

OFFICE OF INSPECTOR GENERAL

ANNUAL REPORT - 2017

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Message from the Inspector General

Albert Einstein once said: "Whoever is careless with the truth in small matters cannot be trusted with important matters."

<u>The Independence/Dependence Paradox:</u> How internal investigative independence is dependent on healthy agency relationships.

The Texas Department of Public Safety's Office of Inspector General (OIG) is an independent division that fulfills its statutory responsibilities by enhancing public and employee confidence in the integrity of the processing and investigation of misconduct allegations against DPS employees. The success of this office and my job as the IG is also dependent on maintaining healthy and honest relationships with all DPS leaders and employees. It is incumbent on all OIG staff to remain professional and maintain the integrity the public and employees have come to expect. Internally, we must be seen as fellow employees who are friendly, easily approachable and we must also be seen as fair and neutral regardless of investigative conclusions. Our legitimacy depends on this.

With an agency like DPS, where the Texas Legislature and the people of Texas have placed enormous responsibility and authority, we cannot afford to lose their trust. The department's mission is to serve and protect Texas. Being able to fulfill those two enormous responsibilities requires DPS to maintain the public's confidence and trust in our ability to do so. The work of the DPS-OIG's office is critical in that effort.

At its essence, OIG's business is simply: Integrity, Professionalism and Transparency in the administrative investigation process. We must always uphold these ideals to be effective. No matter how large or small a complaint may seem, it is vitally important that our investigators approach each with the utmost integrity, sincerity and impartiality. It is critical there be a team and system in place that is able to quickly and objectively investigate grievances. This builds credibility for the department and the process in the long run. OIG has a proven and impartial process as well as a reputable team capable of dealing with a myriad of allegations including large and controversial investigations.

OIG thanks the Public Safety Commission for their guidance and support of an independent investigative body. OIG could not perform this important work without their encouragement and guidance. We are also very grateful to the leadership of DPS. Specifically, Director Steven McCraw, Deputy Directors David Baker, Duke Bodisch and Skylor Hearn, and all agency leaders and supervisors who consistently demonstrate a strong and sincere commitment for a vigorous complaint investigation process that protects both the public and members of the Department.

Rhonda Fleming Inspector General



Office of Inspector General Mission, Goals, and Values

Mission:

The OIG advances the Agency's mission by expeditiously providing findings and recommendations to the Public Safety Commission, the Director, and other members of the Agency regarding policy and law violations. OIG maintains a workforce committed to performance, excellence, and accountability by working together to ensure that:

- Our activities result in needed change and are responsive to agency needs;
- Our opinions and products are independent, objective, and accurate;
- Our workforce is highly competent and seeks opportunities for continual improvement;
- •We act with professionalism, integrity, and transparency.

<u>Goals:</u>

- •Readily accept and review each complaint received with the deserved level of attention;
- •Be proactive in preventing and identifying misconduct, fraud and abuse of office through analysis of data trends;
- •Independently investigate, evaluate and recommend a fair classification based upon facts, ignoring all irrelevant factors;
- Provide employees confidence and protection against complaints and allegations lacking merit or actual violation of law and policy;
- Provide timely information to the Public Safety Commission, Director and all divisional and regional directors requiring their attention, involvement and action;
- Minimize misconduct by providing employee training and guidance on problematic trends and issues;
- •Enhance public and employee confidence in the integrity of the processing and investigation of misconduct allegations against DPS employees.

Values:

- Integrity
- Honesty
- •Excellence
- Collaboration
- Stewardship
- Accountability



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DPS OFFICE OF INSPECTOR GENERAL

PUBLIC SAFETY COMMISSION

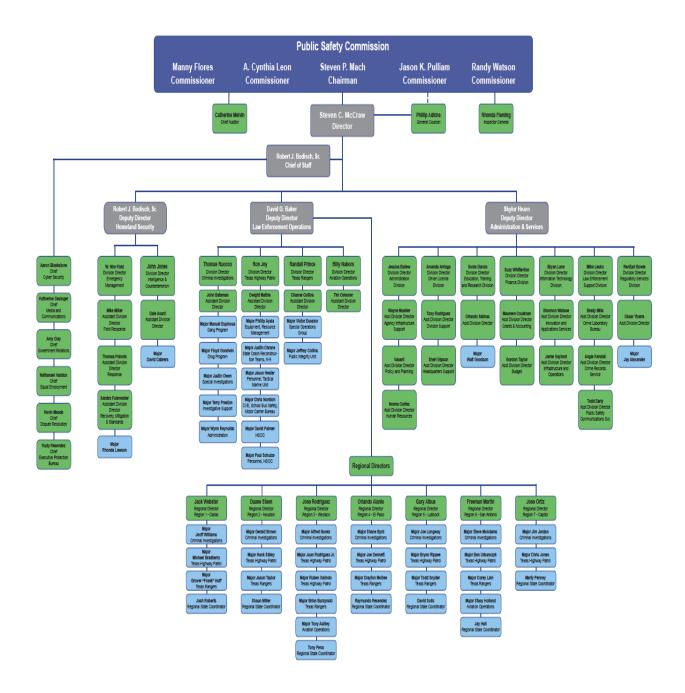
Steven P. Mach, Chairman Manny Flores, Commissioner A. Cynthia Leon, Commissioner Jason K. Pulliam, Commissioner Randy Watson, Commissioner

OFFICE OF INSPECTOR GENERAL

Rhonda Fleming, Inspector General, Austin Louis Sanchez, Deputy Inspector General, Austin James Lopez, Captain, Austin Brian Lillie, Captain, Austin Bonnie Moore, Lieutenant, Austin Adam Kinslow, Lieutenant, Austin David Adkins, Lieutenant, Austin Robert Rodriguez, Lieutenant, Austin Raquel (Rocky) Matthews, Lieutenant, Austin Thomas Williams, Lieutenant, Austin Amy King, Lieutenant, Austin Kevin Hugghins, Lieutenant, Garland Brandon Negri, Lieutenant, Garland Patrick Heintz, Lieutenant, Garland Riccardo (Ric) Lopez, Lieutenant, Garland Vicky Edinger, Lieutenant, Houston Mark Phillips, Lieutenant, Houston Esther Edinger, Lieutenant, Conroe Jerome Johnson, Lieutenant, San Antonio

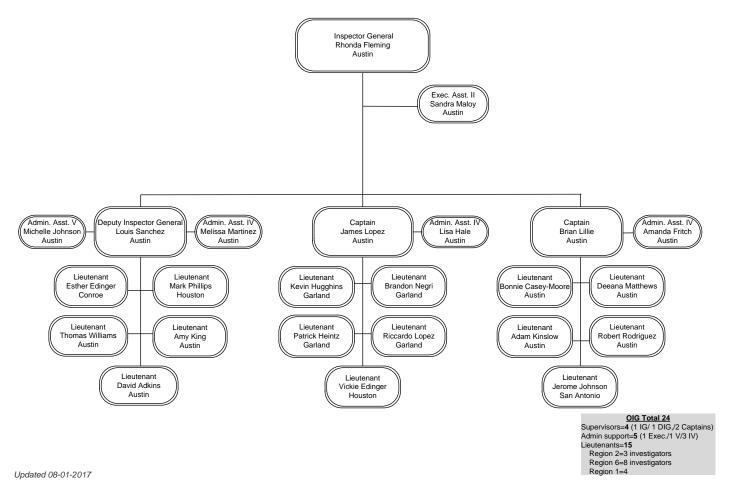
Sandra Maloy, Executive Assistant, Austin Michelle Johnson, Administrative Assistant V, Austin Lisa Hale, Administrative Assistant IV, Austin Melissa Martinez, Administrative Assistant IV, Austin Amanda Fritch, Administrative Assistant IV, Austin





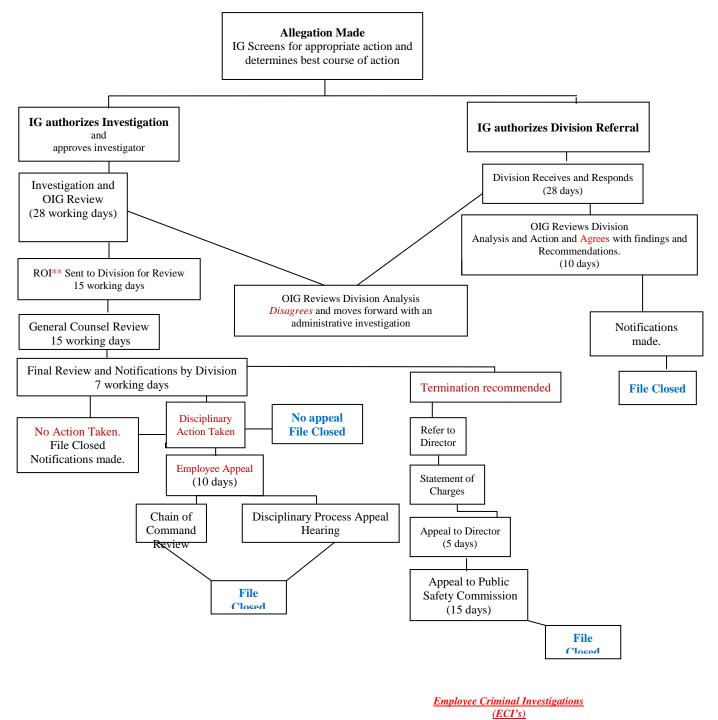


OFFICE OF INSPECTOR GENERAL Organizational Chart





OIG DECISION PROCESS PERSONNEL COMPLAINTS AND ADMINISTRATIVE INVESTIGATIONS



****ROI – Report of Investigation**

ECI's are conducted by the Texas Rangers or the Criminal Investigations Division on Department personnel. Statutorily, OIG monitors



OIG ACCOMPLISHMENT SUMMARY AND NOTEWORTHY FACTS

Noteworthy Facts:

- There are a combined total of 435 years of experience within the OIG Division, which is comprised of only 24 employees.
- > One OIG Lieutenant is a certified Polygrapher for DPS.
- > One OIG Lieutenant is a Certified Forensics Computer Examiner (CFCE) for DPS.
- > There are six (6) US Military Veterans in OIG. Four (4) Army and two (2) Marines
- > Five (5) commissioned OIG members have served as DPS Recruit counselors.
- > Three (3) commissioned OIG members have previously served on the DPS Honor Guard
- In a Division of 24 employees, there are 14 Bachelor Degrees, 1 Associate's Degree and one Lt. is working on his Masters of Science.
- > OIG has 9 Firearms Instructors
- 9 commissioned OIG members have attended the following advanced police and leaderships schools:
 - The Southern Police Institute (SPI), University of Louisville, KY
 - Northwestern School of Advanced Police Staff and Command, Northwestern University, IL
 - The TXDPS Command College

Accomplishment summary:

- OIG has conducted administrative investigations on behalf of the following state agencies:
 - o The Texas Racing Commission
 - o The Texas Department of Family and Protective Services
- OIG has met with and provided guidance and support for the newly appointed Inspector General for the Texas Alcohol and Beverage Commission
- The Inspector General was a keynote speaker for the 2017 annual conference of the Association of Inspectors General (AIG).



Pursuant to statute, the Inspector General reports directly to the Public Safety Commission and is also tasked with the duty to provide the Director with information regarding investigations as appropriate. The Commission and Director will be kept apprised regarding complaint investigations where:

- Dismissal of the accused appears possible.
- Criminal Prosecution of the accused appears justified.
- The reputation of the Department is in jeopardy as a result of the action of the accused.
- Widespread publicity may result.

The Office of Inspector General (OIG) is statutorily tasked with responsibility for all administrative investigations of employee misconduct. Texas Government Code 411.251 requires the Office of Inspector General to be responsible for acting to prevent and detect serious breaches of departmental policy, fraud and abuse of office, including any acts of criminal conduct.

The Office of Inspector General independently and objectively reviews, investigates, delegates and oversees the investigations of:

- Criminal activity
- Allegations of wrongdoing by department employees
- Crimes committed on department property; and
- Serious breaches of department policy.

OIG receives and accepts complaints from the public and internal employees through various methods. These include but are not limited to the following:

- Phone calls
- U.S. mail
- Email
- Via the Internet TXDPS website
- In person
- The Office of Inspector General also accepts anonymous complaints.

Investigations require tremendous focus and the necessary appropriation of time to meet current policy guidelines. By carefully focusing resources and receiving tremendous support from agency leadership, the Office of Inspector General has been able to successfully manage the investigative caseload and comply with department guidelines.



Complaints & Compliments

- The mission of the Texas Department of Public Safety (DPS) is to protect and serve Texas. The agency employs approximately 10,000 hardworking men and women, who are held to the highest standard of conduct as they work to keep our communities safe from harm as well as provide exceptional services to their fellow Texans.
- Accordingly, the department is always interested in feedback from the people we serve and protect.
- DPS has several methods for filing a complaint about a DPS employee or submit a compliment about a DPS employee. The agency's website is one location to file a complaint: www.dps.texas.gov and;
- All Highway Patrol tickets and warnings now have OIG contact information at the bottom. This means millions of drivers each year now know how to contact this office to file a complaint or provide a compliment.

THP-3 EXAMPLE

Texas Departmen HP3 (r153) TX4QHCOSXGMW IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII		fety	
Violator:			
Race/Sex: Height: C.D.L.:□ Com.Veh: □	DOB: Interstate:	Intrastate:	
Veh LP: Make:		Model:	
Passengers: Year:		Color:	
HazMat Plac: Type:			
Constr. Zone: Route:	Cou		
Workers Present: MilePost:	Weat		
Location:	Tra	affic:	
(30.5309660, -97.6434100)			
Issued by: 11118 - GALINDO,	L. Region: 6 Dist	rict: B Area:01	
THIS IS A WARNING ONLY for an infraction of the traffic laws committed to a minor degree or with extenuating circumstances present. No Penalty will be			

<u>THIS IS A WARNING ONLY</u> for an infraction of the traffic laws committed to a minor degree or with extenuating circumstances present. <u>No Penalty</u> will be assessed and <u>no further action</u> on your part is necessary other than to comply with the traffic laws in the future. This <u>does not</u> become a part of your driving record. **SIGNATURE**

This warning is given to you in an effort to secure your cooperation in better observance of the traffic laws thus helping to prevent traffic accidents. The Texas Department of Public Safety believes that good citizens will comply with traffic laws when reminded of their provisions and ot the importance of strict compliance with them.

Compliment or Complaint? To Provide a Compliment, Contact: CustomerComments@dps.texas.gov or (512) 424-2823

To File a Personnel Complaint, Contact: Texas Department of Public Safety - Office of Inspector General InspectorGeneral@dps.texas.gov or (512) 424-5017 (Mon-Fri, 8AM-5PM) For detailed personnel complaint information, visit www.dps.texas.gov/OIG



TOTAL NUMBER OF NON-OIG RELATED COMPLAINTS RECEIVED VIA THE THP-3 TICKET/WARNING PROCESS:

Non-OIG Complaints Received:

161

(*Reviewed but not formally investigated as a division referral or administrative investigation)

Non-OIG complaints included:

- Wrong agency
- How/where to pay a ticket
- Explanation of traffic statutes
- Judge information requested
- Driver license surcharge questions
- CVE Motor Carrier questions

TIMELINESS IN THE INVESTIGATION PROCESS

Everything must be done to bring the investigation to a speedy and definitive conclusion. No employee or complainant should be made to wait an undue amount of time to have their complaint resolved, or to be absolved of wrong doing or, if necessary face disciplinary action. OIG has dutifully and purposefully made sure that all OIG investigations are done efficiently and within policy directives.

DPS General Manual, Chapter 7A, Section 07.42.15 TIMELINES REGARDING ADMINISTRATIVE INVESTIGATIONS

The following timelines will govern completion and review of administrative investigations conducted under this chapter: The Inspector General will forward the investigation or a copy thereof to the appropriate assistant director and regional commander no later than **28** working days following the initiation of the investigation.

2013 – 22 working day 2014 – 19 working days 2015 – 21 working days 2016 – 25 working days 2017 – 22 working days



EMPLOYEE CRIMINAL INVESTIGATIONS (ECI's)

Criminal investigations on DPS personnel are an unfortunate reality in some administrative employee investigations. The Texas Rangers and the Criminal Investigations Division are solely responsible for these investigations and the Office of Inspector General monitors these as required by statute. In most cases, the Office of Inspector General proceeds with an administrative investigation on DPS personnel once the criminal investigation is concluded.

Because the Office of Inspector General enjoys a collaborative relationship with the Texas Rangers and the Criminal Investigations Division, these highly sensitive investigations are conducted without undue interruption to a criminal prosecution or administrative action.

For 2017, the Texas Rangers investigated 40 employees for allegations of criminal misconduct.

OIG INTAKE PROCESS

Each complaint against a department member is evaluated to determine if OIG has jurisdiction and if the matter warrants further consideration. Matters brought to the attention of OIG can be addressed via several methods:

- Formal administrative investigation by an OIG investigator
- Referral to a Division for managerial correction (Division Referral) typically performed via the OIG Voluntary Investigator Program (VIP)
- Referral to the Texas Rangers and/or the Criminal Investigations Division (ECI) due to employee criminal allegations
- Investigation declined.

(A complaint may be declined for various reasons including, for example, if it does not allege a violation of law or policy or if insufficient information is provided.)

All matters investigated by OIG are summarized in written format and provided to the appropriate Division for review and disciplinary recommendation. Additionally and as a matter of policy and practice, the Office of General Counsel (OGC) reviews OIG investigations for thoroughness and potential legal issues.



Equal Employment Opportunity (EEO) Investigations:

The Office of Inspector General is statutorily tasked with responsibility for all internal administrative investigations of employee misconduct. As such, OIG assumes all investigation approval authority and investigation responsibility for EEO complaints. OIG and EEO collaboration ensures a seamless internal administrative investigation process which benefits the agency and all personnel.

OIG INVESTIGATIONS BY THE NUMBERS

In an agency with over 10,000 employees, the Texas Department of Public Safety has a **complaint rate of only 0.05%.** This speaks to the dedication, professionalism and courtesy that the vast majority of employees deliver each and every day without complaint.

The following summary encompasses the statistics and investigation trends processed through the Office of Inspector General for 2017:

Calendar year 2016

Total Complaints Received: 557

- Division Referrals 281
- OIG/EEO Investigations 223
- VIP Investigations 0
- ECI Tracking 53

Calendar year 2017

Total Complaints Received: 742

- Division Referrals 386
- OIG/EEO Investigations 222
- VIP Investigations2
- ECI Tracking 40
- Additional Intake 92

MAJOR TRENDS NOTED for 2017:

- Courtesy Policy
- Conduct Unbecoming
- Incompetency
- Seven Step Violator Contact Policy

- Probable Cause
- Misuse of DPS Vehicle
- Racial Profiling
- Discrimination Internal



THE DEPARTMENT'S HONOR CODE

In 2017, IG Fleming proposed an Honor Code for the agency after recognizing instances where employees were less than willing to report misconduct on themselves or fellow employees. Director Steve McCraw accepted IG Fleming's proposal and sent out the new policy with the following message:

"As you know, the Texas Department of Public Safety has the unique and critical mission of protecting Texas and we have been entrusted with substantial authority to do this. Accordingly, we pride ourselves on the unparalleled dedication and character of our men and women; our high standards of conduct required on and off duty; and the willingness of our employees to accept responsibility for their actions."

NBA great Joe Dumars said it well, "On good teams, coaches hold players accountable; on great teams, players hold players accountable."

Steve McCraw, Director, Texas Department of Public Safety

DPS HONOR CODE

"A cadet will not lie, cheat, steal, or tolerate those who do." West Point's Cadet Honor Code

The DPS Honor Code is a peer-enforced reporting system regarding the standards of conduct for all DPS employees. Employees are considered the guardians and stewards of the department's core values of integrity, excellence, accountability and teamwork. An employee's honor and integrity are their most guarded possessions and any breach of those values destroys the trust, confidence and expectations of the department and the citizens we serve.

The DPS Honor Code establishes that DPS employees shall immediately report misconduct on themselves and other agency employees when they witness or become aware of misconduct. Employees are expected to know and hold themselves and others accountable for all federal and state statutes and departmental policies, on or off-duty. The DPS Honor Code inspires, empowers and holds everyone accountable for their individual actions, the actions of coworkers and those in their charge.

Employees accused of violating the DPS Honor Code for not reporting misbehavior or violations of law and/or policy, face standard managerial responses ranging from counseling to the formal department administrative investigation process. Employees are expected to report on themselves for any policy or law violation and should confront another employee they believe may be violating policy or law. Employees shall report the misconduct or incident to their supervisory staff, the Office of Inspector General or any other DPS supervisor in the agency. The Honor Code creates an atmosphere of trust and accountability which is unparalleled at any other law enforcement agency.

I understand that the DPS Honor Code must be upheld. I vow to live by and uphold the code in all my actions.



OIG PUBLIC INFORMATION REQUESTS (PIR's) for 2017:

261 Open Records requests were fulfilled by the Office of Inspector General. **\$ 697.60** was collected in fees.

FRAUD POLICY

In compliance with Tex. Gov't Code 321.022, the Office of Inspector General submits monthly reports to the Chief Auditor's Office (CAO) detailing OIG investigations that may fall under the definitions of Fraud, Waste and Abuse. This report is then disseminated by the CAO to the State Auditor's Special Investigations Unit.

Article IX, Section 7.10, of the General Appropriations Act (82nd Legislature) and DPS General Manual, Section 05.49.00 FRAUD POLICY states that:

Employees who suspect fraud is occurring in the workplace should immediately notify their supervisors. If for some reason the employee is uncomfortable with notifying their supervisor, they may notify Internal Affairs or the State Auditor's Office

The DPS home page includes a link to the State Auditor's website for fraud reporting.

OIG VOLUNTEER INVESTIGATOR PROGRAM

The Office of Inspector General is committed to improving the efficiency and effectiveness of its operations and staff, which includes the DPS **V**olunteer **I**nvestigator **P**rogram (VIP).

The VIP program is designed to supplement the OIG Division when necessary due to staffing issues and in order to maintain investigation timeliness. VIP's can be either commissioned or non-commissioned supervisors throughout the agency.

VIP's are trained annually by the Office of Inspector General and utilized for all OIG and EEO Division Referrals. On rare occasions, VIP's are tasked with performing OIG formal administrative investigations.

OIG STAFF RECRUITMENT AND CONTINUING EDUCATION

The Office of Inspector General seeks to maintain a workforce committed to performance, excellence, and accountability. Employees in OIG enjoy their work, mission and the responsibilities related to their positions. Employees in the Office of Inspector General are high achievers and take pride knowing their work protects employees against erroneous allegations and when necessary, holds employees accountable for wrongdoing that is proven to be factual. For these reasons, the turnover rate in the Office of Inspector General is very low.



2017 OIG PROMOTIONS

Amy King, Criminal Investigations Division (CID) Agent, promoted to OIG Lieutenant, Austin Riccardo (Ric) Lopez, Criminal Investigations Division (CID) Garland, promoted to OIG Lieutenant, Garland

DPS EARLY INTERVENTION SYSTEM – BLUETEAM

The Texas Department of Public Safety is an agency of high standards. DPS embraces the core values of integrity, excellence, accountability and teamwork and demonstrates a strong commitment to its most valuable asset, our people. Because of these institutional values and expectations, DPS managers, supervisors and leaders are charged with the responsibility of training, assessing, mentoring and coaching employees to ensure high performance and acceptable behavior.

The "**BLUE** TEAM" software and program is overseen and managed by the Office of Inspector General, though the data input and use for intervention is primarily designated to Department leaders.

"BLUE TEAM," is an intervention system that provides alerts on employees involved in frequent and significant occurrences and assists managers, supervisors and leaders in recognizing patterns and trends early on so that intervention is initiated before formal investigation or formal disciplinary action is required. "BLUE TEAM" is a system by which DPS leaders can more easily track, document and monitor employee performance and to spot trends, make "real time" notifications and offer solutions for intervention.

Examples of significant occurrences entered into "BLUE TEAM" include:

- Use of Force Issues
 - o Suspect injuries
 - o Officer injuries
- Vehicle Pursuits
 - Spiking system deployment
- Citizen Complaints to include:
 - o Courtesy Issues
 - O 7-Step Violator contact

- Firearm Discharge
 - # of shootings
 - Suspect injuries
 - o Suspect deaths
 - o # of shootings to disable vehicles
 - o Officer injuries



It is important to remember that in any organization, there will always be employee issues due to human nature; however, the Department's response and intervention to correct these issues prior to a crisis occurring is very significant and can ultimately save careers.

For DPS, **BLUE** TEAM is still considered to be in its infancy stage for intervention purposes however, it is being used consistently for data collection and statistical reporting.

BLUE TEAM INTERVENTION SUPERVISORY OPTIONS

"BLUE TEAM" is a system by which DPS leaders can more easily track, document and monitor employee performance, spot trends, make "real time" notifications and offer solutions for intervention.

It is important to remember that in any organization, there will always be employee issues due to human nature; however, the organization's response and intervention to correct these issues prior to a crisis occurring is very significant.





DPS-OIG & U.S. STATE DEPARTMENT PARTNERSHIP INTERNATIONAL NARCOTICS LAW ENFORCEMENT AFFAIRS BUREA (INL) TUNISIAN NATIONAL GUARD & NATIONAL POLICE INSPECTOR GENERAL'S TUNIS, TUNISA MAY 15-19, 2019

The Texas Department of Public Safety's Office of Inspector General (TXDPS-OIG) was requested in 2016 by the U.S. State Department's International Narcotics Law Enforcement Affairs Bureau (INL) to support a study tour in Texas for the Tunisian National Guard (NG) and National Police (NP) Offices of Inspector General. In support of the Security Governance Initiative, the partnership between TXDPS-OIG and the Tunisian National Guard and National Police is aimed at reducing corruption, improving transparency, and improving the capacity of Tunisia's civilian law enforcement in investigating allegations such as misuse of force or corruption, against their officers. The purpose of the tour in Texas was to share best practices related to inspector general roles, responsibilities and processes. The tour took place at TXDPS-OIG headquarters in January of 2017.

As a second step in this partnership agreement, TXDPS-OIG was requested to travel to Tunisia (for up to six visits) to assist with the implementation of identified reform activities. In May of 2017, TXDPS sent IG Rhonda Fleming, DIG Louis Sanchez and OIG Captain James Lopez to Tunis, Tunisia for a weeklong onsite visit to observe and engage in dialogue regarding the Tunisian National Guard Inspector General and National Police Inspector General's vision, mission, practices, logistical, infrastructure and political challenges.

The main audience for this agreement is the Tunisian Government and the main purpose of the assessment in Tunisia was to: (1) observe, document and obtain the current practices and policies, assessing the work space and technological challenges and better understand the political reality each IG office faces as they attempt to modernize and improve their overall operations; and (2) identify areas where INL can provide financial assistance that would be most effective, based on the assessment of Tunisian capacity, INL budget constraints, and Tunisian priorities.







Tunisian National Guard & DPS-OIG leadership staff

Tunisian National Police & DPS-OIG leadership staff



Meetings with the Tunisian National Guard

Meetings with the Tunisian National Police





OIG DIVISION CHIEF'S AWARD RECEPIENT

In recognition of outstanding performance of duty and contributions to the Department of Public Safety, Office of Inspector General and the State of Texas, **Lt. Bonnie K. Moore** was awarded the OIG Division Chief's Award.

During calendar years 2014 - 2017, Lt. Moore consistently distinguished herself through hard work, intellect, leadership and perseverance as a member of the Office of Inspector General. Lt. Moore's demonstration of professionalism as a long serving OIG investigator, coupled by her ability to address the most complex assignments is unequaled and a testament to her dedication and devotion to duty and to the Department. Lt. Moore consistently displayed the confidence and resolution needed to face the challenges in any given assignment and effectively used her authority, intellect and influence in a positive manner. Lt. Moore demonstrated herself an excellent visionary and tempered her duties with consistently sound judgment, diplomacy and outstanding interpersonal communication skills.

Lt. Moore's tireless efforts serve as a clear example of the sort of vision, teamwork, selfless service, and positive attitude we seek to develop in all Department leaders.

Congratulations on a job very well done.





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