



OIG DIVISION CHIEF'S AWARD

# OFFICE OF INSPECTOR GENERAL

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*ANNUAL REPORT - 2018*

## **Message from the Inspector General**

*The standard you walk past is the standard you accept.*

*David Morrison, Lt. General, Australian Army*

2018 proved a transformational year for the Office of Inspector General.

Key managerial positions turned over as a result of retirement and promotion providing impeccable opportunity for OIG to look at the challenges and opportunities that lie ahead and place the right people in leadership positions. These new appointees are the future of OIG. This newly established OIG command staff, and all OIG investigators and administrative staff, collectively possess and demonstrate the vision, traits and characteristics valued in all leaders. Most importantly, this OIG command staff will continue to embrace and remain steadfast to the idea that an independent OIG is critical to transparency and accountability in the administrative investigation process.

Complaints generated both internally and by the public increased in 2018, compared to 2017, by +/-50%. This upturn in complaints during 2018, coupled with the introduction of a second early intervention system specifically associated to the Texas Highway Patrol, created challenges and workloads never before seen by this office. Looking at the past 4 years, the growth in complaints received between 2014 and 2018 increased by +/-162%. Agency growth, increased complaints and overall trust in the integrity and accountability of the Office of the Inspector General has led to increased workloads and responsibilities. The increased demands presented OIG the opportunity to demonstrate time and again this Division can and will deliver trustworthy administrative investigations and requested information or assistance to DPS, peer agencies and the public.

OIG strives to ensure all complaints receive the attention they deserve. OIG ensures that factual accuracy and thoroughness outweigh all other impediments to a thorough investigation. All complainants are informed their concerns are taken seriously and will be addressed in a manner that fully respects their right to complain. OIG also respects an accused employee's right for a fair and impartial review of the allegations against them. Balancing both imperatives can sometimes be complex and time consuming depending on the seriousness of the complaint received, but no investigation will be diminished or rushed for the sake of expediency or a particular narrative. OIG strives to ensure a process that protects complainants and accused employees in an objective and thorough manner. If allegations are proven true or untrue, it is because of OIG's substantive findings to the facts.

OIG can be trusted by the public and the Department to be impartial, accurate and fiercely independent. Our legitimacy depends on this. OIG must never relinquish this independence because of timidity, indecision or political correctness.



The public expects law enforcement to be trustworthy and to have integrity. They also have an expectation that when an agency is questioned about a perceived transgression, that agency will be transparent in review. DPS understands and respects the public's expectations and the need for a robust and independent OIG to assist in maintaining the public trust. That is why, in my opinion, the Texas Dept. of Public Safety sets a very high bar for other agencies to follow.

OIG sincerely thanks the Public Safety Commission for their guidance and support maintaining an independent investigative body. OIG could not perform this important work without their encouragement and direction.

We are also very grateful to DPS leadership. Specifically, Director Steven McCraw, Deputy Directors Randy Prince, Skylor Hearn and Freeman Martin, 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



OIG Command Staff - 2018



## **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.

#### **Goals:**

- 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**

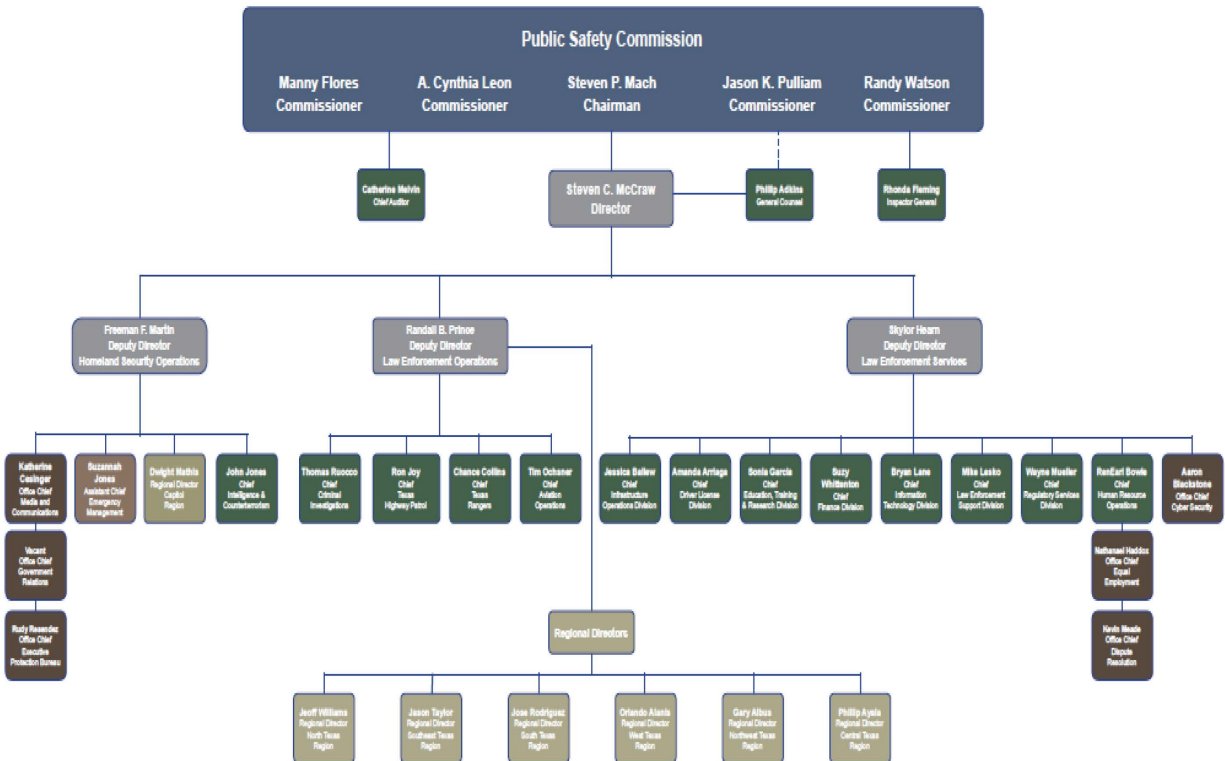
Steven P. Mach, Chairman  
Manny Flores, Commissioner  
A. Cynthia Leon, Commissioner  
Jason K. Pulliam, Commissioner  
Randy Watson, Commissioner

### **OFFICE OF INSPECTOR GENERAL**

Rhonda Fleming, Inspector General, Austin  
James Lopez, Deputy Inspector General, Austin  
Brian Lillie, Captain, Austin  
Bonnie Moore, Captain, Austin  
Adam Kinslow, Captain, Austin  
David Adkins, Lieutenant, Austin  
Rafael Ortiz, Lieutenant, Austin  
Raquel (Rocky) Matthews, Lieutenant, Austin  
Brandon Middleton, Lieutenant, Austin  
Amy King, Lieutenant, Austin  
Michael Mingst, Lieutenant, Austin  
Vacancy, 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

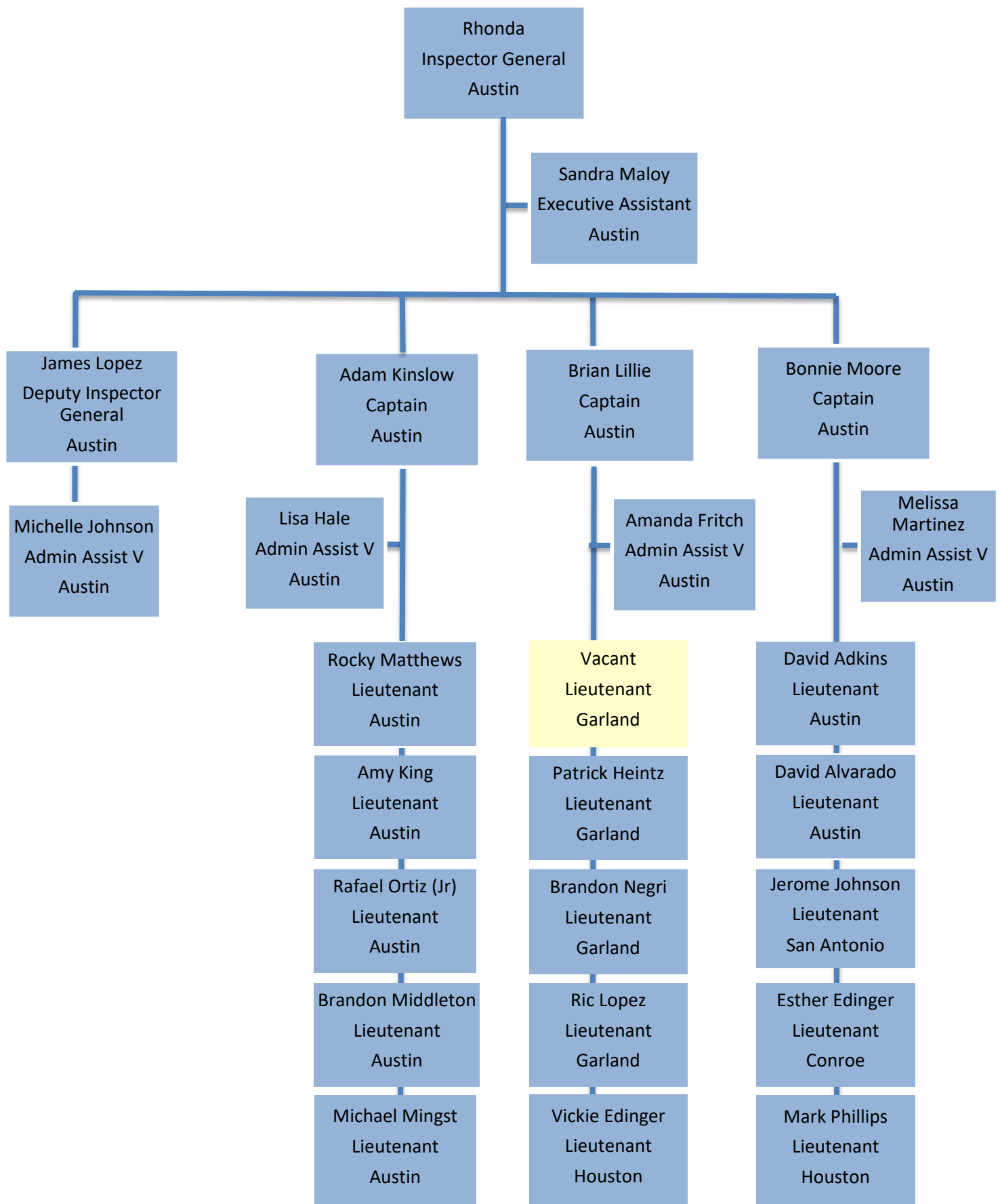
Sandra Maloy, Executive Assistant, Austin  
Michelle Johnson, Administrative Assistant V, Austin  
Lisa Hale, Administrative Assistant V, Austin  
Melissa Martinez, Administrative Assistant V, Austin  
Amanda Fritch, Administrative Assistant V, Austin



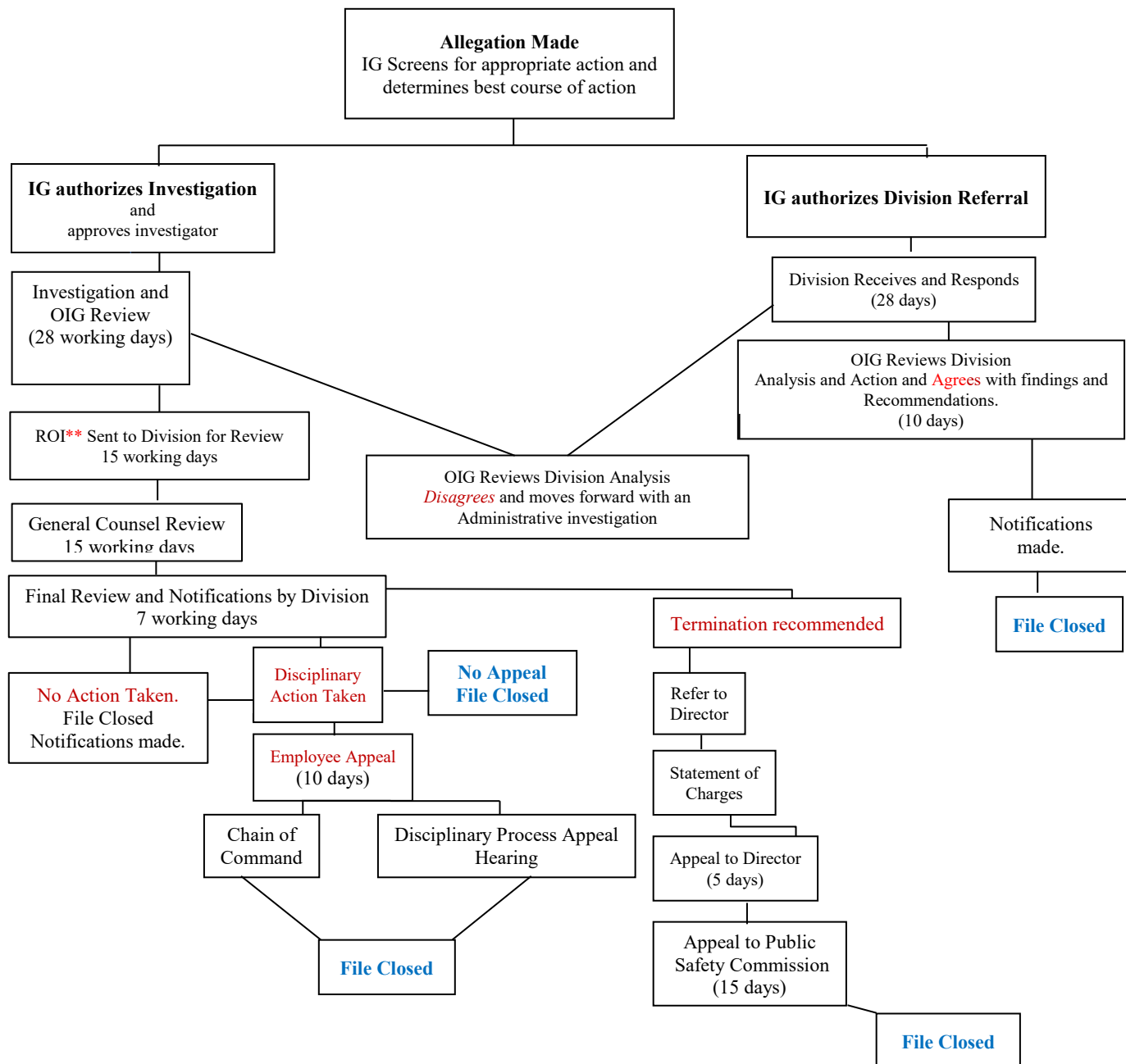


Mr. Koss, TOSM Chief,  
reports to John Stary  
and now holds the title  
of Vice Chancellor





# OIG DECISION PROCESS PERSONNEL COMPLAINTS AND ADMINISTRATIVE INVESTIGATIONS



**\*\*ROI – Report of Investigation**

## **Employee Criminal Investigations (ECI's)**

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



## OIG NOTEWORTHY FACTS

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- ***There has been a 162% increase in complaints received between 2014 and 2018***  
Since 2014, complaints received OIG have increased each year by +/- 40 percent.
- October of 2016 marked the inception date of the **THP-3 initiative**.  
This program placed OIG contact information at the bottom of every written citation and warning given by the Texas Highway Patrol.

***Almost 3 million citizens are given OIG contact information each year via this program:***

Year	Total Stops	Citations	Warnings
2017	2,600,538	880,878	1,719,660
2018	2,951,740	1,027,368	1,924,371

- In spring of 2017, OIG assumed responsibility for video intake/review regarding citizen complaints about traffic stops. This relieved THP of this responsibility and allowed OIG to respond directly to citizen concerns.

***In 2018, OIG reviewed 169 videos and responded directly to citizen concerns regarding encounters with the Texas Highway Patrol.***

***\* The following facts do not encompass all received complaints from 2018. Some investigations remain open and/or not yet resolved:***

- 16 employees were discharged from the department as a result of an OIG investigation
- 25 employees resigned/retired in lieu of disciplinary action being taken as a result of an OIG investigation
- Most common complaint received in 2018: Performance of duties & Courtesy policy violation.
- OIG/EEO received the most EEO complaints in July
- OIG received the most external complaints in August
- OIG received the most internal complaints in November



## OIG STATUTORY AND POLICY DIRECTIVES

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.



## IMPORTANT TO INFORM THE PUBLIC

### 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](http://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.

## 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

**2018 – 26 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 57 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.



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## 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.

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## OIG INVESTIGATIONS BY THE NUMBERS

In an agency with almost 10,000 employees, the Texas Department of Public Safety has a **complaint rate of only 0.11%**. 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 complaints processed through the Office of Inspector General for 2018:

### Calendar year 2017

**Total Complaints Received: 742**

- Division Referrals 386
- OIG/EEO Investigations 222
- VIP Investigations 2
- ECI Tracking 40
- Additional Intake 92

### Calendar year 2018

**Total Complaints Received: 1148**

- Division Referrals 559
- OIG/EEO Investigations 256
- VIP Investigations 40
- ECI Tracking 57
- Additional Intake 169

**\*What is a Division Referral?** An OIG Division Referral refers to a process by which OIG allows a Division to conduct an investigation into policy matters that do not require the full length and formality of an administrative investigation process. During a Division Referral, OIG requires the Division to submit a report which is reviewed for completeness and if necessary, approves the use of disciplinary action up to and including a formal written reprimand. If at any time the Division Referral reveals policy violations that are more egregious than first alleged, or if the disciplinary action warranted could be one day off w/o pay or greater, OIG will initiate a formal administrative investigation.



**Texas Highway Patrol**  
**DIRECTED PERFORMANCE AUDITS**  
(An early intervention system - EIS)

The Texas Highway Patrol has numerous control measures to be proactive in holding personnel accountable, such as: an independent Office of Inspector General (OIG) to receive and investigate complaints; an Early Intervention System (Blue Team) monitoring fleet collisions, vehicle pursuits, and use of force incidents; mandatory performance observations by immediate supervisors which include video observations; and a line inspection program.

In 2018, the Texas Highway Patrol began a new initiative to supplement current control measures in order to help identify commendable performance and performance in need of correction. Working closely with the current Early Intervention System (BLUETEAM), a new review process consisting of Directed Area Audits was initiated (otherwise known as REDTEAM).

These audits are conducted by sergeants and focus primarily on conducting video reviews of a different sergeant area in their district or region as assigned by the Service Commanders. The audit reports will return through the chain of command to the Division Director for review and appropriate action. All audits ultimately are submitted for review to the Office of Inspector General who may choose to close the audit or open an administrative personnel investigation.

For the inaugural annual REDTEAM audit, the following results are provided:

- Of the 2,624 troopers reviewed, 107 troopers were identified as possible outliers for at least one of the five minority race/ethnicity groups and were subjected to further audit and review by THP and OIG; *(this is only 0.68% of all troopers working in Texas)*
  - 74 of these identified troopers were deemed as not requiring any further action and the audit was closed;
  - 15 of these troopers were reviewed under the Division Referral program for minor policy infractions; and
  - 18 of these troopers were accepted for formal administrative investigation by OIG.



## OIG PUBLIC INFORMATION REQUESTS (PIR's) for 2018:

**388** (261 in 2017) Open Records requests were fulfilled by the Office of Inspector General.  
**\$ 832.70** (697.60 in 2017) 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 occasion, 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.



## **2018 OIG PROMOTIONS**

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**James Lopez**, Captain, OIG Austin, promoted to Deputy Inspector General, OIG, Austin

**Bonnie Moore**, Lieutenant, OIG Austin, promoted to Captain, OIG, Austin

**Adam Kinslow**, Lieutenant, OIG Austin, promoted to Captain, OIG, Austin

**Rafael Ortiz**, Criminal Investigations Division (CID) Austin, promoted to OIG Lieutenant, Austin

**David Alvarado**, Texas Highway Patrol (THP) Austin, promoted to OIG Lieutenant, Austin

**Brandon Middleton**, Criminal Investigations Division (CID) Austin, promoted to OIG Lieutenant, Austin

**Michael Mingst**, Criminal Investigations Division (CID) Temple, promoted to OIG Lieutenant, Austin

