
Report on Targeted Operational and Management Review of the Tennessee Highway Patrol



PREPARED FOR GOVERNOR PHIL BREDESEN
March 20, 2006



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I. Executive Summary

Kroll is pleased to submit its report on the Targeted Operational and Management Review of the Tennessee Highway Patrol (“THP”).

We have, since the inception of this assignment, endeavored to understand the nature and extent of the problems facing THP. Our assignment was not to investigate specific allegations, but rather to understand the substance of allegations on a more global level and to make recommendations that would serve to correct problems that were identified. We have interviewed men and women from all ranks and geographies of THP as well as other stakeholders in the process. While we have found THP to be a professional organization from a public-facing, day-to-day operations perspective, we have, at the same time, found it to be an organization infused with and deeply affected by both internal and external politics. Put another way, while all indications are that the vast majority of individuals working for THP perform their daily law enforcement tasks with a high degree of professionalism, there is no question that politics has permeated hiring, assignment and promotion within the THP. This permeation has, by all accounts, been in place since the founding of THP and has come to be understood as “just the way it is.” In fact, in the interviews that we conducted, there was universal acknowledgement of the extent of the play of politics in hiring, assignment and promotions. Interestingly, notwithstanding that implicitly each of the people with whom we spoke in some way benefited from that political process, each, without reservation, thought THP would be much better off with the removal of politics from the system. Political interference, it is clear, has created internal frustration and, through its exposure, has weakened the public’s trust and confidence in the organization.

Governor Bredesen has vowed that what began long ago was going to end on his watch. The Governor has taken the first steps toward implementing changes in the system: from the interim appointment of Commissioner Gerald Nicely, a professional administrator, to the commissioning of this report, the Governor has, in fact, given every indication that he is serious about reforming the THP. It is with that understanding that we deliver this report replete with recommendations to address the problems that we have found. All of the recommendations that we make herein require the political will to not only change the system but moreover, to ensure that the changes are fully institutionalized. From all of our conversations, we believe that the majority of our recommendations will receive widespread and multi-partisan support and will serve to restore confidence in the THP.

We appreciate the opportunity to be a part of the THP’s reformation process.

II. History and Overview of the THP

The Tennessee Highway Patrol (“THP”) is an agency within the Tennessee Department of Safety (“TDOS”). TDOS was founded in 1939, but its roots go back to 1926 when the Tennessee State Police was patterned after the Texas Rangers. The Tennessee State Police was not popular with the public and in 1929, the THP was created as an offshoot of the State Police within the Department of Finance and Taxation. The purpose of the THP was to enforce the laws, rules and regulations relating to traffic on the highways and the collection of taxes and revenues. In 1937, the THP was transferred to the newly created Department of Administration. In 1939, the General Assembly established TDOS and moved THP under the newly created agency.

TDOS was given broad jurisdiction and its members served as general law enforcement officers, particularly in rural areas. TDOS has evolved into a multi-faceted agency that now provides four main areas of service: law enforcement services, motorist and vehicle services, education and training services, and administrative support services. Although the primary focus is highway safety, TDOS has assumed responsibility for drivers’ licenses and vehicle titles, inspection of public school buses, investigation of auto theft, enforcement of commercial vehicle safety and inspection laws, commercial vehicle title and registration functions, handgun carry permits, executive protection, identity theft and special operations.

TDOS is part of the Executive Branch of the state government. The department is commanded by a Commissioner who is appointed by and serves at the pleasure of the Governor. TDOS is divided into the THP and the Title and Registration Division. In its current organization, a Deputy Commissioner is responsible for oversight of the Title and Registration Division and a commissioned Colonel is responsible for the THP. Both the Deputy Commissioner and the Colonel report directly to the TDOS Commissioner. The Office of the Commissioner consists of the Legal Counsel Division, Public Information Office, Internal Affairs Division (“IAD”) and Internal Audits.

The primary function of TDOS is the promotion of traffic safety through the THP; approximately half of TDOS employees are commissioned law enforcement officers. Mandated to ensure the safety and welfare of the traveling public, the THP patrols highways to enforce all motor vehicle and driver license laws and to assist motorists. In 2004, the Commercial Vehicle Enforcement Division (“CVE”) was merged with the THP, boosting its overall strength to more than 900 uniformed personnel.

The THP operates through patrol stations, posts and fixed roadside scalehouses in all ninety-five counties.¹ There are eight District Headquarters, each commanded by a Captain and encompassing ten to sixteen counties. District offices are located in Knoxville, Chattanooga, Nashville, Memphis, Fall Branch, Cookeville, Lawrenceberg and Jackson. Scales are operated in Greene County, Knoxville, Manchester, Portland and Brownsville. Specialized services

¹ An current organization chart of TDOS appears as Appendix A



operating under the direction of the THP include Executive Security, Capitol Security and Special Operations.

The Executive Protection Detail provides security for the First Family, Lieutenant Governor, Speaker of the House and Attorney General, and provides a staff member to the Office of Homeland Security. The detail comprises sworn THP personnel whose duties include providing residential security for the Executive residence, transportation for visiting Governors of other states and their families, and providing security at special events.

Capitol Security consists of sworn THP personnel assigned to the Capitol detail and the Capitol Police. Together, they are responsible for the external and internal security of the State Capitol, Legislative Plaza, War Memorial Building and TDOS Headquarters. Other duties include enforcing parking regulations, investigating crashes, conducting investigations of reported criminal activities, and conducting physical checks of state owned and leased buildings, as well as conducting surveillance and counter-surveillance at the Capitol and providing bank escorts for state office staff.

The Special Operations section of THP is charged with handling situations outside the normal duties of THP. The section consists of four specialized units: Tactical/Bomb Squad, Aviation Section, Canine Unit and Governor's Task Force on Marijuana Eradication. The specialized units are based in Nashville to allow for rapid deployment throughout the state.

The Office of the Lieutenant Colonel is responsible for Administrative and Support Services, the Safety and Education Section and the Staff Inspections / Commission on Accreditation for Law Enforcement Agencies ("CALEA") Unit. The Professional Standards Section and Safety Training Center also report to the Lieutenant Colonel's Office. The Professional Standards Section is responsible for several functions, including preparation of written policies and procedures, statistical analysis of crashes required by the Federal government, general planning and research functions. The Safety Training Center consists of the Training Academy ("the Academy"), Ordnance Section and Critical Incident Response Team ("CIRT").

The Office of the Deputy Commissioner is responsible for management of the non-sworn personnel and consists of the following divisions: Human Resources, Drivers License, Fiscal Services, Technology Services, Title and Registration, Financial Responsibility and Information Services.²

The Criminal Investigation Division ("CID") is outside of the THP structure; it is commanded by a Director who reports directly to the TDOS Commissioner. CID is charged with investigating, preventing and prosecuting violations of Tennessee's auto theft laws. Areas of investigative responsibility include covert and overt investigations into vehicle thefts, including vehicle parts, odometer fraud, driver's license fraud and suspected insurance fraud involving vehicles. CID provides specialized training and assistance to other state and local law enforcement agencies

² Our review has not encompassed any of the non-sworn aspects of TDOS, but has concentrated solely on THP.



when warranted or requested. It also assists with serious traffic accidents and criminal incidents and is currently charged with performing background investigations on trooper candidates.

The Tennessee Law Enforcement Training Academy (“TLETA”), also outside of the THP, is commanded by a Director who reports to the TDOS Commissioner. TLETA provides basic and specialized training in all areas of law enforcement for all state and local law enforcement recruits and national associations and serves as the Tennessee Peace Officers Standard and Training (“POST”) Commission. The Commissioner is responsible for developing and enforcing standards and training for all local police officers.

III. Allegations

The allegations of political interference and misconduct within the THP were brought to light in a series of articles published by the *Tennessean*. It should again be noted that the mandate of this review was not to determine whether specific allegations were factually accurate, but rather to look at process from a higher level view and determine whether remedial steps are required to address broader issues raised.

The first story published by the *Tennessean* in early August 2005 derided the THP's practice of issuing "honorary captain" badges and photo identification cards. These "badges" were issued to campaigns donors, celebrities and political insiders.³ The practice was halted by Governor Bredeesen in early August.⁴

This article was followed by a series of articles that made additional allegations of political favoritism, ticket fixing, troopers with criminal backgrounds, and others selling merchandise to the state in violation of purchasing laws.

The media's scrutiny of the THP and its promotional process intensified after a *Tennessean* story questioned the promotions of two Sergeants whose testimony led to the dismissal of a DUI charge against an "honorary captain."⁵ Sergeants Tansil L. Phillips and Timothy L. Holloway testified in May 2005 on behalf of a drunk-driving suspect, Ricky J. McWilliams, after which a judge dismissed the DUI case. Mr. McWilliams is the grandson of local political leader Gladys Crain, who served as the chairwoman of Governor Bredeesen's 2002 campaign in Lauderdale County. It was revealed that Sergeants Phillips and Holloway listed Mr. McWilliams' politically powerful West Tennessee family members as references in their applications for promotion. Then-TDOS Commissioner Fred Phillips tapped Sergeant Holloway for promotion over four other Sergeants who had outscored him in the THP's internal promotions ranking.

Generally, it was alleged that outside influence significantly impacted the appointment and promotion process and that there was a correlation between campaign contributions and promotions at the THP. Specifically, the *Tennessean* indicated that two-thirds of the THP officers promoted under Governor Bredeesen "gave money to his campaign or had family members or political patrons who did." In addition, among the troopers who made contributions, more than half were promoted over troopers who scored better on impartial exams or rankings.⁶ The articles claim that "[t]roopers and former troopers across the state told the newspaper that

³ Trent Seibert & Brad Schrade, "Trooper-like badges, IDs go to the well-connected," *Tennessean*, Aug. 7, 2005.

⁴ Trent Seibert & Brad Schrade, "Governor banishes honorary badges," *Tennessean*, Aug. 9, 2005.

⁵ Brad Schrade, "Troopers intercede in DUI for 'captain,' get tapped for promotion," *Tennessean*, Aug. 14, 2005.

⁶ Brad Schrade, "Troopers with 'politics' win out on promotions," *Tennessean*, Nov. 13, 2005.



political pressure, campaign donations and a culture of favors for the powerful dominate the patrol, and have for much of its history.”⁷

It was also alleged that the promotion process within THP is often manipulated through the use of an appointment registry, where the “rule of five” applies, rather than the promotional registry, where the “rule of three” is applied.⁸ In addition, it was alleged that officers with connections who lack the requisite test scores are often transferred to smaller or specialized units, where competition is not as fierce.⁹

Following the allegations in the *Tennessean*, then-TDOS Commissioner Fred Phillips put all pending promotions for Lieutenants and Sergeants on hold.¹⁰ Commissioner Phillips, at the direction of Governor Bredesen, eventually cancelled the register of promotions until the completion of an “in-depth review of the department and its structure ...[gave] ...the opportunity to assess management’s span of control and accountability.”¹¹

Additional reports by the *Tennessean* include allegations of questionable and criminal backgrounds of troopers, of “fixing” a ticket for the Deputy Governor and of two troopers selling \$5,000 of law enforcement themed merchandise to the THP through an online site in contravention of state law.¹²

In December 2005, Colonel Lynn Pitts resigned after it was alleged that he may have violated state law by purchasing a boat at auction that had been seized by his department. Commissioner Phillips and Deputy Commissioner Tom Moore retired shortly thereafter.

Governor Bredesen appointed Commissioner Gerald Nicely of the Department of Transportation to serve as Interim Safety Commissioner. Lieutenant Colonel Larry Rucker has been serving as Acting Colonel until a permanent appointment is made.

Kroll was retained in December 2005 to conduct a limited operative review of the THP and present its findings and recommendations to the Governor.

⁷ Brad Schrade, “Bredesen to probe politicking at THP,” *Tennessean*, Nov. 15, 2005.

⁸ The rule of three and the rule of five refer to the number of top-scoring candidates presented to the appointing authority. See Sections VII. A. and VII. B. for additional information.

⁹ Brad Schrade, “Procedures let some advance despite scores,” *Tennessean*, Nov. 13, 2005.

¹⁰ Brad Schrade, “THP freezes promotions after claims of favoritism,” *Tennessean*, Aug. 16, 2005.

¹¹ Brad Schrade, “Commissioner Phillips’ statement on cancellation of THP promotions,” *Tennessean*, Aug. 24, 2005.

¹² Brad Schrade, “Background checks flag 48 state troopers,” *Tennessean*, Dec. 1, 2005; Brad Schrade, “THP tried to promote trooper who fixed Cooley ticket,” *Tennessean*, Nov. 18, 2005; Brad Schrade, “Troopers accused of sales to state,” *Tennessean*, Dec. 29, 2005.

IV. Scope of Assignment

Kroll was retained to review and analyze the organizational and management structure of the THP relative to the following areas of concern:

- The role of politics and outside influence on the THP hiring, promotion and other practices.
- Trooper recruitment, hiring and appointment, including whether current practices impact the hiring of women and minorities.
- Trooper promotion issues, including whether current practices impact the hiring of women and minorities.
- Appointment of non-civil service Executive Staff.
- Current civil service structure and whether the current classification of civil service ranks best suits departmental needs.
- Current background investigation process relative to appointees and employees.
- Current Internal Affairs (“IA”) function and whether the current structure and operational procedures best meet departmental needs.
- Current audit and control procedures and whether current structure and operational procedures best meet departmental needs.
- Span of control of command staff (Captains and above).
- Current training certification versus POST certification and whether the current structure best meets departmental needs.

Specifically excluded from this assignment were:

- Technical assistance with implementation of recommendations.
- Any analysis of allocation of resources.
- Any analysis of salary and benefits structure and efficiency.
- Any study of efficacy of existing or proposed merger alternatives.

This review was conducted with a view to determining where gaps exist between the current structure and best practices. Based on our findings, there are, in fact, significant gaps that do exist, and this Report includes specific recommendations to remediate them.

V. Team Members

Jeff Schlanger, Project Executive and Coordinator

Mr. Schlanger is President of Kroll Government Services (KGS), formerly serving as Managing Director and Chief Operating Officer of Kroll's Security Service Group. In his role as President of KGS, Mr. Schlanger is ultimately responsible for all work being performed for local, state and the federal government and for all monitoring assignments, including the on-going monitoring of the Los Angeles and Detroit Police Departments.

Mr. Schlanger is a product of the New York County District Attorney's Office, where he served for 12 years as both Senior Investigative Counsel and Senior Trial Counsel to District Attorney Robert M. Morgenthau. His career in the District Attorney's Office began in the Trial Division, where Mr. Schlanger was a homicide prosecutor and ended in the Rackets Bureau where he investigated Organized Crime. Mr. Schlanger's investigations focused on homicides committed by the members of both traditional and non-traditional organized crime, other forms of labor racketeering, including extortion, loan sharking, bribery, kickbacks, no-show jobs, bid-rigging and wage violations, and police and political corruption. It was Mr. Schlanger's investigation of the Westies, a notorious Irish gang from the West Side of Manhattan, its ties to the Gambino crime family, and the development of cooperating witnesses from those groups, that directly led to the state's prosecution of John Gotti and others for the shooting of a Carpenters' Union official. In connection with his investigative and prosecutorial roles, Mr. Schlanger was cross-designated as a Special Assistant United States Attorney in both the Southern and Eastern Districts of New York.

From 1990 to March of 1998, Mr. Schlanger was in private law practice and headed his own private investigation firm specializing in, among other things, executive due diligence. In 1998 Mr. Schlanger's private investigation firm was purchased by Kroll Inc.

Mr. Schlanger holds a BA degree (with honors) from the State University of New York at Binghamton and a JD from The New York University School of Law.

Tom Frazier, Team Leader, Management and Organizational Review Team

Thomas C. Frazier serves as Executive Director of the Major Cities Police Chiefs Association, representing the Chiefs of the sixty-four largest police agencies in the United States and Canada, and as a consultant to Kroll on police practices. Prior to his current positions, he was Director of the United States Department of Justice's Office of Community-Oriented Policing (COPS), an eight billion dollar grant program created to put 100,000 police officers on the streets of America.

He served as Police Commissioner of Baltimore, Maryland from 1994-1999. While in that position, he was responsible for overall operation of the police department and implementation



of signature programs including 3-1-1, Departmental Reorganization, and CrimeStat. Prior to 1994, he served in every rank through Deputy Chief in the San Jose, California Police Department. He was Chief of Patrol, Chief of Detectives, Chief of Administration, Chief of Technical Services, Director of Communications, and Tactical Division Commander, among others. He managed departmental responses to floods, earthquakes, hostage and sniper incidents, and was engaged in a number of mutual-aid responses throughout northern California. During his career Mr. Frazier has served in Internal Affairs, Special Weapons and Tactics, Planning and Research, and Criminal Intelligence.

Mr. Frazier served in Vietnam as a Military Intelligence officer, and was awarded the Combat Infantryman's Badge, the Bronze Star, and the Air Medal.

He was President of the Board of Directors of the Police Executive Research Forum, and Chairman of the Board of the Baltimore-Washington HIDTA. He holds a Masters in Criminal Justice Administration from San Jose State University, and has instructed internationally in Command and Control of Hostage Incidents. He currently serves on a number of advisory boards to the Department of Justice and the Department of Homeland Security. Mr. Frazier also serves as a member of the Kroll Monitoring teams in both Los Angeles and Detroit.

David B. Mitchell, Subject Matter Expert

David B. Mitchell is the current Secretary of Public Safety and Homeland Security in Delaware. Mr. Mitchell, 55, served as Superintendent of the Maryland State Police from 1995 to 2003, the seventh largest state law enforcement agency in the country, with more than 2,500 employees, more than 20 divisions and 23 barracks. In that position, he was the primary law enforcement advisor to then-Governor Parris Glendening and served as a member of the Governor's cabinet.

After September 11, 2001, Mr. Mitchell chaired the Governor's Homeland Security Work Group, creating legislation and revising procedures and plans to better prepare and protect Maryland. He created the "Cease Fire" initiative, aimed at reducing gun crime in Maryland. Mr. Mitchell established the first statewide domestic violence and intervention and investigation team. He also implemented new initiatives in computer crimes, labor relations, DNA forensic investigations and community policing.

Before his appointment as Superintendent, Mr. Mitchell spent 24 years with the Prince George's County Police Department in Maryland, serving as chief of that department from 1990 to 1995.

Mr. Mitchell holds a Bachelor's degree in science, technology and management, a Master's degree in public policy and financial management, and a JD, all from the University of Maryland.

Sheldon Greenberg, Subject Matter Expert

Sheldon Greenberg is Associate Professor of Management and Director of the Division of Public Safety Leadership at Johns Hopkins University. He also serves as Director of the Johns Hopkins



University's Police Executive Leadership Program, an intense two-year, interjurisdictional program for select police executives. He serves as Coordinator of the Mid-Atlantic Regional Community Policing Institute.

Prior to joining Johns Hopkins University, Dr. Greenberg served as Associate Director of the Police Executive Research Forum (PERF) in Washington. He directed PERF's Management Services Division, providing technical assistance to police agencies worldwide. He directed organizational assessments in over 50 police and sheriffs' departments.

Dr. Greenberg began his career as an officer in the Howard County, Maryland, Police Department. During his tenure with HCPD, he served as a criminal investigator, public information officer, supervisor of the records and information division, supervisor of the youth unit, director of the police academy, director of research and planning, assistant to the chief of police, and commander of the administrative services bureau. Dr. Greenberg worked with the U.S. Marshals Service and U.S. Border Patrol in a variety of capacities and served as an instructor for the Maryland State Police, the Maryland Community Policing Academy, the Maryland Police Training Commission, and other police academies in Virginia and the Washington-Baltimore Metropolitan Area. He is one of the founding members and past president of the Maryland Crime Prevention Association.

Dr. Greenberg has worked with police in Cyprus, Jordan, Kenya, Panama, Hungary, Pakistan, and the former Czechoslovakia. He has served on federal and state commissions and task forces on violence in public schools, race-based profiling, police response to people who have mental illness, community development, police recruiting, highway safety, and homeland defense. He is the author of several books including Stress and the Helping Professions, Stress and the Teaching Profession, and On The Dotted Line.

Dr. Greenberg holds a Ph.D. in Public Administration from Union University, a Master's Degree in Educational Psychology from Johns Hopkins University, and a B.A. in Sociology from Loyola University.

Irene Baker, Project Staff

Ms. Baker is the Special Assistant to the President and CEO of Marsh & McLennan Companies, Inc., Kroll's parent company. Formerly a litigator at New York-based Simpson Thacher & Bartlett, Ms. Baker holds a law degree from St. John's University School of Law.



VI. Methodology

Kroll began its investigation in mid-December 2005. Over the course of almost three months, the Kroll team made numerous site visits, reviewed thousands of pages of documents, conducted extensive interviews with Interim Commissioner Nicely, Governor Bredesen and dozens of individuals, both commissioned and civilian, from the TDOS, the THP, the Tennessee Bureau of Investigations (“TBI”), the Department of Personnel and organizations representing other stakeholders in the criminal justice system, including District Attorneys General, Police Chiefs and Sheriffs.

Interviews conducted with sworn personnel included every rank, from Trooper to Lieutenant Colonel, and included female and minority personnel across the ranks and across the geographic subdivisions and specialized units of THP.

VII. Findings and Recommendations

A. The Role of Politics and outside influence on the THP hiring, promotion and other practices

Findings

Our interviews established that political interference and influence have become part of the THP's culture. Those within the department have come to assume that people will be hired and promoted based on recommendations - a euphemism for pressure - by elected officials in both the executive and legislative branches of State government. The long-term effects of this political interference are clear. A political figure¹³ who recommends a friend, campaign donor, or relative to a position starts a cycle that can adversely impact the THP well into the future. When a less qualified, but politically-recommended trooper is hired, promoted, or transferred instead of a more qualified candidate, the THP suffers from his or her relative lack of capability for years.

State law enforcement agencies (as well as city and county agencies) nationwide have sought to eliminate political influence from all processes and systems, including recruit selection, transfers, and promotions. It should be noted that almost all state law enforcement agencies dismiss applicants and candidates for promotion who present false information or in some other way attempt to deceive during the process.¹⁴ This includes falsifying or misrepresenting residence, which we found to be a standard method of manipulating the system in the THP.¹⁵

Political interference is not limited to the civil service ranks of the THP;¹⁶ its executive service is likewise rife with political favoritism at the expense of competence. Appointing senior executives in a law enforcement agency should serve a number of purposes. It should allow an executive to choose his or her senior team. It should provide the opportunity for an executive to recognize and promote individuals who have demonstrated leadership and decision-making skills and willingness to take risks and to innovate. When politics is substituted for this process, the

¹³ Political figures include individuals within the legislative and executive branches of government as well as those outside of government who are actively involved in the political process.

¹⁴ The Illinois State Police, for instance, established a Merit Board to, "*remove political interference and provide a fair and equitable merit process for the selection of Illinois State Trooper candidates and the promotion and discipline of Illinois State Police officers.*" The Kansas State Police disqualifies any candidate from participating in the selection process who, "*has used or attempted to use political influence, coercion, or bribery to secure an advantage in any phase of the selection process.*"

¹⁵ This method of manipulation is fully discussed in Section VII-B of this report.

¹⁶ Civil Service positions in the THP include Trooper, Sergeant, and Lieutenant. Captains, Majors, Lieutenant Colonel and Colonel are Executive Service positions, serving at the pleasure of the Commissioner of TDOS.



potential of qualified leaders may be lost forever, as they are passed over for promotion and become increasingly discouraged and resentful.

In the THP, the appointment process for senior executives – Captain and above – is perceived as a politically-driven system in which skill, potential, and succession planning are afterthoughts. The appointment process to senior command, according to many, is based almost solely on who a person knows and not on what he or she has to offer the THP and the people of Tennessee. As such, the system – referred to by many as a “good ol’ boy network” – potentially inhibits opportunities for qualified individuals, including women and minorities, to advance through the ranks.

In short, both the appointment and promotion processes are based on external influence and are tainted. Short-term and long-term changes are required to remove this taint.

Recommendations

- a. Undertake a reformation of the hiring process. We discuss this in great detail in Section VII. B. of this report.
- b. Undertake a reformation of the promotional process within both the civil service ranks and the Executive Service. This is discussed in great detail in Section VII. C. of this report.
- c. Prohibit, by policy, consideration of any outside recommendations for appointment, promotion or transfer not directly bearing upon a candidate’s professional qualifications. References listed on a candidate’s application should be interviewed and a determination made as to whether such references have any information that bears directly on a candidate’s specific job qualifications. In such case such recommendation should only be used during the final interview process and then only for the purpose of determining from the candidate the nature and extent of job-relevant characteristics.
- d. Prohibit, by policy, consideration of outside recommendations for appointment, promotion or transfer in any disparate way based upon status of the recommender.
- e. Prohibit, by legislation and/or ethics policy of the legislature, any interference in the appointment, promotion, and/or assignment policies of the THP or interference with the THP’s law enforcement activities.
- f. In the absence of a move to a consolidated state law enforcement organization, remove the licensing, registration and other motor vehicle revenue related functions from TDOS.
- g. Change the appointment process for Chief Executive of the THP (the Commissioner of TDOS) in order to insulate that Chief Executive from the political process. This insulation should be similar to the process utilized for selection and appointment of the Director of TBI, who is appointed by the Governor for a six-year term.
- h. Mandate that the Commissioner of TDOS have all appointment authority over executive positions within the THP and that such selections be based on merit.



- i. Establish protection for “whistleblowers” who expose deviation by THP officials from rules, regulations, and statutes or who otherwise act in an unethical manner.
- j. Provide for independent oversight of all instituted reforms.
- k. Consider a ban on contributions by THP employees to state political candidates or state parties. While an extreme measure with constitutional implications, other states have taken this route. The benefit of such a ban would be to eliminate even the appearance of political favoritism.¹⁷
- l. Consider a move to a consolidated state law enforcement organization that would include both the TBI and THP, along with other non-aligned law enforcement organizations scattered in different state agencies. The recommendation for further consideration of this concept is discussed at length in Appendix C. The major benefits of consolidation have nothing to do with the problem of politics in the THP, but rather with improving the overall processes and efficiencies within the universe of state law enforcement.
- m. In the absence of a move to a consolidated state law enforcement organization, better define the role of TDOS CID with consideration of broadening the role to include investigations of THP enforcement matters. This could include narcotics interdiction, license and registration fraud, identity theft, and vehicular assault and vehicular homicide investigations. CID should be more closely aligned with THP, and its agents assigned to Districts to perform these THP-related functions as well as to provide a more coordinated effort on homeland security issues and to assist local law enforcement pursuant to their requests for assistance.

B. Trooper recruitment, hiring and appointment, including whether current practices impact the hiring of women and minorities

Findings

Applicants are attracted to law enforcement agencies for many reasons. While compensation cannot be ignored, it is not the primary factor attracting young qualified people to the field or a specific agency. Factors such as agency reputation and image, personal experience with the agency, knowledge of and respect for people already serving in the agency, residency in the locale the agency serves, and interest in the style of policing the agency provides are equally or more important to a young, entry-level candidate. These factors are significant not only in recruitment, but also in retention, particularly regarding women and minorities.

On its face, the state has established a merit-based civil service hiring process for the THP. However, as described below, the merit appointment system has, in fact, been subverted and manipulated by candidates, THP officials, and those with political influence. As a result, the hiring process for THP troopers is weak, lacks credibility, and has created long-term problems for the agency and State.

¹⁷ Interestingly, individuals within the THP ranks who have contributed to Governor Bredesen’s campaign are concerned that such contribution may now be a bar to advancement.



The process of attaining a position on the appointment list for trooper includes standard qualifications common to large police agencies nationwide. These include:

- minimum age of 21;
- high school graduate or hold a GED equivalency;
- possession of a Tennessee driver's license by the time of Academy graduation;
- no conviction for a misdemeanor involving "moral turpitude;"
- no conviction or plea for a felony;
- no dishonorable discharge from the military;
- good moral character;
- meet vision requirements;
- successfully complete the Academy; and
- establish residency in the State of Tennessee.

Once meeting these minimum qualifications, applicants must take a written exam, clear a background investigation, pass physical, agility, psychological and drug tests and ultimately sit for, and be graded on, an oral interview. The current practice is that the score on the written exam serves to rank the candidate against his or her peers to determine placement on a register.¹⁸ It is at this stage that the "merit system" has been manipulated through great discretion afforded THP officials in determining how a register for promotion is established and how that register is ranked.

While Civil Service law calls for selection of a potential appointee to the THP from a list of the top five candidates, the law permits a list of eligibles to be drawn on a statewide basis, a county basis, or other geographical area basis. Thus, when the THP desires to establish an Academy class seeking to place 50 new troopers in the field (for which 55 individuals would normally be selected due to probable attrition of the class), the eligible list could legally be compiled from either the top fifty-nine scores¹⁹ in the state (a statewide list) or from the top five scores in each county or other geographic area (such as THP District) in which an open position was to be filled. Yet, this is not the practice that has been followed. Rather, in order to better accommodate political recommendations, it has been the practice to draw a register of the top five scores from each county in the State (irrespective of where trooper openings might be), and

¹⁸ The oral interview, while scored, is not currently utilized to develop the register; rather, it is utilized after the register has been finalized to rank the candidates for submission to headquarters for final selection. Once the register has been established, an offer to attend the Academy is made, conditional upon passing the background investigation and physical, agility, psychological and drug tests. It is after these items are completed that a candidate will be called in for an oral interview.

¹⁹ This method would provide for the selection of a candidate to fill each seat from the top five individuals on the list. The list would be depleted as seats were filled, with the 55th seat being filled from the top five remaining positions on the list.



essentially combine the individuals drawn into a statewide pool, thus yielding a minimum of 475 candidates eligible for appointment to the Academy.²⁰ The 55 positions in the Academy under this method could theoretically, then, be filled with politically-connected candidates ranked 421-475, completely ignoring the top 420 candidates in the state.²¹

To further compound this problem, there has been a pervasive practice in which applicants who would not qualify for the list in their true counties of residence have learned how to “play” the system by “establishing” residency in a county in which their achieved scores would, because of lower populations of candidates, place them in one of the top five positions.²² This extremely questionable practice is not only consistently ignored, but has been countenanced by insiders as a path into the THP for those who are politically desirable but otherwise unable to make the grade. Compounding the problem even further, background investigators often ignore the practice as if it were of little significance. In most law enforcement agencies, such ethical and policy violations would result in termination of all personnel involved, including candidates, officials who provide advice, and background investigators. “Silent observers” who knew of candidates and others involved in the process, but failed to come forward, would also be disciplined. The wide and open acceptance of “address fixing” is indicative of administrative failure to foster an ethical organization, and take action to correct blatant wrongdoing. Indeed, well-intentioned individuals within THP who questioned “address fixing” and other questionable appointment practices were threatened with retaliation if such practices were not carried out.

It seems unlikely that the selection process in which the THP is engaging is what the framers of the merit based system had in mind. Rather, it is rational to conclude that in providing different methods of establishing geographic eligible lists, the framers intended that when a statewide position was available, that such position would be filled from a statewide list and that when positions located within a particular region or particular county were available, that such positions would be filled from a list drawn from that particular region or county. The process employed by the THP is one in which the best candidates for state trooper, as judged objectively from test and interview scores, are passed over in favor of lesser candidates. The THP and, ultimately, the people of Tennessee are the losers in this process. In fact, the hoped-for merit system has been turned on its head: applicants who manipulate their addresses and/or garner recommendations from politicians win the game, whereas applicants who score the highest, and

²⁰ It is likely that the list would be significantly higher than 475 because of tie scores at the last position on the register. After the county lists are established, interviews are conducted in each District of all candidates from the counties in that District. The district Captain establishes an interview panel, which scores each candidate and submits a ranked list of candidates to the Captain based on interview scores. At headquarters the lists from all of the Districts are received (yielding a final selection pool of at least 475), and candidates are chosen for appointment to the Academy from anywhere within the list. Deviation from top scorers is a common occurrence and requires no explanation. That such deviation is politically based is universally acknowledged.

²¹ It is unclear if this practice is legal under current civil service law.

²² Candidates can move their residences or simply declare residency in a locale other than where they live to lessen competition. This can be as simple as the candidate purchasing a post office box number in a rural county and using it as his address. It would appear that this practice is violative of existing THP policy and state law.



are forthright and ethical, can only hope that they are not passed over in favor of politically-supported candidates.

Because of the domination of white males in both the THP and the political establishment, it can be reasonably inferred that the current system has had an adverse impact on the hiring of both women and minorities. Many potential women and minority candidates, whether through conversations or observation, could reasonably come to understand the existing process and rightly perceive that they have a lesser chance of being selected based on merit, thus causing them not to apply in the first place.²³

THP appointees come to recognize that the process by which they arrived at the Academy, their first point of entry into law enforcement, is tainted and of questionable ethical grounding. It is extremely difficult to overcome these initial impressions, which involve characteristics least desired by the profession.

Recommendations

As mentioned in Section VII. A., the THP must undertake a reformation of the hiring process. We recommend the following steps.

- a. Establish a needs-based billeting system of all Trooper positions within the THP for all Districts and specialized units. This system would establish a "line item" for each position that would include rank, geography (down to the county level), and salary. Each of the billets would need to be funded through the budget process. Moreover, from an operational perspective, administrators would be able to determine the deployment of its force to its greatest operational advantage. When a vacancy occurred in any such billet it would be then, and only then, that the position could be filled.
- b. Discontinue the policy of combining lists to obtain a larger pool of candidates for trooper. Vacant trooper billets should be filled through a District register of five candidates for each such position²⁴ drawn from the District in which openings exist (notwithstanding that the openings would be openings in a particular county in the district). This method will guarantee that a Trooper's initial assignment is somewhere in the District (as opposed to county) of the candidate's residence. The fact that a new trooper will be deployed relatively close to his or her home should serve to increase the pool of interested candidates.
- c. Establish minimum educational qualifications of 60 college level credits for new recruits. Determine to what extent military experience should be able to substitute for college credit.

²³ If candidates were chosen from a properly established register and external influences abolished, it is conceivable that the THP would see an increase in the number of highly qualified women and minority recruits. Additional study is necessary to determine the most effective recruitment methods to ensure capture of the largest number of highly qualified women and minority applicants.

²⁴ Thus, if one position in the Academy was determined to be for a particular county, selection of a candidate for that position would be from an eligible list of the top five scorers in that county's District.



- d. While test scores can be used for initial ranking, a combined score of both written and oral testing should be utilized for ultimate ranking.
- e. Increase the transparency of the process by publishing the eligible lists in ranked order.
- f. Establish independent oversight of the process to ensure that all adopted policies, rules and regulations relative to hiring are being followed.
- g. Eliminate the process of entertaining any external recommendations or references on behalf of candidates to the position of THP trooper except to the extent that such recommendations are a result of an interview of a listed reference where information provided by that reference bears directly on a candidate's qualification for the position. Such information should then only be considered during the interview process as a basis for questioning of the candidate relative to the proffered job-related characteristic. Advertising and recruiting efforts for troopers should make it clear that calls, letters, and other forms of potential influence are no longer operative in the THP.
- h. All elected and appointed State officials should be notified that references on behalf of candidates for the position of Trooper will be limited to situations where candidates have listed them as references and the reference will only concentrate on specific job-related qualifications.
- i. All applicants to the position of trooper should undergo comprehensive pre-employment polygraph examinations, background investigations, drug tests and credit history checks.
- j. Detailed summaries of the findings of applicants' polygraph examinations and credit checks should be provided to background investigators for appropriate follow up.

C. Trooper promotion issues, including whether current practices impact the promotion of women and minorities

Findings

Promotion through the rank of Lieutenant is governed by civil service rules in much the same way that initial hiring is governed. Not surprisingly, the process is similarly tainted and lacking in credibility, thereby frustrating employees and inhibiting progress. It is a process corrupted by political influence, inconsistency, lack of checks and balances, and unethical behavior. Valued employees who work hard, master their craft, maintain the highest standards of integrity, and devote themselves to service suffer as a result of the process. Good people promoted through the process - and there are many - emerge by chance rather than the reliability of the system.

Instead of the civil service rule of five, which is used for appointment, promotional lists are, by law, required to utilize a rule of three, in which the top three scoring candidates (sometimes more in the case of multiple individuals scoring at the third spot) are presented to the appointing authority. The appointing authority has the ability to choose from among the candidates presented. This system has been routinely manipulated primarily through three different



techniques: double-slotting,²⁵ the filling of “specialized” vacancies within the Department,²⁶ and the use of an appointment list instead of a promotion list, which allows the rule of five rather than the rule of three to be utilized. Each of these methods is designed to promote an otherwise unpromotable individual for purely political reasons. Added to these overt manipulations is the political interference that influences selection from the top three candidates for the position. Though this last method is neither illegal nor unethical, it is clearly not in the best interest of the Department. All of these methods force test scores, interview scores and general competence to give way to political considerations.²⁷

In addition, too much of the promotional process is closed or secretive. The promotional list is not published, and some officials point out that obtaining the list of finalists for promotion is a difficult chore. The “air of secrecy” about the list, whether real or perceived, gives further credence to manipulation and lack of integrity in promotions.

Manipulation of and political influence in the promotional process is so extensive and has existed for so long that many officials have little trust that it can be fixed quickly. As with the recruiting process, any promotional process in which manipulation and political influence are so pervasive will adversely affect a wide variety of work groups, including women and minorities. A manipulated, externally influenced process can be neither fair nor equitable.

Recommendations

As mentioned in Section VII. A., the THP must undertake a reformation of the promotional process within both the civil service ranks and the Executive Service. We recommend the following steps.

- a. Establish a needs-based billeting system of all Sergeant and Lieutenant positions within THP for all Districts and specialized units. Only allow promotion into these billeted spots.

²⁵ Double-slotting occurs when there is a desire to promote a particular individual, notwithstanding the lack of any vacancy for that individual.

²⁶ The creation of specialized lists is, in fact, a valid method when used appropriately. When used properly it allows for selection for promotion of individuals who possess certain skills and/or qualifications. For example, a Sergeant’s vacancy in SWAT arguably requires an individual with SWAT skills and training. The drawing of a list of three who possess such skills and training is, in fact, good practice. The THP has severely misused this protocol, treating positions which, in reality, require no special skills as “specialized,” and often transferring the desired promotee into the specialized unit for a short period of time, only to transfer that individual out soon after promotion. These transfers and promotions are done irrespective of skill sets and civil service scores.

²⁷ For example, a politician will call a district Captain, other commanding officer or, in some cases, headquarters, to recommend a specific person for promotion. That person, who would not otherwise be reachable through a promotional register of the top three, could be promoted through the use of double slotting or appointment to a specialized unit. Even if the individual was among the top three candidates, the recommendation can, and often does, serve to pass over the top two better qualified candidates in favor of the politically-connected candidate in the third position.



- b. One statewide promotional process should be used to accommodate vacancies in the ranks of Sergeant and Lieutenant. The current system that allows promotional opportunity to be influenced by geography or unit should be eliminated. For example, if the THP has a vacancy for Lieutenant in Chattanooga, the top three scoring Sergeants in the state (perhaps more in the case of a tie score for the third position) who have expressed an interest in the billeted vacancy should compete for the position. This method should be paired with a liberal transfer policy that would allow individuals who had been geographically displaced by promotion to return to their district of choice. On balance this system seems to be the most equitable, potentially transparent, and objective method of selection, serving to ensure that quality candidates, as opposed to politically connected candidates, are promoted. It also serves to guarantee a greater breadth of experience among supervisors, thereby providing a more robust pool from which to choose for command level positions.
- c. All available vacancies must be announced and all individuals eligible for lateral transfer²⁸ must be given the opportunity to compete for that position and must be interviewed by the Commanding Officer or his/her designee of the unit in which the vacancy occurs. Lateral transfers should be subject to approval of both the Colonel and the Commissioner, with such approval not to be unreasonably withheld. The Department would need to devise an appropriate notification and application process for those interested in lateral transfers.
- d. The Department should only utilize a promotional (as opposed to appointment) list in arriving at qualified candidates for promotion.
- e. The system of promotions must be completely transparent. The ranking of candidates as a result of combined test scores must be published so that all candidates know exactly where they stand on the list.
- f. Because performance evaluations potentially add points to the score of candidates, the process of evaluation should be made consistent across the state.
- g. Modified background investigations as well as close examination of a candidate's personnel history should be conducted on all personnel prior to their promotion, regardless of rank. This is essential to reinstate integrity into the promotional process.
- h. External influence on the promotional process must be eliminated. The current system for accepting external recommendations in the promotional process should be ended immediately. This is essential to reduce political influence on promotions. Letters, telephone calls, e-mails, conversations, etc. should be not be considered by any member of the THP.
- i. Any THP official found to promote or influence promotion based, all or in part, on an external recommendation should be disciplined and, based on the extent of manipulation, potentially terminated. Manipulating a promotional process to accommodate political

²⁸ Individuals eligible for lateral transfer include all in-rank individuals who have not transferred within the preceding year and who possess the necessary qualifications for the vacancy.



influence is a policy and integrity violation. Such unethical behavior should be dealt with in the same manner as any other violation of the law, policy, and the people's trust.

- j. Establish a policy prohibiting candidates for promotion from seeking political influence on the promotional process. Candidates for promotion who are known to have sought political influence on the promotional process should be eliminated from consideration for ethical and policy violation.
- k. Establish independent oversight of the process to ensure that all adopted policies, rules and regulations relative to promotion are being followed
- l. The establishment of Specialized Unit lists should be allowed only in the following units: Governor's Security, Special Operations, CIRT, Aviation, Internal Affairs, Professional Standards and Ordnance. The nature and extent of required specialized training or qualification must be detailed and published and only those who possess such training or qualification should be eligible for such promotion.
- m. No individual who has left the department in lieu of termination should be eligible for re-hire.
- n. Consideration should be given to a policy of returning any new promotee "to the road" for a minimum period of time.

D. Current background investigation process relative to appointees and employees

Findings

Background investigations are critical to establishing the integrity of individuals employed by the THP. Currently the CID is responsible for conducting background investigations on applicants for the position of trooper. Background investigations are assigned to criminal investigators in the districts. While the process appears to be vastly improved over previous methodologies, there are still serious flaws, most notably the apparent disregard by investigators of disparate information concerning an applicant's true residence and a disregard by hiring authorities of a no-hire recommendation made by investigators.

Background investigations are conducted toward the end of the selection process, but before the physical and psychological examinations. As such, information of importance gained from psychological exams is not available to background investigators. The results of the psychological examination are used to make a firm recommendation of "qualified" or "disqualified." Other large law enforcement agencies do not use the psychological exam as a qualifier but, rather, as a screening tool to "flag" information for background investigators and for consideration, as part of a total package, in making a final decision.²⁹

²⁹ Psychological exam findings of "qualified" or "disqualified" may be inappropriate and may violate portions of the Americans with Disabilities Act.



Background investigations are conducted on sworn personnel (troopers) only as part of the initial hiring process. There are no mandatory or random background checks conducted on personnel at the time of promotion or transfer to specialty functions.

Guidelines for conducting background investigations are developed in-house. Currently, there are no state standards or mandates that apply. Tennessee POST is in the process of compiling a protocol to help standardize the background investigation process statewide, which would apply to the THP if it were to be moved under POST.

Final reports provided by background investigators are not standardized. Background investigators do not necessarily make firm recommendations on hiring and are not part of a final screening board that reviews applicant packets.

Polygraph examinations are not included as part of the background screening process. This is unusual, when compared to long-standing processes in other large agencies. Like the psychological examination, the polygraph cannot be used as a qualifier or disqualifier. However, polygraph is an invaluable tool in screening a candidate and raising indicators for follow up by background investigators.

As mentioned, one of the primary criticisms of the background investigation process is that findings are not given much weight in the final selection process. Troopers have been hired despite background investigations that have pointed to potential problems and, on occasion, criminal records.³⁰ There is little point to developing a process that may not be used. Background investigations and, specifically, recommendations of well-trained background investigators are invaluable in screening people who have the potential to excel as troopers. To hire despite the negative findings of a background investigation is to invite problems and significant potential liability.

The THP's background investigations do not include credit checks on candidates for the position of trooper. Yet, credit or financial checks reveal a great deal about how a person has conducted his or her affairs and, most importantly, may identify potential for unethical or inappropriate behavior.³¹

Recommendations

- a. Establish strict protocols governing the background investigation process, to be monitored by the Department of Personnel or outside oversight authority.

³⁰ Perhaps more troubling is the fact that individuals with known criminal records have been rehired by the THP after a period of separation from the agency.

³¹ When used with appropriate guidelines, credit investigation can reveal characteristics of responsibility or lack thereof. The Department can create protocols for dealing with situations where bad credit history is uncovered during the investigation.



- b. Conduct polygraph examinations on all candidates for the position of trooper prior to the start of the background investigation. Findings of polygraph examinations, particularly items of concern, should be provided to background investigators for follow up.
- c. Include a credit check of all candidates to determine financial responsibility. Develop an adjudicative matrix designed to determine to what extent bad credit will affect a candidate's application.
- d. Develop adjudicative standards relative to criminal arrests, convictions, drug abuse, credit issues, and similar questionable conduct identified during background investigations.
- e. Define and set into policy the final process for reviewing an applicant's final packet. This could take the form of an applicant review board to discuss each candidate's final packet and make firm recommendations to the Commissioner.
- f. Ensure that the background investigation process conforms or exceeds all standards established by Tennessee POST.
- g. Require background investigators to provide recommendations for hiring or disqualifying applicants and the rationale for their decisions.

E. Current Internal Affairs function and whether current structure and operational procedures best meet departmental needs

Findings

The internal affairs function in a law enforcement agency cannot be viewed in a vacuum. A wide range of variables determine the success or failure of the internal affairs function to sustain the agency's policies and procedures, its highest standards of ethical performance, and the people's trust. The quality of education and training, commitment of first-line supervisors in enforcing policies and procedures, fair and equitable discipline, lack of interference by executives and politicians, timeliness of internal investigations, and quality of internal affairs investigators are among the variables that determine the success of the function.

The credibility of the THP's IAD is weak and there are significant concerns with the internal affairs process. There is far less structure to the internal affairs process in THP than exists in most other large law enforcement agencies. In short, the THP internal affairs function is understaffed, too decentralized, poorly organized, and reactive.

The issues raised in this section do not necessarily imply that members of the THP are committing wrongdoings or making mistakes that go unreported. However, on a relative basis, there appear to be few complaints against troopers of the THP; other agencies that perform similar duties and are of similar size deal with a far greater number of complaints lodged by



citizens.³² The number of complaints, in great part, is a byproduct of the vast number of contacts troopers have with people, often in negative or potentially volatile situations.

The vast majority of complaints received by the THP appear to be handled informally at the District level rather than through the central IAD office. Because there is no central registry of complaints, it is impossible to determine the true number of complaints received, the disposition of those complaints or the discipline invoked when a complaint is determined to be founded.

Complaints received at the District level are normally investigated and resolved at the District level without any involvement by IAD. District Captains are theoretically required to complete a complaint form and forward it to IAD but, in reality, this policy is not followed, with some Captains treating the IAD reporting process as if it were discretionary. It appears that District Captains decide on their own if and when to file a complaint with IAD. In most cases, it appears that complaints are addressed with no official documentation.

Moreover, because the majority of complaints are handled within the Districts, there is inconsistency in how they are investigated and what discipline is meted out for sustained complaints. Even if investigations are filed with IAD, they are often forwarded to the Districts for investigation. The assignment of discipline cases to IAD (as opposed to the District) appears to be relatively arbitrary, with no set guidelines relative to what cases must be investigated by IAD rather than at the District command level. There is no graded disciplinary system or matrix, with discipline being assigned on an ad hoc basis. Employees facing similar charges may receive significantly different discipline depending upon in which District they work. Indeed, repeat offenders may receive lighter discipline than first offenders.

A number of troopers have been disciplined and terminated in recent years. Some have been returned to full duty. This practice calls into question the nature and relevance of the initial charges, quality of internal investigations, and severity of the disciplinary action.

There are very few internal investigations generated based on internal inspection, supervision, or other proactive action. Of 28 IAD cases underway at the time of this review, eight were internally generated. In addition, no excessive or misuse of force complaints were filed against members of the THP during the past year. This is suspect and warrants follow up. While the quality of internal investigations conducted by the IAD and the Districts may be excellent, the fact that there are so few complaints against troopers of the THP raises questions about the openness of the complaint process to the public and the integrity of the process internally. In a period in which complaints against law enforcement officers for excessive force and inappropriate profiling abound, it is extraordinary and suspect that so few complaints against a statewide highway patrol occur. Because of the current state of the system it is impossible to determine whether public complaints are simply being ignored. Complicating the matter is that there is no checks or balances on the system within the Department.

³² The relative lack of complaints filed against THP trooper is discussed further below.

Lastly, the IAD has not assumed the role of overseeing overall professional standards, which is a nationwide trend. Professional standards should include monitoring of policies and practices, overseeing the agency's early warning system, overseeing audits and inspections of operational and administrative activities, conducting integrity checks, meeting with community leaders, and advising units such as Safety Education, the Safety Training Center and Research and Planning.

Recommendations

- a. Immediately bolster the resources of IAD through addition of personnel and adequate training for investigators. A minimum of six full time investigators with appropriate staff should be assigned to Internal Affairs. This excludes necessary personnel for a true audit function discussed below. Additional funding will also be required for a complaint management and early warning system.
- b. Establish a proactive professional standards function that encompasses internal affairs, audits and inspections, development and maintenance of an early warning system, and related functions. In addition to the number of full time IA investigators noted above a minimum of four auditors should be added to the ranks of the Professional Standards Bureau.
- c. Implement an early warning system. The Early Warning System should serve as an integral part of the THP's risk management program. The system should provide for effective management of officers' conduct. Policies and procedures should be implemented to collect data on individual officers. The system should contain information on all investigations and complaints, discipline, uses of force, arrests, searches and seizures, training, commendations, sick leave, duty days lost to injury, civil lawsuits, traffic collisions, court appearances and other items relevant to an officer's conduct. It should be used proactively to promote best professional police practices. Such a system would also serve to improve accountability and management; manage risk of misconduct and potential liability; and evaluate and audit the performance of officers and units on an on-going basis. In addition, the system could proactively analyze data, notifying supervisors of the need to review a particular officer's conduct when certain thresholds were met. These thresholds could be developed using peer group comparisons.
- d. Implement a centralized complaint system. This complaint system would integrate with the Early Warning System discussed above.
- e. Require all complaints to be logged, regardless of point of origin or seriousness.
- f. Mandate that all citizen complaints, even anonymous complaints, must be taken. Prohibit the attempted dissuasion of the filing of any complaint. Make complaint forms available at each District as well as on-line.
- g. Mandate that every complaint be investigated. Establish criteria for determining whether a particular type of complaint is investigated at the District level or by IAD.



- h. Establish a standardized internal affairs investigation process, with mandatory documentation processes, for use by any official conducting an internal investigation. An internal affairs manual should be published with all required policies, guidelines, and forms.
- i. Establish a disciplinary matrix -- disciplinary guidelines to be used for disciplining different types of offenses.
- j. Conduct a detailed analysis to determine the extent to which there are variations in discipline assigned to similar offenses and circumstances.

F. Current audit and control procedures and whether current structure and operational procedures best meet departmental needs

Findings

Current best management practices in policing call for regular and periodic operational audits of vital functions of any police department. Such audits can be performed either through an internal audit function or by outsourcing this function. Typically, annual audit plans are developed, which determine what audits will be performed in a given year's time. These audits, which essentially measure compliance with internal policies and procedures, provide a management tool by which managers and those on the street can be held accountable for their performance or lack of performance. The audits can also serve as a deterrent to those officers and managers who might otherwise ignore policies and procedures.

It is the hope that ultimately an audit function will serve as the Commissioner's eyes and ears into the department, but this can not be achieved overnight. In the meantime, police departments in circumstances similar to those facing the THP have put Independent Monitors (obtained from the private sector) in place in order to determine the extent of the department's compliance with designated policies and procedures, and to assure the public that reforms are being instituted properly. Such monitorships have been established subsequent to investigations and/or litigation by the US Department of Justice³³, as a result of civil lawsuits³⁴ or on a jurisdiction's own accord.³⁵ The monitorships typically require periodic reports and independent verification of compliance with specific department policies and procedures. Ultimately, after a period of time, responsibility for oversight of compliance shifts back to the department through the audit unit and, potentially, other government oversight entities.³⁶

³³ Monitorships of police departments following Department of Justice investigation currently include Los Angeles, Washington, DC; Detroit; and Cincinnati.

³⁴ Oakland is one such jurisdiction that, as part of a settlement of a civil law suit, instituted an Independent Monitorship.

³⁵ Governor Rendell of Pennsylvania appointed a Monitor following a scandal involving sexual harassment within the Pennsylvania State Police.

³⁶ Such other entities might include an Inspector General or a civilian police commission.



The THP's current audit function is extremely limited and focuses almost exclusively on revenue aspects of the TDOS, primarily on the Motor Vehicle side of the Department. There is no annual plan published with regard to audits and critical functions of THP are not subject to audit.

Recommendations

- a. The THP should create a true audit unit dedicated to performing operational audits of vital functions of THP. The unit should be staffed with professional auditors and should report through a Professional Standards Bureau directly to the Commissioner. The unit would be charged with developing a protocol for conducting audits and establishing a regular schedule to ensure that such audits occur with adequate frequency, and cover all relevant areas of inquiry.
- b. Each of the recommendations made and accepted within this report should be the subject of such audits.
- c. In addition, integrity sting audits should be conducted as appropriate. These sting audits, conducted in conjunction with IAD, should include both targeted and random sting audits.
- d. Consideration should be given to the appointment of an outside Monitor, who would measure compliance with reformed policies and procedures as well as serving as a technical advisor to the Department relative to establishment of an audit unit. The monitor should not and would not be intended to replace or take over the role and duties of any THP official, but would, instead, conduct specified reviews and audits. The monitor would make appropriate recommendations concerning its findings, and would issue regular public reports. In addition, a Monitoring team could provide technical assistance relative to reformation issues and the implementation of same.

G. Span of control and Civil Service Status of Command Staff

Findings

A sound organizational structure is essential to any law enforcement agency. The organizational structure is the formal system of task and reporting relationships that controls, coordinates, and motivates units and employees to achieve the agency's goal. The organizational structure influences service, communications, budgeting, and allocation of personnel resources.

The THP organizational structure was examined as part of this review. However, it was not the intent of this review to provide a full-scale organizational study, but rather to analyze the current span of control above Captains to determine whether that span of control is appropriate. An adjunct issue, whether Captains should fall within civil service or executive service, was also reviewed.

There are 10 primary factors to be considered in reviewing the organizational structure of a state law enforcement agency. They are:

- Functional grouping
- Workload and productivity
- Collaboration and support
- Technology
- Geography
- Communication
- Quality assurance
- Problem-solving
- Strategy
- State organizational structure and mandates

While the THP's current organizational structure meets CALEA standards, it is confusing and imbalanced, and deviates from those common to other large law enforcement agencies. The THP Colonel's span of control i.e. the number of direct reports to him is excessive. According to the Table of Organization, the Lieutenant Colonel (who oversees Professional Standards and Education), all of the District Captains, the Captain responsible for Executive Security, the Major responsible for the Special Operations and Capitol Security, and others report directly to the Colonel. There is one Lieutenant Colonel and one Major in the THP.

Within the THP, field operations functions are not well organized. For example, the four districts that function as scale complexes report to an administrative Captain. There is no direct relationship to other operational units. Weigh scales, commercial vehicle safety and enforcement, and similar ancillary functions are clearly operational. The operational relevance of these functions has been heightened since the attacks of September 11 and subsequent terror threat.

A number of key elements of the THP's activities are not shown on the THP's Table of Organization (dated October 1, 2005). Yet, many of these functions and activities are performed daily. Among the functions missing from the current organizational chart are:

- Interagency Liaison
- Homeland Security
- Intelligence
- Traffic and Crime Analysis
- Commercial Crimes
- Narcotics Interdiction



- Community Relations
- Property/Evidence

While there are pros and cons to Captains remaining part of Executive Service (as opposed to being reclassified as Civil Service), we have found that, on balance, Executive Service will provide the Department with better control over implementation of new policies and procedures. This finding is predicated on the implementation of other recommendations in this report relative to the elimination of political considerations from the promotion of individuals to Captain positions. Politics should play no role in such promotions, which should be predicated solely on merit.

Recommendations

- a. The THP should undertake a detailed organizational study to include thorough analysis of current tasks, agency culture, allocation of resources, district alignment, and relationship to other state and local agencies. Such study was beyond the scope of this review and will require considerable time and input from large numbers of employees, community leaders, law enforcement leaders, and others.

Reorganizing is part of an overall strategy to improve productivity and service, promote communication and innovation, and maintain fiscal accountability. As such, the move to reorganize should follow a well-developed plan and time line and must be connected to the Governor's vision and overall strategy, as well as other recommendations suggested in this report.

The recommended structure in this report is provided as a guide to foster discussion and debate, realign tasks, and change the reporting hierarchy. It is a starting point and is not intended to suggest a final THP structure.

- b. Until a long-term, detailed review can be undertaken, a number of short-term changes to the organizational structure will prove beneficial. The following recommendations should be considered in pursuing a temporary reorganization of the THP.
 1. The THP should be reorganized to reflect a more logical grouping of like functions and a well-balanced structure. (See attached suggested organizational chart at Appendix B.)
 2. The THP should move toward a more traditional organizational structure based on three bureaus: Field Operations Bureau East; Field Operations Bureau West; and a Support and Ancillary Services Bureau.
 - The two Field Operations Bureaus should consist of patrol operations, scale operations, and criminal investigations.
 - The Support and Ancillary Services Bureau should consist of Support Services, the Safety Training Center, Commercial Vehicle Administration, pupil transportation, Special Operations/Aviation, Safety Education, Capitol Security, Executive Security, and Research and Planning.



- Each of the three bureaus in the recommended structure should be directed by a Lieutenant Colonel, supported by a Major.³⁷ This increases the number of Lieutenant Colonels and Majors in the THP from one to three in each rank. The Lieutenant Colonels should rotate through the bureaus every two to four years. This would provide a fresh perspective on the THP's primary units and provide career development to its leaders, thereby assisting in succession planning.

Many of the "missing" functions cited above, such as homeland security and intelligence, which must be considered in developing even the temporary or short-term reorganization, are beyond the scope of this review. It may very well be that not all the changes reflected in the proposed chart will be adopted. Staffing considerations, personalities, and Departmental goals, yet to be established, are clearly factors that must be thought through prior to committing to a specific organizational structure.

H. Current training certification versus POST certification and whether current structure best meets departmental needs

Findings

Almost every state in the nation has a POST board or commission in place. Generally, these commissions oversee such things as standards for entry to the position of law enforcement or corrections officer, certification of law enforcement officers, in-service and supervisory education and training, and certification of Chiefs of Police and Sheriffs. Also, POST commissions have primary responsibility for establishing and certifying police academies and providing education and training to agencies that do not have their own academies.

Tennessee POST consists of four members nominated by the Tennessee House and Senate. The Governor appoints the other members. POST provides checks and balances to ensure that there is statewide consistency in the way law enforcement officers are hired and trained. There are nine POST certified academies in Tennessee. In addition to monitoring these programs, POST provides guidance and standards on selection and hiring.

While the THP, the TBI and other large law enforcement agencies each has their own academy, the THP has the only academy in the State functioning independently of the Tennessee POST. Other academies, including Nashville and TBI, fall under POST standards and guidelines. Although THP surpasses POST standards in regard to most basic and in-service academy objectives, it is not committed to following other POST standards. As such, there is no external oversight or review of the THP Academy program.

The THP Academy has, in the past, been criticized for allowing excessive hazing of recruits. This has led to injury and, in at least one case, the inability of a recruit to continue with the

³⁷ The major assisting the Support and Ancillary Services Bureau's Lieutenant Colonel could split responsibilities and also assist the THP Colonel.



program. Because the THP does not fall within the purview of POST, and since there is no internal THP inspections process that monitors training, there are no checks and balances to ensure that the THP's educational and training programs conform to the highest standards. This does not negate the efforts of the Academy staff to provide excellence. Rather, there is no system of external review to recognize, sanction, or otherwise endorse and provide credibility to the THP Academy programs.

Recommendations

- a. Require that all THP education and training programs fall under the auspices and meet or exceed mandates of the Tennessee POST. Fees are involved, but the benefits in credibility, checks and balances, consistency, and external monitoring outweigh the costs.
- b. Require that all THP hiring and selection processes meet or exceed criteria and mandates established by the Tennessee POST.
- c. Remove POST from TDOS. Consider placement within the Department of Insurance Regulation.
- d. Remove TLETA from TDOS. Consider placement along with POST in the Department of Insurance Regulation.
- e. Properly fund POST so that it may achieve its standards and goals. POST needs at least three investigators, three administrative staff and appropriate funding to design and build necessary software applications.



VIII. Conclusion

The THP is a good organization with a storied history. Yet the role that politics has played in the THP cannot be overstated. That role has, in fact, prevented the THP from achieving greatness. The men and women of the organization with whom we spoke are universally embarrassed by the current scandal and very desirous of regaining the public's trust and confidence and restoring the shine to their badges. Governor Bredesen vowed to bring an end to the role of politics in the THP during his watch. There is every reason to believe that if the recommendations put forward in this report are followed, funded and appropriately overseen, the Governor's vow can be realized.

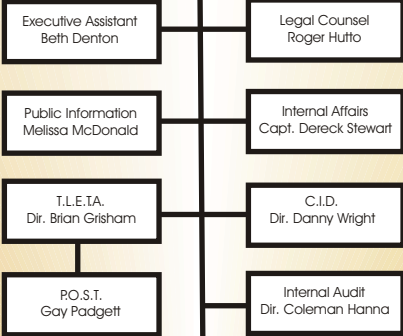


Appendix A – Organizational Chart of the Tennessee Department of Public Safety

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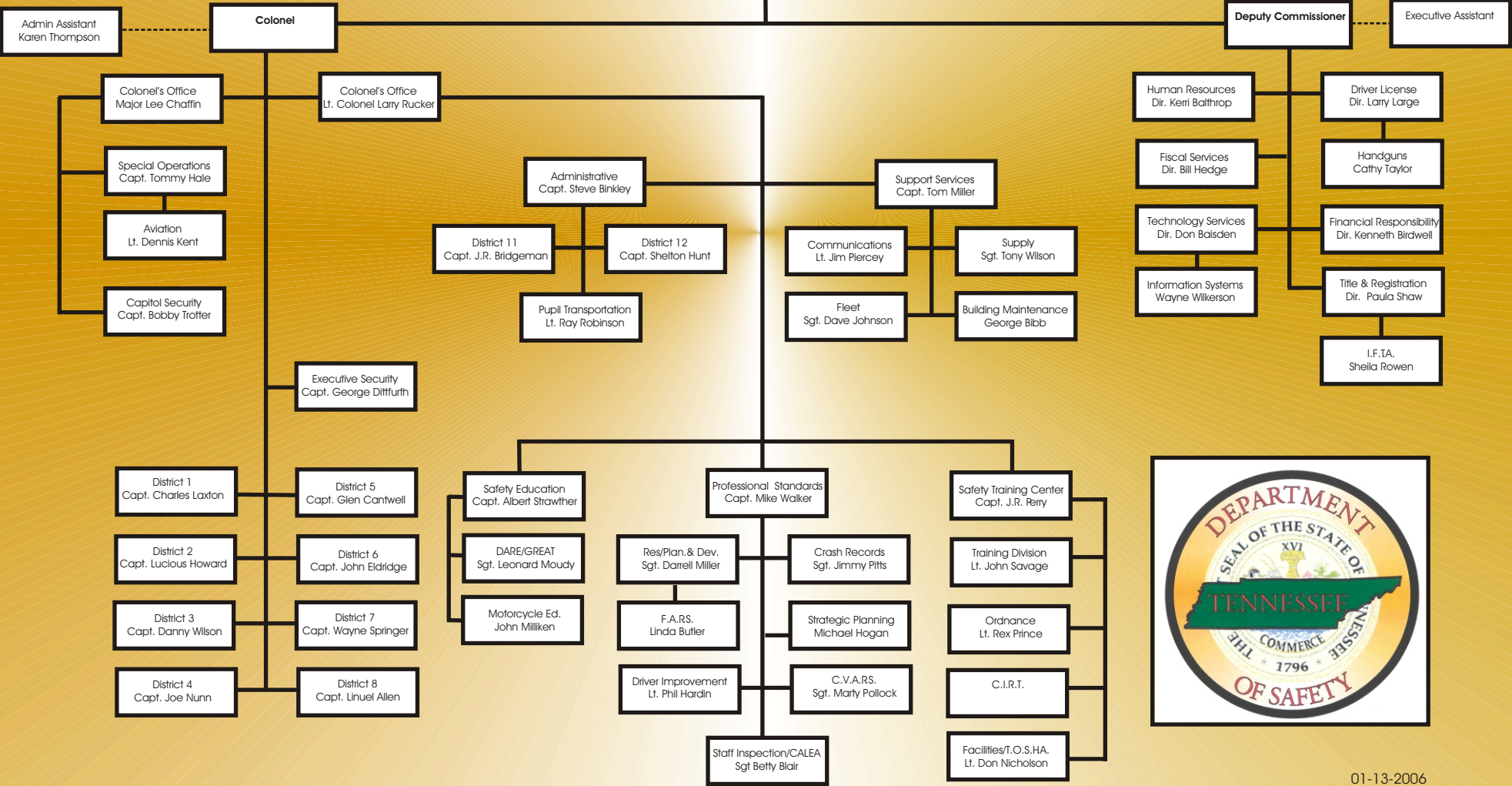
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Commissioner
Gerald Nicely



Colonel

Deputy Commissioner

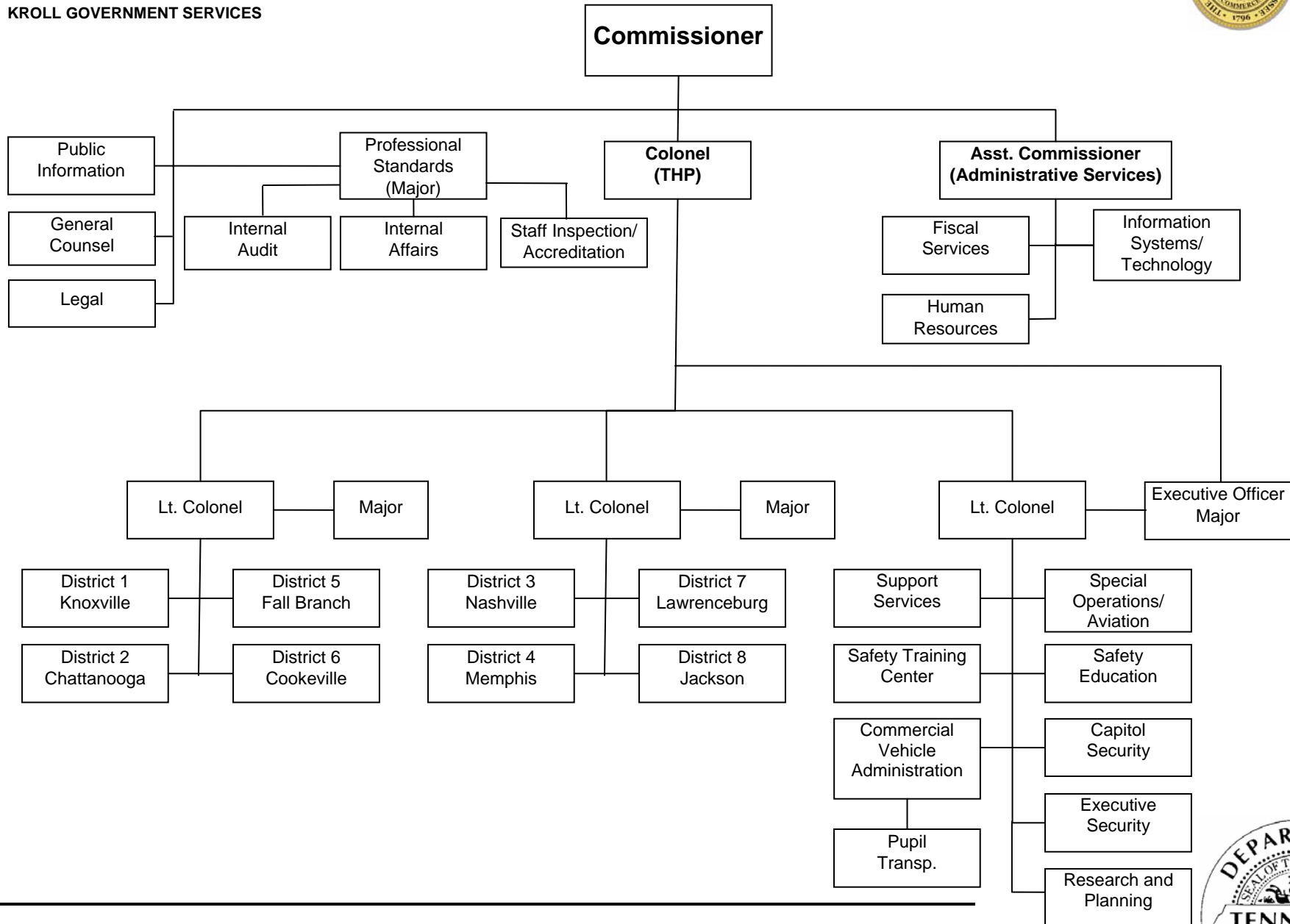




Appendix B – Proposed Organizational Chart of the Tennessee Highway Patrol

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Appendix C – Establishing a New State Law Enforcement Entity

One recommendation of this review is consideration of the consolidation of several Tennessee law enforcement agencies to establish a new state law enforcement organization. This organization may be called the Tennessee State Police, Tennessee Department of Law Enforcement, Tennessee Department of Public Safety, or similar title. For purpose of this discussion, the new entity will be referred to as the Tennessee Department of Law Enforcement (TDLE). We emphasize that the recommendation to consider moving to this new entity is in no way contingent upon other recommendations made in this report, and the other recommendations made in the report are in no way contingent upon this recommendation.

While creating a new beginning and establishing new direction, the TDLE could build on the traditions and successes of each of consolidated agencies.

Rationale

With nationwide attention to homeland security and more collaborative responses to high consequence incidents, the integration of the talent, resources, and potential of state public safety agencies may be a significant, logical, and timely step. Issues currently affecting the THP can serve as the catalyst to begin an important reorganization of state law enforcement services into a new combined entity. At the foundation of this reorganization is the consolidation of two large agencies, the THP and the TBI. The process would potentially incorporate other agencies, some of which also report to the TDOS Commissioner.

Nationwide, 23 state law enforcement agencies are called "highway patrol" and 23 are called "state police." Several are titled "Department of Public Safety" and "Department of Law Enforcement." Thirty-five states have additional state agencies with police or investigative powers. These "limited purpose" agencies include Alcohol Beverage Control, Natural Resources Police (often called Game Wardens), Port Authority Police, Airport Authority Police, and General Services Police.

The concept of a combined force is not new. The THP originated as the Tennessee State Police Force in 1929, serving as the State's primary law enforcement agency. The Tennessee Bureau of Criminal Investigation was formed in 1951, and restructured into the current TBI in 1980.

The concept of consolidation of law enforcement agencies to improve statewide and regional service is well accepted. In 1994, the California Highway Patrol and the California State Police merged into a single agency. Several county police departments consolidated with the Massachusetts State Police. Several of the largest police departments in United States (among the top 50) are in the process of consolidating with other agencies or have done so recently. Among them are the Louisville/Jefferson County consolidation, Indianapolis/Marion County consolidation, and Charlotte/Mecklenburg consolidation.



Establishing a new statewide law enforcement agency would be a long-term, multi-phased endeavor. Although arduous, it could be a worthwhile task. It would not resolve the problems that exist within the THP nor would it provide a “quick fix” to any other issue or problem that currently exists. Rather, it is a strategic effort to provide more effective, efficient service to the people of Tennessee. It would allow the mission of the current Highway Patrol to expand to play more of a leadership role in homeland security. In addition, establishing a new combined entity could provide separation from the current wave of criticism and tarnish that has affected the Highway Patrol and a new beginning for state law enforcement employees.

The first phase in establishing a new statewide law enforcement agency could involve consolidating THP, CID, TBI, the Capitol Police, and Bomb and Arsons Investigations (Department of Commerce/Insurance). This would provide the nucleus and a strong foundation for consolidation with other state law enforcement agencies at a later date.

While the leadership culture of THP and TBI is quite different, prior to 1980, the Highway Patrol and Bureau of Investigation were part of the same organization. Troopers and investigators in both agencies provide service in a consistently professional manner. The TBI Director currently has an executive contract, establishing his appointment for a period of six years. To some degree, this removes him from political influence and whim. The TBI also has a history of remaining as apolitical as possible. By contrast, the head of the Highway Patrol works without a contract and is subject to political influence and whim. Historically, the THP has been and continues to be politically driven. The CID, part of the TDOS, functions as an independent law enforcement agency. CID conducts investigations into auto thefts and other cases. CID gets much of its direction from the TDOS Commissioner. While CID investigators are assigned to THP districts, neither the THP nor TBI oversee CID’s performance or manage its workload.

Communication among the entities – THP, TBI, CID, Bomb and Arson Investigations, and Capitol Police – is weak. There is duplication in services. Getting one agency to support the needs of another is a bureaucratic process. The agencies compete for recruits, grants, and State funding. All play a role in homeland security, but do so relatively independently. There is no “all for one, one for all” environment in state law enforcement. Cooperation among the agencies exists based on the personalities and relationships of various commanders rather than policy or process.

Each entity maintains its own leadership team. Each has an administrative overhead – supervisors, checks and balances, reporting and recordkeeping, etc. The benefit to consolidating the three agencies may far outweigh the consequences of maintaining their independence. Greater coordination and efficiency, and reduced duplication of effort, can be realized by combining some or all of these functions.

The flow of criminal cases, from point of initiation by a uniformed trooper to completion of the investigation and preparation for prosecution, can be made seamless. Troopers can assist more readily in investigative follow-up that requires observation and contact in the field. A second distinct investigative body, CID, can be eliminated.



While highly specialized, Bomb and Arson Investigations is a criminal investigative body and should be aligned directly with the State's primary law enforcement and investigative agency. Such alignment exists in many other states. For example, the State Office of the Fire Marshal is part of the Maryland State Police.

TBI maintains a high educational standard for its personnel, beyond that of THP and CID. Agents are required to have a four-year degree. Hiring is based on a comprehensive process, including detailed background investigations. TBI agents receive extensive training. This occurs, in great part, because TBI leaders do not allow selection, transfer, and promotional processes to be influenced by politicians. TBI sustains a professional approach to maintaining integrity and managing internal affairs. If handled properly, these standards could be upheld in the TDLE.

Benefits to establishing a new statewide law enforcement agency

The following list provides a brief summary of the potential benefits to be gained in consolidating state law enforcement agencies into the TDLE. Some of these benefits could be realized quickly, while others would take several years and, possibly, a generation to reach fruition.

1. Consolidation of and improved interaction among the state's uniformed patrol and criminal investigative functions.
2. Collective response to homeland security, specifically the prevention, interdiction, and response to the delivery of terror.
3. Integration of resources of the state's largest law enforcement agencies.
4. Increased capacity based on each agency's specific strengths by integrating them into a single entity.
5. Elimination of duplication in and streamlining of administrative functions, including recordkeeping, human resources management, scheduling, budgeting, and education and training.
6. A common set of policies and procedures governing the bulk of the state's law enforcement services.
7. A clean break from the negative connotations associated with recent crises in the Highway Patrol -- a new name, new culture, and new sense of purpose.
8. Improved checks and balances through increased capacity to manage internal affairs and the desire of the consolidated agencies to make a success of the new venture.
9. Increased service to the people, who will find "one stop shopping" for law enforcement services within the TDLE rather than having to wade through the bureaucracy of different agencies or contend with referrals from one agency to another.



10. Elimination of parochialism and competitiveness among State law enforcement agencies.
11. Greater capacity to pursue and less competition for federal funding among State agencies.
12. Increased capability for law enforcement planning and research.
13. Increased opportunities for advancement, specialization, and other aspects of career planning for sworn and civilian employees.
14. Improved economies of scale in purchasing.
15. Increased flexibility to meet unanticipated needs, unusual circumstances, and critical incidents.
16. Improved interaction with other State and local agencies.
17. Expanded support for local agencies in time of crisis and extraordinary need.

Impediments to establishing a new statewide law enforcement agency

No consolidation effort is without its impediments and challenges. Some can be overcome quickly with effective planning and genuine commitment by all involved parties. Others are overcome only with time, as a new agency culture emerges and enthusiasm for the new entity grows. The following list provides a brief summary of some of the impediments and challenges to be anticipated in consolidating state law enforcement agencies:

1. Overcoming systemic political influence that has existed in the THP for generations (No reorganization or redirection will independently overcome political manipulation, administrative manipulation, and the expectation that law enforcement agencies function at the pleasure of elected officials. Without addressing these issues forthrightly and quickly, the corruption in hiring, promotions, and other practices simply will be carried over to the new agency.)
2. Combining the philosophy and values of agencies that have remained distinct throughout their history.
3. Establishing a common reporting system and compelling excellence in reporting.
4. Combining disparate human resources systems in areas such as recruiting, selection, transfers, and promotions.
5. Combining distinct approaches to internal discipline.
6. Overcoming resistance to change, particularly among those in positions of leadership.
7. Establishing the new leadership hierarchy.
8. Overcoming the notion that the sole purpose for establishing the TDLE is to address the crisis of the Tennessee Highway Patrol.



9. Overcoming the notion that one agency will consume the other and that history, culture, and identity will be lost.
10. Consolidating positions.
11. Overcoming the notion that the creation of a TDLE will diminish the role or authority of Sheriffs or local police agencies. Sheriffs in other states have supported significant change to state law enforcement agencies based on the merits of the change and the quality of service and support provided to their agencies.

Establishing the position of Superintendent

Should consolidation proceed, the person chosen to direct the new state agency should be provided with an executive contract, from four to six years in length, similar to the one provided to the current director of the TBI. This will reduce the extent to which politics influences the person who holds the position.

The new head of the TDLE could be identified as the "Superintendent," conforming to agencies in other states and providing a title not currently used in Tennessee law enforcement. The Superintendent would report directly to the Governor of the State. This would foster efficient communication and minimize inappropriate political influence and manipulation, particularly during the agency's formative period.

The Governor would have to shield the new Superintendent and all other leaders in command positions from political interference, influence, and manipulation. In turn, members of the command staff of the new agency could be prohibited from any contact with politicians, unless required as part of processes such as budget and legislative hearings or as directed by the Governor.

Eliminating the Tennessee Department of Safety and repositioning of POST

Merging the primary law enforcement agencies in the state and having the Superintendent report directly to the Governor would eliminate the law enforcement side of the TDOS. The agency could be renamed the Department of Motor Vehicles and maintain its licensing and registration functions. (These functions could also be re-directed into an existing agency, perhaps the Department of Transportation or the Department of Finance.)

This would leave POST and TLETA as the only outstanding TDOS entities. These could be moved to another department or become an independent commission.

Requirements

Developing full criteria for establishing a new statewide law enforcement agency is beyond the scope of this review. The following list represents some of the steps necessary to establish the new organization:



1. Gain commitment and support of state executives and legislators to create the TDLE or similar agency.
2. Gain commitment and support of state executives and legislators to immediately discontinue any attempt to influence or interfere with the internal matters (operations, selection, transfers, promotions) of any State law enforcement agency.
3. Gain the commitment and support of other State agencies (such as the Department of Personnel) that will be required to make changes and enhancements to existing systems to support the new agency.
4. Gauge perceptions – pro and con – among employees (management and labor, sworn and civilian) within the agencies to be consolidated and gain their support.
5. Establish a transition group, task force, or commission, consisting of a cross section of executives, supervisors, and representatives of employee fraternal organizations to identify key issues and draft a strategy for establishing the TDLE. (This group should include representatives of all state agencies (not only law enforcement) who have a vested interest in the restructuring effort and the development of the new agency.)
6. Engage the Sheriffs' Association and Chiefs' Association in the process of forming the new agency.
7. Establish a system that provides an opportunity for input from all employees serving the state's law enforcement agencies, including sworn and civilian personnel from entry-level to senior command.
8. Establish a citizens' advisory panel or commission consisting of community leaders and, particularly, business executives with experience in mergers, to guide state officials in developing and implementing the strategy for the TDLE.
9. Inventory all services provided by state law enforcement agencies to identify common tasks and differences; this will serve as a basis for consolidating agencies in the first phase of the effort, and beyond.
10. Prepare a strategic plan that addresses both short-term and long-term steps and anticipated outcomes.
11. Establish a timetable that allows for a phased implementation, recognizing that not all steps have to occur simultaneously.
12. Develop a cost/benefit analysis once a decision is reached regarding the agencies to be integrated into the new agency.
13. Develop a new identity (insignia, vehicle shield, badge, etc.) and, whenever possible, incorporate existing insignia, cultural characteristics, and traditions into the new agency so that meaningful, positive history is not lost.



14. Appoint a Superintendent who is provided with a long-term executive contract (similar to the Director of the TBI) to allow continuity through the process and minimize political pressure, interference, and manipulation.
15. Establish a new hierarchy in which the Superintendent reports directly to the Governor. This may involve establishing the Superintendent as a member of the Governor's cabinet. In Maryland, the Superintendent of the Maryland State Police also serves as a cabinet secretary.
16. Create a marketing program, directed at both internal and external audiences, to foster rapid recognition of and support for the new agency.
17. Conduct an in-depth resource allocation analysis to provide a comprehensive base of information on which to determine how the immediate needs of the newly consolidated agencies can best be met and to determine future resource needs.
18. Conduct a technical/support/infrastructure study to provide a base of information on existing physical and technological resources and how they may be integrated to support current and future needs of the new agency.
19. Establish the Tennessee POST as an independent entity from the TDLE so that it may provide objective guidance and oversight.
20. Expand the role and staff of the Tennessee POST to provide greater support to the new agency while fostering consistency among law enforcement agencies throughout the state.
21. Establish a new mission statement and organizational values for the agency and define precisely the services the new agency will provide and how they will be delivered.
22. Transfer all responsibility for drivers' licenses and title and registration (and other typical motor vehicle administration functions) to an entity independent of the TDLE.
23. Identify services and functions that may be transferred to other State agencies or dissolved.