



The Senate of The State of Texas

GONZALO BARRIENTOS
STATE SENATOR DISTRICT 14

P.O. BOX 12068

AUSTIN, TEXAS 78711
TRAVIS (PART) COUNTY

RECEIVED
MAY 14 2003
DIRECTOR
DEPT. OF PUBLIC SAFETY
(512) 463-0114 FAX: (512) 463-5949
DIAL 711 FOR RELAY CALLS

TO: Colonel Tommy Davis
FROM: Senator Gonzalo Barrientos *GB*
RE: Additional Reports
DATE: May 13, 2003

As I continue to receive reports of various incidents I will forward them to you. Thank you.

GB/scb

Attachment

Statement of Pamela McPeters, staff member for Representative Dawnna Dukes:

"On the 13th of May, a Department of Public Safety Officer came into the Office of State Representative Dawnna Dukes where I am an employee. He stated that he was there to officially arrest State Representative Dawnna Dukes.

"The DPS officer asked if Representative Dukes was in the office. I stated no, but that he was welcome to look in her office. He declined to look in her office and sternly proceeded to tell me I needed to sign a form. I looked at the form which contained several questions. It was clearly not a warrant.

"The officer asked the following questions: if I had been in contact with Representative Dawnna Dukes; if I have a contact number for her; when was the last time I was in contact with her. He wrote my answers on the signed form. He gave me a toll free number to call the next time I speak with Representative Dawnna Dukes.

"I asked to make a photocopy of the signed document on which the officer wrote my answers and I had signed. He stated that "he had been instructed not to let anyone make a copy." I asked if the document is an open record and he replied that I should try to make an open records request. He then left the office. His demeanor was intimidating. After consulting with several other House members' offices, I found that the officers doing similar work had been very friendly and cooperative, and had not forced other staff to sign, but rather asked for their names and wrote in on the forms themselves."

Statement of Harold Cook, Senate Democratic Caucus consultant:

"After hearing from Pamela McPeters regarding the above events, I contacted Dawnna Dukes myself and informed Representative Dukes of the incident."

DEPARTMENT OF PUBLIC SAFETY

Interoffice Memorandum

RECEIVED

MAY 19 2003

DIRECTOR
DEPT. OF PUBLIC SAFETY

TO: Colonel Thomas A. Davis, Jr.
Texas Department of Public Safety

DATE: 05-19-03

FROM: Chief Randy Elliston
Traffic Law Enforcement

DIVISION: TLE

SUBJECT: Senator Barrientos Questions

Find below TLE's response to each situation of concern expressed by Senator Barrientos. These are in short form and include information we obtained from CLE and Rangers regarding questions that involved their personnel.

The following information is in response to a list of concerns of Senator Barrientos:

- DPS law enforcement personnel did not follow Representative Chuck Hopson's wife from Austin to Jacksonville.
- A check with El Paso Police Department referred us to their Public Information Office, in which they responded that if they went to Representative Pickett's residence they only inquired if he was at his residence
- A Texas Ranger went by the hospital to look for Representative Craig Eiland, however, Representative Eiland and his wife were not there. The Ranger left his business card with the hospital staff. The hospital staff contacted Representative Eiland who called the Ranger and advised him that he was out of town.
- DPS law enforcement personnel went to Representative Dawwna Dukes' residence, however, we had not determined that she was in Oklahoma at the time.
- A check with DPS personnel at the Capital and the mansion revealed negative results of a report of vandalism to any vehicles at the complexes. DPS personnel working at the mansion during the luncheon attended by Representative Menendez's wife observed no unusual incidents during this event.
- DPS law enforcement personnel stopped a vehicle registered to Representative Patrick Rose and inquired about his location, however, the vehicle was not searched.

- **DPS personnel at the Capital complex were provided a list of questions to hopefully gain information about the possible location of legislators. A DPS trooper went to Representative Naishtat's office to search for the representative. The trooper read the list of questions as they were written. The trooper did not communicate that it was a felony to withhold information.**
- **DPS personnel received information that Representative Dawnna Dukes was possibly in her office. A DPS trooper responded to Representative Dukes' office and asked questions from the list that had been provided to him. The trooper asked the staff member to write their name in the space provided on the questionnaire to ensure that he got the information correct. The trooper repeated this process with all of the representatives' offices that he contacted.**

RE

TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N. LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001

512/424-2000

www.txdps.state.tx.us



THOMAS A. DAVIS, JR.
DIRECTOR

DAVID McEATHRON
ASST. DIRECTOR



COMMISSION
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JAMES B. FRANCIS, JR.
COMMISSIONERS

May 19, 2003

The Honorable Gonzalo Barrientos
State Senator
Office #3E.18, State Capitol
Austin, Texas 78711

Dear Senator Barrientos:

The following information is in response to the list of concerns in your May 13, 2003 letter:

- DPS law enforcement personnel did not follow Representative Chuck Hopson's wife from Austin to Jacksonville.
- A check with El Paso Police Department referred us to their Public Information Office. They responded that if they went to Representative Pickett's residence they only inquired if he was at his residence.
- A Texas Ranger went by the hospital to look for Representative Craig Eiland; however, Representative Eiland and his wife were not there. The Ranger left his business card with the hospital staff. The hospital staff contacted Representative Eiland who called the Ranger and advised him that he was out of town.
- DPS law enforcement personnel went to Representative Dawnna Dukes' residence; however, we had not determined that she was in Oklahoma at the time.
- A check with DPS personnel at the Capitol and the mansion revealed negative results of a report of vandalism to any vehicles at the complexes. DPS personnel working at the mansion during the luncheon attended by Representative Menendez's wife observed no unusual incidents during this event.
- DPS law enforcement personnel stopped a vehicle registered to Representative Patrick Rose and inquired about his location; however, the vehicle was not searched.
- DPS personnel at the Capitol complex were provided a list of questions to hopefully gain information about the possible location of legislators. A DPS trooper went to Representative Naishtat's office to search for the Representative. The trooper read the list of questions as they were written. The trooper did not communicate that it was a felony to withhold information.

Senator Gonzalo Barrientos
May 19, 2003
Page 2

- DPS personnel received information that Representative Dawnna Dukes was possibly in her office. A DPS trooper responded to Representative Dukes' office and asked questions from the list that had been provided to him. The trooper asked the staff member to write their name in the space provided on the questionnaire to ensure that he got the information correct. The trooper repeated this process with all of the representatives' offices that he contacted.

If I can be of further assistance, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Thomas A. Davis, Jr.".

Thomas A. Davis, Jr.
Director

TAD:dw

Date and time of contact _____

I am Trooper _____.

I am here to arrest Representative _____ based on a demand by the Speaker of the House, Representative Tom Craddick. Representative Craddick is compelling Representative _____ to return to the House in accordance with Article 3 of the Texas Constitution.

Is Representative _____ here?

What is your name? _____

Do you have a means of contacting Representative _____?

Do you know where Representative _____ can be located?

Do you know how long Representative _____ has been gone?

When was the last time you had contact with Representative _____?

Should you have contact with Representative _____, you are instructed to call 1-800-525-5555 and provide information as to where the Representative is located.

Trooper instructions:

Please fax this information to (512) 475-2397.

Narr: North, Kelly (N1D1)
ID: 00003303

Texas Department of Public Safety
Criminal Law Enforcement Division
Narcotics Service / Task Force Report

Date: 5/17/2003

	On Duty	Off Duty	Duty Hours	Station	Time Left	Time Arrived	Station	Travel Hours Away
Sunday 5/11/03								
REGULAR DAY OFF								

Monday 5/12/03 7:30 AM 1:45 AM 13:00
 IN HURST REF. ADMIN DUTIES AND REPORTS, ENTRUSTED PROPERTY WITH SGT. TRIGO. DISCUSS INVESTIGATIONS WITH SGT. UPSHAW AND TRIGO, MET WITH LT. MCNESE REF. NARCOTICS INVESTIGATION, WORK ON NEXTEL PHONE BILLS, MET WITH CAPT. CALEY REF. PERSONEL ISSUES, POLICY AND PROCEDURE. ENROUTE TO AND IN ARDMORE OKLAHOMA AT THE REQUEST OF COLONEL THOMAS DAVIS TO MAKE CONTACT WITH TEXAS LEGISLATORS, RETURN TO DUTY STATION- WELFARE CHECK ON NORTHLAKE PD OFFICER

Tuesday 5/13/03 8:45 AM 6:45 PM 7:00
 IN HURST REF. ADMIN DUTIES, CHECK REPORTS, CLEAR SGT. DOUGLAS' IMPREST, MET WITH SGT'S CORZINE, TRIGO AND REYNOLDS REF. SGT. CORZINE'S SEARCH WARRANT REPORT, CHECK AND RESPOND TO E-MAILS, FIT TEST FOR LAB MASK, DISCUSS INVESTIGATIONS WITH SGT'S. REYNOLDS, TRIGO CORZINE AND UPSHAW, MET WITH LT. MORGAN (MVJ) REF. NARCOTICS ASSISTANCE FOR MVT.

Wednesday 5/14/03 7:00 AM 5:00 PM 9:00 7:00 AM 2:30 PM 7:50
 IN DALLAS REF. ASSIST SGT. DOUGLAS AND DEA WITH PHARMACY INSPECTION AUDIT, MET WITH DALLAS COUNT ADA, PAT KIRLIN REF. 1996 CASE, METH DALLAS PD DET. T. GIPSON REF. COOPERATIVE NARCOTICS INVESTIGATIONS, MET WITH DALLAS SO LT. F. WENT REF. COOPERATIVE INVESTIGATIONS, IN HURST REF. CHECK REPORTS, E-MAIL ACCOUNTING REF. NEXTEL BILL, DISCUSS INVESTIGATIONS WITH SGT'S TRIGO AND UPSHAW

Thursday 5/15/03 8:00 AM 3:00 PM 7:00
 IN HURST REF. ADMIN DUTIES, DISCUSS INVESTIGATIONS WITH SGT'S. UPSHAW AND TRIGO, IN GRAND PRAIRIE WITH SGT. TRIGO REF. CI ESTABLISHMENT AND INTERVIEW, WORK ON NEXTEL PHONE BILLS, TALK TO US PROBATION REF. CI

Friday 5/16/03 8:30 AM 5:30 PM 8:00
 IN HURST REF. ADMIN DUTIES AND REPORTS, CONDUCT IMPREST AUDIT, CHECK REPORTS, ASSIST SGT. TRIGO WITH SEARCH WARRANT AFFIDAVIT, MET WITH LT. WOOD, CAPT. CALEY AND ROOKY, WORK ON NEXTEL BILL, ASSIST DL WITH FELONY ARREST

Saturday 5/17/03
 REGULAR DAY OFF

Total 44.00

Leave Taken	Code	Time	From	To	PER DIEM	Day of Week	Partial	Full	
CTE	27:00	4/20/03	5/17/03			5/14/03	Wednesday	\$7.00	\$4.00
CTT	1:00	5/15/03	5/15/03						
CTT	1:00	5/13/03	5/13/03						
Total								\$7.00	\$4.00

	On Duty	Off Duty	Duty Hours	Time Left Station	Time Arrived Station	Travel Hours Away
Sunday 5/11/03						
REGULAR DAY OFF DUTY.						

Monday 5/12/03 7:00 AM 12:00 AM 13.00
 IN THE HURST OFFICE REFERENCE NARCOTICS SERVICE AND CJD/DPS OVERSIGHT DUTIES. SPOKE WITH AST. COM. EASTERWOOD AND COMMANDERS FROM T.F.S. ENROUTE TO AND RETURN FROM ARDMORE, OKLAHOMA AT THE REQUEST OF DIRECTOR TOMMY DAVIS TO MAKE CONTACT WITH TEXAS LEGISLATORS AT THE HOLIDAY INN IN ARDMORE, OKLAHOMA, TO OFFER COURTESY TRANSPORTATION BACK TO AUSTIN.

Tuesday 5/13/03 8:00 AM 6:00 PM 9.00 11:00 AM 13.00
 ENROUTE TO AUSTIN AND IN AUSTIN MEETING WITH NARCOTICS HEADQUARTERS PERSONNEL CAPT. COTTLE AND IN PREPARATION FOR DEPOSITION CONCERNING CAPTAINS PROMOTIONAL BOARD. LODGING SECURED BUDGET 73144.

Wednesday 5/14/03 8:00 AM 10:00 PM 13.00 10:00 PM 22.00
 IN AUSTIN MEETING WITH COMMANDER MIKE DUNN AND CHIEF CASKEY DEBRIEFING THEM ON THE ARDMORE, OKLAHOMA SITUATION. TO THE AGS OFFICE CONCERNING THE DEPOSITION ON THE CAPTAIN'S PROMOTIONAL BOARD.

Thursday 5/15/03 8:00 AM 5:00 PM 8.00
 TO DENTON TO TALK WITH N.C.T.N.T.F. ABOUT MERGER WITH GRAYSON CO. ALSO SPOKE WITH MAJOR TOM RAINS FROM THE GRAYSON CO. S.O. CONCERNING THE MERGER. IN THE HURST OFFICE WORKING ON DPS NARCOTICS SERVICE SUPERVISORY DUTIES.

Friday 5/16/03 7:00 AM 4:00 PM 8.00
 IN THE HURST OFFICE MEETING WITH LT. DOUG WOOD AND NEWLY PROMOTED SERGEANT TRACE MCDONALD. TALKED ABOUT EXPECTATIONS FOR MCDONALD AND POLICIES. ALSO MET WITH LT. WOOD AND ASSIGNED TO HIM AN INTERNAL INVESTIGATION IN THE WACO AREA.

Saturday 5/17/03
 REGULAR DAY OFF DUTY.

Total 51.00

Leave Taken	Code	Time	From	To
CTE	11:00	5/11/03	5/17/03	

PER DIEM		Partial	Full
Day of Week	Day of Week		
5/13/03	Tuesday	\$0.00	\$68.11
5/14/03	Wednesday	\$0.00	\$20.48
Total		\$0.00	\$88.59

Drug Seizures		Assisted Drug Seizures		Asset Seizures		Asset Seizures		Awards		Asset Seizures		Activities	
	Grams		Grams		Value		Value	Fed State	Fed State		Value		
Amphetamine	0.0	Amphetamine	0.0	Aircraft	0	Aircraft	0	0	0	C. I.'s Established	0	0	0
Black Tar Heroin	0.0	Black Tar Heroin	0.0	Currency	0	Currency	0	0	0	Controlled Deliveries	0	0	0
Cannabis	0.0	Cannabis	0.0	Other	0	Other	0	0	0	Court Appearances	0	0	0
Cocaine	0.0	Cocaine	0.0	Real Estate	0	Real Estate	0	0	0	Felony Arrests	0	0	0
Crack Cocaine	0.0	Crack Cocaine	0.0	Vehicles	0	Vehicles	0	0	0	Felony Charges Filed	0	0	0
Designer Drugs	0.0	Designer Drugs	0.0	Weapons	0	Weapons	0	0	0	Indictments Returned	0	0	0
Heroin	0.0	Heroin	0.0	Total	0	Total	0	0	0	Indictments Served	0	0	0
Methamphetamine	0.0	Methamphetamine	0.0	CLE Trooper / Interdiction	0	Accidents Investigated	0	0	0	Invest. Reports Written	2	0	0
Solid Precursors	0.0	Solid Precursors	0.0	Currency / Drug Seizures	0	Fatal Accidents	0	0	0	Laboratories Seized	0	0	0
				Milliliters		Personal Injury Accidents		Property Damage Accidents		Misdemeanor Charges		Misdemeanor Arrests	
Amphetamine Oil	0.0	Amphetamine Oil	0.0	DWI / DUI/D Arrest	0	Other Felony	0	0	0	Public Assists	0	0	0
GHB	0.0	GHB	0.0	Other Misdemeanor	0	Analyst Activities	0	0	0	Searches by Consent	1	0	0
Liquid Precursors	0.0	Liquid Precursors	0.0	Searches Verbal	0	Agency Assists	0	0	0	Search Warrant Affidant	0	0	0
Meth Oil	0.0	Meth Oil	0.0	Searches Written	0	Decorifications	0	0	0	Search Warrant Assists	0	0	0
P2P	0.0	P2P	0.0	Stolen Vehicles Recovered	0	Disseminations	0	0	0	TLE Interdiction/Assists	0	0	0
Steroids - Liquid	0.0	Steroids - Liquid	0.0	Traffic Warnings	0								
				Dosage Units		Manpower Hours		S		M		T	
Depressants	0.0	Depressants	0.0	Administrative	0	Administrative	0	0	0	0	0	0	0
LSD	0.0	LSD	0.0	C. I. Management	0	C. I. Management	0	0	0	0	0	0	0
MDMA	0.0	MDMA	0.0	Clandestine Lab. Inv.	0	Clandestine Lab. Inv.	0	0	0	0	0	0	0
Other Hallucinogens	0.0	Other Hallucinogens	0.0	Controlled Delivery	0	Controlled Delivery	0	0	0	0	0	0	0
Other Narcotics	0.0	Other Narcotics	0.0	Court	0	Court	0	0	0	0	0	0	0
Rohypnol	0.0	Rohypnol	0.0	Diversion / Audit	0	Diversion / Audit	0	0	0	0	0	0	0
Steroids - Solid	0.0	Steroids - Solid	0.0	Domestic Eradication	0	Domestic Eradication	0	0	0	0	0	0	0
Stimulants	0.0	Stimulants	0.0	General Investigations	8.00	General Investigations	8.00	4.00	8.00	4.00	8.00	4.00	32.00
				Quantity		Investigative Report Writing		Law Enforcement Liaison		Other / Patrol		4.00	
Marj. Plants - Cult	0.0	Marj. Plants - Cult	0.0	Reverse Role Inv.	0.00	Reverse Role Inv.	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Marj. Plants - Wild	0.0	Marj. Plants - Wild	0.0	Supervision	0.00	Supervision	0.00	0.00	0.00	0.00	0.00	0.00	0.00
				Amount		Support Other Agency/Area		Tactical / Strategic Planning		Training / Seminars		Travel	
Investigative Expenses	\$0.00	Investigative Expenses	\$0.00	Supervision	0.00	Supervision	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Evidence	\$0.00	Evidence	\$0.00	Tactical / Strategic Planning	0.00	Tactical / Strategic Planning	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Informer	\$0.00	Informer	\$0.00	Training / Seminars	0.00	Training / Seminars	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Surveillance	\$0.00	Surveillance	\$0.00	Travel	0.00	Travel	0.00	12.00	8.00	8.00	8.00	8.00	44.00
				Amount		Total		0.00		12.00		8.00	
Other Expenses	\$0.00	Other Expenses	\$0.00	Off Duty Employment	0.00	Off Duty Employment	0.00	2.00	2.00	2.00	2.00	2.00	0.00
Certification	Date	Certification	Date	Surveillance	0.00	Surveillance	0.00	2.00	2.00	2.00	2.00	2.00	4.00
Handgun - .380	4/15/03	Handgun - .380	4/15/03	Undercover Hours Worked	0.00	Undercover Hours Worked	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Handgun - .357	4/15/03	Handgun - .357	4/15/03										
Rifle	4/15/03	Rifle	4/15/03										
Shotgun	4/15/03	Shotgun	4/15/03										
Clan Lab	4/16/03	Clan Lab	4/16/03										

Name: Upshaw, Eisenhower (N1D1)
 ID: 00002535

Texas Department of Public Safety
 Criminal Law Enforcement Division
 Narcotics Service / Task Force Report

Date: 5/17/2003

	On Duty	Off Duty	Duty Hours	Total	Time Left	Time Arrived	Travel
				Hours	Station	Station	Hours Away
Sunday	5/11/03						
	off duty						
Monday	5/12/03	9:00 AM	12:00 AM	12.00			
	In Hurst ref info received on N1D1030025; In Armore Oklahoma ref. meeting with Democratic Party						
Tuesday	5/13/03	9:00 AM	6:00 PM	8.00			
	In Hurst ref. N1D1030025, discussed investigations with Lt. North; in Fort Worth conducting surveillance a [REDACTED], fit test for lab mask						
Wednesday	5/14/03	9:00 AM	6:00 PM	8.00			
	In Hurst ref. meeting with Samson Park P.D.; in Arlington assisting Special Crimes with fugitive apprehension						
Thursday	5/15/03	9:00 AM	6:00 PM	8.00			
	Surveillance a [REDACTED] consent search a [REDACTED]						
Friday	5/16/03	9:00 AM	6:00 PM	8.00			
	In Denton assisting Sgt Reynolds with surveillance ref. indoor marijuana grow; in Hurst preparing report on [REDACTED] and file update on N1B020008						
Saturday	5/17/03						
	off duty						
Total				44.00			

Name: Douglas, Yolanda (N1D1)
 ID: 00004072

Texas Department of Public Safety
 Criminal Law Enforcement Division
 Narcotics Service / Task Force Report

Date: 5/17/2003

	On Duty	Off Duty	Duty Hours	Total	Time Left Station	Time Arrived Station	Travel Hours Away
Sunday 5/11/03							
Regular Day Off							
Monday 5/12/03	8:00 AM	1:00 AM	14.00				
In Denton Office Re: Non Investigative Report Writing and also Investigative Report Writing N1D1-03-0024. Enroute to and in Ardmore, Ok. at request of Colonel Thomas Davis to make contact with Texas Legislators. Enroute back to duty station							
Tuesday 5/13/03	9:00 AM	6:00 PM	8.00				
In Denton office Re: Investigative Reports. Enroute to and in Dallas at the DEA Diversion office to attend meeting Re: execution of Administrative warrant at Mancuso Clinic Pharmacy to obtain Physician Summary Records the next day. Enroute back to duty station.							
Wednesday 5/14/03	8:00 AM	5:00 PM	8.00		8:00 AM	5:00 PM	9.00
Enroute to and in Dallas to assist DEA Diversion with serving Administrative Warrant at [REDACTED] At DEA Diversion office to review records. Enroute back to duty station.							
Thursday 5/15/03	(8) Eight Hours Vacation Taken						
Friday 5/16/03	(8) Eight Hours Vacation Taken						
Saturday 5/17/03	Regular Day Off						
				Total	30.00		

Leave Taken Code	Time	From	To	PER DIEM Day of Week	Partial	Full
VCT	16:00	5/15/03	5/16/03	5/14/03 Wednesday	\$7.00	\$0.00
Total					\$7.00	\$0.00