



PHILLIP G. AYALA  
INSPECTOR GENERAL  
JAMES P. LOPEZ  
DEPUTY INSPECTOR GENERAL  
ADAM KINSLOW  
EEO OFFICER

# TEXAS DEPARTMENT OF PUBLIC SAFETY

## OFFICE OF INSPECTOR GENERAL

SUMMIT EXECUTIVE CENTRE  
13706 RESEARCH BLVD., STE. 100  
AUSTIN, TEXAS 78750-1838  
(512) 424-5017

[www.dps.texas.gov](http://www.dps.texas.gov)



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STEVEN P. MACH, CHAIRMAN  
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LARRY B. LONG  
STEVE H. STODGHILL  
DALE WAINWRIGHT

### EXECUTIVE SUMMARY

On July 14, 2023, the Texas Department of Public Safety Office of Inspector General (OIG) opened two separate investigations (OIG2023-0296 and OIG2023-0301) on assertions collectively received from six Department commissioned officers. The similar accounts on these emails expressed concerns and aspects they encountered during their agency deployments to the Shelby Park area of Eagle Pass. OIG's investigation focused on both the indicated concerns and instances purported by the reporting individuals along with other considerations gleaned during our inquires to ensure comprehensive investigations occurred.

### FINDINGS

As a result of both investigations, OIG has found no reasonable cause to believe that the South Texas (3E) leadership or the Department institutionally engaged in a pattern or practice of conduct that violated law or Department policy. The following indicated are OIG's broad findings:

- **Migrants Deprived of Water**

There was no formal order given by supervisors to subordinates instructing them not to provide water to migrants under *any* circumstances. Rather, the directive was not to provide water to everyone under *every* circumstance in an effort not to incentivize migrants to cross the river. Migrants were provided water in occurrences water was needed.

- **Migrants Denied Medical Assistance**

Medical care was provided to migrants in conditions such assistance was needed or requested. No evidence was found to substantiate medical care was ever denied by any DPS personnel.

- **Criminal Trespass Arrests**

After securing an affidavit from the City of Eagle Pass, personnel did arrest migrants for criminal trespass within Shelby Park. There were incidents in which an apparent migrant family unit disregarded deterrents or was encountered trespassing into the park. In these instances, they were either turned over to Border Patrol or only one of the adult family members was arrested and the other adult family member was turned over to Border Patrol with the child for processing or released without referral.

- **Instructions to “Push Back” Migrants**

There was no determined occurrence or a directive by the chain of command for personnel to utilize physical force on migrants and thereby compel (*push*) them back toward the river. Troopers were authorized to verbally instruct migrants to go back to Mexico and cross at a U.S. Port of Entry. The term *push* in this regard was never intended, nor was it widely interpreted to mean troopers should physically force migrants back toward the river.

- **Use of Force**

The OIG investigations did not find evidence or circumstances in which agency personnel indiscriminately or deliberately engaged in use of force on migrants either as a deterrent or otherwise in violation of law or agency policy.

- **Migrant Injuries**

In some occurrences, migrants did incur injuries attempting to cross or traverse arrayed concertina wire. However, both DPS and Texas Military Forces posted signs advising of the dangers of crossing the river, as well as placed long-range acoustic devices (LRAD) to announce to migrants not to cross to Shelby Park. No evidence was found to substantiate concertina wire, or any other devised deterrent was deliberately placed with the intent to cause migrant injuries.

## **CONCLUSION**

As acknowledged within the OIG investigations, the Shelby Park operation was a challenging assignment for deployed personnel. An unprecedented and largely unimpeded migrant surge compelled the State of Texas to provide security and assurance to the City of Eagle Pass from being overwhelmed with a mass humanitarian event. Some Department personnel designated to the Shelby Park operation had misgivings toward the security objectives and/or the strategies employed to achieve them. In some cases, personnel had legitimate operational concerns that they responsibly forwarded to OIG warranting these investigations along with general agency awareness.

Due to the fluidity of circumstances encountered during the onset of the park operation, the DPS South Texas command made operational calibrations. These efforts appeared to demonstrate good faith measures to ensure a correlation of operational success aligned with both law and Department policy. Most of the concerns that precipitated these administrative investigations occurred to varying degrees but did not equate to violations of established policy or law.