

# Texas Commission on Law Enforcement:

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A MUNICIPAL-ADMINISTRATIVE LAW  
PERSPECTIVE



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## Topics

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- 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

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## 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

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## 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)

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## 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.)

# Texas 2021 Legislative Session

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## 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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## Title search: Texas Commission on Law Enforcement: A Municipal-Administrative Law Perspective

Also available as part of the eCourse

[Current Trends in Operation and Compliance in Administrative Proceedings](#)

First appeared as part of the conference materials for the

16<sup>th</sup> Annual Advanced Texas Administrative Law Seminar session

"Texas Commission on Law Enforcement: A Municipal-Administrative Law Perspective"