

# SAFEGUARDING, SECURING, SERVING



BICENTENNIAL BLUEPRINT

FRAMING OUR FUTURE

**Abbott**  
GOVERNOR



POL. AD. TEXANS FOR GREG ABBOTT

**Texans for Greg Abbott**

**Safeguarding, Securing, Serving**

**September 10, 2018**

## Summary of Recommendations

### Safeguarding, Securing, Serving

#### 1. Cracking Down on Violent Gangs

**Recommendation: Make neighborhoods safer by funding two additional Texas Anti-Gang Centers in Waco and Tyler, while providing additional resources to existing TAG centers.**

Texas Anti-Gang (TAG) centers are operations involving the cooperation of federal, state, and local law enforcement to share information and crack down on violent criminal activity. There are six centers currently operating in Texas and they have achieved significant successes in curtailing Texas gangs. Additional funding for the existing TAG centers should be provided to target acute MS-13 criminal activity, and to establish two new TAG centers.

**Recommendation: Correctional officers who engage in organized criminal activities with incarcerated gang members should lose their pensions and be barred from serving as a correctional officer or a peace officer.**

Texas must impose severe penalties against correctional officers who assist with organized crime behind prison walls.

#### 2. Disrupting Human Trafficking and Smuggling

**Recommendation: Upon final conviction, the owner of a property that has been used as a stash house to facilitate human trafficking and other heinous crimes must forfeit title to charitable organizations.**

**Establish the criminal offense of “Operating a Stash House,” which should include facilitating human trafficking and similar or related crimes.**

Perpetrators of human trafficking, human smuggling, and other cruel offenses also rely on safe havens including real estate misused for crime known as “stash houses.” To combat criminal activity facilitated by means of stash houses where drugs, humans, and other contraband are held, the law should be amended to require, upon final conviction of the owner, that these houses be transferred to charities such as child advocacy centers, women’s shelters, and anti-trafficking groups.

**Recommendation: Require jail time for criminals convicted of human trafficking and sexual assault.**

For the most violent offenders, deferred adjudication and probation are far too lenient. For especially heinous offenses, such as sexual assault and compelling prostitution, deferred adjudication or probation should no longer be made available.

**Recommendation: Improve enforcement of online sex trafficking by hiring five new investigators at the Criminal Investigations Division of the Office of the Attorney General.**

The Texas Attorney General’s Office (OAG) has a long track record of fighting online sex trafficking. New federal law increases the power of states to pursue these heinous crimes on the internet. OAG needs additional investigators to increase the investigation and prosecution of online sex trafficking.

### **3. Ensuring Peace Officer Safety**

**Recommendation: Provide law enforcement agencies with naloxone as an antidote to potentially deadly synthetic opioids.**

Powerful synthetic opioids such as fentanyl and carfentanil are deadly even in granular amounts. Grants should be available to acquire naloxone as an emergency antidote to these dangerous substances when they are encountered in the field by law enforcement personnel, including canine units.

**Recommendation: Equip the 13 Department of Public Safety crime labs with Ion Mobility Spectrometry instruments to test for synthetic opiates.**

Ion Mobility Spectrometry (IMS) devices can check for the presence of even a tiny amount of deadly high-concentration opiates, such as fentanyl and carfentanil. DPS crime labs should be equipped with IMS devices to ensure that these dangerous substances can be detected before they harm law enforcement officers.

**Recommendation: Provide Rifle-Resistant Body Armor to law enforcement with grants through the Governor's Criminal Justice Division.**

Ambush-style attacks on law enforcement officers show the critical need for the state to continue to help protect its frontline personnel. Grant funding should be available to purchase additional rifle-resistant body armor to ensure police protection.

### **4. Strengthening the Rights of Texas Drivers**

**Recommendation: Prohibit local adoption of red light cameras, and preempt any local ordinances or policies permitting red light cameras already in force.**

Red light cameras are automated devices for red light traffic enforcement. They are expensive, studies indicate that they may increase accidents where deployed, and they pose constitutional issues. Texas should ban the use of these devices by preempting local authority to utilize them.

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## Recommendations

### 1. Cracking Down on Violent Gangs

**Recommendation: Make neighborhoods safer by funding two additional Texas Anti-Gang Centers in Waco and Tyler, while providing additional resources to existing TAG centers.**

As of 2017, approximately 2,500 gangs had been identified in Texas, with the current number of gang members in the state likely exceeding 100,000.<sup>1</sup> All four Tier 1 gangs—a ranking that indicates the most dangerous and powerful gangs in the state—are heavily linked to cartels south of the border. These four are Tango Blast, Latin Kings, Texas Mexican Mafia, and Mara Salvatrucha (MS-13). All four are dangerous, in part due to their strong connections to Mexican drug cartels.<sup>2</sup>

Of particular concern is the violent gang MS-13 founded by Salvadoran immigrants in Los Angeles in the 1980s.<sup>3</sup> The group is known not only for drug, arms, and human trafficking, but for violence, including torture. This is symbolized by MS-13's terrifying motto, "mata, viola, controla"—meaning "kill, rape, control."<sup>4</sup> DPS estimates about 500 MS-13 members in Texas,<sup>5</sup> reporting that MS-13 "remains the most encountered gang illegally crossing the Texas-Mexico border in the Rio Grande Valley."<sup>6</sup>

In 2012, the Texas Anti-Gang (TAG) Tactical Operations Center was established in Houston using a \$1.7 million grant from the Criminal Justice Division of the Governor's Office.<sup>7</sup> The TAG center serves as the unified headquarters for an estimated 75 to 100 of the region's most knowledgeable and experienced federal, state, and local anti-gang investigators, analysts, and law enforcement from federal agencies such as the FBI and DEA, state agencies like the Department of Public Safety (DPS), and local agencies like the Houston Police Department and Harris County District Attorney's Office.<sup>8</sup> Six TAG centers supported by the Governor's Office now operate in Houston, Dallas, McAllen, San Antonio, El Paso, and Lubbock.<sup>9</sup> Officials at these TAG centers conduct multi-agency investigations that result in the disruption and dismantlement of these criminal enterprise networks by coordinating prevention, intervention, and suppression activities.

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<sup>1</sup> "DPS Texas Gang Threat Assessment 2017," Department of Public Safety, July 2017. See: [http://www.dps.texas.gov/director\\_staff/media\\_and\\_communications/2017/TxGangThreatAssessment201707.pdf](http://www.dps.texas.gov/director_staff/media_and_communications/2017/TxGangThreatAssessment201707.pdf).

<sup>2</sup> *Ibid.*

<sup>3</sup> "The International Reach of the Mara Salvatrucha," March 17, 2005, National Public Radio. Online at: <https://www.npr.org/2005/03/17/4539688/the-international-reach-of-the-mara-salvatrucha>

<sup>4</sup> "What is MS-13, the violent gang Trump vowed to target?," Kaitlyn Schallhorn, Fox News, February 9, 2018. Online at: <http://www.foxnews.com/us/2018/02/09/what-is-ms-13-violent-gang-trump-vowed-to-target.html>

<sup>5</sup> "MS-13, the gang Trump said he would decimate, is one of Texas's most powerful," Josh Saul, Newsweek, July 28, 2017. Online at: <http://www.newsweek.com/gang-texas-trump-violence-cartels-el-salvador-mexico-643652>

<sup>6</sup> "Texas Gang Threat Assessment 2017," DPS, *supra*.

<sup>7</sup> "DPS Praises Announcement of Texas Anti-Gang Tactical Operations Center in Houston," DPS, May 17, 2012. [http://www.txdps.state.tx.us/director\\_staff/public\\_information/pr051712a.pdf](http://www.txdps.state.tx.us/director_staff/public_information/pr051712a.pdf)

<sup>8</sup> *Ibid.*

<sup>9</sup> "EPPD explains why El Paso has 1 of 4 anti-gang centers in the state," Ryan Hill, KFOX 14, August 25, 2017. Online at: <http://kfoxtv.com/news/local/eppd-explains-why-el-paso-chosen-as-a-texas-anti-gang-center-location>; "Governor Abbott Announces Action To Combat Violent Crime & Gang-Related Activity In San Antonio," Office of the Governor Greg Abbott, October 30, 2017. Online at: <https://gov.texas.gov/news/post/governor-abbott-announces-action-to-combat-violent-crime-gang-related-activ>

"Lubbock Texas Anti-Gang Center launches new website," KCBDB Staff, KCBDB (Lubbock NBC affiliate), June 25th, 2018. Online at: <http://www.kcbd.com/story/38502957/lubbock-texas-anti-gang-center-launches-new-website>

Efforts at the Houston TAG center led to more than 1,487 arrests in the year of 2017 with 247 of those arrested classified as violent or high threat offenders.<sup>10</sup> On April 30, 2018, a DPS-led investigation which involved the Dallas TAG center and assistance from the Dallas Police Department and the federal Drug Enforcement Agency (DEA) led to the charging of 57 members of a white supremacist gang cell that involved drug and weapons trafficking, as well as the kidnapping and torture of at least one non-member.<sup>11</sup> Similarly, in October of 2017, the governor directed DPS to deploy additional tactical resources to support the San Antonio Police Department Violent Crimes Task Force, which led to 835 arrests and 210 drug seizures.<sup>12</sup>

This model should be extended to other cities. For example, Waco is a key transportation hub on I-35. In May 2015, a shootout in Waco between the Bandidos Outlaw Motorcycle Gang and Cossacks Motorcycle Club killed nine people<sup>13</sup> and led to the conviction of the two top leaders that were found guilty on 13 federal charges.<sup>14</sup> Similarly, in the summer of 2017 Tyler Police Chief Jimmy Toler stated that his forces monitor between ten and twelve gangs in the city on any given day.<sup>15</sup>

To enhance DPS's ability to confront the threat of international and domestic gangs, the work of the TAG centers in Houston, San Antonio, and other Texas cities should be supported by increasing state funding. Furthermore, the benefits of TAG center logistical cooperation should be extended to other key Texas cities. An additional two TAG centers should be funded in Waco and Tyler by 2021 to increase public safety and combat gang activity throughout the state. Overall, funding for TAG centers should be increased by \$10 million over the 2020-21 biennium.

**Recommendation: Correctional officers who engage in organized criminal activities with incarcerated gang members should lose their pensions and be barred from serving as a correctional officer or a peace officer.**

An important step in confronting the threat of gangs is cracking down on the prison-to-street pipeline with an anti-gang policing model for state and local jails. DPS has played a vital role in tracking and combating gang activity in Texas and the Department has determined that a significant portion of gang recruitment actually occurs behind prison walls. In its 2017 Gang Threat Assessment, DPS noted that “[g]ang recruitment occurs within prisons... The prison system and county jails offer gangs unique opportunities for recruiting new members, who may join for

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<sup>10</sup> 2018 Report to the People. Office of the Governor; See:

[https://gov.texas.gov/uploads/files/press/2018ReportTOThePeople\\_01292018.pdf](https://gov.texas.gov/uploads/files/press/2018ReportTOThePeople_01292018.pdf)

<sup>11</sup> “57 white supremacist gang members charged in large North Texas drug trafficking, kidnapping conspiracy,” Kevin Krause, Dallas Morning News, April 30, 2018. Online at:

<https://www.dallasnews.com/news/crime/2018/04/30/takedown-violent-racist-prison-gangs-results-57-arrests-drug-trafficking-kidnapping-charges>

<sup>12</sup> 2018 Report to the People. Office of the Governor; *supra*.

<sup>13</sup> “Texas Gang Threat Assessment 2017,” Department of Public Safety, July 2017. Online at:

[http://www.dps.texas.gov/director\\_staff/media\\_and\\_communications/2017/TxGangThreatAssessment201707.pdf](http://www.dps.texas.gov/director_staff/media_and_communications/2017/TxGangThreatAssessment201707.pdf)

<sup>14</sup> “Two biker gang leaders convicted for deadly 2015 shootout,” Ed Lavandera, CNN, May 17, 2018, online at:

<https://www.cnn.com/2018/05/17/us/texas-biker-gang-shootout-convictions/index.html>

<sup>15</sup> “Special Report: City Gangs,” Cara Prichard, East Texas Matters, KETK-TV (NBC affiliate), July 18, 2017. Online at:

<https://www.easttexasmatters.com/news/local-news/special-report-city-gangs/768611803>

protection during incarceration.”<sup>16</sup> DPS also reports that “[a]pproximately 4,200 gang members were released from prison in Texas during FY2015.”<sup>17</sup>

Indeed, some experts consider the prison system the key to the power of the modern gang. According to David Skarbek, author of *The Social Order of the Underworld*, “gangs have business out on the streets, too, but their principal activity and authority resides in prisons, where other gangs are the main powers keeping them in check.”<sup>18</sup> Texas has the nation’s largest prison population,<sup>19</sup> with 146,843 inmates as of July 31, 2016.<sup>20</sup> It is clear, therefore, that gang activity must be addressed within jail and prison walls.

Correctional officers—the very people who are supposed to be supervising and policing the inmates—sometimes are corrupted into participating in criminal activity. In 2014, 14 former officers at the McConnell Unit were sent to federal prison after smuggling cell phones and drugs into McConnell Unit Prison in Beeville, Texas.<sup>21</sup> According to the U.S. Attorney’s Office, inmates used the cell phones to arrange and carry out killings, home invasions, drug trafficking, and transporting stolen cars to cartel members in Mexico.<sup>22</sup>

An even more dramatic instance of prison guard corruption occurred in Maryland at the Baltimore City Detention Center in 2013. No fewer than 13 female correctional officers were charged with racketeering, money laundering, and possession with the intent to distribute on behalf of a gang called the Black Guerilla Family, run from behind bars by inmate Tavon White.<sup>23</sup> Ultimately, there were at least 40 convictions in the case, including both guards and inmates.<sup>24</sup> Four of the female correctional officers charged were also impregnated by White, the gang leader. Two tattooed his name on their bodies.<sup>25</sup> Some of the officers charged had also received gifts from White, who was still imprisoned, which included diamond rings and luxury cars.<sup>26</sup> The officers colluded with White’s gang to smuggle cell phones, marijuana, prescription pills, and cigarettes into the jail.<sup>27</sup>

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<sup>16</sup>“Texas Gang Threat Assessment 2017,” Department of Public Safety, July 2017. Online at: [http://www.dps.texas.gov/director\\_staff/media\\_and\\_communications/2017/TxGangThreatAssessment201707.pdf](http://www.dps.texas.gov/director_staff/media_and_communications/2017/TxGangThreatAssessment201707.pdf)

<sup>17</sup> *Ibid.*

<sup>18</sup> “How Gangs Took Over Prisons Originally formed for self-protection, prison gangs have become the unlikely custodians of order behind bars—and of crime on the streets,” David Graeme, the Atlantic, October 2014. Online at: <https://www.theatlantic.com/magazine/archive/2014/10/how-gangs-took-over-prisons/379330/>

<sup>19</sup> “Texas’ Prison Population is Shrinking. Will it Continue?,” Alex Zielinski, San Antonio Current, June 2, 2017. Online at: <https://www.sacurrent.com/the-daily/archives/2017/06/02/texas-prison-population-is-shrinking-will-it-continue>

<sup>20</sup> “If Texas’ prison population were a city, it would be the state’s 20th largest,” James Ragland, Dallas Morning News, September 2016. Online at: <https://www.dallasnews.com/opinion/commentary/2016/09/16/texas-prison-population-city-states-20th-largest>

<sup>21</sup> “Prison Officials Seek Ways to Recruit, Retain Officers,” Brandi Grisson, Texas Tribune, November 14, 2014. Online at: <https://www.texastribune.org/2014/11/14/prison-officials-seek-ways-recruit-retain-guards/>

<sup>22</sup> “Former guards accused of smuggling cell phones into Texas prison,” Debra Goldschmidt and Catherine E. Shoichet, CNN, February 28, 2013, online at: <https://www.cnn.com/2013/02/27/justice/texas-prison-guard-arrests/index.html>

<sup>23</sup> “Four female prison guards impregnated by same inmate,” CBS News, April 24, 2013. Online at: <https://www.cbsnews.com/news/four-female-prison-guards-impregnated-by-same-inmate/>

<sup>24</sup> “Longest sentence yet for guard in BGF jail scandal handed down,” Kevin Rector, Baltimore Sun, September 25, 2015. Online at: <http://www.baltimoresun.com/news/maryland/crime/bs-md-ci-bgf-guard-sentence-20150925-story.html>

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*



Any correctional officer convicted of criminal activity related to his or her duty should forfeit their pension. This penalty is analogous to penalties placed on educators convicted of engaging in a sexual relationship with a student under Government Code 824.009. In addition, a correctional officer convicted of criminal activity related to his or her duties should be prohibited from any further service as a correctional officer or in any law enforcement capacity.

## **2. Disrupting Human Trafficking and Smuggling**

**Recommendation: Upon final conviction, the owner of a property that has been used as a stash house to facilitate human trafficking and other heinous crimes must forfeit title to charitable organizations.**

**Establish the criminal offense of “Operating a Stash House,” which should include facilitating human trafficking and similar or related crimes.**

In March 2014, law enforcement authorities found 110 people stashed in a 1,284 square foot house in Houston where smugglers were holding them for ransom.<sup>28</sup> When authorities entered the residence, they found people crammed into the home “sitting on each others' laps, hungry, thirsty, and exhausted.”<sup>29</sup> The occupants, some of whom had been locked in the house for over two weeks, were between the ages of 5 and 47.<sup>30</sup> This “stash house” was the last leg in a human smuggling operation that illegally brought people from Central America into the United States while extorting their families for money.

Stash houses are used by criminal organizations to conceal illegal aliens, drugs, and other illegal activities such as human trafficking and prostitution.<sup>31</sup> Stash houses may be houses, ranches, business locations, mobile homes, hotels, or apartments. Many are in squalid conditions and are not designed to hold the large numbers of people that may be involved in human smuggling operations.<sup>32</sup> In just three different stash houses in southern New Mexico and El Paso, Texas, U.S. Immigration and Customs Enforcement (ICE) agents arrested 18 human smugglers and 117 illegal immigrants.<sup>33</sup>

Stash houses are not only used to conceal human smuggling but to facilitate other organized crime as well. In May 2018, a raid of white supremacist-linked gangs in North Texas led to the arrest of 57 individuals on a variety of charges including drug trafficking, kidnapping, torture, and illegal firearm possession.<sup>34</sup> The gangs were operating out of an “array of stash houses” to traffic drugs and commit numerous violent offenses. In 2016, a large human trafficking ring was discovered to be operating out of a stash house in Edinburg.<sup>35</sup> Crammed inside the house were 37 illegal immigrants being held for ransom as smugglers extorted the hostages’ families for more money.

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<sup>28</sup> “More than 100 people found in suspected stash house: Acting on tip, officers enter Harris County house and encounter imprisoned 'sea of people',” St. John BARNED-SMITH, Dane Schiller, and Dale Lezon, Houston Chronicle, Monday, March 24, 2014. Online at: <https://www.chron.com/neighborhood/pearland/crime-courts/article/More-than-100-people-found-in-suspected-stash-5331522.php>

<sup>29</sup> *Ibid.*

<sup>30</sup> *Ibid.*

<sup>31</sup> Stash House Rewards Program. Texas Crime Stoppers; See: <https://www.tdcaa.com/sites/default/files/Stash%20House%20Rewards%20Program%20Flyer.pdf>

<sup>32</sup> *Ibid.*

<sup>33</sup> “ICE agents arrest 18 human smugglers, 117 illegal immigrants in Texas, New Mexico,” Jennifer Earl, Fox News, July 13, 2018, online at: <http://www.foxnews.com/us/2018/07/13/ice-agents-arrest-18-human-smugglers-117-illegal-immigrants-in-texas-new-mexico.html>

<sup>34</sup> “White Supremacist Gang Members’ ‘Vast Criminal Conspiracy’ Detailed,” Doyin Oyenyi, Texas Monthly, May 3, 2018. Online at: <https://www.texasmonthly.com/news/white-supremacist-gang-members-vast-criminal-conspiracy-detailed/>

<sup>35</sup> “Large human trafficking bust ends at South Texas stash house adorned with 'Goddess of Death' shrine,” Tyler White, San Antonio Express-News, May 20, 2016. Online at: <https://www.mysanantonio.com/news/us-world/border-mexico/article/CBP-Human-traffickers-busted-bringing-dozens-of-7449825.php>

Currently, Chapter 59 of the Code of Criminal Procedure allows for, but does not require, the seizure and forfeiture of contraband used in the commission of certain crimes such as human trafficking, human smuggling, drug trafficking, prostitution, or organized crime. Contraband is defined as “property of any nature, including real, personal, tangible, or intangible.”<sup>36</sup> Real property would include land or buildings used in the commission of a crime such as use of a stash house.

In an effort to stop the criminal activity taking place at stash houses, the law should be amended to upon final conviction of a crime, require the forfeiture of real property used to facilitate human trafficking<sup>37</sup> or smuggling,<sup>38</sup> or offenses pertaining to organized crime.<sup>39</sup>

When the owner of a stash house is convicted, their property should be disposed through transfer of title to a charitable organization. The Office of the Attorney General (OAG) will be directed to compile a list of organizations to whom title may be transferred, which shall be limited to charities such as child advocacy centers, women’s shelters, and anti-trafficking groups.

Upon final conviction of the property owner:

- The presiding judge will choose from the list of charities provided by OAG to receive ownership of the seized property.
- Where transfer to a charity is impractical (due to local zoning ordinances, for example), the judge would also be empowered to dispose of properties by public auction or other appropriate method with the proceeds going to a charity on the approved list.
- If nonresidential or multi-family properties are seized, the judge would still have the discretion to dispose of the property by seizure and sale under existing nuisance and forfeiture statutes, or direct proceeds to a charity on the approved list.

Furthermore, while a property owner may lose their property under current law for allowing it to be used as a stash house, there is no criminal penalty currently in place for some of these offenses. Some stash house owners may be guilty of the offense of “Failure to Report a Felony,” which is a Class A Misdemeanor.<sup>40</sup> However, “Failure to Report” does not cover all uses of a stash house.

Texas should create a new criminal offense of “Operating a Stash House,” which would apply to property owners who knew or should have known their single-family homes -- including mobile homes -- that have been used for organized crime, or human trafficking. The offense would be penalized as a Class A Misdemeanor. Additionally, punishment for this crime would include forfeiture of the property, which would be seized by law enforcement and -- upon final conviction of the owner -- would be disposed of as a stash house.

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<sup>36</sup> Article 59.01 Code of Criminal Procedure

<sup>37</sup> Texas Penal Code Chapter 20A.

<sup>38</sup> Texas Penal Code Sections 20.05 and 20.06 (continuous smuggling).

<sup>39</sup> Chapter 71 of the Penal Code (Organized Crime).

<sup>40</sup> This applies where a person observes the commission of a felony under circumstances in which a reasonable person would believe that an offense had been committed in which serious bodily injury or death may have resulted, and fails to immediately report the commission of the offense to a peace officer or law enforcement agency. See: Texas Penal Code Section 38.171.

**Recommendation: Require jail time for criminals convicted of human trafficking and sexual assault.**

Under Chapter 42A of the Code of Criminal Procedure, Texas provides two forms of community supervision to judges as alternatives to sentencing. *Judge-ordered community supervision*, also known as probation, allows a judge to place a defendant under community supervision *after* conviction at trial. Upon successful completion of the community supervision, the defendant has the conviction removed from their record.<sup>41</sup> Probation can also be ordered by a jury.

*Deferred adjudication community supervision* allows a defendant to accept responsibility for a crime without a conviction on their record.<sup>42</sup> Deferred adjudication is not a conviction under Texas law.<sup>43</sup> When a defendant is placed on deferred adjudication, the defendant will enter a guilty plea, but the judge does not find the defendant guilty, instead deferring the finding of guilt.<sup>44</sup> If the conditions of the sentence are successfully completed, the case is dismissed.<sup>45</sup> Texas allows a first-time defendant to be placed on deferred adjudication under certain circumstances.<sup>46</sup>

For certain crimes, however, it is unjust to let individuals avoid jail time, as the following examples illustrate:

- Stryker Strickland, a former teacher of Springtown, Texas, was charged in 2016 with indecency with a child by sexual conduct after a former student reported him. He was given ten years deferred adjudication for the offense.<sup>47</sup>
- Lawrence Taplin repeatedly sexually abused a girl from Temple, Texas, starting when she was 13 years old. However, he was only sentenced to five years deferred adjudication in 2017 for sexual assault.<sup>48</sup>
- Robert Davis of Henrietta, Texas, in 2017 pled guilty to sexual abuse of a child after it was found that he had committed multiple sex crimes against a child. He received eight years deferred adjudication for sexual abuse of a child under the age of 14.<sup>49</sup>
- Former El Paso teacher Adam Newport was accused of having a sexual relationship with a 13-year-old student. He pled guilty to improper relationship between educator and

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<sup>41</sup> Written Testimony for the Texas Senate Jurisprudence Committee. Texas Office of Court Administrators; See: <http://www.txcourts.gov/media/662319/OCA-Written-Testimony-Expunctions-and-Non-Disclosure.pdf>

<sup>42</sup> Written Testimony for the Texas Senate Jurisprudence Committee. Texas Office of Court Administrators; See: <http://www.txcourts.gov/media/662319/OCA-Written-Testimony-Expunctions-and-Non-Disclosure.pdf>

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

<sup>46</sup> Art. 42A.102 of the Texas Code of Criminal Procedure

<sup>47</sup> "Strickland pleads guilty," Christina Derr, Springtown Epigraph, December 14, 2017. Online at: <http://springtown-epigraph.net/index.php/2017/12/14/strickland-pleads-guilty/>

<sup>48</sup> "Probation revocation sought for man who gave girl STD," Deborah McKeon, Temple Daily Telegram, April 4, 2018. Online at: [http://www.tdtnews.com/news/article\\_7bf40f7e-385d-11e8-9e5d-37ab41e94f8e.html](http://www.tdtnews.com/news/article_7bf40f7e-385d-11e8-9e5d-37ab41e94f8e.html)

<sup>49</sup> "Former Clay County pastor pleads guilty in child sex case," Claire Kowalick, Times Record News, October 19, 2017. Online at: <https://www.timesrecordnews.com/story/news/crime/2017/10/19/former-clay-county-pastor-pleads-guilty-child-sex-case/780074001/>

student, two counts of aggravated sexual assault of a child, and four counts of indecency with a child by contact and received ten years deferred adjudication.<sup>50</sup>

- On August 16, 2018, Dr. Shafeeq Sheikh, a former internal medicine resident at Ben Taub General Hospital in Houston, was convicted of a second-degree sexual assault after he raped a sedated patient. The jury only gave Sheikh a 10-year probation although this crime may be punishable by up to 20 years in prison.<sup>51</sup>

Heinous crimes such as indecency with a child, sexual assault, human trafficking, prohibited sexual conduct, compelling prostitution, sexual performance by a child, and possession or promotion of child pornography warrant a harsher penalty than deferred adjudication, and the law should reflect this. Ultimately, given the nature of their crimes, it is simply unacceptable for human traffickers and sex criminals to avoid prison time. Deferred adjudication and probation should not be available for these offenders.

**Recommendation: Improve enforcement of online sex trafficking by hiring five new investigators at the Criminal Investigations Division of the Office of the Attorney General.**

Technology has created endless possibilities for staying connected globally, but offenders exploit such advances to harm children across the world. With each advance law enforcement makes, predators are developing new ways of hiding their acts from public view by using anonymous networks like Tor and encrypting all materials they obtain and move through the web. The FBI has found over 1.3 million images of children being violently sexually abused on Tor.<sup>52</sup>

Social media and dark websites<sup>53</sup> are a place for predators to validate their unthinkable urges and come together as a supportive community for their vile and illegal acts of viewing and producing child pornography and sexually exploiting children. These underground communities share practices to impede law enforcement as well as share techniques of exploiting and cohering child victims. Predators can fix on a potential victim, then do their research online, mining social media accounts for information that can help them exploit victims. Evidence from legal cases demonstrates that sites such as Craigslist and Backpage have already been used for trafficking.<sup>54</sup> Facebook, Twitter, and other social networking sites are vulnerable to being utilized by traffickers in a similar fashion.

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<sup>50</sup> "Ex-Riverside Middle School teacher gets probation in student sexual assault case," Daniel Borunda, El Paso Times, January 23, 2018. Online at: <https://www.elpasotimes.com/story/news/crime/2018/01/23/ex-riverside-middle-school-teacher-probation-student-sexual-assault/1059580001/>

<sup>51</sup> "A jury convicted a doctor of raping a patient at a hospital -- and sentenced him to probation," Kristine Phillips, The Washington Post, August 19, 2018. Online at: [https://www.washingtonpost.com/news/true-crime/wp/2018/08/19/a-jury-convicted-a-doctor-of-raping-a-patient-at-a-hospital-and-sentenced-him-to-probation/?noredirect=on&utm\\_term=.6bcf127a6542](https://www.washingtonpost.com/news/true-crime/wp/2018/08/19/a-jury-convicted-a-doctor-of-raping-a-patient-at-a-hospital-and-sentenced-him-to-probation/?noredirect=on&utm_term=.6bcf127a6542)

<sup>52</sup> "The Scourge of Child Pornography," Federal Bureau of Investigation, April 25, 2017. Online at: <https://www.fbi.gov/news/stories/the-scourge-of-child-pornography>

<sup>53</sup> According to the FBI, "dark websites" or the "DarkNet" is a subset of a vast amount of internet content that is not indexed by traditional search engines, also known as the "Deep Web." DarkNet content is not indexed and contains overlapping networks that use public internet but require unique software, configuration, or authorization to access. The access requirements are designed to hide the identity of the user. See: <https://www.fbi.gov/news/stories/a-primer-on-darknet-marketplaces>

<sup>54</sup> "How Facebook will fight sex trafficking," Jeff John Roberts, Fortune, October 8, 2015. Online at: <http://fortune.com/2015/10/08/facebook-sex-trafficking/>

During the 85th Legislative Session, Senate Bill 1196 by Senator Lois Kolkhorst amended the Civil Practice and Remedies Code to include online websites engaged in human trafficking activity as a "place" for the purposes of allowing such websites to be declared a common nuisance under Texas law.<sup>55</sup> A common nuisance is defined as a person who maintains a place where they allowed the illegal activity to occur or failed to make reasonable attempts to stop it.<sup>56</sup> Under S.B. 1196, a judge's sole remedy is to issue a judicial finding declaring a website a nuisance to OAG. The OAG, at its discretion, may notify internet service providers and other relevant entities of the judicial finding.

On April 11<sup>th</sup> this year, the president signed into law the Allow States and Victims to Fight Online Sex Trafficking Act (FOSTA).<sup>57</sup> Under the law, any internet platform that promotes or facilitates prostitution or recklessly disregards human trafficking occurring on their platform is potentially civilly liable to the victim and civil action by the various state attorneys general.<sup>58</sup> Previously, platforms were not held liable for illegal content posted on their platform by third parties, as provided by Section 230 of the Communications Decency Act of 1996.<sup>59</sup>

Even in the few weeks before the president signed the bill, federal authorities seized Texas-based Backpage.com, which has been reported to have been heavily involved with sex trafficking, and seven people involved with the organization have been indicted on charges of facilitating prostitution.<sup>60</sup> OAG participated in prosecuting the site, noting that it "was involved in 73 percent of all child trafficking cases reported to the National Center for Missing and Exploited Children," and the company's leadership has plead guilty to human trafficking in Texas and pled guilty to money laundering.<sup>61</sup> The classifieds website Craigslist has taken down its personal ads page due to concerns about past and potential abuse.<sup>62</sup> Meanwhile, the social media host Reddit took down subreddits (forums) with prostitution-related themes.<sup>63</sup>

Now that OAG has the clear legal authority to act, OAG must have the necessary resources to protect Texas citizens from the foul crimes that for too long were perpetrated under cover of

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<sup>55</sup> Senate Bill 1196 (85R). Online at: <http://www.legis.state.tx.us/tlodocs/85R/billtext/pdf/SB01196F.pdf#navpanes=0>

<sup>56</sup> Sec. 125.0015 Civil Practice and Remedies Code

<sup>57</sup> "Trump signs 'FOSTA' bill targeting online sex trafficking, enables states and victims to pursue websites," Tom Jackman, Washington Post, April 11, 2018. Online at: [https://www.washingtonpost.com/news/true-crime/wp/2018/04/11/trump-signs-fosta-bill-targeting-online-sex-trafficking-enables-states-and-victims-to-pursue-websites/?utm\\_term=.ba077489ed07](https://www.washingtonpost.com/news/true-crime/wp/2018/04/11/trump-signs-fosta-bill-targeting-online-sex-trafficking-enables-states-and-victims-to-pursue-websites/?utm_term=.ba077489ed07)

<sup>58</sup> "H.R. 1865, "Fight Online Sex Trafficking Act." See: <https://www.congress.gov/115/bills/hr1865/BILLS-115hr1865enr.pdf>

<sup>59</sup> "Bill enabling prosecutors, victims to pursue websites that host sex traffickers heads to White House," Tom Jackman, Washington Post, March 21, 2018. Online at: [https://www.washingtonpost.com/news/true-crime/wp/2018/03/21/bill-enabling-prosecutors-to-pursue-websites-that-host-sex-traffickers-heads-to-white-house/?utm\\_term=.438e8383771c](https://www.washingtonpost.com/news/true-crime/wp/2018/03/21/bill-enabling-prosecutors-to-pursue-websites-that-host-sex-traffickers-heads-to-white-house/?utm_term=.438e8383771c)

<sup>60</sup> "Backpage Founders Indicted On Charges Of Facilitating Prostitution," Alina Selyukh, National Public Radio, April 9, 2018. Online at: <https://www.npr.org/sections/thetwo-way/2018/04/09/600360618/backpage-founders-indicted-on-charges-of-facilitating-prostitution>

<sup>61</sup> "Backpage.com Pleads Guilty to Human Trafficking in Texas," Office of the Attorney General Ken Paxton, April 12, 2018. Online at: <https://www.texasattorneygeneral.gov/news/releases/backpage-com-pleads-guilty-to-human-trafficking-in-texas>

<sup>62</sup> "Craigslist Drops Personal Ads Because of Sex Trafficking Bill," Niraj Chokshi, New York Times, March 23, 2018. Online at: <https://www.nytimes.com/2018/03/23/business/craigslist-personals-trafficking-bill.html>

<sup>63</sup> "Hours After FOSTA Passes, Reddit Bans 'Escorts' and 'SugarDaddy' Communities: The great content crackdown has begun." Elizabeth Nolan Brown, Reason, March 22, 2018. See: <https://reason.com/blog/2018/03/22/reddit-bans-escort-subreddits>

anonymity online. OAG should be granted an appropriation to hire staff to handle cybercrime investigations made possible by FOSTA. Based on the Legislative Appropriations Request for OAG, \$865,000 should be appropriated for the 2020-21 biennium to cover the costs of the salaries and benefits of five new Criminal Investigation Division (CID) Investigators to support OAG in increasing its investigation and prosecution of human trafficking occurring online.

### **3. Ensuring Peace Officer Safety**

#### **Recommendation: Provide law enforcement agencies with naloxone as an antidote to potentially deadly synthetic opioids.**

According to the Centers for Disease Control and Prevention (CDC), among the more than 64,000 drug overdose deaths estimated in 2016, the sharpest increase occurred among deaths related to fentanyl and fentanyl analogs with over 20,000 overdose deaths. Fentanyl is an opioid that is about fifty times more potent than heroin.<sup>64</sup> Fentanyl is so toxic that just two to three milligrams - the equivalent of five to seven grams of table salt - can kill.<sup>65</sup> Even more deadly is carfentanil, an opioid used as a large-animal tranquilizer that has 10,000 times the potency of morphine.<sup>66</sup> Fentanyl and carfentanil can be swallowed, snorted, or injected, and are easily absorbed through the mucous membranes; exposure can be fatal. DPS Director McCraw testified on April 12, 2018 that in just three traffic stops over less than a three-month period, DPS troopers seized 23.977 kilograms of fentanyl, enough doses to kill almost 12 million people.<sup>67</sup>

That means first responders, such as law enforcement officers during drug busts or medics treating overdose patients, risk potentially fatal exposure to these drugs. There are multiple instances of first responders as well as police dogs dying from exposure to these substances.<sup>68</sup> The *Wall Street Journal* reports that “[l]aw-enforcement encounters with fentanyl nationwide rose to more than 14,000 in 2015 from about 1,000 in 2013, according to federal data.”<sup>69</sup> In June 2018, a Harris County Sheriff’s deputy became ill after being exposed to a Fentanyl-laced flyer placed on her patrol vehicle outside the station.<sup>70</sup>

Police, fire, and emergency response departments in many states across the country have started carrying drug kits with naloxone, an opioid receptor antagonist that reverses opioid overdose and restores normal respiration, as a proactive measure.<sup>71</sup> Overdoses of fentanyl should be treated immediately with naloxone and may require higher doses to successfully reverse the overdose. The risk that someone overdosing on opioids will have a serious adverse reaction to naloxone is far less than their risk of dying from the overdose. From 1996 to 2014, at least 26,463 opioid overdoses in

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<sup>64</sup> “Fentanyl can sicken first responders. Here’s a possible solution,” National Institutes of Standards and Technology (NIST), May 9, 2017. Online at: <https://phys.org/news/2017-05-fentanyl-sicken-solution.amp>

<sup>65</sup> “Fentanyl Isn’t Just Deadly for Drug Users: Police Are Getting Sickened,” Zolan Kanno-Youngs and Corinne Ramey, *Wall Street Journal*, July 28, 2017. Online at: <https://www.wsj.com/articles/an-american-scourge-fentanyl-is-now-stinging-law-enforcement-1501234203>

<sup>66</sup> “Possibly lethal fentanyl exposure a challenge for Central Texas cops,” Mark Wilson, *Austin American-Statesman*, June 9, 2017. Online at: <http://www.mystatesman.com/news/crime--law/possibly-lethal-fentanyl-exposure-challenge-for-central-texas-cops/zlq6fgt2P66uR20G4UDwQM/>

<sup>67</sup> Steven McCraw Testimony to House Subcommittee on National Security. April 12, 2018. See: [https://oversight.house.gov/wp-content/uploads/2018/04/McCraw-Texas-DPS\\_Testimony\\_04122018.pdf](https://oversight.house.gov/wp-content/uploads/2018/04/McCraw-Texas-DPS_Testimony_04122018.pdf)

<sup>68</sup> Kanno-Youngs and Ramsey, *supra*.

<sup>69</sup> *Ibid.*.

<sup>70</sup> “Harris Co. Sheriff’s sergeant recovering after touching fentanyl-tainted flyers,” Chauncy Glover, *abc13*, June 27, 2018. Online at: <http://abc13.com/amp/do-not-touch-sheriff-warns-of-fentanyl-tainted-flyers/3657898/>

<sup>71</sup> “New drug kits save police dogs from opioid overdoses,” CBS, June 1, 2017. Online at: <https://www.cbsnews.com/amp/news/new-drug-kits-save-police-dogs-from-opioid-overdoses/>



the U.S. were reversed by civilians using naloxone.<sup>72</sup> Texas law enforcement has so far encountered the drug only rarely, but it is expected to become more common in the coming months and years.<sup>73</sup>

Texas should create a grant program funded with a \$5 million appropriation to provide agencies with naloxone kits to be used in instances of opioid exposure. A \$5 million grant program would provide each of the 2,671 law enforcement agencies in the state with 50 units of naloxone.<sup>74</sup> This recommendation may require that the Department of Public Safety and the Texas Commission on Law Enforcement adopt protocols on training for the use of naloxone in crisis situations.

**Recommendation: Equip the 13 Department of Public Safety crime labs with Ion Mobility Spectrometry instruments to test for synthetic opiates.**

In August 2015, police officers in New Jersey were searching a home when they came across a bag of white powder.<sup>75</sup> An officer removed a scoop of powder for testing. When the officer closed the bag, a bit of air escaped carrying a puff of powder with it. That puff was enough to send two officers to the hospital as the drugs in the bag had been spiked with fentanyl.<sup>76</sup> Accidentally inhaling even a tiny amount of fentanyl can be extremely dangerous and presents a great risk to law enforcement in the field. This is what led scientists at the National Institute of Standards and Technology to create an Ion Mobility Spectrometry (IMS) instrument that “can detect trace amounts of fentanyl even when mixed with heroin and other substances.”<sup>77</sup> IMS technology is commonly used at airports to check for explosives and can also be used for the screening of street drugs.<sup>78</sup>

The contamination on bag exteriors may be sufficient for detection, providing necessary information regarding the bag’s potential contents and what precautions should be taken. IMS instruments, roughly the size of a microwave oven, can detect fentanyl that is as little as 0.2 percent of the content of a mixture and can distinguish between most of the analogs of fentanyl, which is important because some analogues are far more potent than others.<sup>79</sup> Identifying specific analogs will also help law enforcement officials keep track of new analogs as they emerge.

DPS Crime Lab personnel provide nationally reputed forensic science assistance and other services to law enforcement agencies during criminal investigations.<sup>80</sup> Texas should equip the 13 DPS Crime

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<sup>72</sup> Opioid Overdose Prevention Programs Providing Naloxone to Laypersons — United States, 2014. Centers for Disease Control and Prevention. June 19, 2015. Online at: <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6423a2.htm>

<sup>73</sup> Wislon, *supra*.

<sup>74</sup> Current Statistics. TCOLE; See: <https://www.tcole.texas.gov/content/current-statistics>

<sup>75</sup> “Fentanyl Can Sicken First Responders. Here’s a Possible Solution,” Rich Press, NIST, May 9, 2017. Online at: <https://www.nist.gov/news-events/news/2017/05/fentanyl-can-sicken-first-responders-heres-possible-solution>

<sup>76</sup> *Ibid*.

<sup>77</sup> *Ibid*.

<sup>78</sup> “Rapid detection of fentanyl, fentanyl analogues, and opioids for on-site or laboratory based drug seizure screening using thermal desorption DART-MS and ion mobility spectrometry,” Sisco et al, ScienceDirect, June 2017. Online at: <https://www.sciencedirect.com/science/article/pii/S2468170917300152>

<sup>79</sup> *Ibid*.

<sup>80</sup> TxDPS Crime Laboratory. See: <http://www.dps.texas.gov/CrimeLaboratory/>

Labs with IMS instruments to test for suspected fentanyl and other powerful synthetic opioids in the field at a cost of approximately \$455,000.<sup>81</sup>

**Recommendation: Provide Rifle-Resistant Body Armor to law enforcement with grants through the Governor’s Criminal Justice Division.**

In 2017, Texas was the deadliest state for law enforcement, leading the nation in the number of officers killed in the line of duty.<sup>82</sup> On July 7, 2016, a heavily armed sniper gunned down police officers in Dallas, leaving five officers dead and wounding another seven, as well as two civilians.<sup>83</sup> In response to these threats, during the 85th Legislative Session, Governor Abbott signed Senate Bill 12 (West, 85R), which funded the \$25 million statewide grant program through the Governor’s Office Criminal Justice Division designed to provide personal body armor to law enforcement officers across Texas.<sup>84</sup> It was announced in January 2018 that the state would be granting \$23 million to 452 law enforcement agencies to provide body armor to nearly 33,000 officers, meaning these grants are enough to equip over 40 percent of the state’s 78,244 law enforcement officers.<sup>85</sup>

Despite the initial success of this initiative, it is clear that there are additional law enforcement officers who require protection, and more will need it in the future. Indeed, the Bureau of Labor Statistics projects that the profession will grow by 53,400 officers between 2016 and 2026. As police departments grow, they will need additional funding to provide body armor for officers.<sup>86</sup> To increase protection for those who serve and protect, Texas should appropriate additional funds to the grant program to provide vests to law enforcement.

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<sup>81</sup> Note: Each unit costs approximately \$35,000.

<sup>82</sup> About Law Enforcement Officers Killed and Assaulted, 2017. FBI; See: <https://ucr.fbi.gov/leoka/2017/home>

<sup>83</sup> “Texas Gov. Greg Abbott on Dallas Shooting: ‘We Will Overcome Evil With Good,’” Governor Greg Abbott, TIME, July 8, 2016. Online at: <http://time.com/4398685/dallas-shooting-gov-greg-abbott-open-letter/>

<sup>84</sup> Senate Bill 12 (West, 85(R)). See: <http://www.capitol.state.tx.us/tlodocs/85R/billtext/pdf/SB00012F.pdf#navpanes=0>

<sup>85</sup> Law Enforcement Statistics. TCOLE. See: <https://www.tcole.texas.gov/content/current-statistics>

<sup>86</sup> “Projections of Labor Employment 2016-26: Police and Detectives, Bureau of Labor Statistics, April 13, 2018. Online at: <https://www.bls.gov/ooh/protective-service/police-and-detectives.htm>

#### **4. Strengthening the Rights of Texas Drivers**

**Recommendation: Prohibit local adoption of red light cameras, and preempt any local ordinances or policies permitting red light cameras already in force.**

A red light camera is a device that captures an image of a vehicle that enters an intersection at the time that the traffic signal is in its red phase. The images are later reviewed by law enforcement to determine whether a violation took place. While proponents of red light cameras claim that their presence leads to an increase in safety by decreasing the number of angle accidents (or side-impact collisions), data show that they may lead to an overall increase in other types of accidents such as rear-ending due to sharp braking.<sup>87</sup>

In his 2013 “We the People Plan,” then- Attorney General Greg Abbott called for a process for voters in counties and municipalities to have the option to repeal red light camera ordinances and operations by voter-initiated referendum.<sup>88</sup> Specifically, the plan called for a clear method for voters in all Texas municipalities to repeal local red light camera policies via “a petition signed [by] at least ten percent of the number participating in the most recent presidential or gubernatorial election, whichever is more recent.”<sup>89</sup> Since 2014, there have been numerous bills attempting to repeal or allow a process for voters to repeal red light camera ordinances. Many more bills called for an outright state prohibition on red light cameras or on civil or criminal enforcement based on their captured information. However, none of these bills reached the governor’s desk, all failing in the legislative process.

Some studies indicate that red light cameras might not reduce accidents but may in fact increase them. According to a study at Ohio’s Case Western Reserve University, red light cameras did cause fewer drivers to run red lights, and therefore led to fewer T-bone angle collisions, but also caused many drivers to brake abruptly, as drivers slammed on the brakes to avoid the fines.<sup>90</sup>

Most tickets are issued within the first second of the traffic light moving from its yellow to red phase while the opposing traffic light is still in its red phase. This makes it highly unlikely that an angle accident will occur.<sup>91</sup> In contrast, rear end collisions are much more likely with sudden braking. Red light camera installations caused a 28 percent *increase* in non-angle accidents when the study combined the results in Houston and Dallas.<sup>92</sup> As the author of the Case Western study

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<sup>87</sup> “Study shows no evidence red-light cameras lead to improvements in safety,” Dalton LaFerney, Denton Record Chronicle, August 8, 2018. Online at: [https://www.dentonrc.com/news/study-shows-no-evidence-red-light-cameras-lead-to-improvements/article\\_a6be687f-9e7d-57b5-b768-2bf62132c608.html](https://www.dentonrc.com/news/study-shows-no-evidence-red-light-cameras-lead-to-improvements/article_a6be687f-9e7d-57b5-b768-2bf62132c608.html)

<sup>88</sup> Greg Abbott’s We the People Policy Plan, online at: <https://townhall254.gregabbott.com/wp-content/uploads/2013/11/GregAbbottsWethePeoplePlanFINAL.pdf>

<sup>89</sup> *Ibid.*

<sup>90</sup> “Criminal Deterrence when there are Offsetting Risks: Traffic Cameras, Vehicular Accidents, and Public Safety,” Justin Gallagher and Paul J. Fisher, Case Western Reserve University, November 17, 2017, July 24, 2018. Online at: <https://www.thenewspaper.com/news/65/6510.asp>

<sup>91</sup> *Ibid.*

<sup>92</sup> “Study: Red-light cameras don’t reduce accidents By Tyler Arnold,” Ohio Watchdog, August 2, 2018. Online at: [https://www.watchdog.org/ohio/study-red-light-cameras-don-t-reduce-accidents/article\\_a24750ca-9693-11e8-ad10-abe61a2a3586.html](https://www.watchdog.org/ohio/study-red-light-cameras-don-t-reduce-accidents/article_a24750ca-9693-11e8-ad10-abe61a2a3586.html)

noted, one issue is that most studies addressing this question have been done by engineers or engineering firms, with little attention paid to the principles of human behavior.<sup>93</sup>

There are constitutional issues with red light cameras as well: red light cameras often capture a clear image of the license plate and not the driver, rendering accused violators guilty until proven innocent.<sup>94</sup> Additionally, it is unclear under the law whether the officer who reviews the camera footage constitutes a witness against the accused. The law is still unsettled on what is required to satisfy the Confrontation Clause of the Sixth Amendment in these cases.<sup>95</sup>

Red light cameras are also expensive; it can cost more than \$100,000 to install a red light camera at an intersection.<sup>96</sup> Violators often do not end up paying the fine because of a lack of clear penalties for those who choose to not pay. Violations constitute a civil penalty and are not recorded in one's driving record. An arrest warrant cannot be issued for any unpaid tickets.<sup>97</sup> The City of Austin, for example, issued tickets totaling more than \$800,000 that were not paid.<sup>98</sup>

Transparency concerns have risen out of the processing of red light camera footage. Three Denton officers were paid tens of thousands of dollars in overtime reviewing the footage from the cameras. Although a portion of the funding for overtime is supposed to come from the Traffic Safety fund, the city's Finance Director Tony Puente announced that it may have come from the general fund instead due to confusion with the new timekeeping system. This means that taxpayer money, rather than the money of those charged the \$75 fee, may now be paying for the overtime that officers spend reviewing footage.<sup>99</sup> Overall, according to the Texas Comptroller's Office, \$641 million has been collected by cities from red light cameras between 2007 and 2018.<sup>100</sup> Additionally, an investigation conducted by KXAN-TV of Austin in 2017 found that only three of the 50 cities that responded to public record requests had hired a professional engineer to conduct the proper study of the system prior to implementing the cameras.<sup>101</sup>

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<sup>93</sup> LaFerney, *infra*.

<sup>94</sup> "Red Light Camera Functionality How the Red Light Camera Works," City of Cleveland, Texas. Online at:

<https://web.archive.org/web/20161227123641/https://www.clevelandtexas.com/214/Red-Light-Camera-Functionality>

<sup>95</sup> "Wrong on Red: The Constitutional Case Against Red-Light Cameras," Joel O. Christensen, Washington University of St. Louis Journal of Law and Policy, January 2010. Online at:

[https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1086&context=law\\_journal\\_law\\_policy](https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1086&context=law_journal_law_policy)

<sup>96</sup> "Red Light Camera FAQ," Texas Department of Transportation. Online at: <https://www.txdot.gov/driver/laws/red-light/faqs.html>

<sup>97</sup> LaFerney, *infra*.

<sup>98</sup> "Many red-light camera offenders not paying, analysis shows," Tony Plohetski, Austin American Statesman, March 5, 2012. Online at: <https://www.statesman.com/news/local/many-red-light-camera-offenders-not-paying-analysis-shows/dUv3ahRH5otC8Ut3FwmsjK/>

<sup>99</sup> LaFerney, *infra*.

<sup>100</sup> "Why a Texas lawyer has spent years fighting a \$75 red-light camera ticket," Stacy Fernandez, Dallas Morning News, July 22, 2018. Online at: <https://www.dallasnews.com/news/richardson/2018/07/22/texas-lawyer-spent-years-fighting-75-red-light-camera-ticket>

<sup>101</sup> *Ibid*.

## Budget Itemization

Item	Estimated Cost in the 2020-21 Biennium	Estimated FTEs Created
Create an Additional Two Texas Anti-Gang Centers	\$10 million	0
Increase Penalties for Gang Activity in Prisons	No Significant Fiscal Implication Anticipated	0
Require Forfeiture of Stash Houses	No Significant Fiscal Implication Anticipated	0
Remove the Eligibility of Certain Serious Offenses for Deferred Adjudication and Probation	TBD	0
Provide Law Enforcement with Naloxone	\$5 million	0
Equip DPS Crime Labs with IMS Units	\$455,000	0
Provide Rifle-Resistant Body Armor to Law Enforcement	\$10 million	0
Hire Five New OAG CID Peace Officers to Pursue Online Sex Traffickers	\$865,000	5 FTEs
Establish a Statutory Framework between DIR, TMD, and DPS for Cybersecurity Coordination	No Significant Fiscal Implication Anticipated	0
Prohibit Local Red Light Camera Ordinance	No Significant Fiscal Implication Anticipated	0
<b>Total</b>	<b>\$26.32 million</b>	<b>5 FTEs</b>