

SECTION 1. Chapter 411, Government Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. BORDER OPERATIONS OVERSIGHT

Sec. 411.431. DEFINITIONS. In this subchapter:

(1) "Border" means the border between this state and Mexico.

(2) "Task force" means the Texas Border Operations Oversight Task Force established under this subchapter.

(3) "Texas military forces" has the meaning assigned by Section 437.001.

(4) "Border County" means any county defined as being in the U.S.-Mexico border region as laid out under the 1983 La Paz Agreement for the Protection and Improvement of the Environment in the Border Area.

Sec. 411.432. ESTABLISHMENT OF TEXAS BORDER OPERATIONS OVERSIGHT TASK FORCE. (a) The department shall establish a Texas Border Operations Oversight Task Force to advise the department.

(b) The task force consists of a personnel subcommittee and an infrastructure subcommittee.

(c) Members of the subcommittees shall jointly elect a chair and vice chair of the task force from among the subcommittees' members. The chair and vice chair may not be on the same subcommittee.

(d) Members of the task force are appointed as follows:

(1) each state senator who represents a district located on the border shall appoint one member from the district who lives in a border county as defined above; and

(2) each state representative who represents a district located on the border shall appoint one member from the district who lives in a border county as defined above.

(e) Members of the task force serve a term of six years.

(f) To the extent practicable, the task force must include security experts, training experts, civil rights and civil liberties experts, representatives of faith-based organizations, local law enforcement officials, local governmental officials, and representatives from business and trade organizations.

(g) The task force shall meet at least semiannually and may

convene additional meetings as they see fit.

(1) Additional meetings can be called or scheduled by the Chair, Vice Chair, or at the request of a majority of the membership.

(h) Members of the taskforce will be compensated for travel, meals, and lodging expenses incurred in the performance of their duties. Compensation will be in line with established state rates. A member of the taskforce is not entitled to receive compensation for other expenses incurred on or service provided to the taskforce.

(i) The task force is administratively attached to the department.

(j) Chapter 2110 does not apply to the task force.

Sec. 411.433. TASK FORCE; DUTIES. The task force shall:

(1) evaluate policies, strategies, and programs of governmental agencies, including but not limited to DPS, TPWD, and TMD, operating in border counties, as defined above;

(2) develop recommendations for improvements regarding border enforcement policies, strategies, and programs that take into consideration impact on border communities, with particular aim to:

(A) protect due process, the civil and human rights of border residents and visitors, and the private property rights of landowners;

(B) reduce the number of migrant deaths; and

(C) improve the safety of governmental agents and officers and the people with whom they interact;

(3) evaluate existing DPS, TMD, and TPWD training, and develop new or additional training materials and activities for these agencies on dealing with the circumstances of border counties, as defined above:

(4) assess the impact of border enforcement efforts and technologies, including the effect on the civil rights, private property rights, privacy rights, and civil liberties of border communities.

Sec. 411.434. TASK FORCE; POWERS. (a) For the purpose of administering the task force's duties, the task force or a

designated member of the task force may:

(1) hold hearings, take testimony, receive evidence, and administer oaths;

(a) Copies of all materials obtained by the task force in the course of their duties shall be maintained by the Texas State Library;

(2) subject to Subsection (b), require, by subpoena or otherwise, the attendance and testimony of a witness and the production of any book, record, correspondence, memorandum, paper, or document the task force or designated member desires in carrying out its duties; and

(3) issue subpoenas that relate to a matter under investigation by the task force.

(b) A subpoena may be issued under this section only by the chair or vice chair of the task force or a recorded vote of two-thirds of the members of the task force.

(c) A subpoena may be issued only if the task force certifies to the director that the issuance is necessary to carry out its duties and that all reasonable efforts will be taken to limit the disclosure of personally identifiable information.

(d) A person authorized to serve process under the Texas Rules of Civil Procedure may serve a subpoena issued under this section. The person shall serve the subpoena in accordance with the Texas Rules of Civil Procedure.

(e) If a person refuses to obey a subpoena issued under this section, the task force or a member of the task force may apply to a district court in Travis County for an order requiring that the person obey the subpoena. If the court finds that good cause existed for the issuance of the subpoena, the court shall order compliance with the subpoena. Failure to obey the court order is punishable by the court as contempt.

(f) This section may not be construed as affecting the investigative and disciplinary procedures of the department with respect to department agents and officers.

Sec. 411.435. TASK FORCE; REPORTS. (a) The task force shall annually submit to the director and to each member of a standing committee of the legislature over homeland security a publicly

available report containing information on the activities, findings, and recommendations of the task force for the preceding year.

(b) The director shall brief each standing committee of the legislature with jurisdiction over homeland security on each report required under Subsection (a).

Sec. 411.437. OFFICE OF THE OMBUDSMAN FOR BORDER OPERATIONS-RELATED CONCERNS. (a) In this section, "ombudsman" means the Office of the Ombudsman and component personnel for border operations-related concerns to be located within DPS that is established under this section.

(b) The DPS Inspector General shall appoint four ombudsman for border operations-related concerns. One ombudsman is to be located in McAllen, one is to be located in Laredo, one is to be located in Del Rio, and one is to be located in El Paso. These ombudsman shall report directly to the DPS Inspector General.

(c) To serve as ombudsman, a person must be knowledgeable in civil and human rights law.

(d) The ombudsman shall:

(1) receive and address complaints from individuals and employers and facilitate resolution of problems with the border operations components of the department;

(2) by examination of trends in public comments and complaints, identify areas in which individuals and employers have problems in dealing with the border operations components of the department;

(3) has discretion to refer complaints either to the OIG or to the DPS Chain of Command, except for complaints regarding use of force, civil rights violations, and civil liberty violations, which must be referred to OIG.

(4) to the extent practicable, propose changes in the administrative practices of the border operations components of the department to mitigate problems identified under Subdivision (2);

(e) The ombudsman may request that the office of inspector general conduct inspections, investigations, and audits.

(f) The Ombudsman must issue to the OIG, Director, and each standing committee of the legislature with jurisdiction over

homeland security a report summarizing complaints received over the prior six months no later than March 1st and September 1st of each year.

(g) Not later than Sept. 1st of each year, the ombudsman shall submit a report to each standing committee of the legislature with jurisdiction over homeland security on the objectives and activities of the ombudsman for the preceding year. Each report must contain:

(1) a full and substantive analysis, in addition to statistical information; and

(2) recommendations for improving the services and responsiveness of the department and any responses received from the department regarding the recommendations.

Sec. 411.439. TRAINING. (a) Department officers and any Texas military forces stationed at the border must be annually certified regarding appropriate training, including academy and in-service training, in the following:

(1) ethics, human rights, civil rights and liberties, constitutional rights, and anti-racial profiling measures;

(2) immigration law as it relates to protections for victims of crime or persecution;

(4) social and cultural sensitivity toward border communities and the impact of border operations on communities and residents;

(5) diversity of immigrant communities residing in the border region;

(6) language and basic cultural awareness of major migrant-sending nations;

(8) how to respond to grievances and where to refer complaints, to include the Office of the Ombudsman;

(9) local law enforcement agencies, legal and medical services, and any local policies limiting locations of enforcement and community organizations in each border sector;

(10) how to identify and address vulnerable populations, including persons expressing potential grounds for asylum, children, victims of crime and human trafficking, and individuals fleeing persecution or torture;

(b) Training under this section must also ensure:

(1) involvement of instructors from the border, immigrant communities, and the department;

(2) emphasis on a human rights framework as applied to the border region and immigrant communities, as applicable;

(c) As practicable, these training materials should be made publically available at least one month before going into use, and should be open to the public for feedback and suggestion.

(d) The department shall:

(1) develop and implement a publicly available plan on the training and other requirements of this section, including defined implementation goals, actions, measures, and dates; and

(2) annually report to the legislature on the plan and its implementation using specific benchmarks.

Sec. 411.44X ANNUAL DPS REPORT ON BORDER-RELATED ACTIVITIES.

The director shall:

(1) collect statistics relating to all DPS border-related law enforcement activities in the border counties as specified above in this legislation, including:

(A) the number of DPS personnel deployed to border related activities;

(B) the number of hours logged by those personnel, specifying both normal and overtime work hours;

(C) the number of vehicle miles logged by DPS aircraft, land vehicles, and marine craft in the performance of DPS border related operations;

(D) the number of vehicle-hours in which DPS land, air, and marine resources were unavailable for use due to need for maintenance;

(E) expenditures on border-related activities, including breakdowns for both operating expenditure and maintenance of land vehicles, air vehicles, marine vehicles, standard personnel costs, overtime costs, technology costs (including operation and maintenance of border related cameras;

(F) the number of border related law enforcement operations undertaken by DPS, specifying:

(1) the number of operations where DPS

engaged jointly with, or in a subsidiary role to federal or local law enforcement agencies,

(2) the number of operations where DPS was the lead law enforcement agency in operations undertaken jointly with federal or local law enforcement agencies,

(3) the number of operations where DPS was the sole participating law enforcement agency, and

(4) the man-hours and other DPS resources deployed as part of each of these types of operations;

(G) state felony arrests made by DPS personnel as part of border related operations, specifying:

(1) Arrests made by DPS as part of operations where local or federal law enforcement were participants, and

(2) Arrests made by DPS as part of operations where they were the sole participant.

(3) That arrests made by federal or local law enforcement as part of operations undertaken jointly with DPS should not be included in these figures.

(4) the man-hours and other DPS resources deployed as part of the specific operations leading to the arrests described in points 1 & 2 above.

(5) Moreover, for each of the categories laid out in 1 & 2, statistics should be compiled as to the type of felony committed by the arrested individuals;

(H) drug, currency, and weapon seizures made by DPS personnel as part of border related operations, specifying:

(1) Seizures made by DPS as part of operations where local or federal law enforcement were participants, and

(2) Seizures made by DPS as part of operations where they were the sole participant, and

(3) The man-hours and other DPS resources deployed as part of the specific operations leading to the arrests described in points 1 & 2 above, and

(4) That seizures made by federal or local law enforcement as part of operations undertaken jointly with DPS

should not be included in these figures;

(I) DPS use of force in border related operations, specifying:

(1) Non-lethal uses of force,

(2) Lethal uses of force,

(3) Use of firearms, whether or not the use resulted in injury or death to a person, and

(4) Conditions that led to the use of force;

(J) That all of the above statistics provided by DPS can be cross-tabulated by county in which the law enforcement activity occurred, month of year, and time of day.

(2) The director shall summarize and issue these statistics in an annual report to be made public no later than September 1 of each year.

(A) This annual report should examine intra-year trends as well as including 3, 5, and 10-year comparisons for all data provided.

(B) The director should also actively provide copies of this report to the membership of each standing committee in the legislature with jurisdiction over homeland security.