



Human Performance Attachment 2 – Narratives and Transcripts of Investigative Interviews

Penwell, Texas

HWY15MH004

(87 pages)

UNITED STATES OF AMERICA

NATIONAL TRANSPORTATION SAFETY BOARD

* * * * *

Investigation of:

*

*

PRISON TRANSPORT BUS CRASH

*

NEAR PENWELL, TEXAS

*

Docket No.: HWY-15-MH-004

JANUARY 14, 2015

*

*

* * * * *

Interview of: GROUP INTERVIEW

Texas Department of Criminal Justice
Huntsville, Texas

Tuesday,
January 20, 2015

The above-captioned matter convened, pursuant to notice.

BEFORE: DENNIS COLLINS
Survival Factors Investigator

APPEARANCES:

DENNIS COLLINS, Survival Factors Investigator
National Transportation Safety Board

JEFF LANGLOSS, Investigator
Federal Motor Carrier Safety Administration

<u>ITEM</u>	<u>I N D E X</u>	<u>PAGE</u>
Interview of Cal Coston and Others:		
By Mr. Collins		4
By Mr. Langloss		48
By Mr. Collins		49
By Mr. Langloss		82
By Mr. Collins		84

I N T E R V I E W

(1:10 p.m.)

1
2
3 MR. COLLINS: If my memory serves me today is the 20th
4 of January. It's 1:10 p.m. This is Dennis Collins with the NTSB,
5 and gathering some information regarding the crash in Penwell,
6 Texas on the 14th.

GROUP INTERVIEW

7
8 MR. COLLINS: If I could start with some general
9 questions about the fleet. How big is the fleet of vehicles that
10 you use for prisoner transport?

11 WARDEN COSTON: 120- -- Cal Coston. 124 buses, 67
12 passenger vans, and we have 6 -- 7 wheelchair vans or handicap
13 vehicles.

14 MR. COLLINS: Okay. Do you have a list somewhere of the
15 make, model, year, and seating capacity of those vehicles?

16 WARDEN COSTON: Yes.

17 MR. COLLINS: Would it be possible for us to get a copy
18 of that?

19 WARDEN COSTON: Yes.

20 MR. COLLINS: Okay. And that leads perfectly into the
21 next question. Clearly it's a large fleet, different types of
22 vehicles. What determines what kind of vehicle is used when
23 you're transporting offenders between facilities?

24 WARDEN COSTON: Normally determined by how many
25 offenders are traveling that day in those directions. The custody

1 of the offenders will make a determining factor. And those are
2 the two main factors of --

3 UNIDENTIFIED SPEAKER: Medical.

4 WARDEN COSTON: Medical.

5 MR. COLLINS: Okay.

6 WARDEN COSTON: Medical, hence the handicapped vehicle.

7 MR. COLLINS: Okay. And how many offender transports
8 would you say you handle in a given year?

9 WARDEN COSTON: We move 5- -- around 500--and -- forty-
10 five-hundred-and-fifty-thousand offender transports a year.

11 MR. COLLINS: Wow. That's a -- if you'd ask me to
12 guess, I wouldn't have guessed that high. I've been in towns and
13 states that had fewer people than that in them, I think.

14 This particular move, which I understand was from
15 Abilene to El Paso, how many times would you say that's done in a
16 year, just as an estimate?

17 WARDEN COSTON: Once weekly.

18 MR. COLLINS: It's done once weekly. Not even an
19 estimate.

20 And you said that the type of vehicle is determined by
21 how many are moving. What's the maximum number of inmates that
22 you could move at any given time just using one vehicle?

23 WARDEN COSTON: A bus would be our maximum, and we have
24 two different buses. Some hold 44 and some will hold 46.

25 MR. COLLINS: Okay. And do you have an estimate of how

1 many vehicle miles? And I would assume it's millions of vehicle
2 miles the fleet moves in a year?

3 WARDEN COSTON: Approximately 4½ million miles a year.

4 MR. COLLINS: Which from my Virginia-based experience,
5 that's one trip across the state of Texas?

6 (Laughter.)

7 MR. COLLINS: I'm exaggerating a little bit, but I've
8 also come to realize that everything in Texas is at least an hour
9 from everything else. But that's okay. It was a lovely drive.
10 It's just we're a lot closer together in Virginia.

11 UNIDENTIFIED SPEAKER: It takes an hour to go to the
12 grocery store.

13 MR. COLLINS: Well, if it took an hour and I had to walk
14 it I'd be a lot thinner than I am, that's for darn sure.

15 And how do you handle preventive maintenance on the
16 fleet?

17 WARDEN COSTON: Our preventive maintenance really goes
18 through Mr. Kroll and his people. We track the miles, and when
19 they're due of preventative maintenance, we schedule to take him
20 through his shop and he does the PM and returns them back to us,
21 and put them back into the fleet to be used.

22 MR. COLLINS: Okay. And if something were to
23 malfunction relatively minor on one of the vehicles, would that
24 also be handled in house?

25 WARDEN COSTON: Yes, it would.

1 MR. COLLINS: Okay. And at what level or is there a
2 level at which the repairs required are beyond the in-house
3 capabilities and you have to pass them out?

4 MR. KROLL: Yes, sir. John Kroll, Fleet Division
5 Repair. Motors, we have our engines put in outside source,
6 outsourced.

7 MR. COLLINS: Okay.

8 MR. KROLL: Some transmission work is outsourced.

9 MR. COLLINS: Do you have a particular set of vendors
10 you use for those?

11 MR. KROLL: We have several vendors we use.

12 MR. COLLINS: On a contract basis?

13 MR. KROLL: Uh-huh. We have some, yes.

14 MR. COLLINS: Okay. And so I would say from the earlier
15 answers, you all do have some in-house mechanics?

16 MR. KROLL: We do. We have three shops actually.

17 MR. COLLINS: Again, it's that size of Texas thing. I
18 imagine you have them strategically located.

19 MR. KROLL: Correct.

20 MR. COLLINS: Okay. Do you track the certifications of
21 your mechanics, like ASE and things like that?

22 MR. KROLL: We're actually training the offenders in
23 these fields.

24 MR. COLLINS: Oh. So the in-house maintenance is
25 performed by offenders that have gone through a training program?

1 MR. KROLL: Under the supervision of our employees.

2 MR. COLLINS: Okay. Later on when we talk about the
3 specific bus, if it's had any work done on it, if you could help
4 me identify just the certifications of anyone that may have worked
5 on it? I know it was very new to the fleet so it may not have,
6 but we'd be interested in just documenting who and what
7 certifications they had in terms of that maintenance. So I'll try
8 to remember that.

9 When a driver -- and that's me and I apologize, I'm
10 going to mute that. When the drivers take a vehicle for a
11 transport, do they complete a daily vehicle inspection report or
12 do a pre-trip or anything?

13 WARDEN COSTON: Yes. Cal Coston. They do a pre-trip.
14 And it's a basic pre-trip before they leave, and a post-trip when
15 they return.

16 MR. COLLINS: Okay.

17 WARDEN COSTON: Fluid levels, tires, your basic light
18 functions.

19 MR. COLLINS: Is that like a form that they complete
20 before they take the bus out?

21 WARDEN COSTON: It's a part of their form they carry
22 with them throughout the day.

23 MR. COLLINS: Okay.

24 WARDEN COSTON: It has a pre-trip check where they have
25 -- if they find a deficiency, then they would bring it to the

1 attention of our supervisor, and if it needs to be changed out, it
2 would be traded out for a different vehicle for that day and then
3 it would go to Mr. Kroll for repair.

4 MR. COLLINS: Okay. Would it be possible to get a
5 blank, an example of one of those forms?

6 WARDEN COSTON: Yeah.

7 MR. COLLINS: That'd be great. Thank you.

8 UNIDENTIFIED SPEAKER: One of the things we may need to
9 add is you've got two transport headquarters that don't use our
10 maintenance. Maintenance is done at Abilene and Amarillo. Am I
11 missing one?

12 WARDEN COSTON: Well, we outsource that. That's part of
13 what --

14 UNIDENTIFIED SPEAKER: I mean, we don't do that.

15 WARDEN COSTON: We don't work on them. We will
16 outsource the stuff up north Texas.

17 MR. COLLINS: Okay.

18 WARDEN COSTON: Instead of bringing it all the way down
19 here, it's more cost efficient to put it in a shop up there.

20 MR. COLLINS: I understand.

21 UNIDENTIFIED SPEAKER: Now, those buses do switch
22 around, so I don't know how many are (indiscernible) --

23 WARDEN COSTON: Right, and they'll come in and we'll do
24 some --

25 UNIDENTIFIED SPEAKER: A couple of them areas out of the

1 six, we don't do the preventive maintenance on.

2 MR. COLLINS: Okay.

3 UNIDENTIFIED SPEAKER: We outsource it to shops in
4 Amarillo and Abilene.

5 MR. COLLINS: Okay. So they can move around from
6 location to location, and just in those two, it's outsourced
7 simply because that's the more effective and more cost-effective
8 way.

9 UNIDENTIFIED SPEAKER: No, it's 124 are kind of
10 scattered.

11 WARDEN COSTON: We have seven locations --

12 MR. COLLINS: Okay.

13 WARDEN COSTON: -- for offender transportation. And
14 those vehicles are apt to move from location to location daily.

15 MR. COLLINS: Okay.

16 WARDEN COSTON: So that vehicle might not always be at
17 that office. It may get swapped and traded for a vehicle in
18 Huntsville versus Abilene just in a matter of transport.

19 MR. COLLINS: So if I'm understanding correctly,
20 hypothetically, this trip began in Abilene, and that vehicle could
21 go to El Paso and could stay in El Paso and do some things in the
22 El Paso area, and then it could go somewhere else, and then it
23 could eventually end up back at Abilene?

24 WARDEN COSTON: Well, Abilene -- it's Abilene and
25 Huntsville.

1 MR. COLLINS: Okay.

2 WARDEN COSTON: We have a transport that goes between
3 Abilene and Huntsville every day. But they don't go all the way.
4 We meet half way at Gatesville at one of the facilities and trade
5 vehicles. Officers get off of that bus, get on there, and they
6 just swap. That's how those vehicles trade places, if that makes
7 sense.

8 MR. COLLINS: Okay. I think I follow that.

9 MR. LUMPKIN: Bobby Lumpkin, M&L. But if a bus, say, is
10 in Amarillo area and is up for its preventive maintenance
11 schedule, we don't necessarily bring it back to Huntsville. We
12 outsource it in --

13 MR. COLLINS: Right.

14 WARDEN COSTON: Our staff will notify that and they'll
15 take it to the shop.

16 MR. COLLINS: Wherever it is when it comes due, whatever
17 the mechanism is there, whether it's in house or outsourced, you
18 service it according to the required interval and don't worry
19 about moving it back to a particular place before that's done?

20 WARDEN COSTON: Correct.

21 MR. COLLINS: Awesome. Excellent.

22 UNIDENTIFIED SPEAKER: And we're also in the approval
23 process of doing so. So we're aware of this is being done.

24 MR. COLLINS: Okay.

25 UNIDENTIFIED SPEAKER: Even though it's Northern Region.

1 UNIDENTIFIED SPEAKER: And also just I think we need to
2 clarify on the ASE training. They are trained, but we're not
3 currently testing for ASE certification.

4 MR. COLLINS: Okay. So they're not certified, but they
5 are trained --

6 UNIDENTIFIED SPEAKER: Yes.

7 MR. COLLINS: -- as if they would have went to a --

8 UNIDENTIFIED SPEAKER: Yes. Well, Internet-based
9 testing, we don't allow a lot of that behind the security gates.

10 MR. COLLINS: I understand.

11 UNIDENTIFIED SPEAKER: We're still doing the training.

12 UNIDENTIFIED SPEAKER: On-the-job training.

13 UNIDENTIFIED SPEAKER: On-the-job training.

14 MR. COLLINS: Giving them the skills, but then when
15 they're released, they can --

16 UNIDENTIFIED SPEAKER: The skills where they could
17 actually test outside and do their ASME.

18 MR. COLLINS: Okay.

19 UNIDENTIFIED SPEAKER: I just want you to make sure you
20 understand we're not administering the test and everything.

21 UNIDENTIFIED SPEAKER: We have some that are ASE
22 qualified.

23 UNIDENTIFIED SPEAKER: Yes. Yes.

24 MR. COLLINS: I would assume they qualified before it
25 went to the Internet based or --

1 UNIDENTIFIED SPEAKER: Exactly.

2 MR. COLLINS: Okay.

3 UNIDENTIFIED SPEAKER: Right.

4 UNIDENTIFIED SPEAKER: A follow-up question real quick.
5 Because you said you had three shops. Where are the three shops
6 located at?

7 WARDEN COSTON: We have two here in Huntsville. We, and
8 we actually do some mechanical repairs at our -- what we call our
9 tire shop here. It just generally deals with tires. And we have
10 a shop down in Rosharon, Southern Houston.

11 UNIDENTIFIED SPEAKER: And we got one at Michael's and
12 one at Beeville that works maintenance on those buses.

13 MR. COLLINS: Okay. Not being from Texas, I'm not
14 familiar. What inspections are required of the bus? In Virginia
15 I have to do an annual inspection or the motor coaches are
16 annually respected. What's required in the state of Texas?

17 WARDEN COSTON: Just the DOT, Department of
18 Transportation, yearly inspection.

19 MR. COLLINS: And that's annual?

20 WARDEN COSTON: Um-hum.

21 MR. COLLINS: Would you have a copy of the last one
22 performed on the bus that was involved in the crash, or could I
23 get a copy of the last one performed on a bus in the crash?

24 WARDEN COSTON: I don't know if we're going to have that
25 or not because we haven't -- it was done at the factory.

1 MR. COLLINS: That's true. I forgot it was so new. If
2 it doesn't exist, it doesn't exist.

3 UNIDENTIFIED SPEAKER: Right. Not as far as we're
4 concerned, it doesn't exist. The factory probably has a copy of
5 that.

6 UNIDENTIFIED SPEAKER: That opportunity never came up.

7 UNIDENTIFIED SPEAKER: Right, for us the DOT-inspected
8 yet.

9 UNIDENTIFIED SPEAKER: Right. It hasn't been in the
10 fleet that amount of time.

11 MR. COLLINS: Long enough. So if I'm understanding
12 correctly, they can come from the manufacturer having been
13 inspected at some point, and then once you title it, then it kicks
14 in and it's your responsibility to continue -- continually,
15 annually --

16 UNIDENTIFIED SPEAKER: The dealership will have it
17 inspected prior to us picking it up.

18 MR. COLLINS: Okay.

19 UNIDENTIFIED SPEAKER: And with the buses is that 2-year
20 one from the dealership? Is it only 1 with the bus?

21 UNIDENTIFIED SPEAKER: One year.

22 UNIDENTIFIED SPEAKER: Okay, because some vehicles have
23 it 2-year.

24 MR. COLLINS: So the dealership does it before, okay.
25 Which also leads us into a good next question. If you have to

1 purchase a new bus for the transportation fleet, what's -- in
2 general terms, what's the procedure for doing that? We need a new
3 bus; what are the steps you go through?

4 UNIDENTIFIED SPEAKER: Well, we're appropriated monies
5 from our legislature to replace vehicles. And I can tell you this
6 last set -- last biennium we were appropriated a number of dollars
7 for vehicles and we moved to purchase 20 buses for Coston's fleet.

8 MR. COLLINS: Okay.

9 UNIDENTIFIED SPEAKER: The state comptroller's office,
10 which is another agency of the state of Texas, our internal
11 contracts procurement section assists our business office with
12 making purchase of those 20 vehicles. And we have different
13 terminology whether it's a managed contract, or a smart buy, and
14 the buses I think -- do you remember, Darren, if they're --

15 UNIDENTIFIED SPEAKER: Then we have a managed contract.

16 UNIDENTIFIED SPEAKER: Or a managed contract. But we go
17 through the purchasing requirements of the state of Texas that are
18 set by the comptroller's office and by statute and move towards
19 the purchase of the buses. And then I know you have other
20 questions later that get into how we outfit them, but --

21 MR. COLLINS: Right. Well, you can walk all the way
22 through it if it was convenient for you to do it now.

23 UNIDENTIFIED SPEAKER: Well, we move towards the
24 purchase of the bus.

25 MR. COLLINS: Okay.

1 UNIDENTIFIED SPEAKER: Mr. Cade (ph.) that you met
2 earlier, and Mr. Kroll and Mr. Bagoda, we may work closely, and
3 Mr. Fayler (ph.) may work closely with our purchaser and contracts
4 as far as the specs of the bus. And once the bus is delivered --
5 this past year when the 20 buses were delivered, we then move in
6 the phase of design, security design to outfit the buses. We work
7 closely with Warden Coston and his group, and the CID directors to
8 ensure that we outfit the buses that they're in a secure manner,
9 user friendly on how we need to use them for security. And then
10 once we get into the details of that, I'm going to turn it to Mr.
11 Bagoda, and Mr. Kroll to actually put in the details of how we
12 outfit them.

13 MR. COLLINS: Okay.

14 UNIDENTIFIED SPEAKER: Darren, I leave anything out?

15 UNIDENTIFIED SPEAKER: No.

16 MR. COLLINS: The contract that this bus was purchased
17 under, you said it was a managed contract?

18 UNIDENTIFIED SPEAKER: I think that's correct. Is that
19 right, John? You get into to the --

20 MR. KROLL: Yeah, that was a managed contract.

21 UNIDENTIFIED SPEAKER: Managed contract.

22 MR. COLLINS: Would it be possible for the Safety Board
23 to get a copy of the contract that was used to purchase the bus
24 just so we can see how it's specified out and that sort of thing?

25 UNIDENTIFIED SPEAKER: Yeah, you really want the specs

1 from the contract?

2 MR. COLLINS: Yes.

3 UNIDENTIFIED SPEAKER: Okay. We can get you that.

4 UNIDENTIFIED SPEAKER: Yeah.

5 MR. COLLINS: Excellent. So you said that you spec it
6 to manufacturer and then you guys add the security package, if
7 that's the proper term.

8 UNIDENTIFIED SPEAKER: Sure.

9 MR. COLLINS: You take the raw material from the bus
10 manufacturer and then make it fit your transport needs. How --
11 and that's done in house?

12 UNIDENTIFIED SPEAKER: Yes.

13 MR. COLLINS: What typically is the process, again, and
14 what sort of changes do you typically need to make in order to
15 make the bus mission ready?

16 UNIDENTIFIED SPEAKER: Cliff, would you take that?

17 MR. BAGODA: Yes, sir. Cliff Bagoda. Whenever we take
18 delivery of the bus, the bus -- there's nothing inside of the bus.
19 It's completely empty. There's nothing fastened anywhere in it.
20 And we take, and have what we call window security, and that's the
21 panels that cover the actual windows. We have them made in house,
22 and then we attach them, and then build the partition panels to
23 divide between the inmate sections, put them in. And then take
24 the seats that are -- that come in the bus, we assemble them and
25 then install them in the places where we need them to be placed at

1 in the bus.

2 From year to year that process doesn't change a whole
3 lot. You get into where the bus dimensions have changed from year
4 to year, just the manufacturing of it. But the general idea of
5 the placement, the seating and all that is the same. It goes from
6 year to year the same thing.

7 MR. COLLINS: Okay.

8 MR. BAGODA: That's how come the amount of occupants
9 stays the same from year to year.

10 MR. COLLINS: Is that a -- is there a documented
11 procedure for that? So if I was the new hire to come into the
12 shop and start working on that, I could follow template that said,
13 okay, the first thing you do is put these pieces in the windows
14 and then you do this or that?

15 UNIDENTIFIED SPEAKER: I don't know that it's ever been
16 actually just put on paper. It's just done on --

17 MR. COLLINS: Experience?

18 UNIDENTIFIED SPEAKER: -- just from long experience. I
19 don't know that there is ever a procedure actually ever put on
20 paper.

21 UNIDENTIFIED SPEAKER: No. And the seats -- the seats
22 and all the components of the seats we get from the vendor.

23 MR. COLLINS: The --

24 UNIDENTIFIED SPEAKER: The plastic seats, the brackets.

25 MR. COLLINS: They come from the vendor who sold you the

1 motor coach, the bus in the first place?

2 UNIDENTIFIED SPEAKER: From Bluebird, yes.

3 UNIDENTIFIED SPEAKER: From the vendor, truck vendor.
4 From Rush Bus, the vendor.

5 MR. COLLINS: Okay, so for this particular bus, we'll
6 keep it specific, those plastic seats came from Bluebird?

7 UNIDENTIFIED SPEAKER: Yes.

8 MR. COLLINS: They were loose in the vehicle or they
9 were part of the purchase of the vehicle.

10 UNIDENTIFIED SPEAKER: Correct.

11 MR. COLLINS: And then once you had the security
12 features in place, you put them where you needed them for your
13 mission?

14 UNIDENTIFIED SPEAKER: Correct.

15 MR. COLLINS: Okay. And I'm just curious myself
16 personally, that includes the -- I don't think I actually want to
17 call them toilets, but --

18 UNIDENTIFIED SPEAKER: We build them.

19 UNIDENTIFIED SPEAKER: We build those.

20 UNIDENTIFIED SPEAKER: Urinals.

21 MR. COLLINS: Urinals might work.

22 UNIDENTIFIED SPEAKER: Like you point out some stuff on
23 the floor. We actually have a stainless steel plant. We actually
24 build those.

25 MR. COLLINS: Okay. Do you have a parts list or a

1 materials list that you would use for that installation? For
2 example, when you mount the seats is there a specific part, a
3 specific screw or fastener that you would use?

4 UNIDENTIFIED SPEAKER: Um-hum.

5 MR. COLLINS: Could I get some documentation on what
6 that fastener is?

7 UNIDENTIFIED SPEAKER: Okay.

8 MR. COLLINS: Because, again, as I said, when we look at
9 the survival factors, some of the seats did come loose during the
10 crash. And we'll have a couple of our engineers look at that from
11 terms of sometimes things come loose when they're not supposed to
12 and sometimes things come loose because they've taken a shot well
13 beyond what is reasonable for their mission. And by knowing what
14 the fastener is, we can take a look at that and see. You know, I
15 don't think there are a lot of things that are designed to fall
16 off a bridge and strike a moving train. But it's one of the
17 things that the engineers will look at in terms of the materials
18 and things like that.

19 So to do all of this modification that you have to do,
20 it sounds very extensive in house. How long does it take from the
21 day they drive the new bus in to the day you drive one out that
22 can be placed in service?

23 UNIDENTIFIED SPEAKER: Six weeks.

24 UNIDENTIFIED SPEAKER: Around 4, 4 weeks.

25 UNIDENTIFIED SPEAKER: Yes, sir, 4 to 6 weeks.

1 UNIDENTIFIED SPEAKERS: Four to 6 weeks.

2 MR. COLLINS: Four to 6 weeks. Okay, I have --

3 UNIDENTIFIED SPEAKER: Not the first one.

4 UNIDENTIFIED SPEAKER: No, the first one always takes a
5 little longer.

6 UNIDENTIFIED SPEAKER: When you fine tune the process.

7 UNIDENTIFIED SPEAKER: If there's a change in dimension,
8 sir.

9 MR. COLLINS: So if Bluebird this year delivered you 20
10 new buses that had a change in dimensions, the first one might
11 take a little longer?

12 UNIDENTIFIED SPEAKER: It would take a lot longer, yes,
13 sir.

14 MR. COLLINS: But that 20th one, you will have -- you
15 will learn and --

16 UNIDENTIFIED SPEAKER: That's where we get to the 4-week
17 stage.

18 MR. COLLINS: Okay. So when things haven't changed too
19 much and the process is running like it typically does, 4 weeks,
20 but it can modify some if there are changes you have to
21 accommodate.

22 UNIDENTIFIED SPEAKER: Right.

23 MR. COLLINS: Because you build all of these pieces
24 custom --

25 UNIDENTIFIED SPEAKER: In house.

1 MR. COLLINS: -- it sounds like this isn't a -- you have
2 a rack of them somewhere, but every bus comes in and you start
3 from scratch and really build it to fit. It's really a custom
4 installation.

5 UNIDENTIFIED SPEAKER: Um-hum.

6 MR. COLLINS: Okay. This might be a larger question,
7 and again, I ask because I'm not from Texas. Does the state have
8 rules or regulations that governs what's supposed to be in the bus
9 or how it's modified or what features it's supposed to have in
10 order to be used for prison transport?

11 UNIDENTIFIED SPEAKER: In order to be used for prison
12 transport? No, there's not any.

13 MR. UPSHAW: Not any -- Michael Upshaw. Not any state
14 regulations. Of course from the security standpoint as they're
15 working through the process of modifying the bus, we would look at
16 it from a security standpoint to ensure that it's secure enough to
17 place offenders on to where they can't get out when they're not
18 supposed to get out.

19 MR. COLLINS: Right.

20 MR. UPSHAW: But as far any state agencies that
21 regulates that as to what to do, how to do, no, sir, there's not.

22 MR. COLLINS: So when you get it from Bluebird, in this
23 case, and they've done what they're supposed to do federally and
24 state-wise in terms of manufacturing the bus, at that point
25 there's nobody else that says TDCJ has to put X, Y, or Z in or has

1 to do this that or the other thing; it just comes down to what you
2 need to do to make sure it's going to securely transport the
3 offenders?

4 MR. UPSHAW: Yes, sir. That's correct.

5 MR. COLLINS: Okay. In general terms for the transport
6 between facilities or specifically between Abilene and El Paso, is
7 there a standing operating procedure or a written document that
8 says if you're making that move you have to do these things?

9 UNIDENTIFIED SPEAKER: I'm not sure I'm clear on your
10 question. We have a post order for our staff.

11 MR. COLLINS: Okay.

12 UNIDENTIFIED SPEAKER: And to move an offender from
13 Point A to Point B, yes, there are certain things they have do as
14 far as security things that take place, as far as pat searching
15 offenders, restraining them according to their custody, placing
16 them on the bus, making sure the doors are locked before they
17 leave. And going from Point A to Point B, it covers their weapons
18 handling, how that's done; inmate records, what's taken as far as
19 identifying who's on board. So there's some -- those regulations
20 are in place, yes.

21 MR. COLLINS: Would it be possible for us to get a copy
22 of the procedures and the order for the move from Abilene to El
23 Paso? And I'll say that -- I'll also back up. I understand that
24 there may be some things in there that are sensitive to your
25 mission. And if that is the case, if you just notify us about

1 that, those are the things that we'll remove from the
2 documentation and we'll focus in just on what's -- it sounds like
3 for the complete documentation there are things we won't care
4 about, for example, the weapons handling policy.

5 UNIDENTIFIED SPEAKER: Sure.

6 MR. COLLINS: So that would be something we would never
7 discuss, we would never release. We would simply say they have a
8 policy and if we want to discuss a particular part of it, say,
9 prisoners have to be painted blue -- I'm making something up --
10 then we would say in the policy it says prisoners have to be
11 painted blue, but it would be things related directly to the
12 accident.

13 And that's true for any documentation I ask for, that if
14 there are things that are sensitive, folks personal information,
15 or it's mission sensitive for you all, just let me know and we
16 will not release mission sensitive information that we obtain.
17 Again, I don't know a lot about the operation, but I do know that
18 we work with a lot of law enforcement and they can be concerned
19 about the things they give us, and we will not release anything
20 that you're concerned with being out in the general public. So if
21 you -- and again, I'm making it up, because I don't understand the
22 operation.

23 UNIDENTIFIED SPEAKER: Right.

24 MR. COLLINS: But there was something about the
25 construction of the cages that was sensitive; that would not be

1 something we would release.

2 UNIDENTIFIED SPEAKER: Right.

3 MR. COLLINS: Because I don't want it out there either.
4 So, just as a general note if that comes up.

5 UNIDENTIFIED SPEAKER: Yes, sir. And we understand and
6 the only thing I want to just clarify is the procedures that
7 Warden Coston provides will not just be specifically for the
8 Abilene to the El Paso run.

9 MR. COLLINS: Okay.

10 UNIDENTIFIED SPEAKER: It'll be every transport that he
11 does will have that same procedure and policy.

12 UNIDENTIFIED SPEAKER: Every move's consistent within
13 those policies.

14 UNIDENTIFIED SPEAKER: Yes.

15 MR. COLLINS: That's even better. I just didn't know if
16 they would vary from location to location, because it was either
17 different vehicles or different kinds of offenders. But if it's a
18 standard policy across the department, that's even better.

19 UNIDENTIFIED SPEAKER: Yes, sir.

20 MR. COLLINS: Consistency is always good, unless you're
21 my 12-year-old, then he's consistently in trouble, but that's
22 okay.

23 MR. COLLINS: Does that SOP include anything on
24 emergency procedures? Say, the bus suffers a mechanical breakdown
25 or someone has a medical emergency on the vehicle?

1 UNIDENTIFIED SPEAKER: We do have an SOP that covers
2 emergency procedures, whether it be breakdown, mechanical,
3 accident.

4 MR. COLLINS: Okay.

5 UNIDENTIFIED SPEAKER: How that's to be responded to.

6 MR. COLLINS: A copy of that SOP would also be very
7 helpful. I know the bus was fairly new. It had a fleet number
8 or --

9 UNIDENTIFIED SPEAKER: Yes, sir.

10 MR. COLLINS: -- or it's assigned a unique identifier?

11 UNIDENTIFIED SPEAKER: Yes, sir.

12 MR. COLLINS: I believe I have that from the wreckage.

13 And it was purchased directly from Bluebird?

14 UNIDENTIFIED SPEAKER: Well, from Rush.

15 UNIDENTIFIED SPEAKER: From Rush.

16 MR. COLLINS: Rush.

17 UNIDENTIFIED SPEAKER: Rush is a Bluebird dealership.

18 UNIDENTIFIED SPEAKER: San Antonio?

19 UNIDENTIFIED SPEAKER: San Antonio. It was San Antonio
20 to --

21 MR. COLLINS: Okay.

22 UNIDENTIFIED SPEAKER: Selma.

23 UNIDENTIFIED SPEAKER: -- Selma, which is a suburb of
24 San Antonio.

25 MR. COLLINS: Which means it's only an hour away.

1 UNIDENTIFIED SPEAKER: That's right.

2 FEMALE SPEAKER: It's a great destination.

3 MR. COLLINS: I actually had occasion to visit San
4 Antonio once for a meeting, and it was nice. I don't know that I
5 actually made it to Selma. I'm slowly working my way across the
6 entire state, it seems.

7 UNIDENTIFIED SPEAKER: Well, we pray that we're not the
8 cause of you getting to tour the state again.

9 UNIDENTIFIED SPEAKER: Absolutely.

10 MR. COLLINS: No. Oh, me too.

11 UNIDENTIFIED SPEAKER: But he's been to Midland twice.
12 I can't understand why you went back.

13 MR. COLLINS: Well, like I said, the folks there were
14 awfully nice. It's just -- I just meet them on a really bad day.

15 UNIDENTIFIED SPEAKER: Yeah.

16 MR. COLLINS: And it was -- and we said earlier it came
17 from Bluebird with nothing inside of it whatsoever?

18 UNIDENTIFIED SPEAKER: It'll have the -- the driver's
19 seat will be the only thing affixed in the entire vehicle.

20 MR. COLLINS: And going through Rush, you told them,
21 hey, we're going to -- we need one for prisoner transport. So it
22 came from Bluebird configured a particular that was specified in
23 the contract, and it had maybe the seats and the other things, but
24 they were uninstalled?

25 UNIDENTIFIED SPEAKER: Correct.

1 UNIDENTIFIED SPEAKER: Correct.

2 MR. COLLINS: Okay. Do you know when this particular
3 bus was placed in service?

4 UNIDENTIFIED SPEAKER: We were looking the other day.

5 UNIDENTIFIED SPEAKER: I think we have it October --

6 UNIDENTIFIED SPEAKER: Yeah, October.

7 UNIDENTIFIED SPEAKER: Yeah, around --

8 UNIDENTIFIED SPEAKER: I can pull that for you.

9 UNIDENTIFIED SPEAKER: -- around the first week of
10 October. We completed it at the Wind (ph.) unit here locally.

11 MR. COLLINS: Okay.

12 UNIDENTIFIED SPEAKER: And then we worked with Cal
13 Coston on them picking it up.

14 MR. COLLINS: Do you know or could you check and pull
15 for me if you've done any maintenance to it since October?

16 UNIDENTIFIED SPEAKER: The only two work orders on the
17 bus is the installation of the security.

18 MR. COLLINS: Okay.

19 UNIDENTIFIED SPEAKER: And the oil change at Big Rigs in
20 -- Abilene?

21 UNIDENTIFIED SPEAKER: Abilene.

22 UNIDENTIFIED SPEAKER: Abilene, Texas.

23 UNIDENTIFIED SPEAKER: So, of course, that first work
24 order for the security would be before October the 3rd, before we
25 shipped it out. So the only work done on the bus once it went in

1 the fleet was oil change.

2 UNIDENTIFIED SPEAKER: Was an oil change, sir.

3 UNIDENTIFIED SPEAKER: So we've got 8,000 miles, a
4 little over 8,000 miles on it --

5 UNIDENTIFIED SPEAKER: There's 15 on that bus, 15,000.

6 UNIDENTIFIED SPEAKER: Yeah, it was almost --

7 UNIDENTIFIED SPEAKER: Already?

8 UNIDENTIFIED SPEAKER: Yes.

9 UNIDENTIFIED SPEAKER: On the new one it was 15.

10 MR. COLLINS: You certainly work them buses out, don't
11 you?

12 UNIDENTIFIED SPEAKER: Yeah, we got --

13 UNIDENTIFIED SPEAKER: Yes, sir. If they give them to
14 me, I use them.

15 MR. COLLINS: I guess they're not paying you to let them
16 sit in the yard and look pretty, are they?

17 UNIDENTIFIED SPEAKER: No, sir.

18 MR. COLLINS: All right.

19 UNIDENTIFIED SPEAKER: We have some 5's, 10's, and 15's.

20 UNIDENTIFIED SPEAKER: Yeah, some of the older buses
21 still require 5,000.

22 UNIDENTIFIED SPEAKER: You can go back to when it
23 transferred to get a date, can you not?

24 UNIDENTIFIED SPEAKER: Sir, I got a date on it. I just
25 have to get on my computer and get it.

1 UNIDENTIFIED SPEAKER: Yeah, I think we've got it. I
2 think Darren's got it.

3 MR. PETTY: It was released -- Robert Petty. It was
4 released on the 3rd of October.

5 MR. COLLINS: Okay.

6 MR. COLLINS: For the vehicles do you keep a maintenance
7 file? Say it has the oil changed or it has a work order
8 associated with it, you have that filed somewhere?

9 UNIDENTIFIED SPEAKER: We do.

10 MR. COLLINS: If I could get a copy of the one for the
11 accident bus, the file on it --

12 UNIDENTIFIED SPEAKER: Correct.

13 MR. COLLINS: -- that would be very helpful. And this
14 might be directed for you, sir. A given particular bus -- I'm
15 sensing from your general description of how many moves you do
16 that a lot of your fleet doesn't sit still. So you could probably
17 say that this bus was used daily or close to daily or --

18 UNIDENTIFIED SPEAKER: Probably close to daily. Close
19 to daily.

20 MR. COLLINS: Several times a week it was probably
21 engaged in some sort of maneuver?

22 UNIDENTIFIED SPEAKER: Yes, sir.

23 MR. COLLINS: Okay. And the kind and length of trips
24 would vary for any particular unit based on your needs, any
25 particular vehicle based on your needs?

1 UNIDENTIFIED SPEAKER: Yes, sir. Depending on the need
2 for the day, and the group of vehicles that we have, and then we
3 assign them according to where they're going.

4 MR. COLLINS: Do you keep a list that would be able to
5 tell me that -- say, this vehicle was vehicle number 1, that
6 vehicle number 1 on this date did this trip and vehicle number one
7 on this date did that trip?

8 UNIDENTIFIED SPEAKER: Yes. We keep a mileage log that
9 shows where they went.

10 MR. COLLINS: And a copy of that for the bus involved in
11 the crash, again, would be very helpful for us. And that log
12 would be able to tell me if it had gone between El Paso and
13 Abilene before?

14 UNIDENTIFIED SPEAKER: Yes, sir.

15 MR. COLLINS: Okay. And I think this goes more directly
16 to you. Do you know -- and I imagine it will be in the
17 maintenance file, but do you know off the top of your head if
18 anyone had reported any problems with that particular vehicle?

19 UNIDENTIFIED SPEAKER: No, they had not.

20 MR. COLLINS: No, they had not. Okay.

21 Switch gears a little bit. How many of your officers
22 can drive these prisoner transport vehicles?

23 UNIDENTIFIED SPEAKER: All of the officers assigned to
24 me can.

25 MR. COLLINS: Okay, and roughly how many officers is

1 that?

2 UNIDENTIFIED SPEAKER: 3- --

3 UNIDENTIFIED SPEAKER: Our total number is 319, but it's
4 just averaging about 14, 15 short. I can get you the correct
5 number.

6 UNIDENTIFIED SPEAKER: Approximately 300.

7 MR. COLLINS: That would be very helpful. And across
8 the department, how many officers are there?

9 UNIDENTIFIED SPEAKER: That's statewide. Statewide.

10 MR. COLLINS: That's statewide?

11 UNIDENTIFIED SPEAKER: In offender transportation.

12 MR. COLLINS: In offender transportation. And in the
13 entire TDCJ, how many officers are you looking at there?

14 UNIDENTIFIED SPEAKER: Again, in regards to -- well --

15 MR. COLLINS: Ballpark is fine.

16 UNIDENTIFIED SPEAKER: Yeah, about 28,000.

17 MR. COLLINS: Okay. So out of 28,000 officers, more or
18 less across the entire state of Texas, roughly right now 319 of
19 them can drive for prisoner transport?

20 UNIDENTIFIED SPEAKER: Yes, sir. They're assigned to
21 offender transportation.

22 MR. COLLINS: Offender transportation.

23 UNIDENTIFIED SPEAKER: That can drive a bus, have a CDL.

24 UNIDENTIFIED SPEAKER: But we have transport vans on
25 every one of our facilities. Basically all of our correctional

1 officers can drive a transportation van.

2 UNIDENTIFIED SPEAKER: Yes, sir.

3 UNIDENTIFIED SPEAKER: So a valid driver's license.

4 MR. COLLINS: So all 28,000 could drive a van. And you
5 have right now roughly 319 that can drive a vehicle that requires
6 CDL?

7 UNIDENTIFIED SPEAKER: That is correct.

8 UNIDENTIFIED SPEAKER: No. I wish -- they do. They do.

9 UNIDENTIFIED SPEAKER: Yes, we do.

10 UNIDENTIFIED SPEAKER: We have a passenger van.

11 UNIDENTIFIED SPEAKER: Because we have tractor trucks,
12 we have CDL drivers that carry all of our goods. So the way you
13 said it, not to get down to the weeds, but we have --

14 MR. COLLINS: No, please. That way I know I'm straight.
15 We get in weeds.

16 UNIDENTIFIED SPEAKER: Right. We have -- probably in
17 the agency there's over 500 CDL drivers. Of that, 300 or so are
18 in offender transportation.

19 UNIDENTIFIED SPEAKER: With a passenger endorsement on
20 their CDL.

21 UNIDENTIFIED SPEAKER: Yes.

22 MR. COLLINS: Okay. Just to make sure I got my numbers
23 right. 28,000 officers of which 500 or so carry CDLs, and of
24 those, roughly 300 or so will carry the passenger endorsement so
25 they can engage in a prisoner transport for you.

1 UNIDENTIFIED SPEAKER: Correct.

2 MR. COLLINS: Okay.

3 UNIDENTIFIED SPEAKER: Go ahead.

4 UNIDENTIFIED SPEAKER: I think 300 are employed to drive
5 buses.

6 MR. COLLINS: Okay.

7 UNIDENTIFIED SPEAKER: That's their only job.

8 UNIDENTIFIED SPEAKER: That's their job. That's their
9 function. There's a lot of officers out there that handle -- have
10 CDLs with passenger endorsement.

11 MR. COLLINS: Well, good clarification. Thank you.

12 MS. DAVIS: Perhaps the snapshot, you know, of the
13 overarching agency. And then within the different divisions, you
14 know, there's staff that's assigned to specific divisions.

15 MR. COLLINS: Okay.

16 MS. DAVIS: And so as you follow it down, when you come
17 down over here to offender transportation, say, a correctional
18 officer working a prisoner, a traditional prisoner, would be in
19 this division. But there is an entire division that is nothing
20 but offender transportation who specifically have a responsibility
21 in this situation of the buses. That's who moves those. And
22 those people in that division have CDLs.

23 MR. COLLINS: Okay. So if I'm understanding correctly,
24 an officer is assigned to a division where he's working a
25 traditional brick and mortar prison, would not -- it would not be

1 in the normal course of his duties to engage in transport.

2 UNIDENTIFIED SPEAKER: That is correct.

3 MR. COLLINS: You have officers specifically assigned
4 and specifically hired to transport them, and I would imagine
5 specifically trained?

6 UNIDENTIFIED SPEAKER: That is correct.

7 UNIDENTIFIED SPEAKER: Now again going back to what
8 Mr. Lumpkin said, you know, the officer on the brick and mortar
9 facility could transport an offender from the unit to a hospital
10 in a van. But in a Bluebird, in a transport bus, all of that is
11 handled through Warden Coston's department and his 319 drivers.

12 MR. LANGLOSS: So the other 200 CDL drivers that are
13 employed needing a CDL, what division do they work for?

14 UNIDENTIFIED SPEAKER: Yeah, they're not part of that
15 28,000. They are, like Ms. Davis said, that's part of our system.
16 They're part of the manufacturing logistics division and they
17 operate a number of things, whether it's a tractor truck
18 delivering goods from warehouses, they're our wrecker drivers.
19 Some of our mechanics may have CDLs.

20 MR. COLLINS: Okay.

21 UNIDENTIFIED SPEAKER: And might have a few in
22 Facilities in the construction business.

23 UNIDENTIFIED SPEAKER: Sure. Yeah, exactly. And also
24 we have approximately 50 offenders that have their CDLs that
25 operate our tractor trucks. They go on convoys with a TCJ

1 employee that is a truck driver.

2 MR. COLLINS: Okay.

3 UNIDENTIFIED SPEAKER: You may see going down Interstate
4 45 four TCJ trucks with one civilian employee driving the truck
5 and then three others following, or in front of that driver in a
6 convoy. They have to meet the same DOT requirements, drug
7 testing, and so forth.

8 MR. LANGLOSS: Okay, and that's in addition to the 500?

9 UNIDENTIFIED SPEAKER: Sure, yes.

10 MR. LANGLOSS: Okay.

11 MR. COLLINS: On your drivers engaged in transport, what
12 records do you keep related to their driving and their
13 certifications and licensing and such?

14 UNIDENTIFIED SPEAKER: We maintain a copy of their
15 driver's license to make sure they're up to date. We run what we
16 call TLETS through DPS, Department of Public Safety. Once a year
17 on their annual anniversary date of hire, we pull that to look at
18 their driving record to make sure there haven't been any kind of
19 tickets or anything that was -- we didn't know about. We check
20 those, and then we keep a copy of their DOT physical, and then
21 they undergo random drug testing as well.

22 MR. COLLINS: Okay. Now it's my understanding from the
23 folks that were working with us on the scene, and also the DPS,
24 that we're not 100 percent sure which of the two officers was
25 driving the bus, but we believe that it was Officer Garcia. Is

1 that consistent with your understanding, or has nobody mentioned
2 that?

3 UNIDENTIFIED SPEAKER: The only part that we know
4 factually about the driver of the bus, when the bus departed the
5 Middleton unit in Abilene, we know Officer Self, Jason Self was
6 driving the bus. We know that at approximately 7:00 that morning
7 the bus made a stop in [REDACTED] which it routinely does at that
8 location.

9 MR. COLLINS: Okay.

10 UNIDENTIFIED SPEAKER: They do a stop for a restroom
11 break for the officers and they change drivers at that location.

12 MR. COLLINS: Okay.

13 UNIDENTIFIED SPEAKER: Okay. We do not know factually
14 who took over the wheel at that stop. We know now based on the
15 information that we're getting that Officer Self ended up in the
16 rear of the bus, and that left Officer Davis and Officer Garcia at
17 the front of the bus. But we are not 100 percent sure who was
18 driving the bus.

19 MR. COLLINS: Okay. And from the folks at DPS and us on
20 scene, we're not either. We're -- at this point we're proceeding
21 under the assumption that it was Officer Garcia, in part due to
22 the nature of the injuries he sustained. They're more consistent
23 with being a driver than not, so -- but we're also trying to
24 narrow that down on our end as well. So I don't know anything
25 that you don't. You don't know anything that I don't. I think

1 we're all on the same page.

2 But in light of that, if I could get a copy of the
3 driver's file you have for Officer Garcia? And actually if you'll
4 let me hedge my bets, for both officers? And as we narrow out
5 which one, I'll simply destroy the one that we won't need, if
6 that's okay with y'all. That way I won't have to come back and
7 bug you for the other one.

8 UNIDENTIFIED SPEAKER: Okay.

9 MR. COLLINS: Are there any minimum qualifications in
10 order to drive for you in prisoner transport beyond having the CDL
11 with the passenger endorsement?

12 UNIDENTIFIED SPEAKER: Yes, sir. Besides having the CDL
13 and passenger endorsement, they have to be a Correctional Officer
14 III. In other words, they have to been on the unit and worked up
15 to 18 months first.

16 UNIDENTIFIED SPEAKER: Is it 9 months now?

17 UNIDENTIFIED SPEAKER: Oh, it's accelerated now. That's
18 correct.

19 UNIDENTIFIED SPEAKER: They have to reach that status
20 before we'll interview them to come work for us.

21 MR. COLLINS: For transport, okay.

22 UNIDENTIFIED SPEAKER: Correct. So basically that's it:
23 They have to have been there, have to have their CDL driver's
24 license. And then just due to the fact that people want to work
25 there, we do interviews with those members and choose from that

1 who we feel like is the best applicant to fit the position.

2 MR. COLLINS: Okay.

3 UNIDENTIFIED SPEAKER: We have a standard posting for
4 offender transportation officers. Within our agency there's a
5 standing posting. So if Michael Upshaw is working on the LS unit,
6 and I'm interested in going to work in offender transportation, I
7 would fill out an application for that job and submit it. And
8 when Mr. -- Warden Coston gets an opening, there may be 10, there
9 maybe 5, there may be 20 officers that's interested in it. So
10 then he and his team would schedule interviews for that group of
11 officers, and conduct interviews, a series of questions. And then
12 they select who they feel is the best fit for that particular
13 position opening.

14 MR. COLLINS: And is this a written posting somewhere,
15 or?

16 UNIDENTIFIED SPEAKER: Yeah, the posting is written.
17 Yes, sir. Correct.

18 MR. COLLINS: I would love to obtain a copy of that just
19 because it'll help me explain what -- I'm sure it says what the
20 qualifications are, to help me document those.

21 UNIDENTIFIED SPEAKER: Yes, it does.

22 UNIDENTIFIED SPEAKER: It does.

23 MR. COLLINS: And the application they fill out, is that
24 a specialized application for prisoner transport or it's just a --

25 UNIDENTIFIED SPEAKER: Just a general.

1 MR. COLLINS: Okay. And you said you take them through
2 an interview; is that a formalized structured process or -- where
3 you follow a script almost, or is it --

4 UNIDENTIFIED SPEAKER: Yes, sir. We have a set of
5 questions. Now, those questions vary. We change them from time
6 to time, because if I ask the same question every time, they're
7 going to -- the word will get back.

8 MR. COLLINS: Everybody knows what to prepare for.

9 UNIDENTIFIED SPEAKER: They'll know what to prepare for,
10 so we rotate that basically just to see their thinking skills. We
11 ask them, hey, what would you do in this situation? So yes, it's
12 -- when we do a set of interviews it's the same question for each
13 person that comes in. Now, next month when we do it -- it may --

14 UNIDENTIFIED SPEAKER: Next month could be different.

15 UNIDENTIFIED SPEAKER: -- could be a little different.

16 MR. COLLINS: Okay.

17 UNIDENTIFIED SPEAKER: And we basically have -- through
18 our HR department, we basically have policies and procedures that
19 guide us as to whether it be a promotional board or a preferred
20 position. That's what we would call this, a preferred position.

21 MR. COLLINS: Okay.

22 UNIDENTIFIED SPEAKER: And we have policy and procedure
23 that gives us the guidelines to stay within.

24 MR. COLLINS: From the HR folks, if you have the
25 guidance for this preferred position, that would also be very

1 helpful in helping us just document how this is done.

2 I don't think I said this earlier, but we do this level
3 of detail and this sort of documentation because I'm sure you all
4 have seen on the news that everybody crawls out of the woodwork
5 after a tragedy and has their own theory. So a lot of the
6 questions I ask is just to put in the background, and it doesn't
7 mean anything at all in the long run. But if we don't ask the
8 1,000 questions up front, everybody comes behind all of us and
9 says, well, you didn't ask about this or you didn't ask about that
10 and maybe that was the reason.

11 So asking all these questions and getting all this
12 information really helps me ignore the unimportant things and then
13 let us focus really on where the system broke. So I'm going to go
14 all over the place and get into the weeds some, but it's really
15 just to -- I tell people my job is asking 1,000 questions, and the
16 answer 995 times is no. So it just lets me focus on those last
17 five questions.

18 We did talk about some drug testing. Do the drivers
19 that drive for you undergo -- say, I'm newly selected to come to
20 the prisoner -- offender transport unit. Do I undergo pre-
21 employment drug testing?

22 UNIDENTIFIED SPEAKER: Yes.

23 MR. COLLINS: And your drivers are also -- or let me
24 back up. Are they in a random pool?

25 UNIDENTIFIED SPEAKER: Yes.

1 MR. COLLINS: And how is that pool -- what is that pool
2 comprised of?

3 MS. GARCIA: And I think -- this is Patty Garcia. I
4 think the best person to answer that is Substance Control Officer
5 Carol Warren.

6 MR. COLLINS: Okay.

7 UNIDENTIFIED SPEAKER: This is Carol Warren. Yes, all
8 of our drivers, when they get hired, the HR, Warden Coston's
9 department, they notify me that they have offered a job to a
10 potential employee and we send them -- they send them, actually
11 give them the offer, give them a deadline in which to have their
12 drug test done.

13 MR. COLLINS: Okay.

14 UNIDENTIFIED SPEAKER: Then when I get the result in,
15 then I then notify back to their HR that this driver is now clear.
16 And once they have that pre-employment DOT drug test, then they
17 are automatically in our driver pool and subject to random testing
18 if their name comes up.

19 MR. COLLINS: And how is the random pool managed? Do
20 you talk with them --

21 UNIDENTIFIED SPEAKER: Well, our vendor that oversees
22 our -- they're like our third-party administrator that oversees
23 our drug testing, they have a list of all of our drivers, all of
24 our commercial drivers. And so quarterly, they will send me a
25 list of who was selected for that period of time out of that list.

1 MR. COLLINS: Okay.

2 UNIDENTIFIED SPEAKER: And then at that point then I
3 call and contact each supervisor, each area, and we schedule
4 whichever drivers were selected for random testing.

5 MR. COLLINS: Okay. And if I was a driver in the pool
6 and I was selected, how would I be notified? I'd come into work
7 on a day and my supervisor would tell me, you win?

8 UNIDENTIFIED SPEAKER: Yeah, exactly. Like for
9 instance, like with Mr. Kroll, he has driver's that have CDLs
10 under him. So when I get the randoms, I call him and say John Doe
11 and Mary Sue have been selected, when can we -- we need to
12 schedule them; what is a day to select them; when will they be
13 working, whatever. Mr. Kroll tells me Tuesday, this Tuesday is a
14 good day; they should be at work. And then at that point he, you
15 know, he does not -- obviously does not notify them, but on
16 Tuesday or the day before I actually send him an authorization
17 form.

18 MR. COLLINS: Okay.

19 UNIDENTIFIED SPEAKER: And on the day -- on Tuesday, he
20 goes to John Doe and say basically you're the lucky winner, you've
21 been selected; here, you have to go down to the site. And he
22 notifies them and then they leave to go to our collection site in
23 whatever area they're in. Have their test, come back to work, I
24 get the results. If they're good, I don't notify him. He knows
25 no news is good news. And obviously, if I were -- there was

1 something, then I would immediately notify him that that driver
2 has tested positive and that he needs to remove him from duty.

3 MR. COLLINS: Okay. And who's you vendor?

4 UNIDENTIFIED SPEAKER: Texas Alcohol and Drug Testing
5 Service.

6 MR. COLLINS: I'm familiar with them. And your pool is
7 comprised just of your drivers?

8 UNIDENTIFIED SPEAKER: Yes, just of our agency drivers.

9 MR. COLLINS: But across all of the divisions, prisoner
10 transport, (indiscernible) --

11 UNIDENTIFIED SPEAKER: Yes.

12 UNIDENTIFIED SPEAKER: Including offenders.

13 MS. WARREN: Yes.

14 UNIDENTIFIED SPEAKER: Including the offenders.

15 MS. WARREN: Our offenders, we gather them, we call what
16 -- freight transportation, which is our 18 wheelers, and our
17 mechanics and such that are required to have it. We have offender
18 transportation, all of them are in this. And then what we just
19 call our unit drivers, or other, is going to be like maintenance
20 that maybe they driver trash trucks. Or we may have offenders or
21 employees that drive a bus that -- they're on a unit, and they
22 transport them like community service or a field squad. They
23 drive a bus to transport them.

24 MR. COLLINS: Okay.

25 MS. WARREN: So they're not really in offender

1 transportation, they're not really in freight transportation, so
2 we call them internally unit drivers. So all of them, everyone
3 that has a CDL and drives any kind of a commercial vehicle for our
4 agency is in that pool.

5 MR. COLLINS: Okay.

6 UNIDENTIFIED SPEAKER: Carol, do you know how many CDL
7 drivers we have?

8 MS. WARREN: We have approximately 800. Right around
9 there, 800, a little bit less. And that's, like I said, that's
10 everyone, including offenders.

11 UNIDENTIFIED SPEAKER: That's everybody though.

12 MR. COLLINS: That's prison transport, offenders,
13 logistics, that's about 800 in the pool?

14 MS. WARREN: Yes.

15 UNIDENTIFIED SPEAKER: Is the frequency of the CDL pool
16 different from the random pool?

17 MS. WARREN: Of our agency randoms? Yes, because our agency
18 randoms, we do them every month. Our DOT, we do them quarterly.

19 UNIDENTIFIED SPEAKER: And that might be
20 (indiscernible), because those same employees is under our
21 security pool also.

22 MS. WARREN: Right. So --

23 MR. LANGLOSS: So they are in both pools?

24 UNIDENTIFIED SPEAKER: They're in both.

25 MR. COLLINS: Two separate pools, but you are in both of

1 them?

2 MS. WARREN: Yes, our agency random pool is for anyone
3 that's in a hazardous duty position, which obviously is pretty
4 much anybody on a unit, security if they work on a unit. So
5 they're in -- so our security drivers, whether it's freight,
6 offender transportation, or unit drivers, they're all in that
7 pool. So technically if the month we do random testing, and if
8 that's the same time we're doing DOT testing, they can be pulled
9 for the random and then the next week or the next day they can be
10 selected for DOT testing.

11 UNIDENTIFIED SPEAKER: And that's happened.

12 MS. WARREN: Yes, and that has happened, yes. Two
13 times, yes, they could be.

14 MR. LANGLOSS: So when that does happen --

15 MS. WARREN: Yes, sir.

16 MR. LANGLOSS: -- and they're pulled -- let's just say
17 they're both pulled, and you say Tuesdays' a good day and you get
18 a call tomorrow and you say, well, I guess Tuesday's a good day
19 also since he got pulled for both. Which test do you do first?

20 MS. WARREN: Usually whoever's called -- whichever's
21 notification comes in first. Normally though, what we call list
22 recipients -- like Mr. Lumpkin is a list recipient for our agency
23 randoms. That's what we refer to the division or the department
24 heads that get the list of everyone in his division that's been
25 selected. He has 7 days in which to notify those employees that

1 they've been selected and to send them.

2 MR. COLLINS: Okay.

3 MS. WARREN: So if he were to -- say, someone in
4 Mr. Kroll's area was selected, and Mr. Lumpkin's office notifies
5 probably Mr. Kroll -- I'm not exactly sure what their protocol is.
6 But say notifies Mr. Kroll that one of his employees was selected
7 for our agency randoms, and if I have contacted Mr. Kroll already,
8 and he says -- he had told me already Tuesday, then most likely,
9 and correct me if I'd be wrong, he would probably tell
10 Mr. Lumpkin, well, Tuesday is not a good day because I'm already
11 sending him for DOT random; let's do Wednesday or whatever works
12 for them. But I would say if it happened and they both -- then
13 whoever, to me, would be the first person to notify is the first
14 person that goes.

15 UNIDENTIFIED SPEAKER: Because the list recipient that
16 we get, that's not where we get a call the day before to say
17 what's a good day. We just get it and the 7-day clock starts.

18 MS. WARREN: And he has 7 days, yes.

19 UNIDENTIFIED SPEAKER: It starts ticking.

20 MR. COLLINS: It starts ticking.

21 MS. WARREN: And it's his prerogative to what day in
22 those 7 days he chooses to send his employee.

23 MR. COLLINS: So it's possible that someone could
24 literally have two back to back.

25 MS. WARREN: Yes, sir.

1 MR. COLLINS: But I'm hearing that that may not be
2 terribly likely because there's some flexibility in when you can
3 send them because you have the 7 days.

4 UNIDENTIFIED SPEAKER: Right.

5 MR. COLLINS: So you would try to avoid bang, bang, put a
6 day in there or put something in there. Okay.

7 UNIDENTIFIED SPEAKER: But they could be tested twice in
8 month, I mean.

9 MR. COLLINS: Yes.

10 UNIDENTIFIED SPEAKER: Yeah, do their DOT test today and
11 2 weeks from now they get pulled.

12 MR. LANGLOSS: And are they both urinalysis?

13 MS. WARREN: Yes, sir.

14 MR. LANGLOSS: Okay, and so you would never do them with
15 the same sample?

16 MS. WARREN: No, sir. No.

17 MR. LANGLOSS: Okay. So they're done at two different --

18 MS. WARREN: Two different times. Because the DOT is
19 different.

20 UNIDENTIFIED SPEAKER: I don't know what extent the exam
21 DOT allows --

22 MS. WARREN: Yes.

23 MR. LANGLOSS: Well, it's why I asked, because you
24 actually can do them within the first sample. It's just the first
25 45 millimeter has to be the DOT, which is why I asked which one

1 came first.

2 MS. WARREN: Right, right.

3 MR. COLLINS: And could I get just a little bit of
4 documentation on the pool? Just the numbers on how many drivers
5 are in the random DOT pool and how that selection process works --
6 and you've given me the name of the vendor so that's fantastic --
7 just to document that, because it is one of the requirements, as
8 you're well aware.

9 UNIDENTIFIED SPEAKER: And all of them are pre-job, are
10 they not?

11 MS. WARREN: I'm sorry, pardon?

12 UNIDENTIFIED SPEAKER: Well, our drivers you got to pass
13 -- you drive a truck, it's not random, but when you go to driving
14 a truck. Is the buses the same way?

15 MS. WARREN: Right. Everyone has to have their pre-
16 employment. So even though they're considered working for us,
17 before they drive a commercial vehicle for our agency, they have
18 to have what we call the pre-employment drug test.

19 MR. COLLINS: And you keep a historical record? Say,
20 I'm a driver and I get pulled randomly, you keep that?

21 UNIDENTIFIED SPEAKER: Yes, sir. I have a file that's
22 on each of our commercial drivers. And so it has all of their
23 drug tests that were done while they've been a driver for us.

24 MR. COLLINS: And if I could get a copy of Officer
25 Garcia's file, that would be very helpful as well. And just some

1 -- like I said, some general information on the size of the pool
2 and how many drivers were randomly selected, or how many are
3 selected in a quarter, because you said it goes quarterly.

4 UNIDENTIFIED SPEAKER: Yes, sir.

5 MR. COLLINS: Just so we can document that. And
6 hopefully you haven't had to do this very often, but do you also
7 do post-crash or post-accident?

8 UNIDENTIFIED SPEAKER: Yes, sir.

9 MR. COLLINS: Okay. So what happens if -- and we'll
10 stay within the realm of offender transport. What happens if a
11 driver in offender transport fails either -- fails the random DOT
12 test?

13 UNIDENTIFIED SPEAKER: Then I would notify Warden Coston
14 immediately that his driver has failed his test and he's to remove
15 immediately from duty.

16 MR. COLLINS: Okay.

17 UNIDENTIFIED SPEAKER: And then he would face our agency
18 disciplinary. He would go through our disciplinary process.

19 MR. COLLINS: Okay. We covered all of those.

20 How do you assign a -- Warden Coston, how do you assign
21 a driver to a particular trip?

22 UNIDENTIFIED SPEAKER: Our supervisors, they have
23 sergeants, lieutenants, and they -- weekly, we'll do a schedule a
24 week at a time.

25 MR. COLLINS: Okay.

1 UNIDENTIFIED SPEAKER: And we try to rotate those
2 officers of their assignments to battle complacency, because we do
3 the same thing every day. So they just randomly pull those
4 employees and assign them a route for that day for a week's period
5 of time. So there's not a -- Mr. Lumpkin is always going to go to
6 El Paso. He may go this week, and next week it's Mr. Kroll.

7 MR. COLLINS: Okay.

8 UNIDENTIFIED SPEAKER: So it's an assignment done
9 weekly, but they rotate their routes that they drive.

10 MR. COLLINS: So if the week starts Sunday and runs to
11 Saturday, a few days before Sunday, the supervisor will take the
12 driver's he's responsible for. He knows what moves are going to
13 be made in the upcoming week and he'll assign them around
14 randomly. And then that list is published so the drivers know
15 that starting on Sunday, this is the one I have one Sunday, this
16 is the one I have on Monday?

17 UNIDENTIFIED SPEAKER: Yes, sir. Well, we work a Monday
18 through Friday.

19 MR. COLLINS: Okay, Monday through Friday.

20 UNIDENTIFIED SPEAKER: For the most part. And on
21 Wednesday they do that schedule, and it's posted Thursday for the
22 following week. So they have several days advanced notice that
23 they'll be traveling overnight or a long distance, or --

24 MR. COLLINS: And there were three officers on this
25 particular vehicle. Are they assigned as a unit or are they sort

1 of randomly assigned as well? Would these three gentlemen always
2 work with each other or would they --

3 UNIDENTIFIED SPEAKER: No, sir.

4 MR. COLLINS: It would be random?

5 UNIDENTIFIED SPEAKER: It would be random as well.

6 MR. COLLINS: Okay.

7 UNIDENTIFIED SPEAKER: They all work in the same hub.

8 MR. COLLINS: Right.

9 UNIDENTIFIED SPEAKER: What we call our transportation
10 hub. So they're all familiar with each other, but they're not the
11 same three that work every day on the bus together.

12 MR. COLLINS: It's not always these three gentlemen on
13 the bus.

14 UNIDENTIFIED SPEAKER: That's correct.

15 MR. COLLINS: No matter where the bus is going. It
16 could be --

17 UNIDENTIFIED SPEAKER: Mr. Garcia with two other
18 officers.

19 MR. COLLINS: Right, okay.

20 UNIDENTIFIED SPEAKER: A pool of 40 employees, and they
21 --

22 MR. COLLINS: And they just, yeah. I think follow.

23 If I could get copies of the schedule for the week of
24 the accident and the 2 weeks prior, specifically for Officer
25 Garcia. I don't need all 40, I mean, unless it's one piece of

1 paper.

2 UNIDENTIFIED SPEAKER: It's one piece of paper.

3 MR. COLLINS: And do your drivers -- and we did say
4 earlier, I believe I asked this earlier, they do undergo some
5 special training prior? They have a CDL, they have the passenger
6 endorsement, but you take them through some special training in
7 house prior to them being released to driving prisoner transport?

8 WARDEN COSTON: They spend the first couple of weeks, at
9 a minimum, with some basic training and orientation to what we do,
10 because it's a little different than the unit. And about a year
11 and a half ago we started -- we have a fleet safety guy that goes
12 in and teaches defensive driving to all the employees.

13 MR. COLLINS: Okay.

14 UNIDENTIFIED SPEAKER: We started that about a year and
15 a half ago. And then we cover several videos of safety tips. Not
16 just driver safety, but security safety issues as well. So they
17 spend about 2 weeks going through some orientation before they
18 actually hit the road, per se, driving. And when they hit the
19 road to drive, we put them with an experienced officer for the
20 first few weeks.

21 MR. COLLINS: Okay, some sort of a mentorship almost
22 program.

23 UNIDENTIFIED SPEAKER: Yes, sir.

24 MR. COLLINS: If you have a list of that training
25 materials, the videos and whatnot they're given, that would be

1 very helpful for me as well.

2 UNIDENTIFIED SPEAKER: There are videos with it. Do you
3 want those videos as well, that we utilize?

4 MR. COLLINS: You know, if you're not going to violate
5 any copyright restrictions that might be placed on you,
6 absolutely. Because it will help us again document.

7 One of the things we like to do in the course of an
8 investigation, if somebody's doing something well, they're going
9 above and beyond, we also do like to point that out. So being
10 able to explain to others the program that you have, and I'll be
11 honest, it sounds -- how well you're staying on top of your
12 drivers, that could be kind of held up as a guide to folks in
13 other states who may be having issues. And, you know, if
14 somebody's doing something the right way, we like to point that
15 out even more than saying, well, here's where the system broke.

16 UNIDENTIFIED SPEAKER: We won't have a problem providing
17 the video, I'm sure.

18 MR. COLLINS: Great. On a given morning -- I know, as
19 someone who works for you, Warden, that I'm going to be
20 transporting prisoners from A to B today, and I show up for my
21 shift, is there a pre-trip briefing or any special information
22 that's imparted right prior to beginning that transport?

23 WARDEN COSTON: Well, there's two things. We do what we
24 call a turnout. In other words, at 4:00 I have five buses go out.
25 Well, all those employees will come in and at 4:00 if there's some

1 pertinent information that needs to be passed on at that time to
2 that group, that would be the moment that it'd be passed on there
3 in that 15-, 20-minute period.

4 MR. COLLINS: Okay.

5 UNIDENTIFIED SPEAKER: And then if there's something
6 specific to a run, then that supervisor may pull in and say,
7 Dennis, you've got this offender or you've got this situation, so
8 just to make you aware of it. So there's that communication that
9 takes place before they leave each day.

10 MR. COLLINS: And what kind of information would be
11 contained in those two opportunities? Would it be just offender
12 based information or what gamut could it cover?

13 UNIDENTIFIED SPEAKER: Well, that period of time covers
14 sometimes -- we may cover a few minutes of a policy. We may cover
15 a safe driving tip.

16 MR. COLLINS: Okay.

17 UNIDENTIFIED SPEAKER: Hey, look it's raining, make sure
18 that when it's raining you slow down. We use that opportunity for
19 -- not only security training, but some safety training as well,
20 just to keep things fresh on our employees minds before they walk
21 out the door.

22 MR. COLLINS: Do you know if prior to the trip that
23 involved the crash, what, if any, special information was imparted
24 to those officers?

25 UNIDENTIFIED SPEAKER: I should have that.

1 MR. COLLINS: Okay. And, in general, are there any
2 special rules or procedures that govern the move from Abilene to
3 El Paso? Anything that's specific to that route or that trip?

4 UNIDENTIFIED SPEAKER: No, sir, nothing specific. We
5 try to keep, again, consistency with how we do every trip.

6 MR. COLLINS: Okay.

7 UNIDENTIFIED SPEAKER: You know, every trip follows that
8 same guideline regardless of the distance or location.

9 MR. COLLINS: That would be reasonable. I find that to
10 be reasonable, so --

11 UNIDENTIFIED SPEAKER: The only thing that's a little
12 unique about that trip is because of the distance, the officers go
13 spend the night and come back the next day.

14 MR. COLLINS: Okay.

15 UNIDENTIFIED SPEAKER: They don't make a turn-around
16 trip on that particular route. Most of our routes they go drop
17 off and they come home, or back to their hub, but that one they do
18 not.

19 MR. COLLINS: Is there a limit to the total duration of
20 my driving time? You said that this one is long so they remain
21 overnight. In general, is there a limit to the amount of hours I
22 could drive for you?

23 UNIDENTIFIED SPEAKER: We don't -- I mean, there's three
24 officers on there and they rotate through the day driving.

25 MR. COLLINS: Okay.

1 UNIDENTIFIED SPEAKER: So even at our longest spell, a
2 driver wouldn't drive 8 hours alone.

3 MR. COLLINS: Okay.

4 MR. LANGLOSS: What's the length of your longest trip?
5 How many hours would it take to cover your longest trip that one
6 set -- one group of officers would take?

7 UNIDENTIFIED SPEAKER: Here to El Paso, have a bus go to
8 El Paso. Or was that a special?

9 WARDEN COSTON: No, that's a regular route. I would say
10 actually the longest would probably be a 12. Because if it goes
11 beyond like a 12-hour one way, then we bust that up into 2 days if
12 possible.

13 MR. COLLINS: You find a secure location --

14 WARDEN COSTON: Well, we go from a unit to a unit.

15 MR. COLLINS: Yeah. Okay, so you -- and with the way
16 the units are scattered, if you're going to start -- if you have
17 go from, and I'll make it up, literally the eastern border of the
18 state to the western border of the state, you're not going to be
19 able to do that. So you'll find a unit (indiscernible) --

20 WARDEN COSTON: We work with classifications to move
21 part of them -- part of the way to a unit, and then the next day
22 take them the rest.

23 MR. LANGLOSS: So you're not going from here to El Paso
24 on one trip?

25 WARDEN COSTON: No, sir. No, sir.

1 MR. LANGLOSS: Okay.

2 MR. COLLINS: I'm not even -- how far is it from here to
3 El Paso?

4 UNIDENTIFIED SPEAKER: Almost a 1,000 miles.

5 MR. COLLINS: Holy mackerel.

6 UNIDENTIFIED SPEAKER: Just to give you an idea, you
7 just travelled a long ways to get here.

8 MR. COLLINS: And you all are making me think that I'm
9 going to have to go online and see how many times the state
10 Virginia can fit inside the state of Texas, just to entertain
11 myself.

12 UNIDENTIFIED SPEAKER: Well, I moved from Littleville to
13 Austin. And when I moved from Littleville to Austin, I discovered
14 I only moved 40 miles farther than what it was on the far east
15 coast, what is it, Beaumont, out in that area, to El Paso.

16 MR. COLLINS: That's remarkable.

17 UNIDENTIFIED SPEAKER: And I went through a bunch of
18 states to get here.

19 MR. COLLINS: Do you have in offender transportation an
20 inclement weather policy?

21 UNIDENTIFIED SPEAKER: No, sir.

22 MR. COLLINS: Okay. And I'm not casting any aspersions.
23 I would simply that if there is no policy, is that because the
24 needs of the move outweigh the needs of weather?

25 UNIDENTIFIED SPEAKER: No, sir. No, sir. It basically,

1 basically, and Warden Coston can go in more details than -- I'll
2 just start it off and he can take it from there. But basically in
3 regards to each one of our hubs, as he said earlier, he has seven
4 hubs throughout the state of Texas that has offender
5 transportation officers in them. Each one of the hubs have
6 supervisors, lieutenants or sergeants, both, at each one of the
7 hubs. One of the responsibilities of the supervisors every
8 morning is to check road conditions and situations whatever they
9 may be.

10 MR. COLLINS: Okay.

11 UNIDENTIFIED SPEAKER: They may find out there's an 18
12 wheeler that's overturned on Interstate 45 between here and
13 Houston, and they alert their drivers. You know, like, you've got
14 a situation, you need to take 75 this morning instead of 45,
15 because -- so they do that every morning, and that includes
16 inclement weather also. But as far as us having a policy that
17 says A, B, C, D, no, sir, we do not. I'll let Warden Coston kind
18 of take it from there and give more if there is more.

19 WARDEN COSTON: If those are -- because we have those
20 officers, those supervisors, in those hubs to let us know. Say,
21 Amarillo has bad weather going to be tomorrow.

22 MR. COLLINS: Okay.

23 WARDEN COSTON: Well, it may be 70 degrees at my office
24 in Beeville.

25 MR. COLLINS: Right.

1 WARDEN COSTON: So locally they track that weather and
2 they call, and they'll say the duty warden, whether it be me or
3 whether Dennis takes the call, whoever, hey, look, we've got
4 potential bad roads. And well, okay, where are you getting this
5 information? From TEXDOT, we've talked to counties, you know,
6 whatever.

7 UNIDENTIFIED SPEAKER: DPS.

8 WARDEN COSTON: DPS, wherever they've gathered that
9 information. And at that point we'll stop -- administration,
10 we'll look at it, and then if we determine, hey, look, you know,
11 there's some potential bad weather, then I move up the chain and
12 the decision will be made whether we need to wait until daylight
13 when it warms up further and it goes above that freezing mark or
14 whatever the case may be, make that determination from there.

15 UNIDENTIFIED SPEAKER: And we make them determinations
16 on an as-need basis. At that particular hub -- I'm not going to
17 know exactly when, but within the last month, we had that
18 situation.

19 WARDEN COSTON: Correct.

20 UNIDENTIFIED SPEAKER: It was pretty icy up there, and
21 it went through the process that Warden Coston just said. They
22 contacted me, I told them don't roll any buses today. So we shut
23 it down and we didn't put buses on the roads because of that.

24 MR. COLLINS: So, I would --

25 UNIDENTIFIED SPEAKER: Now we run in other parts of the

1 state.

2 MR. COLLINS: Right, because the weather's better.

3 UNIDENTIFIED SPEAKER: Because the weather was --

4 MR. COLLINS: I imagine Texas is so big you have all
5 kinds of weather every day.

6 UNIDENTIFIED SPEAKER: Absolutely.

7 MR. COLLINS: You have all weather.

8 UNIDENTIFIED SPEAKER: Right. Yes, sir.

9 MR. COLLINS: So I would personally characterize that as
10 you do have a policy. It may not be clearly defined, and in this
11 -- you know, it's not a math equation if this happens, then this
12 is going to happen. But you do have supervisors on the ground
13 locally who are monitoring conditions, who use their judgment to
14 determine whether or not this is a good idea or maybe we need to
15 discuss it, and it moves through the chain. And you have in the
16 past, recently in the past, if the conditions were poor enough,
17 determined we're not going to roll any buses today or we're going
18 to wait until the weather conditions change so it's a smarter
19 move. Would that be an accurate description of --

20 UNIDENTIFIED SPEAKER: Yes, sir. Absolutely.

21 UNIDENTIFIED SPEAKER: Yes, sir.

22 MR. COLLINS: Okay, that's outstanding.

23 MR. COLLINS: Does TDCJ have a seatbelt policy for the
24 officers that are working transport?

25 UNIDENTIFIED SPEAKER: We have a SOP, standard operating

1 procedure, that requires officers to wear their seatbelt. So
2 there's a seatbelt for each location for the officers to sit.

3 MR. COLLINS: Yes, sir.

4 UNIDENTIFIED SPEAKER: And they're supposed to wear it.

5 MR. COLLINS: And we discussed earlier the SOPs. That -
6 - seatbelt is part of that SOP we discussed earlier?

7 UNIDENTIFIED SPEAKER: Another one, but --

8 MR. COLLINS: If I could the seatbelt --

9 UNIDENTIFIED SPEAKER: Sure.

10 MR. COLLINS: And possibly a related one. Do you have a
11 SOP on cell phone use for the officers working transport?

12 UNIDENTIFIED SPEAKER: Is that spelled out? I believe
13 it's spelled out where the one doesn't -- whoever is riding
14 maintains the cell phone.

15 UNIDENTIFIED SPEAKER: I think it's within -- it's not a
16 specific policy, but it's within a policy.

17 MR. COLLINS: Okay, copy that.

18 UNIDENTIFIED SPEAKER: In other words, really, the only
19 thing as far as covering that is if you're driving you can't have
20 the phone, give it to your partner.

21 MR. COLLINS: And that's the -- I'm probably going to
22 mispronounce this, but the X-o-r-a --

23 UNIDENTIFIED SPEAKER: Xora.

24 MR. COLLINS: Xora.

25 UNIDENTIFIED SPEAKER: Attached to that cell phone.

1 MR. COLLINS: -- phone. Is there a policy governing an
2 officer's use of his personal phone?

3 UNIDENTIFIED SPEAKER: They're not supposed to take
4 their personal phone with them during the day. Unless they're
5 going to go on an overnight trip, then we allow them to carry it
6 at that point.

7 MR. COLLINS: Okay.

8 UNIDENTIFIED SPEAKER: So which in this situation it was
9 an overnight trip so they could have had their cell phones --
10 personal.

11 MR. COLLINS: Okay. And this is a question that our
12 motor carrier person asked, and I must admit I'm a little curious
13 too. And you pointed out here and you described a situation where
14 if a number of officers might be interested in joining offender
15 transport. Is there a particular incentive for working transport?
16 For example, is it a promotion or increased pay?

17 UNIDENTIFIED SPEAKER: No.

18 MR. COLLINS: Or is there a different motivation?
19 Because it sounds like you're a popular man to work for, not that
20 I'm sure the rest aren't, but --

21 UNIDENTIFIED SPEAKER: I don't think it has anything to
22 do with me, sir.

23 UNIDENTIFIED SPEAKER: It's Dennis. It's Dennis.

24 MR. COLLINS: Dennis? It's always Dennis.

25 UNIDENTIFIED SPEAKER: No, sir, to get off the units.

1 WARDEN COSTON: It's unique.

2 UNIDENTIFIED SPEAKER: It's a unique position.

3 MR. COLLINS: Do something a little different.

4 UNIDENTIFIED SPEAKER: It gives them an opportunity to
5 something different. There's no pay incentive, or --

6 MR. COLLINS: Okay.

7 FEMALE SPEAKER: Is it Monday through Friday?

8 UNIDENTIFIED SPEAKER: Usually off weekends.

9 WARDEN COSTON: And it is off weekends, normally off
10 weekends and holidays. That'd be --

11 MR. COLLINS: I can understand that.

12 UNIDENTIFIED SPEAKER: Yes. In normal conditions.

13 WARDEN COSTON: Normal conditions we're off weekends and
14 holidays.

15 MR. COLLINS: I can understand that the urge to do
16 something a little different is -- you know, you might like your
17 job, but broadening your horizons a little bit never hurt.

18 UNIDENTIFIED SPEAKER: Yeah, (indiscernible).

19 MR. COLLINS: Yeah, I can imagine that.

20 MR. COLLINS: Now, are there any processes in place to
21 monitor the particular hours that a driver does drive? Say, I
22 have moves scheduled Monday through Friday, and I know we can
23 rotate through, but is there any process in place to just keep
24 track of my hours for that given week, whether or not I've driven
25 20 or 30 or 40?

1 UNIDENTIFIED SPEAKER: We don't -- I wouldn't say we
2 track their driving hours. We do track their hours worked.

3 MR. COLLINS: Okay.

4 UNIDENTIFIED SPEAKER: And when they hit that 40 to 43
5 hours in a week, then we try to schedule them off.

6 MR. COLLINS: Okay.

7 UNIDENTIFIED SPEAKER: So that we don't pay overtime.

8 MR. COLLINS: I can understand that. So if I'm working
9 Monday through Friday, because I'm in the transport, and say
10 Thursday comes up and I'm starting to get close to that, we can
11 make adjustments to the schedule that I might not work in
12 transport on Friday?

13 UNIDENTIFIED SPEAKER: You might not work or we may put
14 you on a run that's only 2 hours long.

15 MR. COLLINS: A shorter one.

16 UNIDENTIFIED SPEAKER: Shorter.

17 MR. COLLINS: So to keep me --

18 UNIDENTIFIED SPEAKER: To manage your time.

19 MR. COLLINS: You're governing the driving time sort of
20 simultaneously with --

21 UNIDENTIFIED SPEAKER: By time management.

22 MR. COLLINS: -- hours, but not directly.

23 UNIDENTIFIED SPEAKER: But it's not necessarily driving
24 time. It's just their work hours.

25 MR. COLLINS: Okay.

1 UNIDENTIFIED SPEAKER: Because, again, three officers on
2 the bus, you know, they could have switched three times. So we
3 don't really know if Michael Upshaw drove 2 hours and
4 Mr. McConaughey drove 2 hours and Warden Coston drove 2 hours. We
5 just know we were on that route for 6 hours.

6 MR. COLLINS: Roger that.

7 UNIDENTIFIED SPEAKER: And -- you know.

8 MR. LANGLOSS: So is that up to the guards themselves to
9 determine who's going to drive at any given time? That's kind of
10 what I'm getting the feeling of.

11 UNIDENTIFIED SPEAKER: For the most part.

12 WARDEN COSTON: For the most part, yes, sir. We leave
13 that to them, between that team for that day.

14 MR. COLLINS: Which brings me back to something I should
15 have asked a minute ago. For the Abilene-El Paso run, as you
16 said, we know who started driving and we know where they stopped,
17 and you said it was their habit to stop in [REDACTED] On that
18 particular run are there other places that the drivers typically
19 stop or make a habit of stopping in order swap and facilities and
20 whatnot?

21 UNIDENTIFIED SPEAKER: We encourage them to stop at TDC
22 facilities or a county jail, but in some of those routes there's
23 not one available and they don't have designated I'm going to stop
24 at that 7-Eleven every time I come through here.

25 MR. COLLINS: Okay.

1 UNIDENTIFIED SPEAKER: I prefer them not to do that for
2 security purposes.

3 MR. COLLINS: Yeah, that's make sense.

4 UNIDENTIFIED SPEAKER: But we do allow them, if they
5 need to go to the restroom, to stop, go to the restroom, trade
6 drivers, just to keep someone fresh.

7 MR. COLLINS: On that particularly long move from
8 Abilene to El Paso, understanding they're not going to stop in the
9 same place, typically how many times do you think your drivers
10 typically stop making that trip?

11 UNIDENTIFIED SPEAKER: I would say twice. Two times
12 during that trip.

13 MR. COLLINS: Start, stop somewhere, stop somewhere
14 else.

15 UNIDENTIFIED SPEAKER: Break it in thirds.

16 MR. COLLINS: And then we're at the end, okay. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] UNIDENTIFIED SPEAKER: The other one would probably be

21 [REDACTED]

22 UNIDENTIFIED SPEAKER: [REDACTED] [REDACTED]

23 UNIDENTIFIED SPEAKER: Yes, sir.

24 UNIDENTIFIED SPEAKER: [REDACTED]

25 [REDACTED]

1 MR. COLLINS: Well, you could, but there's no point to
2 it.

3 UNIDENTIFIED SPEAKER: [REDACTED].

4 UNIDENTIFIED SPEAKER: [REDACTED]
[REDACTED] [REDACTED]

6 MR. COLLINS: I'm glad I don't have to go out that way.
7 I had an experience coming out of an airport in New Mexico, we did
8 a case when I was very early at the Board, and we left -- we were
9 about 20 miles outside the airport and all of the sudden my IIC,
10 who I was following his rental car, and me, and Wiley Coyote were
11 the only things I saw for about the next 2 hours other than
12 tumbleweeds. I found myself continually checking the gas gauge
13 just make sure because, man, there wasn't anything out there.

14 UNIDENTIFIED SPEAKER: No.

15 MR. COLLINS: It was a scary set of road.

16 I saw from the GPS data, and I'm not sure, someone I
17 talked to here was kind enough to provide that.

18 WARDEN COSTON: I did.

19 UNIDENTIFIED SPEAKER: I think it was Warden Coston.

20 MR. COLLINS: Thank you.

21 MR. COLLINS: I did take a look at that. And I see that
22 the unit that came on the bus started moving about 4:30. And
23 that's typical for this move, is a 4:30 start time?

24 UNIDENTIFIED SPEAKER: 4:00 is their sign-in.

25 MR. COLLINS: Okay.

1 UNIDENTIFIED SPEAKER: For that morning. So by the time
2 they have a little turnout for a few minutes and --

3 UNIDENTIFIED SPEAKER: Get their weapon.

4 UNIDENTIFIED SPEAKER: -- prepare their weapons and
5 their restraints and things, that's a very typical time frame.

6 MR. COLLINS: Okay, and you said we could get the
7 schedules from -- the schedule for the buses, so that would be a
8 big help. And we talked that there was more than likely a little
9 bit of pre-trip briefing from the supervision on the day and
10 you're going to work and see what maybe -- for me, what topics
11 they covered.

12 Typically is one of your officers placed in command of
13 the movement or is it just a shared team responsibility?

14 UNIDENTIFIED SPEAKER: It's just a team responsibility.

15 MR. COLLINS: Team responsibility. Now, and the Xora --
16 Xora, which is the correct pronunciation for that?

17 UNIDENTIFIED SPEAKER: I call it Xora, but I don't know
18 that that's correct.

19 MR. COLLINS: Well, you're using it; I'm just learning
20 about it. We'll go with Xora. And that is, as I understand it,
21 one of those is issued for every one of your moves?

22 UNIDENTIFIED SPEAKER: They are -- it is a cellphone-
23 based GPS system.

24 MR. COLLINS: Okay.

25 UNIDENTIFIED SPEAKER: We give -- each one of our routes

1 takes a phone with them.

2 MR. COLLINS: And you're having them take it with them
3 for what purposes?

4 UNIDENTIFIED SPEAKER: Well, for emergency situations.

5 MR. COLLINS: Okay.

6 UNIDENTIFIED SPEAKER: For communication. Because, for
7 instance, El Paso, once you get so far out, radio communication is
8 out the window, so cell phone is all you got.

9 MR. COLLINS: Okay. And you use the GPS function, or
10 you can use the GPS function to see where the unit is moving in
11 real time?

12 UNIDENTIFIED SPEAKER: Correct.

13 MR. COLLINS: And then also historically, which you were
14 able to provide to me, okay. And since it's a cellphone-based
15 service, is there a particular service provider like Verizon or
16 Sprint, or --

17 UNIDENTIFIED SPEAKER: I believe it's Verizon.

18 MR. COLLINS: If you could check on that for me? And do
19 you typically for those units, since they are cell phones, check
20 the call history or the activity on them either post-move or if
21 questions come up? Do you ever look at the cellular records
22 associated with that number on that unit to see if -- you know, as
23 a way of making sure weird things aren't going on during a move
24 and somebody's calling somebody or -- because if it's intended for
25 official communications --

1 UNIDENTIFIED SPEAKER: Correct.

2 MR. COLLINS: -- I would imagine you don't want folks --

3 UNIDENTIFIED SPEAKER: What the process for that,
4 Dennis, is those cell phone bills come in and they're split
5 according to what office they go to. For instance, Abilene
6 office, they're WRT.

7 MR. COLLINS: Okay.

8 UNIDENTIFIED SPEAKER: I send that lead supervisor that
9 stack of Verizon bills.

10 MR. COLLINS: Okay.

11 UNIDENTIFIED SPEAKER: And he goes through them because
12 he knows the numbers that they typically would call and the
13 communication that has taken place with each of those routes, and
14 he looks for anything that would stand out and would question it
15 if there was something out of order.

16 MR. COLLINS: Okay. In addition to identifying the
17 carrier, if you could provide me with the number of the unit that
18 was issued to them? We would like to, as a backstop to the GPS
19 data, look at the towers as it was pinging and also check for
20 activity. Because one of the questions I'm always asked is, was
21 the driver on the phone? And really what I want to be able to do
22 is say in my report is, well, we know his personal number and, no,
23 Officer Garcia wasn't on his personal phone. And we also know his
24 department-issued phone and, no, he wasn't on that either.

25 I always get questions about distraction. So being able

1 to say that these were the devices in the vehicle that were
2 accessible and no he wasn't on them, again, makes me able to focus
3 on, to be honest, the state of the guardrail, the icy conditions,
4 the things that are key.

5 UNIDENTIFIED SPEAKER: Correct.

6 MR. COLLINS: But everybody always armchair quarterbacks
7 me, and you all in this case, well, folks involved in the
8 accident. And I'm sure you've seen it. I'm sure there's every
9 kind of speculation known to man out there about what happened.
10 So we remove that stuff.

11 I'm almost done, believe it or not. Does TDCJ offer
12 health insurance to the officers?

13 UNIDENTIFIED SPEAKER: Yes, sir.

14 MR. COLLINS: What company provides your health
15 insurance?

16 FEMALE SPEAKER: Well, it's through the Employee
17 Retirement System of Texas.

18 MR. COLLINS: Okay.

19 UNIDENTIFIED SPEAKER: Yeah, I can't remember what the
20 name of it is now.

21 FEMALE SPEAKER: Well, there's different -- there's
22 Health Select, there's Community --

23 UNIDENTIFIED SPEAKER: Oh, it's what you select.

24 MR. COLLINS: Oh, so kind of a -- almost like a
25 cafeteria. You could -- there are three or four or how many

1 options and the employee could select the one that's best for
2 their needs?

3 MS. DAVIS: The majority are Health Select.

4 MR. COLLINS: Health Select.

5 FEMALE SPEAKER: But it's all managed through the
6 Employee Retirement System of Texas.

7 MR. COLLINS: Okay. Do you by any chance know if
8 Officer Garcia had taken advantage of the health insurance offered
9 here?

10 FEMALE SPEAKER: He had -- what exactly he had, I don't
11 know. But he had health insurance.

12 MR. COLLINS: Do you have somewhere you could just
13 identify for me which company it was?

14 FEMALE SPEAKER: Um-hum. We can go back and look, yeah.

15 MR. COLLINS: Because, and nothing I do is secret, one
16 of the other questions we get is health. And I know that -- so
17 what we do with our medical officer is we do obtain through
18 federal subpoena some medical records and our medical officer
19 reviews them. There are actually only two people at the Board
20 that ever see those records, me and our medical officer. And if
21 he determines there was a medical condition that was relevant to
22 the sake of the accident -- blindness, diabetes, seizure disorder
23 -- then we may discuss that small piece in our report in the
24 larger context of things. But again, it has to be relevant to the
25 accident.

1 So if we -- and those records, like I said, there's two
2 people that read them and we destroy them immediately afterwards
3 in accordance with our own rules and HIPAA regulations. But HIPAA
4 considers us a public health entity, so we look at those records
5 under that authority. So that's why I'm asking, so you know that
6 we do want to take a look at that, but if only we find something
7 that was relevant is that ever discussed.

8 I can't tell you which case, but I had a driver who was
9 fond of Viagra, but that was never publicly released. The Board's
10 medical officer and I know, but it had nothing to do with the
11 accident, so --

12 FEMALE SPEAKER: We would not necessarily have that
13 information.

14 MR. COLLINS: Right. That's why I just wanted to
15 identify who the insurance carrier is, because we'll reach out to
16 them and work through them legally to properly obtain, you know,
17 he's seen this doctor and then we'll go visit that doctor.

18 FEMALE SPEAKER: Yeah.

19 MR. COLLINS: And sometimes our medical officer just has
20 a conversation with that physician: Hey, he was a driver, did he
21 have any conditions that would have impacted that? "No." Okay
22 great, we're done.

23 But some folks, who are not necessarily employed in this
24 line of work, are less than honest with their medical examiners,
25 so we try to double-check that because, again, we're just aiming

1 for the safety.

2 Do the officers, do your officers have to undergo an
3 annual or biennial or semi-annual physical?

4 FEMALE SPEAKER: Yes. Well, Carol can explain it.

5 MS. WARREN: They do, and actually Mr. Garcia just had
6 his physical on -- he was clear for 2 years, which is the maximum
7 amount of time their physicals are good.

8 MR. COLLINS: Okay.

9 MS. WARREN: He actually had his physical on January
10 8th, this month, January 8th. He passed it for 2 years.

11 MR. COLLINS: Would it be possible for us to get a copy
12 of the results of that examination?

13 MS. WARREN: Yes. Now what -- the only thing that I
14 have is his certificate. I don't get the whole form where it has
15 their medical information.

16 MR. COLLINS: Okay.

17 MS. WARREN: I get the certificate that says they had
18 the test done on this date and it expires on this date. But 2
19 years indicates that he had no health issues. Because if they
20 have like diabetes --

21 MR. COLLINS: Right.

22 MS. WARREN: -- or high blood pressure or things like
23 that, they're generally only good for a year, then they have to be
24 recertified again, or even less than that. He, though, was for 2
25 years so just, you know, by my experience that indicates his

1 health was good. But yes, sir, I can get you the copy of that
2 certificate.

3 MR. COLLINS: That'd be perfect, because I believe that
4 certificate has the name of the performing physician.

5 MS. WARREN: Yes, sir.

6 MR. COLLINS: And we'll just go talk to him directly. I
7 understand you may not have the actual medical information because
8 of various privacy issues and things. But just getting an idea of
9 who to go talk to saves me a lot of time, because apart from Texas
10 being very large, it has a lot of doctors and pharmacies in it and
11 I don't think I'm going to be able to visit them all. So --

12 MS. WARREN: Now, can I ask, just to be clear, on his
13 medical coverage, are you wanting to know if he had coverage for
14 just himself or his family?

15 MR. COLLINS: Yes, just it was -- just he had a policy
16 with Blue Cross and Blue Shield or whoever it turned out to be.

17 MS. WARREN: Okay.

18 MR. COLLINS: And we'll reach out to them. Yeah,
19 because, again, if it covers the family, I'm not entitled to nor
20 do I want information that deal with his family.

21 MS. WARREN: Okay.

22 MR. COLLINS: But we'll work through them legally to
23 basically -- same thing I do with the medical that he had,
24 identify the providers and simply speak with the providers that
25 may have treated him, just to be sure that there was nothing. And

1 I'll use this as an example. Just as an example, there could have
2 been a seizure or something, and that's why they lost control of
3 the bus. Do I think that's the case here? No. But it's one of
4 those things that I have to check, just medical conditions in
5 general.

6 MR. LANGLOSS: The physical he went through, is that
7 just the standard DOT physical?

8 MS. WARREN: Yes.

9 MR. LANGLOSS: Do you require all your CDL drivers to go
10 through the DOT physical?

11 MS. WARREN: Yes.

12 MR. LANGLOSS: Every -- okay.

13 MR. COLLINS: Even though it's my understanding that the
14 state of Texas does not require them to have a medical --

15 MS. WARREN: Right.

16 MR. COLLINS: -- but TDCJ -- and I'm sorry if I messed
17 those letters up -- at some point does?

18 MS. WARREN: Yes, several years back, and I may be
19 wrong, but I'm thinking it was around in 2000, we previously,
20 other than our freight drivers, have always had their physicals,
21 but offender transportation previously was not required to get
22 one. But our legal department just advised it would probably be,
23 you know, a good thing. So I believe -- and don't, you know,
24 quote me on this, but I believe it was around 2000 that we started
25 requiring all of our commercial drivers to get a DOT physical.

1 MR. COLLINS: And as I said earlier we do like to
2 highlight things that are extra safety cautious, and that would
3 clearly be one, because there's no requirement for them do it, but
4 you all have taken the step to add that extra layer of safety,
5 from my point of view. And that's actually very commendable that
6 -- you know, because nothing says you have to. But somebody said,
7 hey, that's a good idea, so that's a good thing.

8 MR. COLLINS: In general, I have read in the paper that
9 -- and in the news, that various spokespeople have said, well, the
10 prisoners were being transported in accordance with Texas law.
11 What is the specific law that governs the transport of prisoners,
12 or specific laws, plural?

13 UNIDENTIFIED SPEAKER: I mean, anybody jump in, but,
14 again, our PIO was receiving some of those questions. I think the
15 question more was why were the inmates not seat-belted? And I
16 think what our PIO was trying to relate to them, there's not a
17 law, whether it be Texas or federal, that requires them to be --

18 UNIDENTIFIED SPEAKER: A passenger bus to be equipped
19 with the seatbelts.

20 UNIDENTIFIED SPEAKER: I mean, I think that's more of
21 what -- and I think those articles you saw, the reporters all,
22 with respect to them, but came back and said we said they were
23 being transported per Texas law. We were securing the offenders
24 or -- the question all went back to why are you not seat-belted
25 the offenders.

1 MR. COLLINS: Is the issue of prison transport
2 specifically pointed out anywhere in the Texas Transportation Code
3 or anywhere like that?

4 UNIDENTIFIED SPEAKER: No.

5 UNIDENTIFIED SPEAKER: No, sir. Not that I'm aware of.

6 UNIDENTIFIED SPEAKER: Not that I'm aware of.

7 MR. COLLINS: Do you know if you get any exemptions
8 under Texas state law for the design of the bus?

9 UNIDENTIFIED SPEAKER: Not that I'm aware.

10 UNIDENTIFIED SPEAKER: I think it's silent. I don't
11 know if there's anything.

12 FEMALE SPEAKER: There's a -- in the transportation
13 code, it's like 513.413, or something like that, that makes a
14 reference to prisoner vehicle transport, but it's all about the
15 passenger bus. And it essentially, as I understood, if the bus is
16 not manufactured with those seatbelts, then it's not required to
17 happen. And that goes for whether it's a school bus or a prisoner
18 transport.

19 UNIDENTIFIED SPEAKER: That's what you all were looking
20 at on Friday?

21 FEMALE SPEAKER: Yeah. Yes.

22 UNIDENTIFIED SPEAKER: Okay.

23 FEMALE SPEAKER: There's a -- I mean, it's -- you know,
24 it's one of those codes where it says (indiscernible) in a code
25 this long, but --

1 MR. COLLINS: If you could locate that reference and
2 send it to me so we could take a look at it? And if it gets too
3 involved, we have a couple attorneys sitting around doing nothing,
4 I'll make them read it.

5 MR. COLLINS: And we've talked previously that you have
6 some SOPs and things that govern the transport of prisoners. And
7 I understand in this case they were only required to be handcuffed
8 to each other and there was no -- there were no on the bus and no
9 requirements to be restrained like in terms of seatbelts or
10 anything like that.

11 UNIDENTIFIED SPEAKER: No, sir.

12 MR. COLLINS: Okay. And this is, honest to gosh, the
13 last one. Have you all ever used any outside contractors to
14 transport your offenders?

15 UNIDENTIFIED SPEAKER: No, sir.

16 MR. COLLINS: None?

17 UNIDENTIFIED SPEAKER: No, sir. There's only been one
18 time in my 31 years that I'm aware of. And we were hurricane
19 evacuations, and the storm shifted on us and we weren't going to
20 have the opportunity and the time to move the offenders away from
21 that particular facility by our means, and we got some help from
22 the marshals, the federal marshals to fly on that one.

23 MR. COLLINS: Okay.

24 UNIDENTIFIED SPEAKER: That's the only time that we've
25 moved offenders --

1 MR. LANGLOSS: It was another state or a federal agency
2 that moved them?

3 UNIDENTIFIED SPEAKER: Right.

4 UNIDENTIFIED SPEAKER: Yes, sir, during Hurricane Regis
5 (ph.).

6 UNIDENTIFIED SPEAKER: It was Con Air. You know, they
7 flew the plane in, we loaded them up and they hauled them.

8 MR. COLLINS: I'm dating myself, but I remember that.
9 There we go.

10 UNIDENTIFIED SPEAKER: Yeah, it was a pretty good movie.

11 MR. COLLINS: And I don't know if I asked for this, but
12 I will specifically, because I made a note for myself. If you
13 have those -- the pre-trips, or the daily vehicle inspection
14 reports, or whatever you referred to them, for the bus that was
15 involved in the crash, if you keep them historically, if we could
16 get copies of those, that would also be very helpful for our
17 vehicle person.

18 WARDEN COSTON: How far back? Just that day, or?

19 MR. COLLINS: Well, it was put in service in October?

20 UNIDENTIFIED SPEAKER: October 3rd.

21 MR. COLLINS: That's about 3 months. If that's not too
22 much trouble, that would be very helpful for our vehicle person.
23 She'll look just to double-check there's no systematic issues or
24 things like that going. Plus our motor carrier person, he likes
25 reading them too.

1 MR. LANGLOSS: Before we close up, some drug testing
2 questions real quick?

3 MR. COLLINS: Absolutely, please.

4 MR. LANGLOSS: Real quick on some drug testing
5 questions. Do you guys do alcohol testing as well?

6 MS. WARREN: Yes, sir, 10 percent of our drivers every
7 year have to be alcohol tested.

8 MR. LANGLOSS: So you do 10 percent of them, and
9 that's --

10 MS. WARREN: Yes.

11 MR. LANGLOSS: -- ran through the same Texas Alcohol --

12 MS. WARREN: Yes, sir.

13 MR. LANGLOSS: And percentage do you do for drug
14 testing?

15 MS. WARREN: Fifty.

16 MR. LANGLOSS: Okay. Do you guys do any training on
17 your supervisors?

18 MS. WARREN: Yes, sir. We have -- every year, we have a
19 DOT, like reasonable suspicion, the supervisor training that's
20 required. And we have it at several different locations
21 throughout the state so that all of our drivers --

22 MR. LANGLOSS: You guys know it well enough, I'm good.
23 I didn't have to ask the questions. You knew it well enough.
24 Okay.

25 MR. COLLINS: And you knew the percents for alcohol.

1 I'm sorry, do you know the percentage for the drug testing for
2 your drivers?

3 MS. WARREN: Fifty percent.

4 MR. COLLINS: Fifty percent. I'm sorry. I mean, I was
5 reviewing my notes and not listening.

6 MR. LANGLOSS: So if one of your guards isn't here,
7 they're on vacation that week, what do you do with his name?

8 MS. WARREN: If it's for the DOT random --

9 MR. LANGLOSS: Right.

10 MS. WARREN: -- and I call there, then usually if
11 they're off for a week or something, then I'll say -- I usually
12 ask, when are they coming back? Unless they are like off like
13 extended sick -- FML, some extended sick leave, then we just throw
14 their name back in the hat. But if they're going to be back in a
15 week or two, they're on vacation, then we just hold on to it for a
16 week or two.

17 MR. LANGLOSS: So does Texas Alcohol and Drug Testing,
18 do they pull alternates for you at all?

19 MS. WARREN: Yes, sir. They do.

20 MR. LANGLOSS: Okay. So if they're --

21 MS. WARREN: Uh-huh. So if we have --

22 MR. LANGLOSS: -- if they're out on a long one, you'll
23 just grab the first alternate and go that way?

24 MS. WARREN: We grab an alternate, yes, sir. Yes, sir.

25 FEMALE SPEAKER: Can I just clarify that some numbers I

1 think were mentioned? The total CO numbers, correctional officer
2 numbers?

3 MR. COLLINS: Yes, ma'am.

4 FEMALE SPEAKER: 26,012.

5 MR. COLLINS: 26,012. Okay.

6 FEMALE SPEAKER: That's the authorized positions as of
7 December 31st.

8 MR. COLLINS: Okay.

9 UNIDENTIFIED SPEAKER: Do they have our numbers?

10 FEMALE SPEAKER: However we have 3484.5 vacancies.

11 MR. COLLINS: 3484.5?

12 FEMALE SPEAKER: Vacancies.

13 MR. LANGLOSS: How do you hire .5 of a person? I'm just
14 curious.

15 FEMALE SPEAKER: We have some part-time.

16 MR. COLLINS: Part-time.

17 MR. LANGLOSS: Oh, okay.

18 (Simultaneous conversation.)

19 UNIDENTIFIED SPEAKER: Sorry, how do you hire .5 of a
20 guard? You get the half with the gun, right?

21 MR. COLLINS: I've been around long enough to realize
22 how agencies track their -- in the federal government we call them
23 FTEs, full-time exempts.

24 FEMALE SPEAKER: Right, right.

25 MR. COLLINS: And yes, and sometimes you might have a

1 half of one ticking around.

2 FEMALE SPEAKER: Yeah. Yes.

3 UNIDENTIFIED SPEAKER: He's got our exact numbers.

4 MR. COLLINS: I'll take them.

5 UNIDENTIFIED SPEAKER: 275 actual correctional officers,
6 and then we have 35 supervisors. That comes to 310.

7 MR. COLLINS: 310.

8 UNIDENTIFIED SPEAKER: How many vacancies?

9 UNIDENTIFIED SPEAKER: That will be -- we should be at
10 329, because I didn't count the MTS. So that will be --

11 UNIDENTIFIED SPEAKER: Nineteen vacancies.

12 UNIDENTIFIED SPEAKER: Nineteen vacancies, right.

13 MR. COLLINS: Max is 329, 19 vacancies. Okay, and
14 that's -- I believe that's just about it. Go ahead.

15 (Whereupon, the interview was concluded.)

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: PRISON TRANSPORT BUS CRASH
 NEAR PENWELL, TEXAS
 JANUARY 14, 2015
 Group Interview

DOCKET NUMBER: HWY-15-MH-004

PLACE: Huntsville, Texas

DATE: January 20, 2015

was held according to the record, and that this is the original,
complete, true and accurate transcript which has been transcribed
to the best of my skill and ability.

Keith J. Maurer
Transcriber