

TEXAS DEPARTMENT OF PUBLIC SAFETY

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April 16, 2015

Mr. Gregg Cox
Public Integrity Unit
Travis County District Attorney's Office
P.O. Box 1748
Austin, Texas 78767

Dear Mr. Cox,

In January of this year, the Department of Public Safety learned through local media that your office had been investigating a 2006 border security contract for "more than a year" prior to the department's notification via the media. We are at a loss as to why it would take so long to conduct an investigation of this contract. Surely, this case would have been more important than gas tax or insurance investigations. You have been quoted in a number of newspapers that the veto of funds for your office "derailed" your criminal investigation.

As you are probably aware, the department has since 2012, answered numerous public information requests to Senator Jose Rodriguez, the Austin Statesman and numerous other news outlets, and we have been entirely transparent as this investigation will reveal. Although you have not requested any records or documentation from DPS we are prepared to provide you with any and all documents relative to this matter including a number of audits, all of which resulted in no substantial findings nor criminal allegations.

Because you and others have made this contract a cause celeb, we would request that you finish your job and complete your investigation. The department has been much maligned by inaccurate reporting and the citizens of Texas, the legislature, and the men and women of DPS, deserve a resolution to this matter once and for all. By way of background, and from what the department can piece together from the last ten years, the following information is provided:

In 2005, Mayor of Laredo, Betty Flores, and the Texas Border Sheriff's Coalition requested state resources to address the increased drug and human smuggling by the Mexican cartels. As a result of this request, and the escalating violence in Mexico, the Texas Department of Public Safety executed an emergency contract using former military personnel with expertise in intelligence, strategic and tactical planning, command and control, unified command and technology by contracting with Abrams Learning and Information Systems (ALIS), which was approved by the then-director of DPS, Thomas A. Davis, Jr. ALIS served in a support role by assisting the department in developing a unified framework to optimize information collection, analysis, and around-the-clock statewide reporting used to support intelligence-driven unified patrol operations, including surge operations.

The DPS contract with ALIS was subsequently renewed several times through the State's Texas Multiple Award Schedule (TXMAS) program after ALIS became an *authorized* state vendor. TXMAS, as you are well aware, is a *legislatively authorized* purchasing model under the Comptroller's Texas Procurement and Support Services. Abrams was an authorized state vendor on the Comptroller's (CPA) TXMAS list, which means the CPA negotiated a contract with them on behalf of all state agencies. Agencies are *authorized* to use TXMAS vendors without

additional requests for proposal or negotiations. All TXMAS approved vendors and payments by state agencies are listed on the Comptroller's website for public review at <http://www.texasransparency.org/moneygoes/vendors.php>.

By contracting with ALIS, whose president and CEO is retired and decorated four-star Army General John Nelson Abrams, the department was able to utilize the expertise of former military experts to help the state establish a border security unified command structure to coordinate land, maritime and air operations as well as establish a structure to connect DPS with local and federal law enforcement partners with respect to border security efforts and data collection. These are core competencies of the military and essential to the success that has been achieved to date.

The input provided by ALIS was crucial to helping the department adapt military doctrine for the purposes of creating a unified policing model, which the department continues to use today to address threats along the border. This model also allows for the identification of emerging threats, enabling the state to proactively address those new threats rather than react to them after the fact.

In essence, ALIS was instrumental in establishing the Border Security Operations Center (BSOC) and the Joint Operations Intelligence Centers (JOICs), which are command centers comprised of various law enforcement agencies at the local, state and federal level, collectively and constantly monitoring and responding to intelligence, activity and threats occurring along the border. The current Contingency Plan for Cross Border Violence is another example of an invaluable result of the department's collaboration with ALIS; since the development of the Contingency Plan, the department has successfully activated the plan in response to the threat or occurrence of spillover violence along the Texas-Mexico border.

In 2009, the Public Safety Commission appointed a new director, Steven C. McCraw. As director, McCraw tasked the Texas Rangers with the responsibility of coordinating statewide border security activities. After extensive review, Director McCraw concluded that since the border security command and control framework was already established and in an effort to identify cost-saving measures to Texas taxpayers, the functions handled by ALIS contract employees could be carried out internally by DPS personnel by establishing new intelligence and operational planning positions within the Department and recruiting and hiring experts in these areas. The ALIS contract personnel were no longer used for border-related matters. DPS used state border security funds provided by the Legislature to operate the six JOICs and the BSOC by hiring DPS employees to replace the contract staff. Additionally, the original contract manager, Chief Jack Colley, passed away in May 2010.

As a result of enlisting the assistance and expertise of former military experts with ALIS, who have previously served and defended our nation, the State of Texas has developed a first-rate border security program to protect our citizens from those who would do us harm, and it continues to evolve under the Texas Rangers in coordination with our local and federal law enforcement partners to meet the threats posed by the ever-changing tactics and strategies of the ruthless Mexican drug cartels.

The Department of Public Safety stands ready to provide whatever documents you deem necessary to complete your investigation and provide the citizens of Texas a fair, objective and expeditious resolution to this matter. Surely, it does not take that much time to review a contract to determine if the elements of an offense are present or not. We will also consult with state leadership to determine if departmental funds can be made available to reimburse your agency for this investigation. Since there were some limited federal grant funds applied to this border security contact we also invite you to call on assistance from the Federal Bureau of Investigation to assist you in this effort.

Sincerely,



Steven C. McCraw
Director