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Galveston County Office of Information Technology

DATE: 04/14/2025

TO: Commissioners Court

FROM: Misty Witmer, Chief Information

A handwritten signature in black ink, appearing to read "Misty Witmer".

SUBJECT: Cell Phone Request- Constable Pct 1

MEMO:

The purpose of this memorandum is to serve as a request for two cell phones (Text/Talk/Data) for the following:

- Pct. 1 Constable Deputies
 - Taking photographs (required for evidence of service)
 - Serving as a backup recording device in case body cameras malfunction or run out of power
 - Recording evidence during investigations
 - Utilizing GPS technology to track deputies' locations, particularly in emergency situations.

Thank you for considering this request at the April 28th Commissioners Court.



BLAKE PATTON

4500 10th Street, Bacliff TX 77518
281-316-8806

April 9, 2025

TO:

Lauren Michaels
I.T. – Galveston County

FROM:

Blake Patton
Constable – Pct. 1

Subject: Letter of Justification – Cell Phones

Dear Ms. Michaels,

I am requesting the issuance of county-owned cell phones to two deputies Pct. 1 Constable's Office. The request for the two phones is to be issued to employees that are filling vacant positions that are in the process of being filled. The nature of our deputies' work requires them to contact citizens, arrange meetings, and serve time-sensitive civil documents and court orders. The ability to reach individuals in the field is crucial to ensuring timely and effective service.

Smartphones, specifically iPhones, provide deputies with several critical capabilities, such as:

- Taking photographs (required for evidence of service)
- Serving as a backup recording device in case body cameras malfunction or run out of power
- Recording evidence during investigations
- Utilizing GPS technology to track deputies' locations, particularly in emergency situations.

Additionally, Judge Greg Rikard of JP-1 mandates that photographs be taken to document the service of court orders, such as Writs of Possession, and to verify that property has been removed in compliance with Texas Property Code Section 24.0061.

Furthermore, the Texas Public Information Act (TPIA) applies to the use of personal cell phones by peace officers for work-related purposes. Under the TPIA:

- **Scope:** The TPIA applies to electronic communications created, transmitted, received, or maintained on devices used for official business, including texts, emails, photos, and other records.
- **Preservation:** Personal devices containing public information must be preserved in their original form or in a backup/archive.
- **Disclosure:** Such information must be available for disclosure, as required by the TPIA.
- **Penalties:** Failure to comply with the TPIA's requirements could result in disciplinary action or other penalties.

Currently, deputies are using their personal phones to meet the requirements of Judge Rikard's orders, including taking and storing photographs of service. However, any deputy could be subject to open records requests for the contents of their personal phone, including photos, videos, notes, and other records. There is also the risk that such records could be unintentionally compromised by family members or others who have access to the phone.

Providing county-issued phones will mitigate this risk, ensuring that Galveston County, the Pct. 1 Constable's Office, deputies, and the public are protected. It will also ensure compliance with the TPIA by separating work-related communications from personal data and preserving the integrity of public records.

I appreciate your attention to this matter and look forward to your support in issuing county-owned cell phones for all deputies.

Respectfully Submitted,

Blake Patton

Constable – Pct. 1

Cell phone request

Final Audit Report


2025-04-14


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