C:

**The Department Should Continue to Look for Savings Opportunities in Fleet Management**

Potential savings of more than \$300,000 are available to the Department by changing how it manages fleet costs. We commend the Department for saving over \$70,000 in 1996 by eliminating 99 vehicles in the Motor Vehicle Inspection Section. Employees

in this Section are now being reimbursed mileage for use of personal vehicles. This represents a savings of about \$700 per vehicle eliminated. Additional savings strategies to consider are listed below:

- A prior General Appropriations Act rider required the Department to purchase black and white vehicles for Traffic Law Enforcement (TLE). However, two-tone vehicles are more expensive. For example, a Crown Victoria's cost is \$389 higher when purchased as a black and white rather than a solid color vehicle. While savings would be affected by increased costs of decals and reduced costs of repainting when the Department sells the vehicles, these cost considerations were determined to approximately offset each other. Had this potential savings been identified prior to the 74th Regular Session, the rider could have been changed. For the 1996-1997 biennium, this could have saved the Department more than \$300,000 on the 810 vehicles purchased.
- The Department currently provides individually-assigned state vehicles whether or not the vehicle is required to perform primary job duties. By reducing the number of vehicles individually assigned to commissioned employees and placing more vehicles in car pools for those positions, additional savings can be realized. These savings can then be used to replace older vehicles or for other law enforcement purposes (see Table 1).

Table 1

Number of Vehicles as of January 1997	
TLE Black and White Vehicles <sup>1</sup>	1,446
Other Assignments	1,456
Total Vehicles Assigned	2,902

<sup>1</sup>TLE Black and White Vehicles are required for primary job duties.

For every net reduction of 100 vehicles, the Department could save approximately \$140,000 per biennium. Approximately 10 percent of assigned vehicles are in administration. Additionally, over 10 percent are assigned to supervisory personnel in law enforcement. Reevaluation of these assignments could provide additional areas that could be converted to car pools or mileage reimbursements as addressed with the Motor Vehicle Inspection Section.

The Department expresses concern about an increase in undesired consequences and the loss of benefits to the public and law enforcement officers if fewer vehicles are assigned to individual commissioned employees in supervisory and administrative positions. These concerns include:

- The Department's commissioned employees provide visible crime prevention and enhance public safety by their mere presence in vehicles as they drive to and from work.
- Fewer commissioned employees would have vehicles at home to respond quickly to emergency calls without first obtaining an official vehicle.

- Commissioned employees view fewer individually-assigned vehicles as a loss in overall compensation.

However, the Department has not demonstrated that current vehicle assignments to supervisory and administrative personnel are overall more beneficial to the public than increasing the use of vehicle pools.

The 75th Legislature addressed these two issues in the General Appropriations Act. This new legislation allows no more than 60 exceptions to the prohibition related to the use of a state car for personal use or for commuting to and from work. Also, legislators recommended the Department reduce as many vehicles assigned to commissioned officers commuting to and from work as possible within a reasonable time. Other new legislation now allows the Department to purchase solid color vehicles to benefit from the savings mentioned above.

Recommendation:

We recommend the Department maximize the efficient use of its fleet expenditures by:

- Purchasing solid color vehicles to reduce total vehicle costs.
- Reducing its overall fleet size and creating car pools from a portion of the remaining fleet.

Management's Response:

*For more than two decades, Appropriations Bill riders have provided in pertinent part that no funds appropriated could be used to pay the salaries of DPS personnel "operating motor vehicles used to stop and arrest offenders of highway speed laws unless such vehicles are patrol vehicles of the standard black-and-white color....". This rider has offered the choice of either purchasing black and white pursuit vehicles or partially abdicating our highway traffic safety mission. At each legislative session, DPS management has requested deletion of this rider. Prior to the 75th Session, this request has been routinely declined.*

*The Department will carefully analyze all available options and act in accordance with the best value for economy and functionality. However, any potential cost saving created by purchasing solid color pursuit vehicles will be mitigated by the cost of required law enforcement identification decals. Further, preparing decal equipped pursuit vehicles for auction sale at the end of their useful life cycle may require repainting in order to maximize partial recovery of the original purchase price. Long range cost analysis of the available options will be acted upon as appropriate.*

*The Department of Public Safety (DPS) was legislatively created in 1935 to protect the lives and property of the people of the state of Texas. An essential element of this responsibility includes the use of appropriate life-safety equipment and technology to provide the most effective and efficient service possible while maximizing employee safety.*

*Historically, the motor vehicle has been a critical tool provided to employees of DPS in order to perform their duties. For example, each vehicle assigned to a commissioned officer (Trooper through Director) is equipped as an emergency response vehicle. This includes a police radio to access all available law enforcement information (via the Texas Law Enforcement Telecommunication System) to handle emergency and routine law enforcement matters, or to request or provide assistance for the public. All DPS law enforcement vehicles are outfitted as appropriate with assorted weaponry, ammunition, lighting devices, sirens, body armor, fire extinguishers, statute and reference literature, medical supplies and other police equipment.*

*Per DPS policy (General Manual, Chapter 11, 01.11.50.00, DPS Automobile Assignments), "A DPS vehicle may be assigned to a driver for use on state business and parked at the driver's residence when not in use if the driver's duties require immediate response to situations affecting the safety or well being of the citizens of this state or the effective administration of the Department's business; or, the driver's duties do not require immediate response but there is no practical and safe place to store the vehicle and/or there is no DPS owned or operated facility available."*

*This same policy further provides in pertinent part, "DPS personnel who are assigned a DPS vehicle will be required to reside within a twenty (20) mile radius of their assigned duty station if they drive a DPS vehicle to and from their residence."*

*All commissioned law enforcement employees of the DPS primarily assigned police traffic management and criminal law enforcement duties and their supervisors are eligible to be assigned vehicles on a full time basis and may store these vehicles at their residence in accordance with policy when not in service. Additionally, persons in certain key positions or with special duties requiring their immediate availability as determined by the Director may be assigned vehicles on a full time basis. No other DPS employees are assigned vehicles on a full time basis.*

*The Appropriations Act states that no employee of any State agency shall use any State-owned automobile except on official business of the State. This is the official policy of the DPS with disciplinary sanctions occurring for misuse.*

*The following DPS positions are assigned state vehicles in order to more effectively perform state business [See Appendix 3.3 - Vehicle Assignments as of August 7, 1997.] Assignment of a state vehicle for use in official duties has occurred for as long as the positions have existed. Unless otherwise noted, all are commissioned officers and are assigned vehicles with a full complement of police equipment.*

*This is in accordance with a universally held tenet regarding the use of a vehicle as one of the most basic tools employed by a police officer in the performance of law enforcement duties.*

*According to the General Services Commission Fleet Management FY '95-96 Bi-Annual Report, the average cost to operate a DPS vehicle during fiscal year 1996 was approximately \$1,516 including fuel, tires, repairs, preventative maintenance and fixed costs (average cost amended to correct for fuel error in GSC report). Fixed costs include annual state inspections and other fleet overhead.*

*The average annual cost to operate vehicles for each position identified in this report can be arrived at by multiplying the number of vehicles assigned for a position times the average cost per vehicle as provided by the GSC Fleet Management Report.*

*All DPS vehicles are purchased with state funds except that in the Criminal Law Enforcement Division 29 vehicles were purchased with grant funds and 5 vehicles are lease cars provided to DPS by the Auto Theft Prevention Authority task force operation.*

*The average purchase price for a 1997 DPS vehicle was \$18,039.*

*This audit report states that every net reduction of 100 vehicles from the fleet will save approximately \$140,000 per biennium based on analysis of a previous Legislatively mandated reduction of 99 vehicles in the Motor Vehicle Inspection Service. During FY '96, 119 Vehicle Inspection civilian employees drove personal vehicles 1,163,679 miles. They were reimbursed at \$ .28 per mile for a total cost of \$325,830. The cost per mile for DPS to operate its state owned fleet during FY '96 was \$ .203 per mile, including depreciation. Had the Vehicle Inspection employees driven state owned vehicles rather than being reimbursed for personal mileage, a savings of \$89,604 would have resulted. This example is solely to compare the cost of fleet mileage versus personal mileage reimbursement and does not suggest that vehicle inspection civilian employees should commute to and from work in fleet vehicles.*

*The 75th Regular Session General Appropriations Act provides by appropriations rider in Article V that the Department of Public Safety shall evaluate vehicle assignments and make appropriate reductions within a reasonable time. Rider 3 specifically provides that DPS "may certify no more than sixty exceptions to the prohibition related to the use of a state car for .... commuting to and from work." This certification refers to a portion of the Department's Annual Financial Report concerning personnel assigned to the Austin headquarters complex whose duties require the use of a state vehicle on a full-time basis. DPS Appropriations Rider 4 requires the Department to document the occasions supervisory officers above the rank of Lieutenant respond to emergency calls requiring departure from the officer's private residence or office. The agency will comply with Appropriations Act mandates.*

Auditor's Follow-Up Comment:

Our fundamental recommendation is to reduce costs where possible and still meet the Department's mission of providing public safety. Our calculations of savings (\$140,000 per biennium per 99 vehicles) are based on Department-provided information on costs.

The Department's calculation suggests that our calculation is in error, and that it is cheaper to incur fleet costs rather than pay mileage. However, the Department's calculation does not include the cost of commuting in both scenarios. The Department's calculation is based on two mileage factors (\$ .28 and \$.203 per mile) which are not comparable. The \$ .28 per mile reimbursement rate is not available to employees for home to office commuting costs. However, the \$ .203 cost per mile for the Department's fleet costs does include the cost of Department vehicles commuting from home to office if the vehicles are stationed at the officer's home. This difference should be considered in a comparison of fleet costs versus personal mileage costs.

The missing cost component can be estimated in Table 2, which indicates that fleet costs are more expensive than paying the \$ .28 reimbursement rate:

Table 2

A Recalculation and Comparison of Fleet Costs with Personal Mileage Costs			
Number of Motor Vehicle Inspection Service (MVIS) Vehicles			99
Estimated average round-trip commuting distance	(15 miles x 2 trips)		30
Estimated commuting miles per day	(99 vehicles x 30 miles)		2,970
Department cost per mile for fleet costs		\$	0.203
Daily cost to the Department for commuting for fleet	(2,970 miles x \$0.203)	\$	602.91
Estimated work days per year	(five day work week)		250
Annual commuting fleet cost for 99 MVIS vehicles only	(\$602.91 x 250 days)	\$	150,727
Department calculation of savings		\$	(89,604)
Estimated Higher costs to the Department (fleet costs greater than personal mileage costs, based on fully considering commuting costs.)		\$	61,123

**Note:** The actual savings (rather than the estimated cost above) would be affected by the actual commuting distances involved. As commuting distances increase, fleet costs would be higher as the Department pays for the home-to-office commute. Likewise, if commuting distance decreases, the savings would also decrease.

Section 1-D:

## **Criminal Investigative Files Lack Assurance of Timely Follow-Up**

Narcotics Services Officers with investigative responsibilities are not in compliance with Department policy to ensure that criminal investigations receive timely follow-up. In a non-statistical sample, we identified 45 criminal investigation files that did not have timely updates posted in a headquarters log book maintained for that purpose. Our test involved two of the 39 lieutenant areas in Narcotics Services.

Criminal Law Enforcement Division management, the Public Safety Commission, and others with oversight responsibilities do not have summary information on policy compliance regarding investigative follow-up. Timely identification and correction of policy noncompliance is more likely to occur with appropriate information on policy compliance as part of an efficient oversight process.

As a consequence, the monitoring of timely investigations, a potentially valuable tool, is not effective to ensure that:

- Prosecutors do not need additional investigative work.
- Prosecutors are not overlooking needed prosecution.
- Investigations receive timely follow-up in compliance with Department policy.

The last update on the files tested, without timely updates, occurred more than six months ago. Department policy requires that open investigative files be updated periodically. If no update is reasonably expected, then investigative files should reflect this information in lieu of an information update. Open investigations without arrests or property seizures require updates every 90 days. Open investigations involving arrests or property seizures shall not exceed six months without a status report submission.

### Recommendation:

We recommend that the Criminal Law Enforcement Division of the Department:

- Measure and report compliance with Departmental policies to senior Division management, and where appropriate, to the Public Safety Commission, by developing a performance measurement system.
- Establish procedures to ensure that criminal investigations receive timely follow-up to comply with Department policy.
- Consider increased automation of investigative files as a possible long-term solution to monitoring investigative follow-up.

Management's Response:

*Reports of policy compliance regarding investigative follow-up will be prepared and reviewed by Narcotics Service senior management personnel. When appropriate, this report will be forwarded to the Public Safety Commission. Procedures to assure that criminal investigations receive timely follow-up will be implemented. The Criminal Law Enforcement Division is in the process of designing and implementing an automated investigative reporting system which includes capabilities of monitoring investigative reports, activities, and investigative follow-up.*

Section 1-E:

**The Department's Construction Process Lacks Written Policies and Procedures, Increasing a Risk of Cost Overruns and Statutory Noncompliance**

The Department's Building Program Bureau (Bureau) does not have formal documented policies and procedures for key aspects of the construction process such as planning, design, construction services procurement, and overall project administration. The lack of formal documented policies and procedures creates a much greater risk of cost overruns and statutory noncompliance. By statute, the General Services Commission has authority over all major building projects at the Department. However, the Bureau is now administering more of its own general construction projects through exclusion authority granted by the General Services Commission. The weaknesses identified include:

- **Project Planning:** The Bureau's planning is inefficient and costly. Thirteen of the 17 "exclusion" construction contracts reviewed were for the Motor Vehicle Theft Inspection Stations. The original construction plans, approved by the General Services Commission, called for steel structures costing \$7,500 each. Security concerns, later raised by Department regional officers, resulted in changing the structures from steel to masonry, thereby increasing the cost to an estimated \$35,000 each. However, the actual cost of each building averaged \$68,467. The actual cost of the structures increased over 800 percent from the original plans and 95 percent from the revised plans.
- **Design:** The Bureau does not have a licensed professional engineer on staff or on contract that oversees design and construction to ensure statutory compliance. Statutes<sup>1</sup> require that all public works projects be under the direct supervision of a Texas licensed professional engineer when certain conditions occur. We identified one instance of statutory noncompliance: A project was bid without engineering drawings even though it contained plans for

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<sup>1</sup> Vernon's Texas Civil Statute, Article 3271a, Texas Engineering Practice Act

structural, electrical, and mechanical engineering and the estimated cost was more than \$50,000.

- **Construction Services Procurement:** The Bureau lacks policy guidance on the use of state-approved contracts in lieu of the Department's purchase orders. The Department's purchase orders lack controls that are available and included in the State's standard construction contract. The Bureau issues purchase orders for construction services to comply with the Department's internal procurement procedures rather than using the State's standard construction contract.
- **General Project Administration:**
  - Construction project files were not complete and key progress documents are not centrally located in a formal, controlled project filing system.
  - An inspection process has not been developed to properly document inspection results.
  - No examples of documented close out procedures were found in the 17 exclusion project files reviewed. Closeout procedures document the contractors satisfactory completion of all terms of the contract and the owners final acceptance of the facility.
  - The Department does not enforce a retainage policy to ensure that a project is closed properly.
  - Inspection personnel received no formal training regarding inspections.

Rider 24 (General Appropriations Act, 75th Legislature) requires the Department, no later than January 1, 1998, to establish formal documented policies and procedures that specifically address planning, design, construction services procurement, and general project administration relating to projects exempt from General Services Commission oversight.

Recommendation:

We recommend the Bureau develop comprehensive written policies and procedures that address all phases of construction, including the monitoring of construction under the oversight of the General Services Commission. The Bureau should include specific controls that:

- Curtail the need to make multiple changes to approved plans.

- Ensure compliance with all statutory construction requirements and state purchasing requirements.
- Require contracts rather than purchase orders for construction projects valued over \$100,000.
- Outline the oversight documentation requirements for all construction projects.

These recommendations take on greater importance as the Bureau continues to assume more of the project administration responsibility currently performed by General Services Commission.

Management's Response:

*The Department, through previous internal examination, recognized the DPS Building Program Bureau lacked sufficient formal documented policies and procedures for managing minor construction projects through exclusion authority granted by the General Services Commission. This deficiency is being expeditiously corrected.*

*The audit alleges "cost overruns" (\$792,000) for the construction of Motor Vehicle Theft Inspection Stations. This project was initiated by providing DPS Building Program Bureau Staff with minimum purpose and square footage information for the facilities, but without information concerning the comprehensive police functions to be performed. This resulted in a preliminary single purpose steel structure estimate of cost. DPS executive management subsequently determined that the purposes and functionality of the buildings should be significantly enhanced in order to more fully meet the mission of the program. Only at this point was executive approval given for construction and the final estimate of cost established. The buildings at issue are currently being constructed for the actual cost projected for the plans approved by management. No "cost overruns" have occurred.*

*The audit identified one instance of statutory noncompliance concerning oversight of public works projects by a licensed professional engineer. This omission concerns a 2,200 square foot pier and beam construction "portable" building constructed at DPS headquarters. Although no other such oversight has been identified, procedures are being created to prevent reoccurrence.*

*The audit recommendations concerning construction services procurement and general project administration will be carefully considered in order to perform this function effectively, efficiently and in accordance with statutes and appropriation riders.*

Auditor's Follow-Up Comments:

While the Department is correct in pointing out that some cost increases were needed based on continued planning, the construction industry refers to significant increases over initial planned cost estimates as "scope creep." Increases of the size identified in these projects indicate that adequate planning of the uses and requirements of these buildings was not done at the beginning of the projects or when the building cost estimates were first revised.

Section 1-F:

**Inefficiencies in the Concealed Handgun Program Increase Costs and Risk Impairing Overall Effectiveness**

The concealed handgun licensing program began issuing licenses on January 1, 1996. We noted the following opportunities for improvement in this relatively new, legislatively mandated program:

- The Department spent approximately \$129,000 in postage over 18 months to mail applications to individuals sending in request cards. However, almost two thirds of the applications were not subsequently submitted. The Department is still determining the cause for the low response rate. One possibility is that the application request cards do not fully describe the fees, disqualifiers, and requirements involved to secure a concealed handgun license.
- Data entry on applicants is redundant and therefore inefficient. Applicant information is entered once using the request card, and again using the subsequent application. Also, the Department does not take advantage of time saving software such as a zip code program which automatically enters the city, state, and county for each application.

Recommendation:

We recommend the Department take the following steps to improve the concealed handgun licensing program:

- Determine the causes for the low response rates and implement changes to improve the application response rate for individuals requesting concealed handgun license applications to ensure that administrative costs are productively spent.
- Evaluate the data entry process, including the use of zip code software, to eliminate or reduce inefficiencies.

Management's Response:

*In July 1997, DPS sent 2,000 surveys to individuals identified as being mailed concealed handgun license applications in January or February 1997. The survey population had not to date returned the applications. Of the 305 survey respondents, 88.5% indicated they planned to complete their application and return it to the Department at a later date. An additional 6.6% of the respondents indicated they would not be returning their applications and 4.9% were undecided. These results suggest a significant number of pending applications will be returned after a time frame greater than six months.*

*This is consistent with other findings by the Department that a number of applications are returned more than one year after they have been sent to applicants. For example, in July 1997, the Department received and entered 316 applications for prorated licenses even though prorated applications had not been mailed out since July 1996. These prorated license applications, all one year old or older, accounted for 9.9% of the applications entered in July 1997. These results suggest that the postage expended to mail applications to individuals sending application request cards is a cost effective strategy.*

*The respondents (6.6%) indicating they will not be returning their application stated a number of reasons such as disqualifiers, complexity of the process, license fees and associated costs. Many of these factors are outside the control of the Department or are impossible to concisely and clearly state on a postcard size request card.*

*Redundant data entry, with regard to concealed handgun license applications, occurs in order to reduce manual processing of application request cards and reduce errors caused by applicants exchanging application packets. This process will continue to be evaluated for efficiency.*

*The Concealed Handgun License Section uses a vendors zip code CD ROM to verify questionable zip codes which occur infrequently. The information on the CD ROM, however, is stored in a proprietary format and is therefore unavailable for a data entry zip code process.*

*The U.S. Postal Service has advised that zip codes could not be used to definitively fill in city or county data fields. While each city or town has its own distinct zip code, rural areas and small towns will have the zip code of the nearest post office, which may be in a different town. County is unrelated to zip code and one zip code may span multiple counties. The suggestion of using a zip code program to automatically populate data entry fields is only feasible for the state field since neither city nor county information can be definitively obtained from the zip code.*

Auditor's Follow-Up Comment:

While enhancing the automation for this area in fiscal year 1998, the Department should consider one of several sophisticated zip code software applications available which can reduce data entry time on a high percentage of addresses.

Section 1-G:

**Initiating Adequate Late Fees Could Improve the Controlled Substances Registration Renewal Process**

The Department allows renewals for controlled substances registration after expiration or cancellation without penalty. Registrants pay a \$5 fee regardless of whether they renew promptly, six months after expiration, or reapply after cancellation by the Department. This causes additional expense to the Department for employee time, postage, and supplies to send notices to entities with expired registrations.

Registrants have no incentive to renew despite the fact that possession of controlled substances without proper authorization is illegal. Registrants would violate the law if they continued to handle or dispense controlled substances without current registrations.

Recommendation:

We recommend the Department implement a plan to encourage registrants to renew their registration before expiration. Improvements could include:

- Adoption of penalties for either late renewal or reapplying due to a canceled registration. The penalties should both help reduce the incremental administrative costs, and provide an incentive for timely renewal.
- Reduction of the six-month grace period between expiration and cancellation.

Management's Response:

*The Department lacks the statutory authority to adopt penalties for late registration, therefore, it cannot implement this recommendation. The Department agrees that steps to encourage timely registration renewal are needed and is in the process of implementing certain procedures designed at gaining compliance.*

Auditor's Follow-Up Comment:

While it appears to the auditor that the Department has existing statutory authority to adopt penalties through promulgation of rules in the Texas Administrative Code, the Legislature may wish to consider providing express authority to the Department for this purpose.

Section 2:

## **The Department Needs to Improve Accountability to the Legislature and General Public**

Section 2-A:

### **The Department Is Not Responding Within Ten Calendar Days, as Required by Law, to All Citizens Who Make Open Records Requests**

Forty-eight percent (24 of 50) of the open records request files tested did not contain a letter to the requestor advising that the Department could not provide the requested information within the statutorily required ten days. The Department indicates that in all information requests it reviews, it had either (ultimately) released the information requested or promptly sought an Attorney General decision which would provide a safe harbor for the Department. However, the Department averaged 43 days in response time measured from the date of request to the date the Department mailed a letter to the requestor. Also, an additional 32 days elapsed until the Department considered the request to be closed for the 24 of 50 files noted above.

Open records statutes require the Department to respond to the requestor within ten days if the request cannot be granted within a reasonable time period.<sup>2</sup> Noncompliance with open records statutes may result in litigation where open records requests are resolved by the judicial system rather than by the Department. In addition to the risk of litigation costs, a lack of response to citizens can result in the Department not meeting its overall objective in which it seeks to protect the rights and privileges of all people in the state of Texas.<sup>3</sup>

Recommendation:

We recommend the Department comply with open records statutes including the provision requiring notice to information requestors if the Department cannot provide the information within ten days.

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<sup>2</sup> Texas Government Code, Section 552.221(d)

<sup>3</sup> 37 Texas Administrative Code, Section 1.1

Management's Response:

*Both the Executive Summary and Section 2-A of the audit report contain incorrect information. Our review of the 50 files which were studied by the audit team shows that 18, not 24, of the files did not contain a letter to the requestor within 10 days of receipt of the request, in those situations in which the information could not be provided within 10 days. Documentation is attached which shows that the Department did comply with the statutory requirement in 6 of the cases which had been identified in the audit report as not being in compliance.*

*Further, it is incorrect to state that there was an average of 43 days from the date of the request to the date the Department mailed a letter to the requestor. A review of the 50 files shows that the average was 13 days. A more specific review of the 50 files studied shows that, in those files where a letter was not sent within the 10 days, the average response time was 25 days. For those files that were responded to within 10 days, the average response time was 6 days.*

*The audit report also states that the Department took 32 additional days to close the files that did not have a response within 10 days. The report fails to define "closed" however. When a request is received by the Department, it is assigned a file number. Once the information requested is released, the payment still has to be processed and proof of deposit obtained before Department computers reflect that the file is closed. Therefore, the closing date of a file is irrelevant to an analysis of the Department's compliance with the Open Records Act.*

*It should be noted that the Department has already developed a mechanism to send a letter to requestors when the information requested cannot be sent within 10 days. It should be further noted that in all cases the requestor received the information requested or an Attorney General decision was timely requested.*

*Attachments: [Auditor's Note: These documents are not included because they contain sensitive information such as names, addresses, and telephone numbers which, by policy, is not included in State Auditor reports.]*

- 1. Chart showing the cases in which a calculation by the Auditor was incorrect.*
- 2. Chart showing how the 25 day average was calculated.*
- 3. A group of 6 packets of documents showing the Department complied with the 10 day rule.*

Auditor's Follow-Up Comment:

The issue remains one of complete statutory compliance with open records requirements. The additional documentation provided by the Department indicates that the error rate would still be 36 percent.

Section 2-B:

## Financial Reporting to the Legislature Needs Improvement

**Budget requests do not fully reflect the type of operating funding the Department truly needs.** Appropriation requests for 563 employment positions are funding other operational needs rather than additional commissioned officers or other employees.

For example, in the 1996-1997 biennium, more than \$9 million (representing approximately 140 vacant positions) paid for already existing personnel and other operating costs rather than for the approved, additional Traffic Law Enforcement personnel (see Appendix 2.1 - Human Resources). The Department's appropriations request understated its expected operational costs and overstated its employment costs, giving the impression that the number of commissioned officers protecting the public was greater than the actual number of officers employed.

In fiscal year 1997, the Department reported 563 vacant positions in its first quarter Full-Time Equivalent report to the State Classification Office of the State Auditor's Office. Of these 563 vacancies, 263 were identified as noncommissioned staff positions and 300 were commissioned officer positions.

The significant difference between needs expressed in budget requests and actual expenditures makes funding oversight more difficult for those outside the Department.

### Recommendation:

We recommend that the Department present budget requests that accurately reflect not only known personnel and operational funding needs, but also reflect known spending plans. Funding requests for additional personnel should not be made unless these funds are intended to be used to hire additional personnel.

### Management's Response:

*Department of Public Safety position vacancies at the end of the first quarter of FY '97 totaled 563. Due to ongoing effort to attract and hire employees, vacancies were down to 379 for the third quarter of FY 97. For commissioned officer staffing, 140 Trooper positions were held vacant to alleviate a historical operating fund shortfall in the Traffic Law Enforcement Division. This budget strategy has been described in multiple legislative sessions through appropriation committee testimony and in budget request written narratives. DPS budget requests have accurately reflected funding needs to allow staffing all authorized Trooper positions and provide operating funds required for Troopers to function.*

*DPS presented its budget request based on LBB instructions for a current services LAR. The Department requested funding for the TLE budget shortfall (\$4.7 million) in its exceptional item list. It was not the agency's intent to continue holding vacancies, but rather to obtain operating funds for the 140 vacant trooper positions, plus funding for additional troopers. These two requests were made with the knowledge that fatal motor vehicle accidents in 1996 would number about 450 more than 1995. Additionally, rapid population growth and the increased speed limits in Texas would create a more significant fatal accident problem in 1997. This issue alone precluded any consideration of requesting Legislative reduction of Trooper strength.*

*It has consistently remained the goal of DPS to staff all other authorized full time equivalent positions. Due to recent legislative elimination of 140 Trooper positions and initiation of a Trooper-trainee school in September 1997, DPS full time equivalent position vacancies should number approximately 100 during the first quarter of FY '98. This number will only fluctuate as a function of normal attrition rates and the mandatory time frames required for state employment recruitment and hiring for all positions.*

**Required financial reports are not meeting the needs of the State's decision makers.** Although the Department's forfeited asset reports complied with the State's disclosure requirements, the Legislature has limited knowledge of \$10.8 million forfeited asset fund and how it is being spent by the Department. For example, interested legislative leaders were not aware of the Department's purchase of 1,012.89 acres in Florence, Texas, for \$915,190. A land purchase of this magnitude could increase the State's future spending needs.

Rider 20 (General Appropriations Act, 74th Legislature) allowed the Department to

report usage of seized assets as either actual or intended. For the 1996-1997 biennium, the Department's forfeited asset report described usage only as "Official Law Enforcement." While the report was in compliance with the current requirements, reporting actual use of funds in more detail would improve both disclosure and oversight controls.

During the 75th Legislative Session, legislators improved the reporting requirements. New requirements included presenting a summary of receipts, disbursements, and fund balances for the fiscal year derived from both federal and state sources. New requirements also included providing supporting detail that communicates the specific, intended use for all forfeited receipts and the specific items and actual amounts expended for all disbursements.

Table 3

Fiscal Year	Fund	Reporting Errors - LAR Omissions
1995	222	1,012.89 acres in Florence, Texas, were purchased for \$915,190 with federal forfeited asset funds. The land is to be used for the construction of a comprehensive training facility with an estimated cost of \$30 million.
1996	006	3.034 acres in Houston, Texas, were purchased for \$330,517 for the Houston Emission facility.
	006	1.553 acres in Irving, Texas, were purchased for \$278,508 for the Dallas Emissions facility.

In addition, financial reports to the Legislature contained undetected errors. Review processes allowed errors to go undetected in the Department's legislative appropriation requests (LAR) and annual financial reports (AFR). Examples of errors are as follows:

- The Department did not report in its LAR one land purchase made in 1995 and two more land purchases made in 1996. These land additions should appear in the land account within the LAR. (See Table 3).
- The Department did not amend its 1998-1999 LAR to include the 1996 land purchases in Schedule A and future building costs in Schedule C - Future Capital Improvements. Updates to an agency's LAR can be formal (written), or informal (verbal) if the amounts are nominal or otherwise insignificant. Purchases not in the Department's LAR are likely to not be reported in the operating budget as well.
- The Department contracted with a public accounting firm to prepare the AFR. Although a review process was in place, the following additional errors remained undiscovered:
  - The above omissions from the LAR were also not reported in the AFRs.
  - In the 1995 AFR, \$879,380 was transferred from the land account to the building account. A note explained the transaction as resulting from an increase in the capitalization threshold. However, changes to capitalization thresholds do not cause "land" to be reclassified as "buildings."
  - In the 1996 AFR, "Construction in Progress" was reported as zero, although construction continued on the Crime Records Building addition.

Recommendation:

We recommend that the Department:

- Take an active rather than a passive approach in recognizing and meeting the information needs of the Legislature and other outside customers. One way to ensure information needs are being met is to ask selected report recipients and customers whether they are receiving needed information, and to ask for suggestions to improve the information process.
- Consult with the State Auditor's Office to develop an effective financial reporting format for forfeited assets.

- Improve its review procedures of financial reports, especially those being distributed for making appropriations decisions.

Management's Response:

*Historically, the Department of Public Safety has worked very closely with assigned representatives from the Legislative Budget Board and the Governor's Office of Budget and Planning regarding legislative appropriation requests. This has evolved into positive relationships which include complementary responsiveness and mutual perception of integrity.*

*The Audit recommendation to be more proactive in soliciting feedback concerning financial reporting will be carefully considered and adhered to consistently with all entities involved in the state financial process.*

*DPS will also confer with the Auditor's office concerning developing more effective financial reporting formats for seized assets.*

*The review level for the Annual Financial Report will be improved by creating additional levels of analysis and requiring signature approvals from the appropriate chain-of-command.*

Section 2-C:

### **The Department's Forfeited Asset Program Should Improve Its Federal Compliance and Its Planning of Expenditures**

Overall, the Department has controls in place over forfeited assets involving cash receipts and the fiduciary aspects of seized property until a determination of a forfeiture. However, technical noncompliance with federal requirements on forfeited assets creates an unnecessary risk of loss of future funds. Also, a separate planning process to identify spending needs using forfeited assets may adversely affect overall Department spending choices and limit legislative oversight.

Many steps are involved in the forfeiture of assets process, which occurs as a result of investigation of criminal activity. Our limited review in this area revealed weaknesses that involve federal noncompliance and cash disbursements.

**Technical noncompliance with federal requirements on forfeited assets creates an unnecessary risk of loss of future funds.** The Department is in technical noncompliance with federal requirements involving the expenditure and reporting of funds obtained through programs established by the U.S. Department of Justice and

the U.S. Department of Treasury.<sup>4</sup> Without corrective action, such as the appointment of one individual with responsibility to ensure federal compliance, federal noncompliance issues could continue undetected. The Federal Government provides sanctions for noncompliance which may include disbarment from future participation to more severe sanctions. Noncompliance issues include:

- About 38 percent of funds available as of August 31, 1994, remained unspent two years later despite federal guidelines which state that funds should be spent as they are received and not remain unspent for a period of time exceeding two years from the date of their receipt. As a result, expenditures are not made in a timely manner to comply with the intent of federal regulations as published by the U.S. Department of Justice. The Department, during this audit, did seek and receive a waiver of this timeliness requirement from the U.S. Department of Justice as a result of this audit.
- The Department did not disclose spending intentions for the August 31, 1996, fund balance of \$8.7 million to comply with federal requirements. Federal regulations require disclosure of any balance in a holding account to be fully reported in the Annual Certification Report along with the explanation of the contemplated disposition of this balance. As a result, reports on forfeited assets to federal agencies do not comply with all federal reporting standards.
- The Department did not account for forfeited assets from federal sources in separate funds in accordance with federal requirements. As a result, the Department's program did not comply with specific federal accounting requirements.
- The Department is in technical violation of the requirement to obtain an independent financial audit of the federal funds involved in the forfeited asset program. However, we believe the Department should not be subject to a requirement for a special audit in addition to requirements set forth in the Single Audit Act and the Office of Management and Budget (OMB) Circular A-128 for each state agency. No additional audit or report is required of each agency even if the agency's federal assistance programs were not specifically reviewed. The State Auditor's Office notified appropriate federal officials of our concern with this requirement. The U.S. Department of Treasury has withheld funds until this matter is resolved.

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<sup>4</sup> *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies* (October 1, 1996) U.S. Department of Treasury; *A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies* (March 1994), U.S. Department of Justice.

Recommendation:

We recommend that the Department strengthen controls over the forfeited asset program by:

- Adopting mandatory federal compliance as a policy, correcting previous matters of noncompliance, and establishing one individual with final authority and responsibility for the forfeited asset program to assure that federal compliance occurs; the Department should seek needed waivers of federal requirements in advance, rather than after noncompliance occurs.
- Having the Department's Internal Audit Department conduct periodic federal compliance testing of the forfeited asset program.
- Participating in solving the conflict between audit requirements set forth by the U.S. Justice Department and the U.S. Department of Treasury with requirements set forth in the Single Audit Act and OMB Circular A-128; we noted that the Department issued letters to the executive offices of asset forfeiture for both federal agencies to initiate a solution to this conflict. Subsequent to our fieldwork, the Department indicated that resolution of this issue is in progress and funds are no longer being withheld.

Management's Response:

*The Department will comply with federal requirements with regard to the forfeited assets program. However, the Department points out that some of the areas of technical noncompliance identified in the audit are in error. For example, the federal guidelines state that forfeited funds "should" be expended within two years. This language is permissive; not an absolute requirement. In support of this position, the Department recently requested and received a waiver of this provision from the Department of Justice. A spokesperson for the Department of Justice agreed with the Department that this provision was a recommendation and not a requirement.*

*The Department will use its Internal Audit section to insure federal compliance.*

*The final recommendation is no longer an issue. The Department has worked with the Department of Treasury and has resolved this issue.*

The Department's spending process using forfeited assets is outside the normal state agency planning process, and may limit legislative oversight. The Department's use of more than one planning and spending method creates a risk that the most important spending needs to the Department overall are not considered and funded first. The Department identifies spending needs in two separate processes:

- Overall, most Department spending needs are identified in a long-range planning process that includes the Department's strategic plan, biennial operating plan (automation), and its legislative appropriation request. This process is typical of most state agencies.
- Additional law enforcement operating needs that are urgent and become known during the fiscal year are submitted by the districts to be funded by forfeited assets. Needs originated at the district level may be both urgent and valid, but may not also represent the most important spending needs for the Department as a whole, if they are not compared to overall Department needs.

Additionally, complete information on law enforcement needs, such as planned available funding for operational emergencies, may not be readily available for external users (for example, the Legislature).

Combining the identification of needs into a single process can offer benefits to the Department. The primary benefit is that all Department needs are considered during planning to ensure that the most important and urgent receive priority. Evaluating spending needs in one process can also help the Department better understand and improve its planning and budgeting for unforeseen contingencies and emergencies. Also, users outside the Department have a more comprehensive, and therefore better way to fully understand the Department's needs.

A note of caution is appropriate when considering assets obtained in conjunction with the federal programs. It is critical that federal equitable sharing must be used to increase or supplement the resources of the Department; federal equitable sharing cannot be used to replace or supplant the resources of the State. The U.S. Department of Treasury will terminate sharing with law enforcement agencies that are not permitted by their governing authorities to benefit directly from equitable sharing. As a result, planning of needs should be comprehensive but not include forfeited assets as a source of funding within the appropriations process.

Recommendation:

We recommend that the Department combine existing processes that identify financial needs into a single process to ensure that the most important and urgent needs receive highest funding priority, and to ensure that outside users are aware of all important and urgent spending needs of the Department.

Management's Response:

*The Department agrees that planning processes need to assure the most important and urgent needs receive the highest funding priority. In addition, outside customers need to be aware of all important and urgent spending needs of the Department. As*

*suggested in the audit, the Department has not been successful in gaining legislative appropriations for unforeseen contingencies and emergencies. However, the Department does not agree that combining its legislative appropriation request with its process for expenditure of forfeited funds is in the best interest of the State. The audit report itself warns against combining the appropriation process with the expenditure process with regard to forfeited funds. This could be deemed to be supplanting the resources of the state and could increase the risks that the State could lose the opportunity to share in federally forfeited funds.*

*Purchasing decisions in the Department evolve by initiation of an expenditure request from any employee followed by approval from the appropriate chain-of-command. All purchases which exceed \$999.00 require the signature approval of the Director or Assistant Director. However, purchases which include the expenditure of seized assets require the Director or Assistant Director's signature approval regardless of the dollar amount. In this manner, executive management is able to evaluate and prioritize expenditures proposed by agency members.*

*Regarding the suggestion to combine the expenditure planning and approval function into a single process, this objective will be accomplished by implementing the audit recommendation related to improved communication and reporting throughout the budgetary process.*

**Auditor's Follow-Up Comment:**

While care should be taken regarding the "supplanting" concern, this issue is not unique to the Department. Many federal programs that are funded through the regular appropriation process have the "supplement, not supplant" requirement and do not encounter a problem.

## Objectives, Scope, and Methodology

### Objectives

Our audit objective was to answer questions raised by Legislators. The issues included consideration of:

- Determining if the Department of Public Safety is managing or using its resources in an economical and efficient manner
- Identifying causes of inefficiencies or uneconomical practices, and determining whether financial, program, and statistical reports of the Department contain useful data and are fairly presented
- Determining whether the objectives and intended benefits of programs reviewed are being achieved in the most efficient and economical manner

Our audit objective also included a follow-up on the status of recommendations reported in various State Auditor reports since fiscal year 1990 and identifying additional opportunities to improve controls and outcomes, and reduce risk.

### Scope

The scope of this audit considered six initiatives passed during the 74th Legislative Session, selected programs and management practices at the request of members of the legislative branch, and prior audit recommendations included in State Auditor reports.

Consideration of the six initiatives passed during the 74th Legislative Session included:

- Juvenile Justice Tracking System (House Bill 1, Rider No. 28)
- Concealed Handgun Permits (Senate Bill 60)
- Commercial Carrier Regulations (Senate Bill 3)
- Denial of License Renewals and Administrative License Revocations (Senate Bill 1504, Rider No. 24)
- Automobile Theft Intervention Programs (House Bill 2151)
- Narcotics Enforcement Program (Strategy B.1.1)

Consideration of the selected programs and management practices at the request of members of the legislative branch included the following:

- Receipt and disposition of seized funds (Riders No. 20 and 21, 74th Legislative Session, General Appropriations Act)
- Human resources management
- Information systems management
- Fleet management

- Land acquisitions and construction management
- Management of the federal Safer and Sober Selective Traffic Enforcement Program (STEP) funds
- Handling of open records requests
- Clothing allowance and other emolument practices
- Telecommunications technology upgrades and usage

Consideration of the prior audit recommendations included:

- *The Assessment of the Criminal Justice Information System*, SAO Report No. 96-058, April 1996
- *Post-Implementation Reviews of Information System Development Projects*, SAO Report No. 96-055, April 1996
- *Legislative Information Review of the Texas Department of Public Safety*, SAO Report No. 95-017, October 1994
- *Overview of Management Controls at the Texas Department of Public Safety*, SAO Report No. 91-148, August 1991

## Methodology

The audit methodology used on this audit consisted of collecting information, performing audit tests and other procedures, and analyzing and evaluating the results against established criteria.

Information collected to accomplish our objectives included the following:

- Interviews with:
  - The Department's executive management, division directors, and assistant directors as well as staff members directly involved with selected programs
  - Other law enforcement agencies on emoluments, and purchasing and assignment of vehicles
  - Law enforcement entities and a car rental company to gain an understanding of fleet management concerns such as purchasing power, vehicle maintenance, and other costs or potential savings associated with fleet operations
  - The vendor contracted with to provide the technical system support for the "Failure to Appear" License Denial Program
- Physical observations and walk-throughs
- Documentary evidence including:
  - Budget and financial reports
  - Quarterly full-time equivalent reports
  - Uniform Statewide Accounting System reports
  - Fleet management records

- Personnel files and reports
  - Complaint files
  - Inventory, fixed asset, and capital asset records
  - Construction records
  - Department policies and procedures manuals
  - Federal guidelines on seized asset programs
  - Seized/Forfeited case files
  - Open records requests files
  - Concealed handgun licensee files
  - Controlled substance registration files
  - Performance measures data
- Procedures, tests and analysis performed included the following:
    - Review of Department accounting records supporting capital budget notes to the annual financial reports
    - Review of compliance with statutes, new legislation, appropriation riders, agency policies, procedures, and strategic/operation plans
    - Analysis of financial and performance data for various programs
    - Analysis of fleet purchases, mileage, and car assignment data
    - Reconciliation of fund transfers records from the Department's accounting system to the Uniform Statewide Accounting System records
    - Follow-up on prior audit recommendations

Information resources included the following:

- *Guide to Texas State Agencies 1996* - Texas Department of Public Safety
- *Fiscal Size Up 1996-1997* - Department of Public Safety
- Texas statutes regarding the Department of Public Safety, the General Services Commission, and the Board of Registration for Professional Engineers
- Code of Criminal Procedure Article 59 regarding Seized and Forfeited Assets
- Federal guidelines for the Equity Sharing Program
- Texas Administrative Code

Criteria included the following:

- *Reporting Requirements for Annual Financial Reports of State Agencies* - Comptroller of Public Accounts

- *Reporting Requirements for the Legislative Appropriations Request - Legislative Budget Board*
- *Guide to Equitable Sharing for Foreign Countries and Federal, State, and Local Law Enforcement Agencies - U.S. Department of the Treasury, October 1996*
- *Guide to Equitable sharing of Federally forfeited Property for State and Local Law Enforcement Agencies, - U. S. Department of Justice, March 1994*
- Statutory requirements

### Other Information

Fieldwork was conducted from October 1996 through May 1997. The audit was conducted in accordance with applicable professional standards, including:

- Generally Accepted Government Auditing Standards
- Generally Accepted Auditing Standards

There were no significant instances of noncompliance with these standards.

The following members of the State Auditor's staff performed the audit work:

- Linda A. Newsom, CFE (Project Manager)
- Kimberly M. Bradley, CPA, CIA
- Michael R. Burris
- Paul A. Butz
- J. Michelle Cook, CPA
- Lucien E. Hughes
- Sherrie Lindig
- Teresa Menchaca, CISA, CDP
- Nicole Merridith-Marrero, MBA
- R. Walton Persons, CPA
- Willie Lawrence Scott, Jr.
- Carleton S. Wilkes, CPA
- Worth S. Ferguson, CPA (Quality Control Reviewer)
- Barnie Gilmore, CPA (Audit Manager)
- Deborah L. Kerr, Ph.D. (Audit Director)

## Excerpts from Legislative Briefing Reports

### 2.1 - Human Resources

**Clothing Allowance:** *What are the total costs incurred by the Department in outfitting uniformed and non-uniformed officers? Who is receiving the clothing allowance as provided by Rider 7 of the General Appropriations Act?*

All commissioned officers receive a clothing allowance to cover cleaning expenses. Non-uniformed officers, who include employees in management, investigation, and other positions within the Department, receive \$100 each month (\$1,200 annually). Uniformed officers receive uniforms and \$41.66 each month (\$500 annually). The

Department purchases all uniforms provided to the officers from a manufacturing vendor, contracted through the General Services Commission.

As stated in the Department's General Appropriations Act (Rider 7), all commissioned officers holding an exempt position and other required uniformed personnel are to receive the allowance. When promoted to managerial positions, this allowance continues.

Table 4

Fiscal Year 1996 Clothing Expense	Costs
Clothing Allowance	\$1,938,616
Uniform Purchases*	566,152
<b>Total Clothing Expense Paid</b>	<b>\$2,504,768</b>

\*(Includes 6 Long Sleeve Shirts, 5 Short Sleeve Shirts, 5 Pants, 1 Raincoat, 2 Hats, 2 Jackets, 2 Ties, and 1 Belt)

**Comparison of Allowances:** *How do these expenses compare with other law enforcement entities?*

The Department's non-uniformed commissioned officers received the highest clothing allowance of all entities surveyed. When compared with other law enforcement entities within Texas, the Department's allowances are at least 300 percent higher than the allowance provided for the other entities' uniformed officers and at least 200 percent higher for non-uniformed. The three other state public safety entities' allowance range from 82 percent lower to 44 percent higher than the Department's uniformed officers. The Department's allowance is at least 66 percent higher than the other state entities' non-uniformed.

The Department's clothing allowance for its non-uniformed officers is higher than that of its uniformed officers. In 62.5 percent (5 of 8) of the entities surveyed, the uniformed officer and non-uniformed officer receive the same allowance. In two of the entities surveyed, they only provide the clothing allowance to employees performing certain law enforcement duties that are non-managerial positions.

Of the eight other law enforcement entities surveyed, five entities were police departments within the State and the other three entities were Arizona, Florida, and New Mexico public safety departments.

**Hazardous Pay:** *How much money does the Department expend on hazardous pay? What are the total costs incurred?*

Hazardous pay is provided to those employees who are certified peace officers. In fiscal year 1996, the Department paid \$3,088,662 in hazardous duty pay to 2,697 employees. When promoted to managerial positions, the hazardous pay continues. Positions ranging from majors to executive management that solely perform managerial duties still receive this pay.

Approximately 63 percent (5 of 8) of the entities surveyed did not provide hazardous pay to its law enforcement officers. The three other entities that do provide hazardous pay do not continue it for management positions. Of the eight law enforcement entities surveyed five were police departments within the State, and three were public safety departments in Arizona, Florida, and New Mexico.

All commissioned officers receive hazardous pay in lieu of longevity pay, which is provided to non-commissioned employees. Hazardous pay begins after one year of service and is increased every year, while longevity pay begins after five years of service and is increased every five years. The Department expends at least 75 percent more for hazardous duty pay than for longevity pay per individual employee.

**Job Descriptions:** *Does the Department have functional job descriptions for all positions?*

The Department does not have functional job descriptions for every position. Management asserted that approximately 13 percent of all positions do not have a documented functional job description. Four of the 59 positions reviewed did not have a formal functional job description.

**Four Positions Without Functional Descriptions:**

- Trooper
- Executive Security Manager
- VIR Hearing Attorney Major
- TLE Chief's Staff

Having functional job descriptions for all employees is a good management practice that helps ensure employees understand the specific responsibilities of their positions and are evaluated accordingly. Additionally, without functional descriptions, management cannot easily compare functions of similar positions between divisions or regions or identify areas where duplicate or inefficient job procedures are being performed.

Management had previously identified the need for documenting employees' functional duties and asserts that all positions will have documented functional job descriptions by the end of the calendar year.

**Compliance:** *Has the Department met minority hiring goals as defined in General Appropriations Act?*

The Department has not yet achieved all the goals for minority hiring set by the Legislature in the General Appropriations Act. Although the Department is not unique in its inability to meet these minority hiring goals, 54 percent (13 of the 24) of the category goals were not met as of August 31, 1996.

Table 5

Minority Hiring - Comparison of Actual with Goals as of August 31, 1996 (in percentages)						
Job Category	Blacks		Hispanics		Females	
	Actual	Goal	Actual	Goal	Actual	Goal
Officials/Administration	6	5	6*	8	15*	26
Professional	7	7	12	7	30*	44
Technical	8*	13	17	14	46	41
Protective Services	11*	13	20	18	5*	15
Para-Professionals	12*	25	22*	30	92	55
Administrative Support	14*	16	17	17	89	84
Skilled Craft	12	11	12*	20	6*	8
Service/Maintenance	32	19	29*	32	22*	27

\* Does not meet General Appropriation Act goals

The Department is making continual improvements in its attempts to meet these goals as evidenced by the fact that it has increased its minority workforce by three percentage points in the last three years. Additionally, the Department is within 2 percent of the goal for four categories. Blacks, Hispanics, and females are underutilized in several job categories as demonstrated in Table 5.

The Texas Commission on Human Rights and the General Appropriations Act, Article IX, 74th Legislature, Section 108, notes that all agencies and institutions of higher education shall make the listed percentages a statewide goal for its hiring of Blacks, Hispanics, and females.

**Grievances:** *Are grievance procedures being applied consistently throughout the Department? What is the number of grievances filed? What are the results of the grievances? What are the costs of such grievances?*

The Department's internal grievance procedures are applied consistently throughout the State, and disciplinary actions issued are consistent with similar misconduct in other cases. While differences were noted in the punishments for similar allegations, these differences were a result of overt differences in the cases reviewed (i.e., repeat complaints or additional allegations). Additionally, the Department does not track the cost of grievances.

Table 6

Five-Year Trend of Complaint Investigations Conducted					
Investigations Conducted By	1996	1995	1994	1993	1992
Supervisor	116	159	112	127	121
Internal Affairs	14	11	6	5	13
<b>Total</b>	<b>130</b>	<b>170</b>	<b>118</b>	<b>132</b>	<b>134</b>

Table 7

Disciplinary Actions of Sampled Grievance Files	
Action	Number of Cases
Termination	6
Suspended for a Period	5
Resignations	4
Written Reprimands	7
Unfounded	1
Complaint Withdrawn	1
No decision to date	2
<b>Total</b>	<b>26</b>

In reviewing the Department's internal policy for compliance, we judgmentally selected 26 of the 300 grievance files from 1995 and 1996 and noted the following:

- 18 of the 23 applicable files (78 percent) were not reviewed by the Legal Division within 15 days.
- 10 of the 26 (38.5 percent) files did not have an investigation completed within the required 28 days. In addition, a letter requesting an extension from the appropriate authority was not completed. Furthermore, seven of these ten files did not receive a prompt review from the Legal Division.
- 2 of the 19 (10.5 percent) applicable files were not reviewed within the required five days by the Internal Affairs Division.

**Overtime:** *Are overtime procedures for commissioned employees (specifically for Troopers) in compliance with federal and state laws?*

The Department's overtime policy for law enforcement officers complies with Section 207(k) of the Fair Labor Standards Act (FLSA). An analysis of the Department's policy and a sample time record indicate further testing of individual time records is not needed. For fiscal year 1996,

the Department expended \$4.5 million in overtime pay for 2,547 commissioned and non-commissioned employees.

FLSA provides a partial overtime exemption for public employees engaged in law enforcement activities. For law enforcement employees, employers must pay overtime for hours worked beyond 171 during the 28-day work cycle.

Employees below the rank of Captain (Lieutenant and below) are not exempt from FLSA and, therefore, earn time and a half for overtime hours worked. The Department may give compensatory time off or make monetary payments to employees who work FLSA overtime. Department policy allows monetary payments only when funds are available and when allowing time off would disrupt critical agency functions.

Example Trooper Time Report	
Week 1	55
Week 2	60
Week 3 (includes 16 hours paid leave)	50
Week 4	52
Total for 28 day cycle	<u>217 hours</u>
<i>To compute FLSA overtime (time and a half) earned:</i>	
Total Hours	217
Less Paid Leave	-16
Total Hours Worked	201
Less	-171
Total FLSA Overtime Hours	<u>30</u>
Total Hours at time and a half (30 hrs x 1.5)	45
<i>To compute hour-for-hour compensatory time earned:</i>	
Total Hours	217
Less	-160
Subtotal	57
Less FLSA Overtime Hours	-30
Total Compensatory Earned	<u><u>27</u></u>

Employees do not lose the overtime hours they have worked. They receive either monetary compensation or time off. Additionally, the Department compensates employees for overtime in excess of the State's maximum annual accrual of 480 hours. The Department also compensates employees for accrued overtime not taken within 12 months of the date earned, which they otherwise would lose.

The Department's policy of granting hour-for-hour compensatory time to troopers complies with Article IX of the General Appropriations Act. Section 5 of Article IX requires agencies to grant equivalent compensatory time to nonexempt employees whose hours worked, plus paid leave or holidays, exceed 40 hours in a workweek (or 160 hours over a 28-day cycle), after subtracting FLSA overtime hours worked. As a result, a trooper begins

earning hour-for-hour compensatory time for hours worked beyond 160 during the 28-day cycle. When the hours worked exceed 171, the trooper stops earning hour-for-hour compensatory time and begins earning FLSA overtime (time and a half).

**Exempt Positions:** *What are the salary levels of the various exempt positions?*

The Department's exempt employees are paid consistently without regard to gender or ethnicity. Comparisons were made between the Department's fiscal year 1996 exempt salaries paid and each applicable position's salary on the Department's Exempt Salary Schedule. We noted no inappropriate differences in actual salaries paid in comparison with exempt salary schedule.

The Department's exempt positions include all commissioned officers and upper-level administrators. In fiscal year 1996, the Department spent \$102,368,005 on exempt salaries. As of the end of the fiscal year 1996, exempt positions were held by 2,926 employees, yielding an average salary of \$34,986 per employee.

**STEP Program:** *How much money is spent in the STEP Program and how is it allocated?*

**In fiscal year 1996, the 18 counties were:**

Bell, Brazoria, Cameron, Collin, Denton, El Paso, Fort Bend, Grayson, Gregg, Hays, Hidalgo, Johnson, McLennan, Montgomery, Smith, Travis, Waller, and Williamson

For fiscal year 1996, the Department was authorized for funding of \$900,000, from which \$874,506 was expended, for 18 counties. Each district (containing from one to three eligible counties) received:

- \$364 to \$1,092 for meals
- \$4,410 to \$13,452 for mileage
- \$36,699 to \$123,094 for salaries

**In fiscal year 1997, the 19 counties are:**

Bell, Cameron, Collin, Denton, El Paso, Fort Bend, Galveston, Grayson, Gregg, Guadalupe, Hidalgo, Johnson, Lubbock, McLennan, Montgomery, Orange, Smith, Starr, and Travis

For fiscal year 1997, the Department was authorized \$1 million in STEP funding for 19 counties. Each district (containing from one to three eligible counties) was budgeted:

- \$200 for meals
- \$5,000 to \$13,000 for mileage
- \$50,000 to \$130,000 for salaries

**STEP Reimbursements Procedures:** *Are reimbursements and other aspects of this program handled consistently across the State?*

Budgeted STEP funds are distributed at the district level at the discretion of the district STEP Coordinator. A review of the districts' distribution will be considered by the State Auditor's planning team for inclusion in the next audit of the Department.

## 2.2 - Accounting

**Cash Receipting Controls:** *Does the Department appropriately track the collection of monies obtained through asset forfeitures?*

Satisfactory controls exist over the collection of funds. The combination of roles provided by the Comptroller of Public Accounts' (Comptroller) office, a commercial bank, the Department, and judicial oversight, coupled with existing policies and procedures, is designed to provide appropriate controls over the collection of cash. Statutes authorize the Department to take possession of assets of persons allegedly involved in criminal activity. Cash seizures, unless needed as evidence by the local prosecutor or retained by federal officials, are deposited by the Department in the First State Bank in Austin in an interest bearing account. The Comptroller's office maintains a spreadsheet that documents all principal and interest associated with each court case where cash had been deposited, with the Department having fiduciary responsibility. A court order determines whether some or all of the seized assets, including interest, are either forfeited or returned to the owner.

As of August 31, 1996, forfeited funds plus interest subject to federal rules totaled \$8,782,251 and forfeited funds subject to state rules totaled \$2,093,038.

**Vacant Position:** The Department’s Legislative Appropriations Request (LAR) does not accurately reflect the need to continue Traffic Law Enforcement (TLE) expenditure levels including employee compensation and other operating costs. Our limited review of vacant full-time equivalent (FTE) positions and budgeting detail revealed the following:

- In fiscal year 1997, the monies from approximately 140 of the 237 Traffic Law Enforcement commissioned officer vacancies were being used to fund other expenses rather than hiring additional troopers within TLE. For fiscal year 1996, \$4,689,479 in vacant TLE trooper position monies were used in a similar manner. (See Table 8 below)

Table 8

Traffic Law Enforcement Expenses Paid with Vacant Position Monies Fiscal Year 1996 UNAUDITED	
Expense	Amount
Half of the 3 percent pay raise (House Bill 1, 72nd Legislature, Article V, Section 146)	\$ 1,485,455
Reduction in Fund 6 (Senate Bill 1, 70th Legislature, Article V, Section 101)	551,349
Reclassifications of classified employees (April 1994)	1,200,000
Commissioned officers salary adjustments (74th Legislature; expenses in excess of amounts appropriated)	220,800
Increased operating costs (building maintenance, computer systems)	888,235
Automated Information Services personnel/operating costs (74th Legislature, Article V, Rider 31; expenses in excess of amount provided)	343,640
<b>Total</b>	<b>\$ 4,689,479</b>

- According to *A Quarterly Report of Full-Time Equivalent State Employees for the Quarter Ending November 30, 1996* (SAO Report No. 97-706, February 1997), the Department’s “Number of Full-Time Vacant Positions” was 563. This number includes both commissioned officers (peace officers) totaling 300 and non-commissioned staff (civilians) totaling 263. Table 9 provides detail on the 300 commissioned officer positions.

Table 9

Number of Authorized and Vacant Commissioned Officer Positions as of November 30, 1996--UNAUDITED						
Departments	Commissioned Officers					
	Troopers/Officers		Supervisors		Totals	
	Authorized	Vacant	Authorized	Vacant	Authorized	Vacant
<b>Traffic Law Enforcement (TLE)</b>						
Motor Vehicle Inspections	20	0	0	0	20	0
License and Weight	292	3	40	2	332	5
Drivers License	123	2	76	2	199	4
Safety Education Service	30	-1	6	0	36	-1
Highway Patrol	1,540	227 <sup>a</sup>	163	10	1,703	237 <sup>a</sup>
<b>Traffic Law Enforcement Subtotal</b>	<b>2,005</b>	<b>231</b>	<b>285</b>	<b>14</b>	<b>2,290</b>	<b>245</b>
<b>Criminal Law Enforcement</b>	<b>379</b>	<b>17</b>	<b>111</b>	<b>6</b>	<b>490</b>	<b>23</b>
<b>Texas Rangers</b>	<b>90</b>	<b>7</b>	<b>16</b>	<b>1</b>	<b>106</b>	<b>8</b>
<b>Capitol Police</b>	<b>106</b>	<b>24</b>	<b>27</b>	<b>0</b>	<b>133</b>	<b>24</b>
<b>Director's Staff<sup>b</sup></b>	<b>28</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>33</b>	<b>0</b>
<b>Administration<sup>c</sup></b>	<b>13</b>	<b>0</b>	<b>18</b>	<b>0</b>	<b>31</b>	<b>0</b>
<b>Total</b>	<b>2,621</b>	<b>279</b>	<b>462</b>	<b>21</b>	<b>3,083</b>	<b>300</b>

<sup>a</sup>The cadets in the current academy will fill approximately 87 of these positions.

<sup>b</sup>Includes Aircraft and Internal Affairs

<sup>c</sup>Includes Inspection and Planning, Training, and Personnel

**Fiscal Year 1996 Transfers:** *Was the Department in compliance with General Appropriations Action Article IX, Sections 27, 28, and 37 of the 74th Legislative Session? How much money is being transferred between appropriated items in fiscal year 1996?*

Table 10

Monthly Transfers	Amount
November 1995	\$ 20,000
December 1995	17,052
February 1996	21,875
March 1996	133,837
April 1996	3,791,000
May 1996	1,182,914
July 1996	6,160,170
August 1996	2,372,406
<b>Total</b>	<b>\$ 13,699,254</b>

The Department complied with general appropriation riders that have limitations on transfers. These limitations require transferring not more than 25 percent from each appropriated item and transferring not more than 1/3 of the total appropriated budget in the last quarter.

Comparing transfer amounts among agencies cannot be performed without extensive analysis of the actual transfers. The Department's transfers as they occurred by month are depicted in Table 10. The timing of fiscal year 1996 transfers does not necessarily indicate anything inappropriate.

During fiscal year 1996, the Department transferred \$13,699,254 between appropriated items. Of the transfers completed, 18 percent

is the largest percentage. Table 11 below identifies the amounts by goals, strategies, and appropriated items:

Table 11

Total Transfers by Goals, Strategies, and Appropriated Items		
Amount	To	Justification for Transfer
<b>A. GOAL: PROMOTE TRAFFIC SAFETY</b>		
<b>A.1.1. Strategy: Highway Patrol</b>		
\$ 52,428	D.1.3.	Two radio technicians positions within Fleet Operations
151,077	D.1.1.	Positions and associated operating expense within Personnel
25,219	A.1.6.	Crash Records System
120,329	D.1.4.	Reclassification within Regional Administration
9,544	A.1.4.	Operating expenses of the Breath & Blood Testing section
21,693	A.1.7.	Operating expenses of the Safety Education section
229,506	B.1.5.	Operating expenses of the Capitol Security section
1,019,386	A.1.3.	Reclassifications within Drivers License section
33,000	D.1.1.	Risk Management Program
113,000	D.1.2.	Digital Drivers License Project
261,000	D.1.1.	Attorney General Judgements
530,000	D.1.1.	Digital Drivers License Project
523,000	B.1.2.	Salvage Title Program
25,000	D.1.1.	Telecommunication expenses
<u>\$ 3,114,182</u>		<u>4 percent of total appropriated \$78,012,939</u>
<b>A.1.2. Strategy: Commercial Traffic Patrol</b>		
\$ 512,479	A.1.3.	Reclassifications within Drivers License section
664,919	D.1.4.	Reclassifications within Regional Administration
140,000	A.1.1.	Telecommunications System within TLE
1,400,000	D.1.2.	LEADS (unfunded by Rider #31)
574,914	A.1.1.	Highway Patrol Equipment
<u>\$ 3,292,312</u>		<u>16 percent of total appropriated \$20,945,134</u>
<b>A.1.3. Strategy: Driver's License and Records</b>		
\$ 28,000	C.1.2.	Additional position within Disaster Recovery
935,000	A.1.1.	Telecommunications System within TLE
250,000	A.1.4.	Payroll (made in error)
15,000	D.1.4.	Payroll within Regional Administration
200,000	A.1.8.	Physical Plant
400,000	A.1.6.	Crash Records System
550,000	D.1.2.	Start-up of Failure to Appear (SB 1504)
94,000	D.1.3.	Building Program Operating Expense
168,000	A.1.7.	Training Academy Operating Expense
50,000	A.1.7.	Bicycle Safety Salary and Operating Expense
34,837	D.1.3.	Employee transfer
33,000	D.1.1.	Risk Management Program
87,000	D.1.2.	LEADS (unfunded by Rider #31)
<u>\$ 2,844,837</u>		<u>6 percent of total appropriated \$49,544,322</u>

Table 11 (concluded)

Total Transfers by Goals, Strategies, and Appropriated Items		
Amount	To	Justification for Transfer
<b>A.1.5 Strategy: Vehicle Inspection</b>		
\$ 219,621	A.1.1.	Salaries and Operating Expenses
100,000	A.1.1.	Telecommunications System within TLE
75,000	D.1.4.	Operating Expense
530,000	A.1.8.	Vehicle Emission Testing construction (SB 178)
<u>\$ 924,621</u>		<u>11 percent of total appropriated \$8,116,470</u>
<b>B. GOAL: PREVENT and DETECT CRIME</b>		
<b>B.1.1. Strategy: Narcotics Enforcement</b>		
\$ 140,000	B.1.3.	Fugitive Apprehension Unit
10,000	D.1.1.	Risk Management Program
<u>\$ 150,000</u>		<u>0.7 percent of total appropriated \$22,877,893</u>
<b>B.1.2. Strategy: Vehicle Theft Enforcement</b>		
\$ 7,500	D.1.1.	Risk Management Program
<u>\$ 7,500</u>		<u>0.16 percent of total appropriated \$4,776,829</u>
<b>B.1.3. Strategy: Criminal Intelligence</b>		
\$ 7,500	D.1.1.	Risk Management Program
<u>\$ 7,500</u>		<u>0.12 percent of total appropriated \$6,036,639</u>
<b>B.1.5. Strategy: Capitol Security</b>		
\$ 225,000	D.1.2.	LEADS (unfunded by Rider #31)
495,000	A.1.1.	Telecommunications System within TLE
75,000	A.1.1	Highway Patrol Equipment
<u>\$ 795,000</u>		<u>10 percent of total appropriated \$7,991,772</u>
<b>B.1.6. Strategy: Technical Assistance</b>		
\$ 8,000	D.1.1.	Risk Management Program
<u>\$ 8,000</u>		<u>0.13 percent of total appropriated \$6,229,411</u>
<b>B.1.7. Strategy: Operational Assistance</b>		
\$ 549,385	A.1.8.	Construction costs for Juvenile Justice database (HB 376)
<u>\$ 549,385</u>		<u>4.2 percent of total appropriated \$13,155,481</u>
<b>B.1.8. Strategy: Handgun Licensing</b>		
\$ 34,105	D.1.4.	Payroll within Regional Administration
1,878,885	A.1.8.	Crime Records Building Construction (SB 60)
<u>\$ 1,912,990</u>		<u>18 percent of total appropriated \$10,542,563</u>
<b>C. GOAL: DISASTER RESPONSE</b>		
<b>C.1.3. Strategy: Emergency Planning</b>		
\$ 20,000	C.1.1.	Payroll expenses
<u>\$ 20,000</u>		<u>3 percent of total appropriated \$662,249</u>
<b>D. GOAL: INDIRECT ADMINISTRATION</b>		
<b>D.1.1. Strategy: Central Administration</b>		
\$ 26,000	D.1.3.	Building Program
<u>\$ 26,000</u>		<u>0.5 percent of total appropriated \$5,189,778</u>
<b>D.1.3. Strategy: Other Support Services</b>		
\$ 25,052	D.1.1.	Employee Transfer
21,875	A.1.7.	Training Academy Equipment
<u>\$ 46,927</u>		<u>1 percent of total appropriated \$4,873,074</u>

### 2.3 - Fleet

**Vehicle Assignments:** *What is the Department's policy regarding the assignment of vehicles?*

The vehicle assignment policy states that "all commissioned employees primarily assigned police traffic management and criminal law enforcement duties and their supervisors would be eligible to be assigned vehicles on a full-time basis and may store these vehicles at their residence when not in service." These vehicles can be driven to and from home when the commissioned employees live within a 20 mile radius of their assigned duty station.

The vehicles assigned to commissioned employees are equipped with 2-way radios, weapons, sirens, first aid, and assigned policing equipment to respond to law enforcement duties.

**Vehicle Mileage:** *What are the average miles on the vehicles assigned to commissioned employees (especially supervisory positions)?*

Of the selected 35 vehicles assigned to the headquarters commissioned officers listed in Table 12, the average monthly miles accumulated per vehicle is 1,082 during a 12-month period. The initial outlay for these vehicles was approximately \$603,295. The average cost of one vehicle purchased in fiscal year 1996 was \$17,237.

Table 12

Headquarters Commissioned Officers			
Assignee	Average Mileage	Assignee	Average Mileage
Colonel	1,489	Special Crimes Commander	1,439
Lieutenant Colonel	911	Special Crimes Assistant Commander	872
Administration Chief	354	Special Crimes Captain	928
TLE Chief	917	Special Crimes Lieutenant	1,417
TLE Assistant Chief	908	Special Crimes Sergeant	771
Criminal Law Enforcement Chief	951	MVT Commander	922
Criminal Law Enforcement Assistant Chief	468	MVT Assistant Commander	972
TLE Major	696	MVT Lieutenant	967
TLE Major	748	Internal Affairs Captain	734
TLE Major	432	Internal Affairs Lieutenant	823
TLE Major	797	Lieutenant Recruiting	1,758
TLE Captain	1,892	Inspector Administration	763
Chief Texas Rangers	1,239	Inspector Highway Patrol	1,162
Assistant Chief Texas Rangers	1,587	Chief Pilot	1,444

Table 12 (concluded)

Headquarters Commissioned Officers			
Assignee	Average Mileage	Assignee	Average Mileage
Narcotics Commander	1,311	Senior Pilot Investigator	2,035
Narcotics Assistant Commander	1,072	Pilot Investigator	1,415
Narcotics Assistant Commander	1,541	Pilot Investigator	1,143
Narcotics Captain	997		

Note: Based on vehicle assignments as of March 1997

Table 13

Traffic Law Enforcement (TLE) Supervisor		
Month	Vehicles	Average Mileage
September 1996	301	1,625
October 1996	299	1,918
November 1996	299	1,608
December 1996	305	1,380
January 1997	286	1,489
February 1997	264	1,981

Traffic Law Enforcement (TLE) Supervisor vehicles (unmarked and without exempt license plates) are provided to Sergeants, Lieutenants, Captains, and Majors. The initial outlay for the 300 TLE supervisor vehicles is approximately \$5.2 million. These vehicles averaged 1,667 miles per month during a six-month period. (See Table 13).

Seven Highway Patrol and five License and Weight vehicles throughout the State were reviewed. The Highway Patrol and License and Weight vehicles initial outlay is approximately \$120,659 and \$86,185, respectively. These vehicles averaged 2,054 and 1,709 miles, respectively, per month during a 12-month period. (See Table 14.)

Table 14

Highway Patrol Troopers		License and Weight Troopers	
Assignee	Average Mileage	Assignee	Average Mileage
Houston	1,601	Odessa	1,883
Abilene	2,206	Baytown	2,046
Austin/North	1,531	Lubbock	1,560
Crockett	2,822	San Antonio	2,040
Groesbeck	2,839	Wichita Falls	1,016
Tyler	1,828		
Katy	1,553		

Note: Based on vehicle assignments as of March 1997

**Emergency Calls:** *How frequently are commissioned employees in managerial positions called out for emergencies?*

Regarding emergency calls, the operator has the discretion to identify the duties as an emergency. A limited review of the drivers' logs indicates most examples of usage were supervising/monitoring duties, law enforcement duties, and routine patrol.

Based on our limited review of emergency usage, a complete or extended review would not appear to efficiently yield significant additional information.

**Policies and Procedures:** *What are the policies and procedures over vehicle sales, purchases, and assignments? Do procedures exist to ensure that new vehicles are assigned to the officers in the field as opposed to administrative personnel?*

As of January 1997, the Department maintained 2,903 vehicles. Of these, 1,446 are black and white vehicles, which are assigned to Traffic Law Enforcement's Highway Patrol (including K-9 and License and Weight). Operational vehicles account for 1,165 and administrative vehicles account for 292.

Vehicles are replaced with essentially identical units. Once a vehicle reaches the field, it is at the discretion of the Captain based on need as to the assignment of the new vehicle.

The determining factor for vehicle retirement is mileage. In fiscal year 1995, vehicles were eligible for retirement at 80,000 miles. The mileage increased this year to 90,000. When retired, vehicles are prepared for resale. These vehicles may be sold to other governmental entities or through General Services Commission auctions.

Over the past five years, 1,013 vehicles were sold to other governmental entities for \$5,009,453. During this time, 2,182 vehicles were sold for \$8,926,521 in 21 auctions. These funds were reinvested in additional fleet purchases.

## 2.4 - Telecommunications

**Fund Sources and Controls:** *What are the sources of funds and what are the controls over usage of telecommunications? What are the costs associated with long-distance usage and cellular services?*

According to Department policy, all personnel making long-distance calls should report such use to his or her immediate supervisor by use of a telephone log. Most Department offices are connected to the Texas Agency Network (TEX-AN). The total cost of the TEX-AN system is prorated among all user agencies based on the calculated amount of time each agency used the system during the billing period.

**Telephone System Funding:** *What was the source of funds for the Department's new headquarters telephone system? Did a transfer of funds occur?*

Funding of \$776,000 for Commercial Traffic Patrol was directly used to purchase the telephone system for the Department's headquarters. A transfer of funds did not occur.

**Cellular Phone Controls:** *What are the controls over cellular services and equipment? How are cellular telephones used?*

The Department's telephone use policy is not specific to cellular phone acquisition and use. Nevertheless, detailed cellular phone billings are required. The Department relies on the integrity of employees to review these bills, control cellular phone misuse, and identify fraudulent use by others through cloning. We identified that detailed billings are not consistently reviewed by supervisors.

The Department expended approximately \$285,000 on 786 cellular telephones in fiscal year 1996, or about \$30 per phone each month. To obtain a cellular phone, employees complete a purchase request, which then goes through the chain of command for approval. At a minimum, an employee's commanding officer must approve and sign the purchase request, which is then forward to Austin headquarters for processing.

Examples of employees who are provided a cellular phone are:

- Sergeants and above
- Texas Rangers
- Other specialized or criminal law enforcement officers

Entities that issue cellular telephones to employees incur a high inherent risk for cellular phone misuse and fraud. However, the cost of tight controls over cellular phone use can easily exceed the benefit.

**District Office Equipment:** *Does each regional/district office have a fax machine? Do these offices incur travel costs associated with standard weekly reports instead of using the fax machines?*

A review of reporting efficiency by regional/district offices will be considered by the State Auditor's planning team for inclusion in the next audit of the Department.

## **2.5 - Controlled Substance Program**

**Oversight:** *Is there an overlap in oversight for controlled substances among the medical licensing agencies, the Drug Enforcement Administration, and the Department?*

**Medical Licensing Agencies:**

- State Board of Medical Examiners
- State Board of Dental Examiners
- State Board of Veterinary Medical Examiners
- State Board of Optometry
- State Board of Pharmacy
- State Board of Podiatry
- Texas Department of Health (i.e., hospitals, surgical centers)

An overlap in oversight does not exist. The Texas Controlled Substances Act (Act) requires all persons who manufacture, distribute, analyze, or dispense controlled substances in Texas to register with the Department. The various medical licensing agencies regulate the practice of their particular specialties. However, only licensees that handle controlled substances are required to register with the Department. Researchers, manufacturers, distributors, analysts, and teaching institutions not required to obtain board licensure must register with the Drug Enforcement Administration and the Department.

Investigations of suspected violations of this Act are conducted primarily by the investigators of the medical licensing agencies. The Department's criminal investigators assist the licensing agencies when criminal activities are alleged. This coordinated effort effectively controls the diversion of controlled substances from legitimate channels and promotes public health and welfare by controlling illegal drug trafficking.

The Department had 55,946 registrants on December 31, 1996.

**2.6 - Concealed Handgun Licensing Program**

Table 15

Fiscal Year 1996 Financial Position (from USAS)	
Revenue	\$ 10,596,758
Less Expenditures and Encumbrances	-8,973,788
<u>Revenue excess</u>	<u>1,622,970</u>
Less Funds Transfer (building construction)	-1,878,885
<u>Program deficit*</u>	<u>-255,915</u>
Plus Transfer Reimbursement	+300,338
<u>Program Surplus</u>	<u>\$ 44,423</u>

\*Accounting error in funds transfer, which was later corrected.

**Program Costs:** *Are the fees sufficient to cover program cost?*

The revenues generated by the Concealed Handgun Licensing Program are sufficient to cover costs. The Department collected fees from concealed handgun applications, proficiency handgun certificates, and handgun instructor training during fiscal year 1996. A reconciliation between reported Uniform Statewide Accounting System (USAS) revenues and expenditures reconciled with the Department's records within 1 percent. A recap of USAS revenues and expenditures is found in Table 15.

## 2.7 - Administrative License Revocation

**Administrative License Revocation Expenditures and Efficiencies:** *How is the money for the Administrative Licensing Revocation (ALR) program being spent and can an improvement in efficiency be identified?*

An analysis of program cost efficiency cannot be performed since the Department does not maintain separate expenditure accounts on the Administrative Licensing Revocation (ALR) program. As of fiscal year 1996, the ALR program expenditures were considered a part of the overall Driver's License Division. However, the Department does maintain separate accounting for revenues associated with the ALR program. In fiscal year 1996, the Department collected \$3.4 million through this program.

Regarding operational efficiency, the timeliness of paperwork processing has improved since the Department automated the process in February 1996.

A review of the efficiency of the ALR program will be considered by the State Auditor's planning team for inclusion in the next audit of the Department.

## Attachments to Management Responses

### 3.1 - Executive Management Training to Date

[Auditor's Note: This list from the Department originally contained the names of the individuals holding these positions. The names were omitted because, by policy, sensitive information such as names is not included in State Auditor reports.]

<u><i>NAME</i></u>	<u><i>DEGREE</i></u>	<u><i>EXECUTIVE MANAGEMENT TRAINING</i></u>
<i>Director</i>	<i>BA</i>	<i>Gov's Center Leadership Gov's Center Executive Management Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas Northwestern University Traffic Institute</i>
<i>Asst. Director</i>	<i>65 Hours</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Executive Management</i>
<i>Chief of TLE</i>	<i>BS</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Senior Management Northwestern University Traffic Institute Southern Police Institute SWTSU Management School Law Enforcement Administrators Conference (Texas Police Association) Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas</i>
<i>Chief of CLE</i>	<i>BS</i>	<i>Gov's Center Management Gov's Center Senior Management Gov's Center Executive Management Southern Police Institute</i>
<i>Chief of Administration</i>	<i>MPA</i>	<i>Gov's Center Executive Management Northwestern University Traffic Institute Southern Police Institute Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas</i>
<i>Chief of the Rangers</i>	<i>84 Hours</i>	<i>Gov's Center Management Gov's Center Leadership SWTSU Management School</i>

<u><b>NAME</b></u>	<u><b>DEGREE</b></u>	<u><b>EXECUTIVE MANAGEMENT TRAINING</b></u>
<i>Asst. Chief of TLE</i>	<i>39 Hours</i>	<i>Gov's Center Leadership Gov's Center Senior Management SWTSU Management School Law Enforcement Administrators Conference (Texas Police Association)</i>
<i>Asst. Chief of CLE</i>	<i>BA</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Senior Management Gov's Center Executive Management FBI National Academy</i>
<i>Chief Inspector for Inspection &amp; Planning</i>	<i>MA</i>	<i>Gov's Center Leadership Gov's Center Senior Management Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas FBI National Academy</i>
<i>State Coordinator - EMS</i>	<i>MA</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Senior Management Gov's Center Executive Management</i>
<i>Asst. Chief for Crime Records Service</i>	<i>MS</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Executive Management Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas</i>
<i>Asst. Chief for Driver Licensing and Control</i>	<i>N/A</i>	<i>Gov's Center Leadership Gov's Center Senior Management</i>
<i>Asst. Chief for Staff Support Service</i>	<i>JD</i>	<i>Gov's Center Senior Management SWTSU Management School</i>
<i>Asst. Chief for Information Management</i>	<i>MA</i>	<i>Gov's Center Leadership Gov's Center Senior Management Gov's Center Principle Centered Leadership</i>
<i>Capt., Asst. Chief of the Rangers</i>	<i>AA</i>	<i>Gov's Center Management Gov's Center Leadership</i>
<i>Major, Region 1, TLE</i>	<i>50 Hours</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Senior Management Northwestern University Traffic Institute SWTSU Management School</i>

<u><b>NAME</b></u>	<u><b>DEGREE</b></u>	<u><b>EXECUTIVE MANAGEMENT TRAINING</b></u>
<i>Major, Region 2, TLE</i>	<i>BS</i>	<i>Gov's Center Leadership Gov's Center Senior Management Northwestern University Traffic Institute SWTSU Management School Graduate Management Institute - Bill Blackwood Law Enforcement Management Institute of Texas Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas</i>
<i>Major, Region 3, TLE</i>	<i>90 Hours</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Senior Management Northwestern University Traffic Institute SWTSU Management School Law Enforcement Administrators Conference (Texas Police Association) Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas Law Enforcement Management Institute (Florida)</i>
<i>Major, Region 4, TLE</i>	<i>BA</i>	<i>Gov's Center Management Gov's Center Leadership Southern Police Institute FBI National Academy</i>
<i>Major, Region 5, TLE</i>	<i>BS</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Executive Management Southern Police Institute SWTSU Management School Law Enforcement Administrators Conference (Texas Police Association) Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas</i>
<i>Major, Region 6, TLE</i>	<i>BS</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Senior Management Southern Police Institute SWTSU Management School</i>

<u><i>NAME</i></u>	<u><i>DEGREE</i></u>	<u><i>EXECUTIVE MANAGEMENT TRAINING</i></u>
<i>Major, Capitol Police</i>	<i>BS</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Senior Management Northwestern University Traffic Institute SWTSU Management School Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas</i>
<i>Cmdr. for Narcotics</i>	<i>BBA</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Senior Management Law Enforcement Administrators Conference (Texas Police Association)</i>
<i>Cmdr. for Special Crimes Service</i>	<i>87 Hours</i>	<i>Gov's Center Management Gov's Center Leadership</i>
<i>Cmdr. for Motor Vehicle Theft</i>	<i>MS</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Senior Management Gov's Center Executive Management Law Enforcement Administrators Conference (Texas Police Association) Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas</i>
<i>Chief of Finance</i>	<i>BBA</i>	<i>Gov's Center Leadership</i>
<i>Chief of Legal Services</i>	<i>JD</i>	
<i>Asst. Chief of Legal Services</i>	<i>JD</i>	
<i>Director of Accounting</i>	<i>BA, BBA</i>	<i>Gov's Center Management Gov's Center Benchmarking, Strategic Planning and Performance Measurement</i>
<i>Director of Accounting</i>	<i>BBA</i>	<i>Gov's Center Management Gov's Center Benchmarking, Strategic Planning and Performance Measurement</i>

<u><b>NAME</b></u>	<u><b>DEGREE</b></u>	<u><b>EXECUTIVE MANAGEMENT TRAINING</b></u>
<i>Major, TLE</i>	<i>33 Hours</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Senior Management Northwestern University Traffic Institute SWTSU Management School Law Enforcement Administrators Conference (Texas Police Association) Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas</i>
<i>Major, TLE</i>	<i>BA, MS</i>	<i>Gov's Center Leadership Gov's Center Senior Management Northwestern University Traffic Institute SWTSU Management School Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas</i>
<i>Major, TLE</i>	<i>BS</i>	<i>Gov's Center Management Gov's Center Leadership Gov's Center Senior Management Northwestern University Traffic Institute SWTSU Management School Law Enforcement Administrators Conference (Texas Police Association) Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas FBI National Academy</i>
<i>Major, TLE</i>	<i>BS</i>	<i>Gov's Center Management Gov's Center Leadership Southern Police Institute SWTSU Management School Executive Issues Seminars - Bill Blackwood Law Enforcement Management Institute of Texas</i>
<i>Major, TLE</i>	<i>54 Hours</i>	<i>Gov's Center Leadership Southern Police Institute</i>

### 3.2 - Status of Prior Audit Findings

*Issues regarding data accuracy in the CJIS audit are addressed as follows:*

1. **Audit Finding** - Have persons independent of the deletion process review reports that summarize deleted criminal history records.

***Management Response***

*A third party check has been instituted.*

2. **Audit Finding** - Continue current efforts to address causes of, and to correct, multiple SID's in criminal history records.

***Management Response***

*DPS initiatives in this area have included DPS fingerprint technicians training local agency personnel, creation of an error log for AFIS remote sites and enhancing the quality control aspects of the Department's responsibilities.*

3. **Audit Finding** - Enhance the CCH database to capture the user ID of the person making an original entry or a subsequent record modification.

***Management Response***

*This will require a major modification to the system. The Department will establish a plan for implementing this audit finding by January 1998, with timetables, milestones, and deliverables approved by the Quality Assurance Team.*

4. **Audit Finding** - Compare counts of received and processed documents to help ensure completeness of processing.

***Management Response***

*All AFIS documents are counted. The Department will establish a plan for implementing this audit finding by January 1998, with timetables, milestones, and deliverables approved by the Quality Assurance Team.*

5. **Audit Finding** - Use prosecution and court information that arrives before arrest information as an indicator of the need to request missing arrest information.

***Management Response***

*Missing arrest information is being acquired by providing counties with a listing of outstanding arrests from disposition information. This procedure will be statewide by November 1997.*

6. **Audit Finding** - Create reports which identify aged or stale records and conduct appropriate follow-up procedures to identify potentially missing information.

**Management Response**

*The "aging" of criminal history records is imprecise due to variables that exist in the criminal justice process. However, DPS will attempt to broadly "age" arrests in anticipation of identifying missing dispositions.*

- 7. Audit Finding** - Verify data entry of key fields such as name, race, sex, and date of birth.

**Management Response**

*The extraordinary workload and program changes necessary to implement this finding will require significant additional funding. The Department will establish a plan for implementing this audit finding by January 1998, with timetables, milestones, and deliverables approved by the Quality Assurance Team.*

*A previous State Auditor's Office report identified the following fourteen issues concerning access controls and disaster recovery procedures:*

- 1. Audit Finding** - Application and system programmers have unrestricted access to live production programs and production data.

**Management Response**

*Application, system and operational areas have been identified and access is being reviewed as to applicability to work performed. As tasks are identified, access is being set at the lowest required level for task performance. (Completion December 1997)*

- 2. Audit Finding** - Data entry supervisor access to criminal history data includes authority to alter records.

**Management Response**

*A system requiring third party verification of records altered for corrections was established August 1996 to provide data integrity security for this supervisory function.*

- 3. Audit Finding** - Automated Fingerprint Identification System (AFIS) supervisors and AFIS vendor engineers have the ability to control AFIS access and alter data.

**Management Response**

*The AFIS security controls are a function of the proprietary system created by the AFIS vendor for its product as marketed nationwide. Complete rewrite of the vendors password management system to achieve the audit recommendation will incur significant cost. The Department will establish a plan for implementing this audit finding by January 1998, with timetables, milestones, and deliverables approved by the Quality Assurance Team.*

- 4. Audit Finding** - Not all individuals with access to the DPS mainframe and AFIS computer room can justify access by job responsibilities.

***Management Response***

*Access to the computer rooms has been revoked for all but essential personnel. Security for the AFIS computer room will also be enhanced by a physical modification to the facility entrance.*

- 5. Audit Finding** - The Department does not have a detailed plan to implement the Department's security control software (TOP SECRET).

***Management Response***

*The TOP SECRET software has been replaced by an IBM product (RACF). The RACF installation completion date is estimated as January 1998. A detailed plan is being prepared by the DPS Data Security Specialist.*

- 6. Audit Finding** - Terminated or transferred employees don't have access capabilities deleted or modified in a timely manner.

***Management Response***

*Terminated employee access guidelines have been established for data security personnel. The DPS Human Resources Bureau has implemented expedited procedures for providing notification of terminated employees. Local security administrators have received remedial training regarding maintaining accurate security records. Ongoing review will occur to maintain timely control of security access.*

- 7. Audit Finding** - Certain DPS software allows modification of data and programs without providing an audit trail or protecting access.

***Management Response***

*RACF implementation is providing audit capability and system software access restrictions. Levels of access are defined according to work performed and authority of the employee attempting to access the program.*

- 8. Audit Finding** - Access to database information is not adequately password protected.

***Management Response***

*Access to data bases has been further restricted by program controls implemented in May 1997. Additional restriction will be gained as RACF controls are refined.*

- 9. Audit Finding** - Access by users of the DPS Model 204 database has a level of security that could allow unauthorized access to database system controls.

***Management Response***

*Plans and processes have been developed to restrict accesses to Model 204 databases with full implementation of the controls estimated to occur September 1997.*

**10. Audit Finding** - DPS has selected a computer system disaster recovery plan which projects recovery time of up to 14 days. A shorter restoration time frame would protect against degradation of services.

***Management Response***

*The Department of Information Resources is currently developing disaster recovery business resumption guidelines for state agencies. DPS will begin review and update of its computer disaster recovery plan upon receipt of the DIR guidelines.*

**11. Audit Finding** - The AFIS hardware is not included within a disaster recovery plan.

***Management Response***

*The AFIS operates on a proprietary system which represent a \$10 million investment exclusive of remote site equipment. The cost for a hot site replacement will be less, but will also be significant. The Department will establish a plan for implementing this audit finding by January 1998, with timetables, milestones, and deliverables approved by the Quality Assurance Team.*

Auditor Follow-Up Comment:

The State Auditor's Office has not recommended a hot site for any of the Department's information systems (including the AFIS system). We previously recommended the Department ensure that critical systems needed in a disaster situation are included within its disaster recovery plan and that those systems are made available within as short a time frame as possible.

**12. Audit Finding** - AFIS data is backed up every two hours, but moved off site only every two weeks.

***Management Response***

*AFIS data off site storage is currently performed daily.*

**13. Audit Finding** - The DPS computer disaster recovery plan was created without sufficient involvement by user groups within the Department.

***Management Response***

*This condition will be corrected during the next DPS review of the disaster recovery plan. DPS disaster recovery review will occur after DIR concludes development of business resumption guidelines for state agencies.*

**14. Audit Finding** - All computer operations employees have not been trained in the use of appropriate fire control equipment.

**Management Response**

DPS computer operations personnel have developed and implemented fire control training and emergency shut down procedures for data processing equipment. All appropriate employees have received this training and the procedures will be periodically reviewed.

In further support of complying with the above audit findings, DPS has created Plans and Controls Teams to provide Customer Account Representatives to each division of the Department. This is providing standardization for customer involvement in application planning and systems development. This team has also made significant progress in developing a Concurrent Engineering Methodology for DPS and has implemented a Project Management Training Program for all DPS management members. The team has begun implementing a standard change management process.

**3.3 - Vehicle Assignments as of August 7, 1997**

The number of vehicles indicated for each position reflects assignments documented on August 7, 1997. [Auditor's Note: The operating costs shown below do not include depreciation.]

**Director**

**Assistant Director**

**Chief of Administration**

**Chief, Traffic Law Enforcement**

**Assistant Chief, Traffic Law Enforcement**

**Chief, Criminal Law Enforcement**

**Assistant Chief, Criminal Law Enforcement**

**Chief, Texas Rangers**

**Assistant Chief, Texas Rangers**

**Service Commander, Criminal Law Enforcement (3)**

**Assistant Service Commander, Criminal Law Enforcement (4)**

**Major, Traffic Law Enforcement (11)**

**Captain, Criminal Law Enforcement (23)**

**Captain, Traffic Law Enforcement (29)**

**Captain, Texas Rangers (6)**

(85 vehicles, \$128,860 average total annual operating cost)

The above officials are commissioned officers responsible for the effective administration of DPS and representing the agency at official functions. They plan, direct and coordinate investigative, law enforcement, and support activities for agency programs. They respond as appropriate in a police equipped vehicle to service needs throughout the state 24 hours per day. Examples include travel to natural or man made disasters, mob violence or riot events, deployment of Special Weapons and Attack Teams, multi-agency task force operations, significant events involving public

safety, as DPS representatives on the State Emergency Management Council, for management of security and law enforcement operations for all State Capitol Complex buildings, grounds and parking facilities, liaison with federal, state, and local public officials, testimony as expert witnesses in civil or criminal cases, response to perceived or reported violations of law, roadside assistance to citizens, and incidents involving death or serious injury to DPS employees. In responding to an emergency, command officers are able to monitor, communicate with, and direct resources through digital voice privacy or other police channels as required to mitigate an event.

***Emergency Management State Coordinator***

*(1 vehicle, \$1516 average annual operating cost)*

*The noncommissioned Emergency Management State Coordinator is required to respond 24 hours per day statewide to all man made and natural disaster or emergency situations acting for the Governor and DPS Director. This position must ensure that the State Emergency Operating Center is operational and that necessary state disaster response is coordinated. The capability to respond to the needs of citizens in times of emergency relies upon an uninterrupted sequence of events. Accordingly, the State Coordinator is required to implement actions expeditiously and follow through to see that an effective plan is executed. This requires the availability of a police radio equipped vehicle at all times.*

***Chief Inspector  
Inspector (13)***

*(14 vehicles, \$21,224 average total annual operating cost)*

*Inspectors are responsible for administering a program of on-site monitoring and evaluation of statewide DPS operations and for reporting findings to the Director. While traveling throughout the state in police equipped vehicles, inspectors monitor activities of operational units, perform routine police activities, assist citizens and take other appropriate police actions as required. As part of this program, one uniformed noncommissioned Inspector evaluates the DPS Communications Service.*

***Chief Pilot  
Assistant Chief Pilot  
Senior Pilot (5)  
Pilot Investigator (19)***

*(26 vehicles, \$39,416 average total annual operating cost)*

*DPS Pilots are on 24 hour call to respond to emergencies, law enforcement activities or search and rescue operations throughout Texas by reporting to landing sites appropriate to missions. These missions are time critical and require constant communication via police radios in assigned DPS vehicles. Further, the nature of*

*their duties (drug smuggling interdiction, etc.) require access to weaponry, body armor, etc., which are stored in their assigned vehicles.*

***Captain, Equal Employment Opportunity Coordinator***

*(1 vehicle, \$1516 average annual operating cost)*

*This captain is a commissioned uniformed officer whose responsibilities are the same as any duly sworn peace officer. In this assignment, the EEO Coordinator travels the state and responds as required to citizen needs, perceived or reported violations of law, and other police functions as required.*

***Captain, State Canine Program Coordinator***

*(1 vehicle, \$1516 average annual operating cost)*

*This commissioned uniformed officer is required to respond statewide 24 hours per day for purposes of directing, controlling and participating in criminal interdiction programs. He is further required to travel to conduct training and canine program certification. While traveling in this assignment, this officer responds to citizen needs, perceived or reported violations of law, and other police functions as required.*

***Captain, Internal Affairs***

***Lieutenant, Internal Affairs (5)***

*(6 vehicles, \$9,096 average total annual operating cost)*

*Internal Affairs conducts investigations concerning personnel complaints, discharge of firearms by DPS employees, equal employment opportunity allegations and other related duties as assigned by the Director of DPS. Assignments may be received at any time of the day or night requiring immediate response by the investigator. Delayed response may result in crucial evidence being altered or lost. Internal Affairs officers respond to perceived or reported violations of law as appropriate and assist citizens and police officers as required.*

***Lieutenant, Recruiting***

***Corporal, Recruiting***

*(2 vehicles, \$3,032 average annual operating cost)*

*These positions are staffed by uniformed commissioned officers. In addition to employee recruiting activities, these individuals perform traffic and criminal law enforcement as appropriate while traveling throughout the state.*

***Lieutenant, DPS Dive Team***

*(1 vehicle, \$1516 average annual operating cost)*

*This commissioned uniformed position requires the incumbent to respond statewide 24 hours per day to emergency, investigative or search missions involving the DPS underwater dive team. A great deal of specialized equipment availability is required. This individual also performs law enforcement functions while traveling on assignments.*

***Lieutenant, Traffic Law Enforcement (57)***

***Lieutenant, Criminal Law Enforcement (78)***

***Lieutenant, Texas Rangers (8)***

*(143 vehicles, \$216,788 average total annual operating cost)*

*These commissioned officers respond to situations involving the safety and well being of citizens and police officers during routine and crisis 24 hours per day. They are responsible for traffic and criminal law enforcement within their areas of responsibility and personally respond to calls for service as appropriate.*

***Lieutenant, Governor Protective Detail***

***Sergeant, Governor Protective Detail (19)***

*(20 vehicles, \$30,320 average total annual operating cost)*

*These officers provide security for the Governor of Texas and the Governor's immediate family, other government officials as assigned and the Governor's Mansion. They are on call 24 hours per day to respond to emergencies, law enforcement activities, or time critical movements of the Governor and First Family. The nature of their duties require immediate access to a police equipped vehicle.*

***Sergeant, Traffic Law Enforcement (203)***

***Sergeant, Criminal Law Enforcement (379)***

***Sergeant, Texas Rangers (90)***

*(672 vehicles, \$1,018,752 average total annual operating cost)*

*Sergeants are on call 24 hours per day and are required to respond immediately to all calls for police services throughout their assigned jurisdictions. The nature of their duties requires immediate access to a police equipped vehicle in order to minimize response time to adequately provide for public safety.*

**Troopers (2,031)**

*(1,395 vehicles, \$2,114,820 average total annual cost)*

*The 2,031 Troopers in the various uniformed services of the Traffic Law Enforcement Division share 1,395 vehicles. Troopers routinely patrol rural highways to enforce traffic laws, regulate commercial motor vehicle operations, arrest criminals, investigate accidents, respond to natural and man made disasters and disturbances, and other functions necessary to protect the lives, property, and rights of citizens. Troopers are on call 24 hours per day and are required to respond to calls for service in an expeditious manner with all necessary police equipment available for use as appropriate.*

**Technical Supervisor, Breath Test Bureau (25)**

*(25 vehicles, \$37,900 average total annual operating cost)*

*Breath Test Technical Supervisors (noncommissioned) are on call 24 hours per day to provide breath alcohol testing services to DPS and other law enforcement agencies involved in DWI law enforcement. Each individual is responsible for a geographical area of 3 to 15 counties. The need to respond quickly to intoxilyzer repair requests requires the immediate availability of these employees along with the instrument spare parts and repair equipment carried in their assigned vehicles.*

**Regional Supervisors, Police Communications (6)  
Supervisor, Police Communication Facility (35)**

*(41 vehicles, \$62,156 average total annual operating cost)*

*These uniformed noncommissioned employees are on call 24 hours per day to ensure effective operation of the statewide DPS communications system. This system is designed to interface with and supplement the communications requirements of all criminal justice agencies for life safety and investigative functions. These individuals are further required to coordinate staffing during emergencies and serve as Warning Officers for the National Warning System. They respond to equipment and system failures at communication facilities and remote mobile relay sites. While traveling on official business in police radio equipped vehicles, they assist stranded motorists, report violations of law, and monitor the quantity and quality of police radio traffic.*

**Locksmith (2)**

*(2 vehicles, \$3,032 average total annual operating cost)*

*These noncommissioned employees are on call 24 hours per day to respond to emergency calls from the legislature and the Capitol Police for lock changes, lock malfunctions, re-keys, complicated automobile lockouts and other related emergencies. They are each provided a service van equipped with appropriate parts and equipment.*