

Department of Public Safety Private Security Board

Agency at a Glance

The Legislature created the Department of Public Safety (DPS) in 1935 by consolidating the Texas Rangers from the Adjutant General, and the Texas Highway Patrol from the State Highway Department. The Rangers trace their history to 1823 when Stephen F. Austin hired 10 men to protect the colonists, and the Highway Patrol dates back to the late 1920s. Today, DPS' mission is to enforce laws to protect public safety, and to prevent and detect crime. The agency accomplishes its mission through four main functions: traffic law enforcement; criminal law enforcement; license regulation, including driver licenses and private security occupational licenses; and emergency management. The agency regulates the private security industry through the Private Security Board, which is subject to review under the Sunset Act.

Key Facts

- ◆ **Funding.** In fiscal year 2008, DPS spent \$933 million, primarily derived from the State Highway Fund and federal funds.
- ◆ **Staffing.** DPS had 7,865 employees in fiscal year 2008. Of this total, 3,458, or 44 percent, are commissioned law enforcement officers.
- ◆ **Texas Highway Patrol.** DPS' largest and most visible division, Texas Highway Patrol, enforces traffic laws on more than 225,000 miles of rural highways, provides security for the state Capitol, enforces commercial vehicle regulations, and oversees operation of the vehicle inspection program.
- ◆ **Criminal Law Enforcement.** The Criminal Law Enforcement Division works in cooperation with city, county, state, and federal law enforcement agencies with investigations and intelligence involving drug trafficking, auto theft, organized crime, terrorism, gambling, and other criminal activity.
- ◆ **Texas Rangers.** Texas' 134 Rangers assist local law enforcement agencies in enforcing criminal laws by investigating unsolved crimes and apprehending suspected criminals.
- ◆ **Driver Licenses.** DPS issues more than six million driver licenses and identification cards annually and maintains more than 21 million records.


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- ◆ **Governor's Division of Emergency Management (GDEM).** DPS coordinates Texas' response to natural and manmade disasters and assists cities, counties, and state agencies in planning and implementing emergency management programs.

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Recommendations

1. Require the Department to contract for a management and organizational study, and operate the Driver License Program using a civilian business management model.
2. Require the Department to manage the vehicle inspection program as a civilian business and licensing operation with established goals and expected performance outcomes.
3. Clarify roles among GDEM, DPS, and the Governor's Office of Homeland Security, and request that the Legislature, through the appropriations process, exclude GDEM from the Department's cap on capital budget expenses paid for with federal funds.
4. Require affidavits of breath test operators and supervisors to be admissible without the witness's appearance unless the judge finds that justice requires their presence, and require the defense to request breath test operators and supervisors by subpoena.
5. Require the Department to modify its promotional policy to provide officers with location options when applying for promotions.
6. Conform key elements of the Private Security Bureau's licensing and regulatory functions to commonly applied licensing practices.
7. Remove the separate Sunset date for the Private Security Board, continuing the Private Security Act and the Board.
8. Require Sunset to conduct a limited scope review of DPS in 2011 to study the agency's implementation of the information technology audit conducted in 2008 and to review implementation of a civilian business management model for the Driver License Program.
9. Direct DPS to use state-of-the-art call center technology and best practices for monitoring driver license customer service phone calls; help customers replace lost driver licenses more quickly; and look at expanding the hours of operation of driver license offices.

10. Direct DPS to rescind its policy that prohibits troopers from living more than 20 miles from their duty stations, and to reconsider any other outdated policies that hinder employee retention.
11. Strengthen the internal affairs function at DPS regarding investigation of potential wrongdoings by DPS employees and crimes committed on DPS property.
12. Request that the Legislature, through the appropriate legislative committees, consider whether technology specialists who engage in computer forensics and analysis should be separately registered or otherwise set apart from traditional private security personnel or investigators.
13. Authorize DPS to put the classroom part of the concealed handgun licensing renewal class and the written test online.
14. Continue the Department of Public Safety for 12 years.

Issue 1

The Department of Public Safety's Operating Structure Diminishes Its Potential Effectiveness.

Key Findings

- ◆ DPS' organizational structure hampers communication and crime analysis, and the agency lacks certain tools needed to prevent and respond to terrorism and other crimes.
- ◆ Driver license services operate through a law enforcement command structure rather than as a business service.

DPS operates under a basic management and organizational structure that has not changed significantly in many years. The law enforcement functions operate in a chain of command style that works well for carrying out individual law enforcement activities, but hinders communication and sharing of information and ideas. Also, regional boundaries differ unnecessarily for different programs, the fusion center has not gotten far off the ground, and the agency's information technology systems also operate in silos. In the Driver License Program, the law enforcement command structure DPS uses is unnecessary to carry out what is primarily a business sales and customer service operation, albeit one with needs for a strong law enforcement presence.

Recommendations

Management Action

1.1 The Department should contract for a management and organizational study to examine the Department's structure, communication, and policies.

DPS has significant challenges ahead on how best to modernize and organize for changes in criminal activity, technology, and the need for threat assessment and response. Given that law enforcement is a specialty service that affects the safety of citizens as well as DPS officers, this recommendation required DPS to contract with a consulting firm with law enforcement expertise for a management and organizational study, which it did in mid-2008. DPS received the study results in October 2008 and has begun implementing some of the recommendations.

1.2 DPS should operate the Driver License Program using a civilian business management model.

The Driver License Program is a combination of a basic business activity with law enforcement components. The State has significant public safety responsibilities related to security of the licensing function, but the transactions related to obtaining and renewing driver licenses and ID cards are primarily a consumer service function. While DPS needs law enforcement to secure operations and detect and investigate fraud, DPS does not need to manage the program with law enforcement personnel and could make much better use of those personnel.

With the advent of federal REAL ID requirements and the continuing growth of identification theft and fraud, having a strong law enforcement presence in the driver licenses offices remains important. This presence could continue as a separate Driver License Division, or DPS could transfer this responsibility and troops to the Texas Highway Patrol. Regardless of this decision, DPS should continue to use the expertise and training of experienced driver license troopers in this activity.

Issue 2

The Department Fails to Effectively Manage the Vehicle Inspection Program.

Key Findings

- ◆ Lack of statewide oversight leads to performance disparities among the regions.
- ◆ Operating a business function as an offshoot of a law enforcement function has led to a lack of effective oversight.

The safety inspection of vehicles is a major DPS activity. DPS oversees more than 10,000 vehicle inspection stations in Texas, employing about 38,000 licensed inspectors who perform approximately 16 million inspections annually. Under the current structure of the vehicle inspection Service (VI), program quality and effectiveness are not in anyone's chain of command at DPS. Obviously, senior executives have responsibility for the program, but no person is assigned primary oversight to ensure that the program works well overall, and in each of the DPS regions. This missing link impedes the program from operating as effectively as possible.

Recommendations

Change in Statute

2.1 DPS should manage the vehicle inspection program as a civilian business and licensing operation.

This recommendation would place the VI program in a business model environment where DPS analyzes expectations, results, and information flow in a more effective structure to improve the program and maintain a high level of performance. Under this approach, DPS would manage the program from headquarters. Regional supervisors would manage area VI activity with primary responsibility for performance and results. DPS executive management would set overall program goals with the VI program director setting and monitoring regional goals and expectations.

Highway Patrol would need to continue to provide law enforcement support as they do now. The regional VI supervisor must work with the regional Highway Patrol captain(s) on performance expectations and program needs for troopers assigned to support VI activities.

Management Action

2.2 Establish vehicle inspection goals and expected performance outcomes.

DPS needs to set the goals and performance outcome measures for both the overall VI program and for each of the regions. Tasking DPS management to establish a performance measurement system will ensure overall program improvement and enable VI employees to understand performance expectations. The agency should also obtain input from regional VI staff when developing the system. Finally, as part of the new system, DPS should stress the importance of detecting issuance and use of fraudulent inspection stickers.

Issue 3

Clarifying Roles and Exempting GDEM From Capital Expenditure Caps Would Assist Texas' Emergency Management Function.

Key Findings

- ◆ Lines of authority between DPS, GDEM, and the Governor's Office of Homeland Security are unclear.
- ◆ GDEM's unpredictable receipt of federal funds contributes to DPS quickly reaching its cap on capital expenses.

With Texas experiencing more federally declared disasters than any other state in recent years, emergency management clearly presents enormous challenges. The Governor's Division of Emergency Management (GDEM) at DPS helps local officials across the state prepare for and respond to disasters of all kinds, both manmade and natural. GDEM also helps implement the Governor's statewide homeland security strategy.

Many individuals have complained about the lack of defined roles between GDEM, DPS, and the Governor's Office of Homeland Security (OHS), and the confusion the lack of definition may cause. In addition, GDEM's frequent receipt of unexpected federal grants can cause DPS to quickly reach its cap on capital expenditures, since GDEM's capital expenses count toward DPS' cap on such expenses.

Recommendations

Change in Statute

3.1 Specify that the Department's Director appoints the chief of GDEM, subject to approval of the Governor, and require coordination between DPS, GDEM, and the Governor's Office of Homeland Security.

This recommendation would amend statute to specify that DPS' Director appoints GDEM's chief, with the approval of the Governor. DPS, GDEM, and OHS should meet bimonthly to coordinate efforts, prevent overlap of activities, and ensure no gaps exist in the State's approach to emergency management and homeland security. The Chair of the Homeland Security Council and a state agency representative from the Emergency Management Council, designated by the chair of that Council, should participate in these bimonthly meetings. The coordination meetings would ensure that the Governor's responsibility for directing Texas' homeland security strategy would continue to integrate with emergency management. In combination with changes resulting from the management and organizational study recommended in Issue 1, this recommendation would help the State's preparedness and emergency management functions continue as some of the best in the nation.

3.2 Change GDEM's name to the Texas Division of Emergency Management, and clarify that it is a division of the Department.

This recommendation would help eliminate confusion surrounding who directs day-to-day emergency management functions in Texas by specifying in statute that the Texas Division of Emergency Management at the Department of Public Safety performs the functions.

Change in Appropriations

3.3 Request that the Legislature exclude GDEM from the Department's cap on capital budget expenses paid for with federal funds, with certain precautions.

This recommendation expresses the will of the Sunset Commission that the Legislature exempt GDEM from the Department's cap on capital budget expenses paid for with federal funds, helping GDEM fully respond to disasters. GDEM should provide the Legislative Budget Board and the Governor with the fund amounts and the items to be purchased to help ensure GDEM spends the money in the State's best interest.

Issue 4

The Administrative Hearing Process for Suspending Driver Licenses of Individuals Arrested for DWI Wastes Government Resources.

Key Findings

- ◆ DPS' Administrative License Revocation program reflects the State's interest in keeping impaired drivers off the road.
- ◆ The administrative license suspension process, as currently administered, wastes government resources.

Protecting citizens from drunk drivers is paramount for the Texas Legislature. As a result, the Legislature established the Administrative License Revocation program in 1995 to discourage drunk driving by authorizing DPS to swiftly suspend the license of a person arrested for driving while intoxicated. The law and rules governing the hearings in which drivers may contest their license suspensions, however, have in some cases led to proceedings where breath test operators and breath test supervisors are routinely requested as in-person witnesses even when their testimony may not be needed. In fact, having all witnesses appear at an administrative hearing is inefficient, and generally unnecessary. The recommendations that follow would apply to administrative license revocation hearings only, and not court trials on the driving while intoxicated offense.

Recommendations

Change in Statute

4.1 Require affidavits of the breath test operators or breath test supervisors to be admissible in administrative hearings without the witness's appearance unless the judge finds that justice requires their presence.

This recommendation would prohibit a party to a hearing from requiring the presence of the breath test operator or supervisor if they submitted properly certified affidavits that contained the information necessary to confirm the breath test results and the reliability of the equipment, unless the administrative law judge determined their presence is necessary. This recommendation would prevent breath test operators and supervisors from being taken off duty to attend hearings where their testimony is not needed, using state and local law enforcement agencies' resources more efficiently.

4.2 Require the defense to request breath test operators and breath test supervisors by subpoena in administrative hearings.

This recommendation would apply to administrative license revocation cases where a breath test operator and breath test supervisor were needed at the hearing to provide testimony in addition to their affidavits. The statute would require the defendant to issue a subpoena to request the presence of operators and supervisors, rather than merely filing a request for the witnesses from the Department. Requiring subpoenas would help eliminate the potential for defendants to request breath test operators and supervisors without a clear need for their presence.

Issue 5

DPS' Law Enforcement Promotion Policy May Impede the Department From Making the Best Use of Its Workforce.

Key Findings

- ◆ DPS is facing a critical personnel shortage, weakening its ability to protect the public.
- ◆ The Department uses a list-based promotion system that does not allow applicants to apply for a specific duty station, does not take into account individual differences in duty stations, and can be a disincentive for officers to promote.
- ◆ Most other law enforcement entities in Texas that compete with DPS for personnel do not require commissioned officers to relocate when applying for promotions.

The trained troopers working for the Department of Public Safety are the critical first responders that Texas looks to when facing disasters, and in controlling crime and highway traffic. In recent years, DPS has fallen increasingly behind its recruitment goals, and the agency now projects an 8 percent vacancy rate in commissioned officer ranks at the start of the legislative session. Although DPS' staffing is affected by an increased national need for security personnel and the agency has placed a great focus on recruitment, DPS' own policies are limiting its ability to make the most of its available staff. Currently, the Department's promotional process does not allow officers any options regarding location at the time of applying for a promotion. This policy appears to deprive the agency of personnel who could perform well in the positions but choose to not move their families across the state, and can have an impact on morale.

Recommendation

Management Action

5.1 The Department of Public Safety should modify its promotional policy to provide officers with location options when applying for promotions.

This recommendation requires DPS to change its promotional system to allow greater preference in choosing duty stations to commissioned officers promoting to a higher rank, thereby improving morale and retention rates. The Department could implement this recommendation in various ways. One method would be for DPS to open unfilled promotional positions to direct application, allowing

troopers who have passed the test to be interviewed by panels that include prospective supervisors for a specific duty station. A second approach the Department could consider is to create a regional approach to promotions and allow supervisors greater choice in picking specific applicants for specific positions. To prevent regions from being isolated from the Department as a whole, DPS should continue its current policy of offering vacancies to lateral transfers within the entire agency first, before opening the vacancy to a promotion. Promoting troopers could also place themselves on one or more regional promotion lists. The Department should also consider other options, based on its experience, to achieve the goal of increased geographic selectivity in promotions.

Issue 6

Key Elements of the Private Security Bureau's Licensing and Regulatory Functions Do Not Conform to Commonly Applied Licensing Practices.

Key Findings

- ◆ Some licensing provisions of the private security statute do not follow model licensing practices and could potentially allow over-burdensome regulation.
- ◆ Nonstandard enforcement provisions of the private security statute could reduce the Bureau's effectiveness in protecting the public.
- ◆ Certain administrative provisions of the private security statute conflict with standard practice, potentially reducing the Bureau's efficiency.

Various licensing, enforcement, and administrative processes in the private security statute do not match model licensing standards developed from experience gained through more than 90 occupational licensing reviews. Comparing private security statute, rules, and practices to model licensing standards identified variations that need to be brought in line with the model standards.

Recommendations

Licensing – Change in Statute

6.1 Authorize the Bureau to license by endorsement to streamline the licensing process and reduce regulation.

State law currently has nine classes of security company licenses with 19 licenses for security occupations, resulting in many licensees having multiple licenses for the same company. This recommendation would allow the Private Security Bureau to streamline its licensing process by eliminating overlapping license requirements for individual licenses by allowing the Bureau to issue industry class licenses with individual endorsements. The endorsements would correspond with job titles that the individual is approved for and would expire with the industry license. Key industry class licenses would include alarm company license with endorsements for installer, salesperson, and monitor; and security company license with endorsements for owner, manager, salesperson, and consultant.

6.2 Apply Occupations Code, Chapter 53 to the Private Security Act to provide flexibility and fairness in licensing applicants with criminal histories.

Applying Chapter 53 of the Occupations Code to the Private Security Act would give the Bureau the flexibility to consider extenuating circumstances when considering license applicants with criminal histories. These circumstances include age at the time the crime was committed, work and personal history since conviction, whether the crime was related to the industry being applied for, and recommendations of law enforcement officials and work supervisors familiar with the applicant. This recommendation would also require the Board to develop rules, under the provisions of Chapter 53, defining which crimes relate to each private security license and would affect the licensees' ability to practice.

6.3 Authorize the Bureau to require jurisprudence examinations for all security licensees.

Authorizing the Bureau to require jurisprudence exams would ensure that licensees have a clear understanding of the laws and rules that guide their profession. This recommendation builds on existing licensure requirements by allowing the Bureau to require all applicants to pass a jurisprudence exam to be eligible for licensure. The Board would also establish rules regarding examination development, fees, administration, re-examination, grading, and notice of results.

Enforcement – Change in Statute

6.4 Require appeals of Board actions to district civil court under the substantial evidence rule.

Under substantial evidence, the appeal allows review of the case record to ensure that evidence presented bears out the ruling. The Private Security Act is currently silent on this matter. Updating language in the Act to reflect this common practice would save time and expense while providing a sufficient level of protection on appeal.

6.5 Prohibit Board members from being involved in both the investigation of complaints and the determination of disciplinary action.

Private Security Board members are not involved in the investigation of complaints, but updating and clarifying statute would ensure that current and future Board members will be familiar with this provision and follow this practice.

6.6 Increase the amount of the Bureau's administrative penalty authority, and require the Private Security Board to recommend an administrative penalty matrix in rule for adoption by the Public Safety Commission.

The amount of an administrative penalty the Bureau is able to impose on an individual who violates the Private Security Act or rule would be increased to \$5,000 per violation per day, from the current \$500 per violation per day. This change would give the Bureau the flexibility to address the potentially severe nature of illegal behavior. The provision that each day a violation continues or occurs is a separate violation for purposes of imposing the penalty would continue to apply. The Act would require the Board to recommend an administrative penalty matrix in rules to ensure that the Board develops administrative penalty sanctions that appropriately relate to different violations of the Act or rules.

Administration – Change in Statute

6.7 Authorize Board members to receive reimbursement for travel expenses.

Eliminating the prohibition on travel reimbursement other than transportation would make the Board's statute consistent with the General Appropriations Act. As a result, Board members would have clear authority to receive reimbursement for all travel expenses, including transportation, meals, and lodging expenses, incurred while conducting Board business.

6.8 Allow the Private Security Board to recommend fee levels.

This recommendation would eliminate statutory language that sets and caps fees and give the Board the flexibility to recommend fees at the level necessary to recover costs as conditions change. All fees would be set by rule, allowing for public comment on any fee adjustments. The Legislature would maintain control over fees by setting spending levels in the General Appropriations Act.

Issue 7

Texas Has a Continuing Need to Regulate the Private Security Industry Through the Private Security Bureau.

Key Findings

- ◆ Texas has a continuing need to regulate the private security industry.
- ◆ The Private Security Bureau is the most appropriate organization to license and regulate the private security industry in Texas.

The Private Security Bureau (PSB) protects the public by ensuring that only qualified individuals, businesses, and schools become licensed to provide private security services in Texas. The Private Security Bureau is a unit of DPS charged with administering the Private Security Act and rules recommended by the Private Security Board and adopted by the Public Safety Commission. The Bureau licenses and regulates private security companies and guards, private investigators, personal protection agents, locksmiths, alarm businesses, and others.

The Private Security Bureau's functions and structure continue to be needed to regulate the private security industry due to the potential risk to public safety of an unregulated security industry. The PSB's public safety expertise also makes it the appropriate organization to regulate the private security industry. The Board, however, does not need a separate Sunset date and should be included as part of future DPS Sunset reviews.

Recommendation

Change in Statute

7.1 Remove the separate Sunset date for the Private Security Board, continuing the Private Security Act and the Board.

This recommendation would continue the Private Security Board but not have a separate Sunset review in the future. The Sunset Commission would review the Bureau as part of its review of DPS.

Issue 8

Efforts to Improve DPS' Information Technology and Driver License Programs Need Additional Scrutiny.

The information technology function at DPS has suffered from years of neglect, as documented by an outside audit conducted in 2008. The audit found decentralized decision making, a complete lack of strategic planning, and high turnover among personnel, among other shortcomings. The Driver License Program likewise has significant room for improvement, as highlighted in Issue 1, and a limited scope Sunset review in two years will help ensure the agency implements needed changes in both programs.

Recommendation

Change in Statute

8.1 Require Sunset to conduct a limited scope review of DPS in 2011.

This recommendation would subject DPS to a limited review that studies implementation of the information technology audit conducted in 2008 and implementation of a civilian business management model for the Driver License Program. Results of the review would be included in the Sunset Commission's *Report to the 82nd Legislature* in 2011.

Issue 9

Driver License Customer Service Needs Improvement.

The Driver License Program at DPS does not effectively meet consumer needs, with long wait times at its call center and driver license offices. DPS estimates that only about 35 percent of calls to its call center are completed, with most customers hanging up before reaching a live person. While DPS has been planning a web-based, revamped driver license system for years and hopes to have it installed in offices across the state by June 2009, improvements beyond what the new system will provide are also needed.

Recommendation

Management Action

9.1 Direct DPS to use state-of-the-art call center technology and best practices for monitoring driver license customer service phone calls; help customers replace lost driver licenses more quickly; and look at expanding the hours of operation of driver license offices.

This recommendation would direct DPS to make improvements to customer service in its Driver License Program, including using better call center technology and best practices, helping customers quickly get replacement driver licenses, and looking at expanding hours of operation. These changes would help DPS increase the efficiency of its driver license services used by millions of Texans.

Issue 10

Some DPS Policies May Negatively Affect Employee Retention.

DPS policy currently requires employees with assigned fleet vehicles to live within 20 miles of their duty stations if they drive the vehicle to and from home. While designed to ensure that emergency personnel can quickly get to work, this policy may cause some hardship by requiring employees to relocate their families – in some cases, just to a nearby neighborhood – when they promote or transfer to a different duty station.

Recommendation

Management Action

10.1 Direct DPS to rescind its policy that prohibits troopers from living more than 20 miles from their duty stations, and to reconsider any other outdated policies that are hindrances to employee retention.

Under this recommendation, DPS would rescind its 20-mile policy for troopers with fleet vehicles, and would not replace it with any other restrictions on distance from duty stations, and examine other practices that may potentially impact employees' decisions to seek other employment.

Issue 11

DPS' Internal Affairs Function Is Not Properly Structured.

Law enforcement agency internal affairs offices serve to protect the reputation of police agencies and the public from possible wrong doings by personnel. The ability to conduct internal affairs investigations that are independent of the agency's supervisory chain of command is necessary to fully assess the degree of malfeasance within an agency. However, DPS' current processes and structure do not ensure the independence of internal investigations. The Public Safety Commission also does not have a direct role in overseeing the activities of the Internal Affairs Office, and multiple divisions conduct investigations, limiting the effectiveness of a centralized approach.

Recommendations

Change in Statute

11.1 Require the Public Safety Commission to hire the Director of Internal Affairs, and to directly oversee the activities of the Office.

This recommendation would improve the independence and authority of internal investigations by having the Public Safety Commission hire the Director of Internal Affairs and oversee the Office. Receiving all reports of investigations would give the Commission better access to information on which to base its direction of the agency, and establish direct accountability for the work of the Office. Clarifying that the Commission would oversee decisions regarding budgets and staffing of the Office would ensure the proper involvement of the Commission in the functions of the Office.

11.2 Establish that the mission of the Internal Affairs Office is to independently and objectively investigate all divisions of the Department.

This recommendation would clearly set in statute the mission of Internal Affairs. This mission statement should include responsibility for independently and objectively investigating criminal activity and serious breaches of departmental policy, and acting to prevent and detect criminal conduct within DPS.

Management Action

11.3 Direct DPS to enforce statutes granting the Internal Affairs Office original jurisdiction over all criminal investigations occurring on Departmental property or involving on-duty DPS employees.

11.4 Direct DPS to consolidate current internal affairs investigations throughout the Department in the Internal Affairs Office.

These recommendations would reinforce the Legislature’s statutory intent for Internal Affairs to have jurisdiction in all internal criminal investigations, avoid conflicts over jurisdictional grounds involving other units of the Department, and would help ensure that individual DPS Divisions cannot keep internal problems from coming to light. Separating the investigation of criminal cases from the normal chain of command will ensure that criminal cases receive their due degree of independence. The Internal Affairs Office should also take a proactive investigatory stance concerning possible criminal activity and serious breaches of departmental policy.

Issue 12

Computer Forensic Specialists May Be Unfairly Subject to Private Security Licensure Requirements.

Recent legislation requires individuals who engage in computer forensics – the analysis of computer-based data to determine the causes of events or peoples’ conduct – to be licensed by the Private Security Board as private investigators. Some have raised concerns that the qualifications necessary to be licensed as a private investigator do not match the qualifications necessary for a computer forensic specialist.

Recommendation

Recommendation to Legislative Committees

12.1 Request that the Legislature, through the appropriate legislative committees, consider whether technology specialists who engage in computer forensics and analysis should be separately registered or otherwise set apart from traditional private security personnel or investigators.

This recommendation would request that the appropriate legislative committees, which have oversight and knowledge of the subject, review the scope of practice of computer forensics specialists and determine whether they should have their own category of licensure, apart from private investigators. The committees should also consider whether statutory clarification is needed to ensure computer

maintenance and repair technicians and businesses fall outside the scope of private investigator or security licensing. A review of these subjects will help both the public and the individuals performing these activities know what constitutes legal practice.

Issue 13

Concealed Handgun Licensure Renewal Could Benefit From Online Classes and Testing.

Concealed handgun license renewal requires a four-hour continuing education course and a written proficiency exam, in addition to a physical demonstration of proficiency with a handgun, every five years. The first two requirements could be provided online, simplifying the renewal process for the more than 300,000 Texans who hold a concealed handgun license.

Recommendation

Change in Statute

13.1 Authorize DPS to put the classroom portion of the concealed handgun licensing renewal class and the written test online.

This recommendation would amend statute to authorize DPS to offer the classroom part of the concealed handgun license renewal class and the written test online. Online access to these features would make the renewal process easier and more efficient for licensees.

Issue 14

Texas Has a Continuing Need for the Department of Public Safety.

Key Findings

- ◆ Performing statewide law enforcement and other public safety activities continues to be needed.
- ◆ No substantial benefit or savings would result from transferring the Department's functions to other agencies.

The Department of Public Safety's mission to provide statewide law enforcement and other public safety services continues to be important to Texas, more than 70 years after the agency's establishment. While other agencies could potentially perform some of DPS' duties, no significant benefit would be realized by transferring the Department's programs, and DPS should be continued for 12 years.

Recommendation

Change in Statute

14.1 Continue the Department of Public Safety for 12 years.

While the previous issues show that DPS has significant opportunities for improvement, the agency is still clearly needed to provide public safety services at the statewide level. This recommendation would continue the Department for 12 years.

Fiscal Implication Summary

Two recommendations regarding DPS could have a fiscal impact to the State, as summarized below.

- ◆ **Issues 1 and 9** – Improving customer service at DPS' Driver License Program could have a fiscal impact to the State depending on implementation. While civilianizing the Driver License Program will not have a cost, updating the program's business practices, including its call center technology, could have costs depending on the approaches approved by the Public Safety Commission. Because these recommendations are not statutory, they will not appear in the DPS Sunset legislation. Therefore the agency would update their request for appropriations to reflect any new costs, with the Legislature making the determination on what business practice improvements are affordable.