



A Report on

A Follow-up Audit on the Department of Public Safety's Texas Gang Intelligence Database

- The Department of Public Safety's (Department) Texas Gang Intelligence Database (TxGANG) continues to contain records that were not validated within the last five years as required by federal regulations.
- The Department has improved certain automated controls in TxGANG and implemented a report to notify Department staff when the system fails to automatically remove a record.

Lisa R. Collier, CPA, CFE, CIDA
State Auditor

Since the State Auditor's Office issued a prior audit report in August 2022,¹ the Department of Public Safety (Department) has improved certain controls over the submission of data into the Texas Gang Intelligence Database (TxGANG). However, as of November 2024, TxGANG still contained records that were not validated within the federally required timeframes. The two main reasons why those records were not validated within 5 years are: (1) the Department continued to suspend the validation process for individuals who have been incarcerated and (2) the database continued to retain invalid or unreliable data.

The Department implemented new automated controls to help ensure that certain required information is entered when a record is validated in TxGANG. It also developed a report to notify Department staff when the automated record removal process did not work as expected, and it improved its automated controls over batch uploads of TxGANG records.

- [Background](#) | p. 5
- [Audit Objective](#) | p. 17

This audit was conducted in accordance with Texas Government Code, Sections 321.013 and 321.0132.

HIGH

RECORDS VALIDATION AND RETENTION

Of the 65,832 records in TxGANG as of November 5, 2024, 7,199 (10.9 percent) had not been validated within 5 years as required. Of those, 1,245 had not been validated within the last 10 years.

[Chapter 1 | p. 8](#)

LOW

AUTOMATED CONTROLS

The Department implemented controls to require validation dates and reviewer names to be entered during validation, notify the Department when a record is not deleted as expected, and help ensure that records submitted via batch uploads contain required information.

[Chapter 2 | p. 14](#)

¹ See [An Audit Report on the Department of Public Safety's Texas Gang Intelligence Database](#), SAO Report No. 22-039.

Summary of Management's Response

Auditors made recommendations to address the issues identified during this audit, provided at the end of each chapter in this report. The Department agreed with the recommendations.

Ratings Definitions

Auditors used professional judgment and rated the audit findings identified in this report. The issue ratings identified for each chapter were determined based on the degree of risk or effect of the findings in relation to the audit objectives.

PRIORITY: Issues identified present risks or effects that if not addressed could *critically affect* the audited entity's ability to effectively administer the program(s)/function(s) audited. Immediate action is required to address the noted concern(s) and reduce risks to the audited entity.

HIGH: Issues identified present risks or effects that if not addressed could *substantially affect* the audited entity's ability to effectively administer the program(s)/function(s) audited. Prompt action is essential to address the noted concern(s) and reduce risks to the audited entity.

MEDIUM: Issues identified present risks or effects that if not addressed could *moderately affect* the audited entity's ability to effectively administer the program(s)/function(s) audited. Action is needed to address the noted concern(s) and reduce risks to a more desirable level.

LOW: The audit identified strengths that support the audited entity's ability to administer the program(s)/function(s) audited or the issues identified do not present significant risks *or* effects that would negatively affect the audited entity's ability to effectively administer the program(s)/function(s) audited.

For more on the methodology for issue ratings, see Report Ratings in Appendix 1.

Status of Recommendations

This audit followed up on recommendations to the Department in [An Audit Report on the Department of Public Safety’s Texas Gang Intelligence Database](#) (SAO Report No. 22-039, August 2022).

Figure 1 lists the recommendations and their implementation status.

Figure 1

Implementation Status of Prior Audit Recommendations

Prior Recommendation	Prior Rating	Auditor’s Determination of Implementation Status ^a	Chapter in This Report
The Department should require that all records are validated at least every five years, as required by federal regulations. This includes records for individuals who have been sentenced to be incarcerated.	Priority	 Incomplete or Ongoing	Chapter 1
The Department should update TxGANG policies and procedures to include all federal regulation requirements.	Priority	 Not Implemented	Chapter 1
The Department should require Agencies to include validation dates and reviewer names in all records submitted to TxGANG.	Priority	 Fully Implemented	Chapter 2
The Department should require Agencies to include a decision or conclusion for each validated record, which could include adding or designating a field for this required information within TxGANG.	Priority	 Fully Implemented	Chapter 2
The Department should implement automated controls over key fields for records that are entered into TxGANG via batch upload to help ensure that data is complete and reliable.	Priority	 Substantially Implemented	Chapter 2

Prior Recommendation	Prior Rating	Auditor’s Determination of Implementation Status ^a	Chapter in This Report
The Department should develop and implement an exception report in TxGANG to notify it when the system fails to automatically remove a record upon the expiration date to help ensure that records are deleted as required by statute.	Medium	 Fully Implemented	Chapter 2

^a **Fully Implemented:** Successful development and use of a process, system, or policy to implement a recommendation.

Substantially Implemented: Successful development but inconsistent use of a process, system, or policy to implement a recommendation.

Incomplete or Ongoing: Ongoing development of a process, system, or policy to address a recommendation.

Not Implemented: Lack of a formal process, system, or policy to address a recommendation.

Background Information

The Department of Public Safety's (Department) Texas Gang Intelligence Database (TxGANG) is designed to facilitate the exchange of information about gang organizations or foreign terrorist organizations and their members among the law enforcement community. Law enforcement agencies (Agencies) in a municipality with a population of 50,000 or more or in a county with a population of 100,000 or more are required to compile, maintain, and report criminal intelligence information related to gang or foreign terrorist activity to TxGANG (see text box for information about the Agencies included in this audit report).

Information gathered on individuals that meets the requirements for submission into TxGANG must be recorded in the system. See Page 6 for more information about the submission criteria.

To keep a record in TxGANG beyond its initial retention period, Agencies must validate the record for continuing compliance with submission criteria before its retention period expires. See Page 7 for more information about the validation process.

Law Enforcement Agencies

For purposes of this report, law enforcement agencies (Agencies) include municipal and county agencies, school districts that have law enforcement personnel, and state or federal agencies that are engaged in the administration of criminal justice under statute or executive order. It does not include the Texas Department of Criminal Justice, the Texas Juvenile Justice Department, or local juvenile probation departments.

TxGANG Submission Criteria

Agencies are responsible for collecting and evaluating information concerning an individual to determine whether that individual meets the requirements established in the Texas Code of Criminal Procedure, Chapter 67. A record may be created in TxGANG even if the individual has not been arrested. Figure 2 lists those requirements.

Figure 2

Minimum Requirements for Submitting or Validating Record in TxGANG

To create or retain a record in TxGANG, an Agency must determine that the individual meets:

One of the following requirements:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Judicial finding that includes as part of the criminal offense the individual’s participation in a criminal street gang.^a | <ul style="list-style-type: none"> • Judicial self-admission by an individual of criminal street gang membership. |
|--|--|

Or, two of the following requirements:

- | | |
|--|---|
| <ul style="list-style-type: none"> • Non-judicial self-admission by the individual of criminal street gang membership. • Corroborated identification of the individual as a criminal street gang member by an informant or other individual of unknown reliability. • Evidence that the individual has been arrested or taken into custody with known criminal street gang members for an offense or conduct consistent with criminal street gang activity. • Evidence that the individual frequents a documented area of a criminal street gang and associates with known criminal street gang members.^b | <ul style="list-style-type: none"> • Identification of the individual as a criminal street gang member by a reliable informant or other individual. • Evidence that the individual uses, in more than an incidental manner, criminal street gang dress, hand signals, tattoos, or symbols, etc., that are associated with a criminal street gang that operates in an area frequented by the individual. • Evidence that the individual uses technology, including the Internet, to recruit new criminal street gang members. • Evidence that the individual has visited a known criminal street gang member, other than a family member of the individual, while the individual is confined in or committed to a penal institution.^b |
|--|---|

^a Texas Code of Criminal Procedure, Chapter 67 was updated on September 1, 2023, to add records in TxGANG for individuals identified in a criminal street gang OR foreign terrorist organization.

^b If these two requirements are used jointly, a third requirement also must be met.

Source: Texas Code of Criminal Procedure, Chapter 67.

Record Validation Process

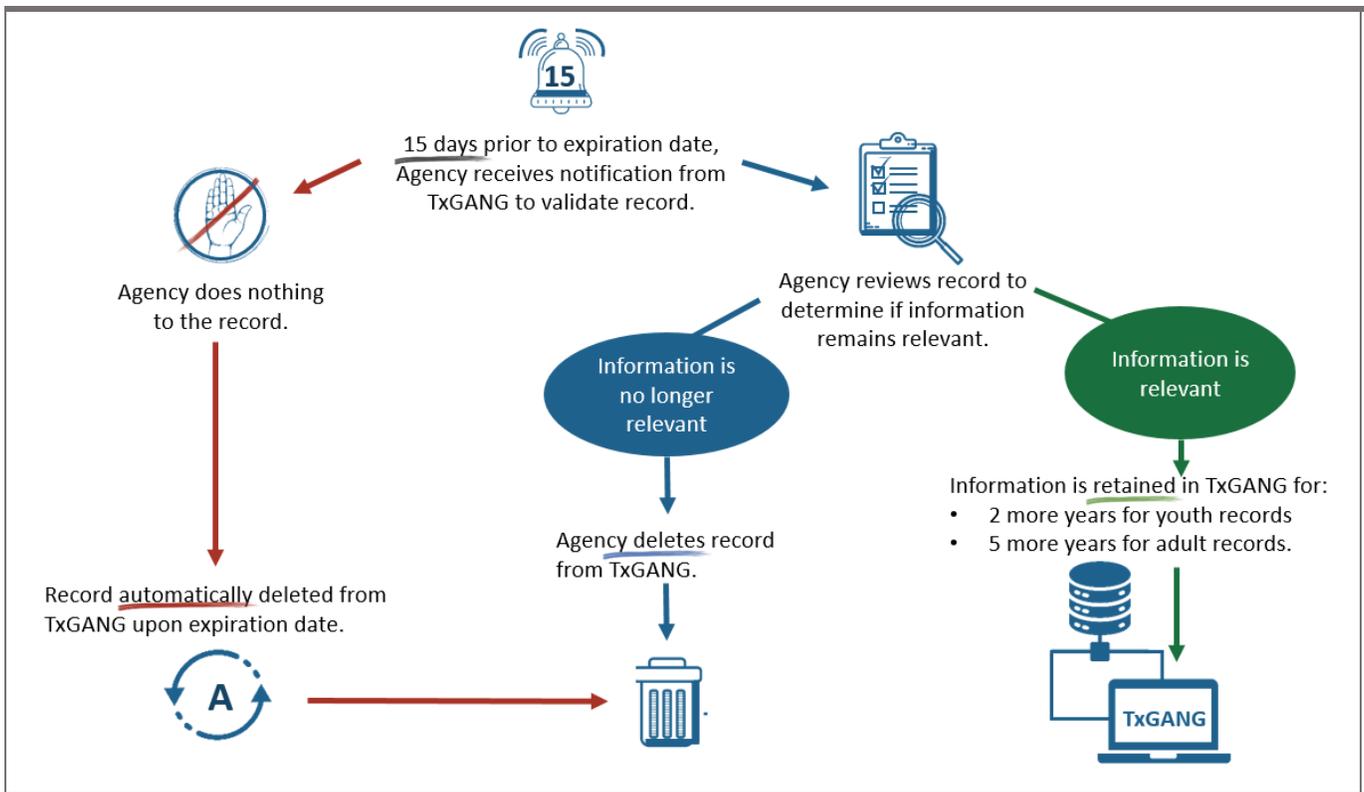
Agencies are required by Texas Code of Criminal Procedure, Chapter 67, to review and validate TxGANG record information at least every 2 years for youth records (for individuals who are between 10 and 16 years old) and every 5 years for adult records. According to the TxGANG operating policies and procedures, validation consists of reviewing supporting documentation, such as photographs, social media, or court documents, and other relevant procedures to determine whether a record continues to meet the requirements listed in Figure 2 on the prior page.

An Agency may review and validate a record at any time based on additional information collected. A validated record will be retained an additional 2 or 5 years based on record type. If a record is not validated, TxGANG is programmed to automatically remove the record upon its expiration date (see Chapter 1).

Figure 3 shows the record validation and removal process.

Figure 3

Record Validation and Removal Process



Source: Based on information from the Department.



HIGH

Chapter 1 Records Validation and Retention

The Department of Public Safety’s (Department) Texas Gang Intelligence Database (TxGANG) continues to contain records that were not validated within the last five years. Federal regulations require records to be validated every five years to decrease the risk of individuals inappropriately remaining in the database.

Specifically, 7,199 (10.9 percent) of the total 65,832 TxGANG records had not been validated within 5 years as of November 5, 2024. Of those, 1,245 records had not been validated within the last 10 years (see Figure 4). The two main reasons why the 7,199 records were not validated within 5 years are: (1) the Department continued to suspend the validation process for individuals who have been incarcerated (90.9 percent of the records) and (2) the database continued to retain invalid or unreliable data (9.1 percent of the records).

Figure 4

TxGANG Records Not Validated Within 5 Years As of November 5, 2024

Timeframes	Number of Records	Percent of Total TxGANG Records
Records Not Validated Within 5 Years	5,620	8.5%
Records Not Validated Within 10 up to 15 Years	1,245	1.9%
Records Not Validated Within 15 up to 20 Years	234	0.4%
Records Not Validated Within 20+ Years	100	0.2%
Totals	7,199	10.9%^a

^a Due to rounding, the individual percentages in this figure sum to 11.0 percent instead of the actual 10.9 percent.

Source: TxGANG data obtained on November 5, 2024.

TxGANG records for incarcerated individuals have not been validated within 5 years as required by federal law.

Of the 7,199 TxGANG records that were not validated within 5 years as required, 6,545 (90.9 percent) records were for individuals who have been incarcerated. Title 28, Code of Federal Regulations, Part 23, states that “information retained in the system must be reviewed and validated for continuing compliance with system submission criteria before the expiration of its retention period, which in no event shall be longer than five (5) years.”

As discussed in the prior report, Agencies were not consistently validating records every 5 years for individuals who have been sentenced to be incarcerated.

While Chapter 67 of the Texas Code of Criminal Procedure states that a record’s retention period for removal should be extended while a person is incarcerated, the record must still be reviewed and validated within the five years. For individuals already in TxGANG who are subsequently arrested and sentenced to be incarcerated, the Department extends the expiration date to the end date of the **sentence** plus the remaining time of the original retention period (5 years for adults and 2 years for youths).

However, the length of a sentence and the actual time an individual spends incarcerated can differ if that individual is granted early release or is released on parole. Extending the expiration date based on the sentence increases the risk that records for individuals no longer incarcerated remain in TxGANG without the required validations.

To address this, the Department added a field to TxGANG for the validation due date. In addition, it added a notification to the Agencies alerting them that the validation was due. However, the system does not require further action by an Agency to ensure that the record is validated as required.

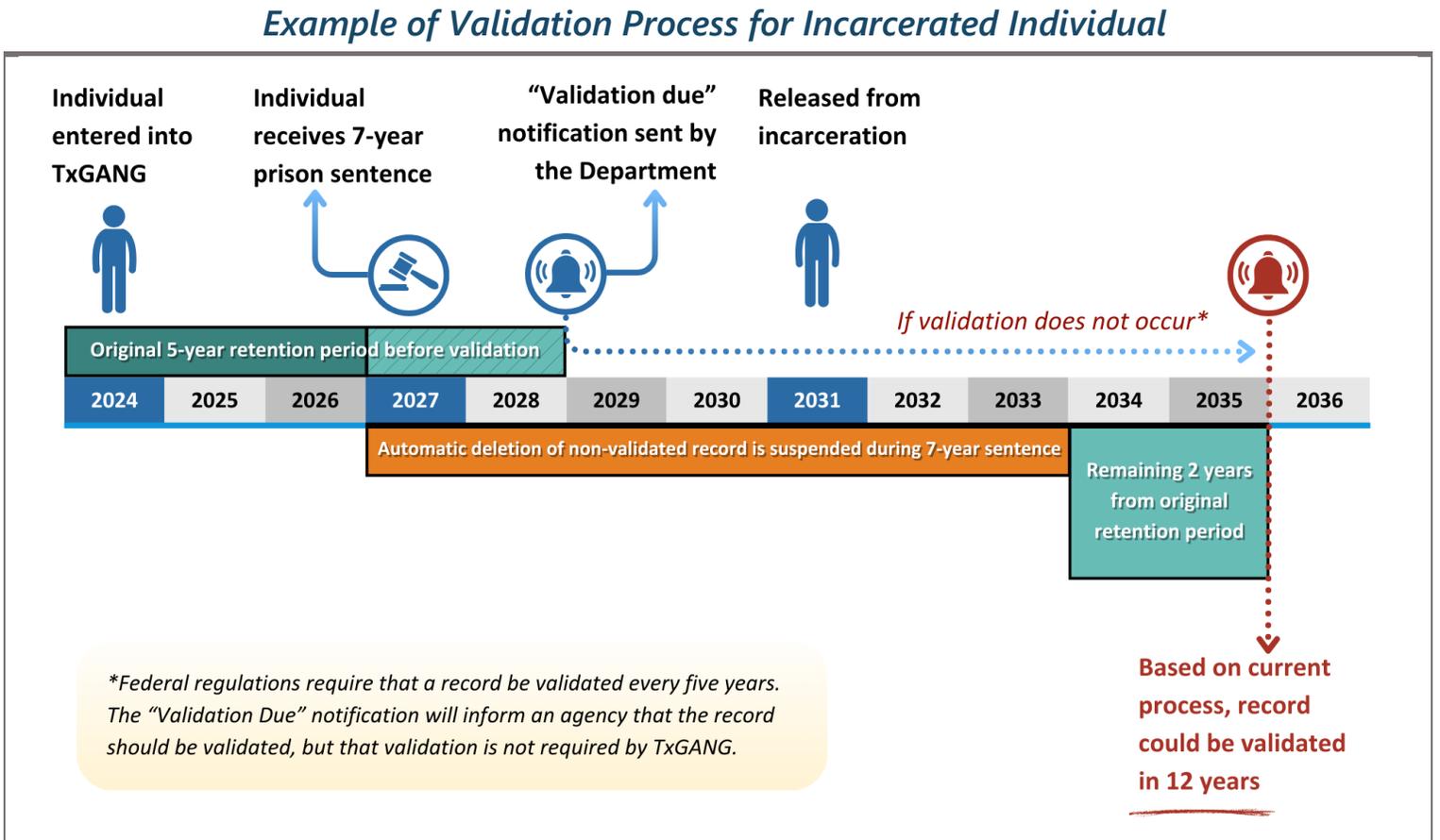
Because the expiration date is extended beyond the validation date, the incentive to validate a record is reduced. As a result, it is important that the Department implement an effective, alternative process for validating records of incarcerated individuals to help ensure compliance with federal and state regulations.

Prior Recommendation:
Incomplete/Ongoing 

The Department should require that all records are validated at least every five years, as required by federal regulations. This includes records for individuals who have been sentenced to be incarcerated.

Figure 5 shows the effect on the validation process when an individual is incarcerated and the validation alerts are ignored and not performed.

Figure 5



Source: Based on information from the Department.

TxGANG continues to retain invalid or unreliable data for certain records entered prior to the Department updating TxGANG’s automated controls.

As discussed in Chapter 2, the Department has improved its automated controls to improve entries into TxGANG for batch uploads and during records validation; however, the Department has not implemented a process to clean up existing invalid or unreliable data retained in the system.

Of the 7,199 TxGANG records that have not been validated within 5 years as required, 654 (9.1 percent) records had existing invalid or unreliable data. For example, of those 654 records, 121 (18.5 percent) had expiration dates set at least 5 additional years into the future (2030 or later). One existing TxGANG record with no incarceration sentences recorded has a validation date of June 10, 2998, which resulted in an expiration date of June 10, 3003. As a result, the record can exist in TxGANG without being further validated until 3003.

In addition, as of November 5, 2024, there were an additional 1,872 records (2.8 percent of the total records in TxGANG) that contained at least one error in a required field or field that could affect a record’s expiration date, which increases the risk that those records will not be validated within 5 years as required.

As part of the updates implemented to the TxGANG system in August 2023, the Department created an Audit Summary report to identify records containing data errors. While the Department can run and send that report for each Agency, it had not done so as of November 15, 2024. The Department also has the authority to delete records from TxGANG when the records are not in compliance with requirements (see text box).

Periodic Review of Records

All organizations that operate an intelligence system (in this case TxGANG) shall adopt procedures to assure that all information retained has relevancy and importance. Such procedures shall provide for the periodic review of information and the destruction of any information which is misleading, obsolete, or otherwise unreliable.

Source: Title 28, Code of Federal Regulations, Part 23.

The Department has not incorporated all federal regulations into its TxGANG policies and procedures.

The Department did not update its TxGANG policies and procedures to include all applicable federal regulation requirements. Specifically, the policies and procedures:

- Have not been updated to align with the federal requirement that agencies report a validation date and name of the person performing the review when records are validated.
- Do not reflect the maximum five-year retention period unless validated as outlined in the Code of Federal Regulations.

Prior Recommendation:

Not Implemented 

The Department should update TxGANG policies and procedures to include all federal regulation requirements.

In addition, the Department's TxGANG policies and procedures do not always align with its *TxGANG Operator Manual* provided to Agencies. For example, TxGANG policies and procedures do not include the requirement in Chapter 67 of the Texas Code of Criminal Procedure that a third criteria selection must be submitted if both "frequents a documented gang area" and "prison visit of gang member" are selected as criteria, while the operator manual does state this requirement.

The operator manual also does not accurately reflect how a record's initial retention period is calculated. The operator manual states that the later date of a record's initial submission or its subsequent validation is used to calculate a record's expiration date. However, the TxGANG system uses the documented date, which is the date that an individual was identified as a gang member, to calculate the initial retention period and the last validated date to calculate the extension of the record retention period. This differing guidance could cause confusion and lead to records being retained longer than required.

Recommendations

The Department should:

- Develop and implement a process that will require all records to be validated at least every 5 years as required by federal regulations. This includes records for individuals who have been sentenced to be incarcerated.
- Develop and implement a process for invalid or unreliable data to be corrected in the system. This could include periodically sending the Audit Summary report to Agencies and requiring them to correct the records identified on that report.
- Update its TxGANG policies and procedures to (1) include all federal regulations and (2) align with the Department's *TxGANG Operator Manual*.

Management's Response

DPS agrees with the audit recommendation that individuals in TxGANG should be validated at least every five years in compliance with 28 C.F.R. §23.20(h) or removed from the database. TxGANG system administrators and executives have begun contacting agencies who have overdue records, requesting the individuals be validated or removed. If records are not promptly validated, DPS will purge the non-compliant data in TxGANG.

CCP §67.151(c) states that the five-year validation timeline does not include time when the individual is incarcerated, committed, or confined in a correctional facility or local jail. DPS identified this statutory conflict on page 74 of the Agency's Strategic Plan submitted in the summer of 2024 for Fiscal Years 2025 to 2029, seeking legislative remedy.

As noted in the Report, a sentence for an individual does not always equate to an incarceration period. DPS believes it is reasonable that law enforcement personnel who enter an individual in TxGANG who is later incarcerated validate the individual's incarceration status at least every five years or near the end of the individual's sentence, whichever is sooner. This will meet both federal requirements and the caveat in CCP §67.151(c).

DPS' proposed resolution to the raised issue of invalid or unreliable data in TxGANG are addressed in its response to the finding in Chapter 2 – Automated Controls.

DPS has been updating policy, procedure, and training documents to reflect these changes and to incorporate all federal regulations. This documentation update will also resolve inconsistent information between the various program materials. These updates are a program priority.

Title of Responsible Individual: Crime Records Division Chief

Estimated Completion Date: February 28, 2025

LOW

Chapter 2 Automated Controls

Since the prior audit, the Department has improved certain automated controls in TxGANG and implemented a report to notify Department staff when the system fails to automatically remove a record.

The Department implemented automated controls to require validation dates and reviewer names to be entered when a record is validated in TxGANG.

As part of the validation process, federal regulations require an Agency to document (1) the date the review was performed, (2) the name of the reviewer conducting the validation, and (3) an explanation of the decision (or conclusion) to retain the record. Previously, the Department did not require Agencies to document that information when validating TxGANG records.

To address this, the Department implemented an automated control in the database that requires the date, the name of the reviewer, and an explanation of the decision to retain a record when a record is validated. That automated control was put in place for all but one Agency on August 23, 2023. The automated control went into effect for the remaining Agency on May 8, 2024, when that Agency updated its gang reporting system and could upload batches through the Department's standard processes.

Prior Recommendations:**Fully Implemented**

- The Department should require Agencies to include validation dates and reviewer names in all records submitted to TxGANG.
- The Department should require Agencies to include a decision or conclusion for each validated record, which could include adding or designating a field for this required information within TxGANG.

The Department developed and implemented an exception report in TxGANG.

TxGANG has a process to automatically remove a record from the database on that record's expiration date. The exception report notifies Department staff when that removal process does not work as expected and records fail to be deleted upon the expiration dates. In addition, as of November 5, 2024, TxGANG did not contain any records past their expiration date.

Prior Recommendation:

Fully Implemented



The Department should develop and implement an exception report in TxGANG to notify it when the system fails to automatically remove a record upon the expiration date to help ensure that records are deleted as required by statute.

The Department significantly improved its automated controls over batch uploads.

Agencies create and manage their TxGANG records either by (1) entering information directly into the database (direct data entry) or (2) uploading multiple files' information via an automated method (upload by batch). Previously, records uploaded by batch into TxGANG were accepted with little to no automated controls applied and allowed most of the data to be accepted "as is."

The Department implemented automated controls over batch uploads on August 23, 2023, for all but one Agency. The controls were implemented for that remaining Agency on May 8, 2024 (as described above). TxGANG now includes a data verification check prior to uploading batch records and will reject records if they do not meet certain requirements. For example, the system will reject a record that:

- Does not include sufficient gang member submission criteria.
- Contains dates of birth that are blank or would make the individual younger than 10 years old.
- Contains required fields that are blank (Date of Birth, Race, Sex, Gang or Foreign Terrorist Organization Name, and Documenting Name).
- Documented/Entered/Validated dates in the future.

Prior Recommendation:

Substantially Implemented



The Department should implement controls over key fields for records that are entered into TxGANG via batch upload to help ensure that data is complete and reliable.

However, there are certain fields within TxGANG that do not have adequate automated controls when uploaded by batch. For example, the system will accept a record with (1) a blank in either the first name or last name of the person or (2) a date for birth that is unreasonable (for example, one record tested was accepted with a date of birth of May 24, 1782).

Recommendation

The Department should implement controls over records entered via batch uploads to ensure that records contain (1) both a first name and a last name and (2) a reasonable date of birth.

Management's Response

DPS agrees more stringent validation controls should be implemented in TxGANG prior to the records being accepted into the system. These validations will include not allowing future dates to be entered as entry or submission dates and enforcing data in fields marked as mandatory. DPS also plans to limit the time a record of an unknown individual can remain in TxGANG. If an entering agency cannot locate relevant personal identifying information on the individual within a certain period, the entry should be purged.

The Report makes specific reference to the controls for key fields being needed for batch uploads, but the above changes to the database will apply to all entries regardless of source or submission methodology.

DPS is actively soliciting a modernized intelligence system for criminal street gangs, foreign terrorist organizations, and their individual members. The new system is scheduled to go live in 2027 and will include improvements in functionality, controls, and reporting beyond the recommendations in this Report.

Title of Responsible Individual: Crime Records Division Chief

Estimated Completion Date: February 28, 2025



Appendix 1

Objective, Scope, and Methodology

Objective

The objective of this audit was to determine whether the Department of Public Safety (Department) has implemented recommendations identified in the State Auditor’s Office report *An Audit Report on the Department of Public Safety’s Texas Gang Intelligence Database*, released in August 2022.

Scope

The scope of this audit covered data from TxGANG records that were in the system as of November 5, 2024, and changes made to the TxGANG system or processes to address the recommendations in the State Auditor’s Office’s August 2022 report.

The scope also included a review of significant internal controls related to TxGANG.

The following members of the State Auditor’s staff performed the audit:



- Cody Bogan, CISA, CFE (Project Manager)
- Venus Santos, CISA, CFE (Assistant Project Manager)
- Allison Fries, CFE
- Melissa Migl, MSN
- Quang Tran, CFE
- Sarah Puerto, CIA, CISA, CFE (Quality Control Reviewer)
- Becky Beachy, CIA, CGAP (Audit Manager)

Methodology

We conducted this performance audit from September 2024 through January 2025 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. In addition, during the audit, matters not required to be reported in accordance with *Government Auditing Standards* were communicated to Department management for consideration.

Addressing the Audit Objective

During the audit, we performed the following:

- Interviewed Department management and staff to gain an understanding of the TxGANG system and processes.
- Identified the relevant criteria:
 - Title 28, Code of Federal Regulations, Part 23 (Criminal Intelligence Systems Operating Policies).
 - Texas Code of Criminal Procedure, Chapter 67.
 - *TxGANG Operating Policies and Procedures*, June 2022.
- Reviewed changes to the TxGANG system and tested automated controls to determine:
 - If an exception log was created and is working for when a record fails to delete upon expiration date.
 - Whether controls over information uploaded by batch were implemented and working effectively.
 - If the system requires a (1) valid date of review, (2) name of the reviewer, and (3) an explanation of the decision to retain the record.

- Performed data analysis to determine the completeness and appropriateness of information on selected key data fields, such as validation date and reviewer's name, and the appropriateness of the date formatting.
- Tested a sample of 30 of 10,498 recently validated records to determine if the Agencies documented the name and date of the reviewer and a decision to retain the record. Auditors selected a nonstatistical random sample of 25 records and selected 5 additional records based on factors such as extended expiration dates and youth coverage. This sampling design was chosen to ensure a cross section of recently validated records, which are not necessarily representative of the population. The test results as reported do not identify which items were randomly selected or selected using professional judgment; therefore, it would not be appropriate to project the test results to the population.

Data Reliability and Completeness

Auditors obtained data from TxGANG for all records that were in the system as of November 5, 2024. Auditors performed procedures to assess the reliability of those data sets including (1) observing data extracts, (2) reviewing parameters used to extract the data, and (3) reviewing key data fields for reasonableness and completeness. Auditors also evaluated the effectiveness of certain automated controls over key data fields in TxGANG.

Auditors determined that the populations of records extracted from TxGANG were sufficiently complete for the purposes of the audit. However, the accuracy of the information in those records was of undetermined reliability for the purposes of this audit due to the weaknesses discussed in Chapters 1 and 2 of this report, and because the documentation that supports each individual member record resides at the law enforcement agency that created and maintains the record.

Report Ratings

In determining the ratings of audit findings, auditors considered factors such as financial impact; potential failure to meet program/function objectives; noncompliance with state statute(s), rules, regulations, and other requirements or criteria; and the inadequacy of the design and/or operating effectiveness of internal controls. In addition, evidence of potential fraud, waste, or abuse; significant control environment issues; and little to no corrective action for issues previously identified could increase the ratings for audit findings. Auditors also identified and considered other factors when appropriate.



Copies of this report have been distributed to the following:

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The Honorable Dustin Burrows, Speaker of the House, Joint Chair

The Honorable Joan Huffman, Senate Finance Committee

The Honorable Robert Nichols, Member, Texas Senate

The Honorable Greg Bonnen, House Appropriations Committee

The Honorable Morgan Meyer, House Ways and Means Committee

Office of the Governor

The Honorable Greg Abbott, Governor

Department of Public Safety

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