

Texas Commission on Law Enforcement:

A MUNICIPAL-ADMINISTRATIVE LAW
PERSPECTIVE



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Topics

- Texas Commission on Law Enforcement regulatory scheme.
- Federal regulations.
- Dependence on municipalities for professional standards.
- Development of the bifurcated regulatory scheme.
- Negative outcomes and need for enhanced state oversight.

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Sources of Police Regulation

Texas

- Criminal prosecutions (official oppression, homicide, assault)
- Grants
- TCOLE regulations
- Municipal regulation (employer discipline; civilian oversight commissions)

Federal

- Criminal prosecutions 18 U.S.C. § 241, 242 (race-based oppression)
- Civil Suits
 - 42 U.S. Code § 1983
 - Title VI of the Civil Rights Act of 1964 and "OJP Program Statute"
 - 34 U.S.C. § 12601 Police Misconduct Provision and 42 U.S.C. § 14141
 - ADA and Section 504 of Rehabilitation Act
- Grants

Texas Police Department Staffing Comparable to Nationwide Trends

TEXAS

- 2744 law enforcement agencies
- About 60% of departments with under 10 officers

NATIONWIDE

- 15,322 law enforcement agencies
- About 50% of departments with under 10 officers
 - 80% of employers are local police
 - 67% of officers work for local police

Concern Across Political Spectrum (Federal)

Democrats

- Platform: *Protecting Communities and Building Trust by Reforming Our Criminal Justice System*
- *George Floyd Justice in Policing Act* (Cory Booker, D-IL)

Republicans

- Trump Executive Order: *Safe Policing for Safe Communities*
- *Just and Unifying Solutions to Invigorate Communities Everywhere Act of 2020* (Tim Scott, R-S.C.)

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Texas 2021 Legislative Session

Democrats

- Tex. S.B. 1742 (John Whitmire, D-Houston)
- Tex. H.B. 8 (Marc Pacheco, D-San Antonio)

Republicans

- Tex. H.B. 1550 (John Cyrier, R-Bastrop)
- Tex. H.B. 1396 (James White, R-Woodville)

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