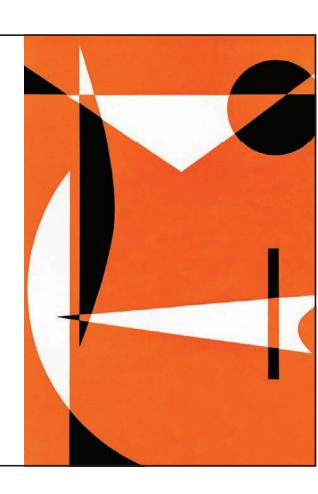
# Texas Commission on Law Enforcement:

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.

# 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

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# 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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