



TEXAS²⁰₃₆

The Challenge of Wandering Officers in Texas

Key Findings from the Texas Law Enforcement Data Landscape



TCOLE & Sunset 101

Texas Commission on Law Enforcement (TCOLE)

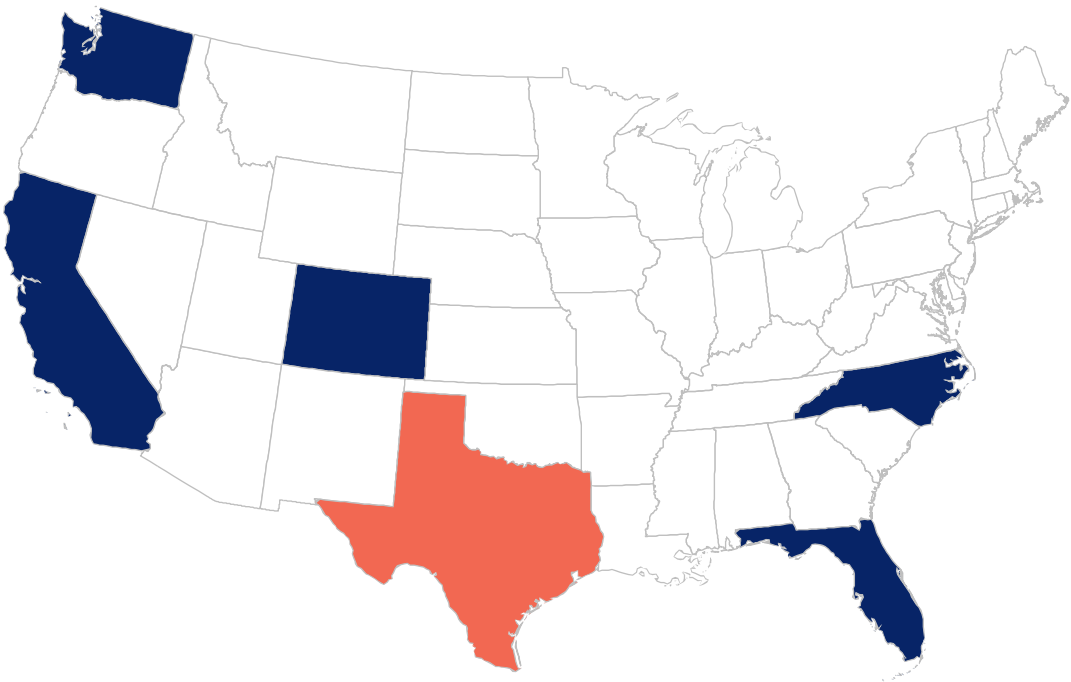
Texas's executive agency responsible for licensing **78,500 peace officers, 22,300 county jailers, and 8,800 telecommunicators (dispatchers).**

Oversees more than **2,700 law enforcement agencies.**

Governed by **9 commissioners** appointed by the Governor; Staffed by 60-70 employees.



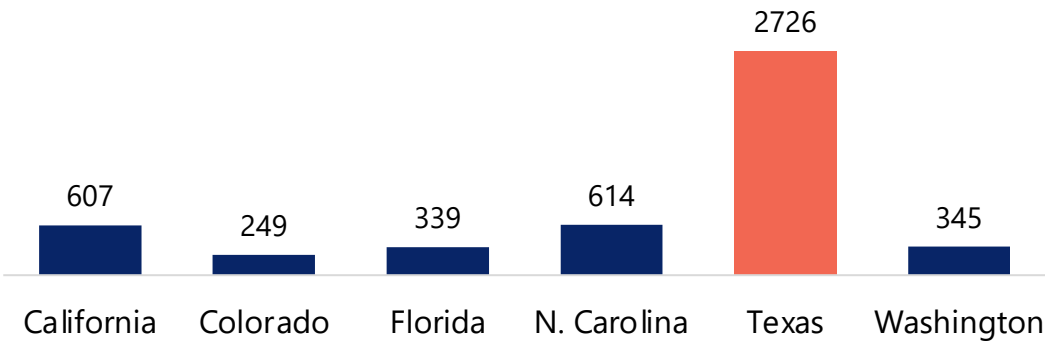
TCOLE Compared to Peer States



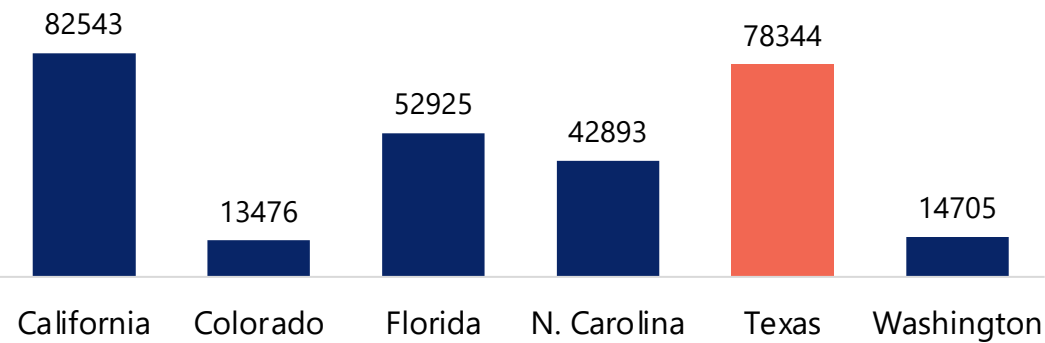
Selected Peer States:

- California
- Colorado
- Florida
- North Carolina
- Washington

Total Law Enforcement Agencies Subject to Oversight



Total Licensed Peace Officers Regulated



Sunset Advisory Commission

State legislative agency responsible for reviewing executive agencies' performance once every 10 years.

Commission has 10 members,
5 appointed by the Lieutenant Governor,
5 appointed by the Speaker of the House.



Sec. 1701.002. APPLICATION OF SUNSET ACT. The Texas Commission on Law Enforcement is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2023.

2020 TCOLE Sunset Report

FINDINGS

"Texas's approach to regulating law enforcement is largely **ineffective**."

"Currently, the state's regulation of law enforcement is, by and large, **toothless**."

"These significant regulatory gaps cannot be addressed through changes to TCOLE's operations. Rather, it is the state's regulatory system that is **fundamentally broken**."

SUNSET ADVISORY COMMISSION

STAFF REPORT WITH FINAL RESULTS



2020 TCOLE Sunset Report

WHAT HAPPENED?

The recommendations were included in the TCOLE Sunset Bill, HB 1550. Due to timing and opposition, it **failed to pass** into law.

To keep TCOLE from being abolished, **another bill passed** to extend TCOLE for another 2 years, and place TCOLE under Sunset Review again.

Other key **law enforcement bills did pass**, including **SB 24**, relating to improved background checks on newly hired officers.





Our Work

To build an **effective regulatory structure** that oversees law enforcement and serves all Texans, we need **a strong foundation based in data**

The Texas Law Enforcement Data Landscape

Texas 2036 partnered with **Benchmark Analytics** to develop **The Data Landscape**, exploring **two key issues** in the state's regulation of law enforcement.

01

TCOLE Data Collection

How the law requires agencies and licensees to report key data to TCOLE, and how accessible and usable that data is for the public.

02

Wandering Officers

How Texas deals with licensed peace officers who are fired from one agency and rehired at the next.

Wandering Officers



WANDERING OFFICERS

Officers who are **fired** (or resign in lieu of firing) at one agency, and then get **rehired** by another agency.

Grunwald & Rappoport, *The Wandering Officer*

The Yale Law Journal (2020)

Reviewed +20 years of officer data from Florida

Compared to officers who resigned on good terms and left to find new work, wandering officers:

- Were **more likely** to get fired again for **misconduct**; and
- Were **more likely** to receive complaints of serious “**moral character violations**”

While representing only 3% of the officer population, just **one instance of serious misconduct** can create significant breach in public trust for the law enforcement agency and the profession at large.

F-5 Separation Reports



WANDERING OFFICERS

In Texas, a Chief fills out an F-5 report any time an officer **leaves** the agency.

Any agency that **hires** that officer will see their F-5.

F-5 Discharge Categories

Honorably: Separated from agency in good standing.

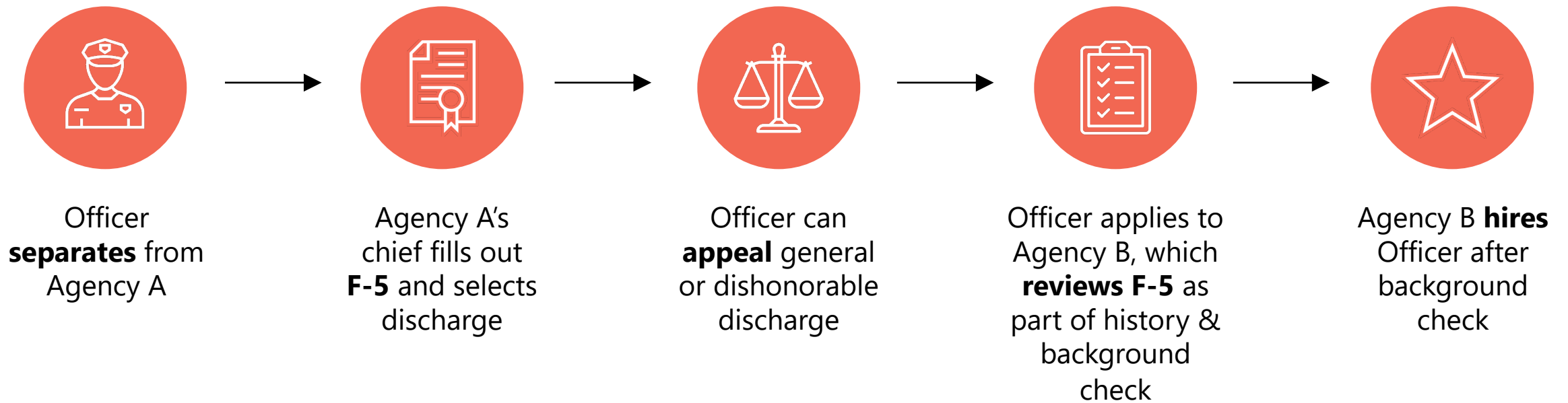
Generally: Separated from agency and it was:

- a related to a *disciplinary investigation*; or
- b for a documented performance problem.

Dishonorably: Separated from agency and it was:

- a related to allegations of criminal misconduct; or
- b due to insubordination or untruthfulness.

How an Officer Moves Between Agencies



Wandering Officers in Texas

KEY FINDINGS

In 2020, the Sunset report showed that more than 1/4 of dishonorably discharged licensees were getting rehired.

Rehiring of dishonorably discharged peace officers is concentrated in smaller agencies, and less densely populated communities in Texas.

The F-5 system is broken. It needs to be transparent and fundamentally revised to help officers, agencies, and the general public better address the underlying issues.

We have enough information to know it's a problem, but more data is needed to narrowly tailor solutions.



F-5 Separation Reports



18,049

Average F-5s per year

The discharge category selected
is **confidential**

TEXAS COMMISSION ON LAW ENFORCEMENT
6330 E. Highway 290, STE. 200, Austin, Texas 78723-1035
Phone: (512) 936-7700
<http://www.tcole.texas.gov>

SEPARATION OF LICENSEE (F-5)
LICENSEE INFORMATION (Occupations Code 1701.452)
Non-refundable \$35 fee for paper form. Money order, agency or cashier's check. (5541)

1. TCOLE PID	2. Last Name	3. First Name	4. M.I.	5. Suffix (Jr., etc.)
6. Date of Birth	7. Home or Permanent Mailing Address		8. City	
9. State	10. Zip Code	11. Phone Number	12. Email	

13. APPOINTMENT

<input type="checkbox"/> Peace Officer	<input type="checkbox"/> County / Contract Jailer	<input type="checkbox"/> Telecommunicator	<input type="checkbox"/> Medical Corporation P.O.
<input type="checkbox"/> Public Security Officer <input type="checkbox"/> Reserve Officer (licensed reserve or conditional only)			

14. TCOLE Agency Number	15. Appointing Agency
-------------------------	-----------------------

16. DESIGNATION OF SEPARATION: (Check only one).
Report must be submitted not later than the seventh business day after the date the license holder:
(1) resigns, retires, or separates from the agency; and
(2) exhausts all administrative appeals available to the license holder.

17. Date Appointed: _____ 18. Separation Date: _____

☐ **Honorably Discharged**
Retired, resigned, or separated from employment with or died while employed by a law enforcement agency while in good standing and not because of pending or final disciplinary actions or a documented performance problem.

☐ **General Discharge**
(A) was terminated by, retired or resigned from, or died while employed by a law enforcement agency and the separation was related to a disciplinary investigation of conduct that is not included in the definition of dishonorably discharged; or
(B) was terminated by or retired or resigned from a law enforcement agency and the separation was for a documented performance problem and was not because of a reduction in workforce or an at-will employment decision.

☐ **Dishonorably Discharged**
(A) was terminated, by a law enforcement agency or retired or resigned in lieu of termination by the agency in relation to allegations of criminal misconduct; or
(B) was terminated, by a law enforcement agency or retired or resigned in lieu of termination by the agency for insubordination or untruthfulness.

ATTENTION LICENSEE:

To appeal this F-5 Report, you must complete and submit to TCOLE a "Petition to Correct" form within 30 days after receipt. If this is your second dishonorable discharge on an F-5 Report, your license will be suspended upon TCOLE's receipt of this document. Failure to timely appeal a second dishonorable discharge with a petition to correct form will result in the revocation of your license.

F-5 Separation Reports



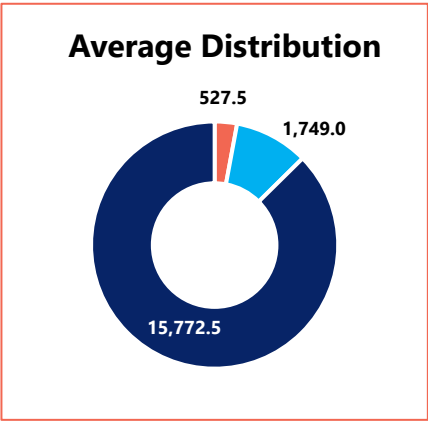
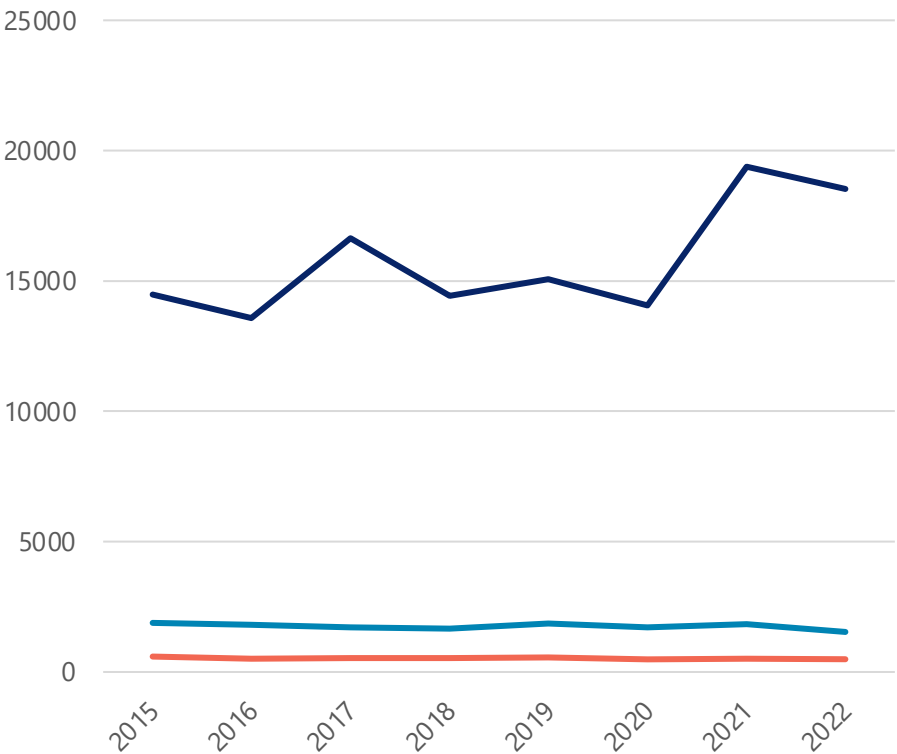
18,049

Average F-5s per year

527.5 (2.9%)

Average # of **Dishonorable Discharges** on F-5s

All F-5 Forms by Discharge Category: FY2015-2022



- Dishonorably Discharged
- General Discharge
- Honorably Discharged

F-5 Separation Appeals



If an officer receives an F-5 they believe is **incorrect**, they can petition to change the F-5 and **appeal** the Chief's determination in a **confidential** proceeding.

Texas 2036 reviewed data from **1,185 cases** that were active between March 2020 to July 2022.

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6. Date of Birth	7. Home or Permanent Mailing Address		8. City	
9. State	10. Zip Code	11. Phone Number	12. Email	

13. APPOINTMENT

<input type="checkbox"/> Peace Officer	<input type="checkbox"/> County / Contract Jailer	<input type="checkbox"/> Telecommunicator	<input type="checkbox"/> Medical Corporation P.O.
<input type="checkbox"/> Public Security Officer <input type="checkbox"/> Reserve Officer (licensed reserve or conditional only)			

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F-5 Separation Appeals



1,185

Cases reviewed

123 w/known outcome

re:SearchTX premium

← Back

[Officer] vs. [Agency]

407-21-1017

Refresh Folder 15 left Print Share File Into

Events ⁵

Search events [Expect To See More Filings?](#)

Date ▲	Event	Type	Comments	Documents	Pages	Price	+ All	- All
1/13/2021	Filing	Request to Docket	Request to Docket - [Redacted] v. [Redacted]	Document is hidden ⓘ			Share	
1/20/2021	Filing	Order	ORDER NO. 1 - REQUESTING HEARIN	Document is hidden ⓘ			Share	
3/5/2021	Filing	Pleading	MOTION FOR CONTINUANCE BY SELF	Document is hidden ⓘ			Share	
3/9/2021	Filing	Order	ORDER NO. 2 - SETTING ZOOM HEAR	Document is hidden ⓘ			Help	



F-5 Separation Appeals



1,185

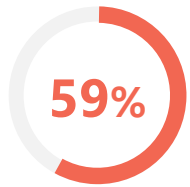
Cases reviewed

123 w/known outcome

	 Petitioners/ Licensees	 Respondents/ Agencies
Who wins?	56.9% Discharge is upgraded	43.1% Discharge remains unchanged
Who has representation?	55% Cases w/ petitioner's attorney listed	27% Cases w/ respondent's attorney listed

F-5 Separation Appeals

Through public information request, Texas 2036 received information from TCOLE indicating that in FY 2021, among the 133 cases where the judge ordered a change of the F-5, **78 were labelled “default.”**



of cases where an officer won an upgrade in their discharge, it was because the **agency declined to participate.**

Possible Explanations?

Agencies:

- may not want to expend time and resources defending F-5.
- have no compelling reason to defend the discharge against a *former* employee.
- face no consequence for declining to participate in the process.
- are shielded by the confidentiality of the F-5 and the process.

Dishonorably Discharged Peace Officers Rehired

After an appeal, a generally discharged and dishonorably discharged peace officers (DDPO) are still licensed and eligible to be rehired unless they receive a second dishonorable discharge.

Through public information request, Texas 2036 was able to ascertain how many of these officers were rehired, and for DDPOs, **where** these officers have been rehired.



Reminder

The range of “dishonorable” behavior on an F-5 is **broad**. Everything from “**insubordinate**” back talk to a superior to **serious criminal misconduct**.

Between 2012 and 2022, **608 agencies** rehired at least **1,401 dishonorably discharged peace officers (DDPOs)**.
In that same period, **7,840 generally discharged officers** were rehired.

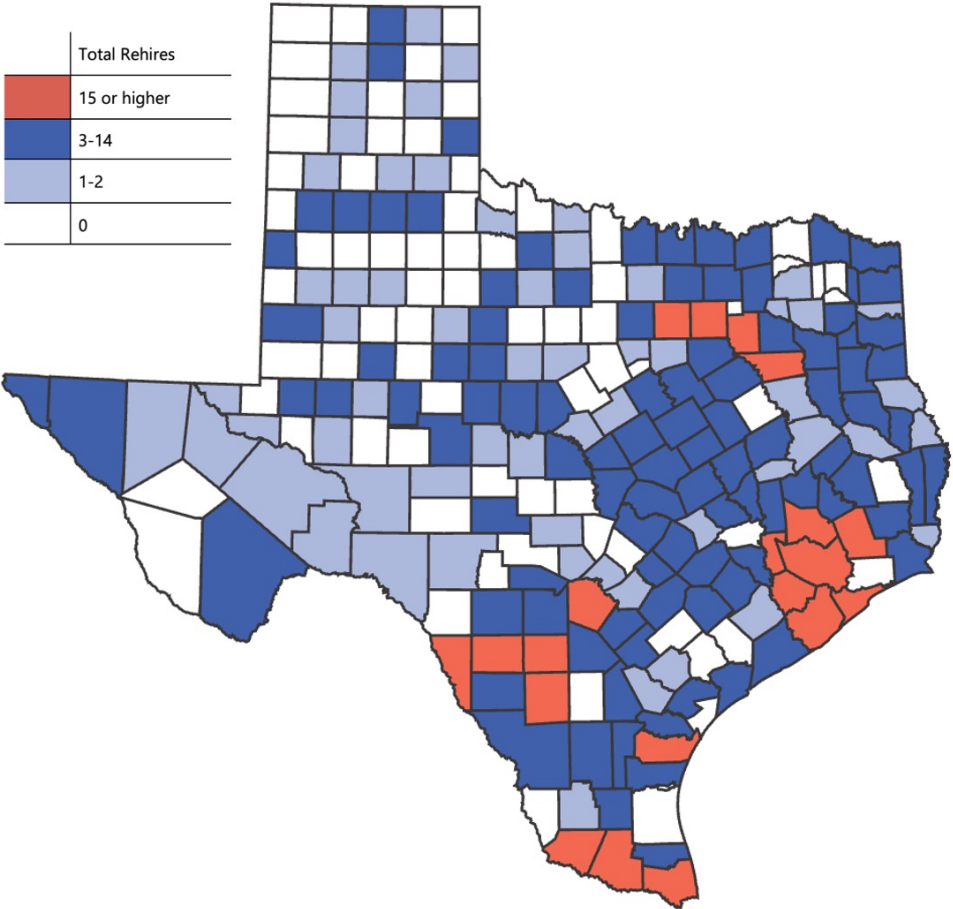
Dishonorably Discharged Peace Officers Rehired

Dishonorably Discharged Peace Officer Rehiring from 2012-2022 – Top 10 Agencies

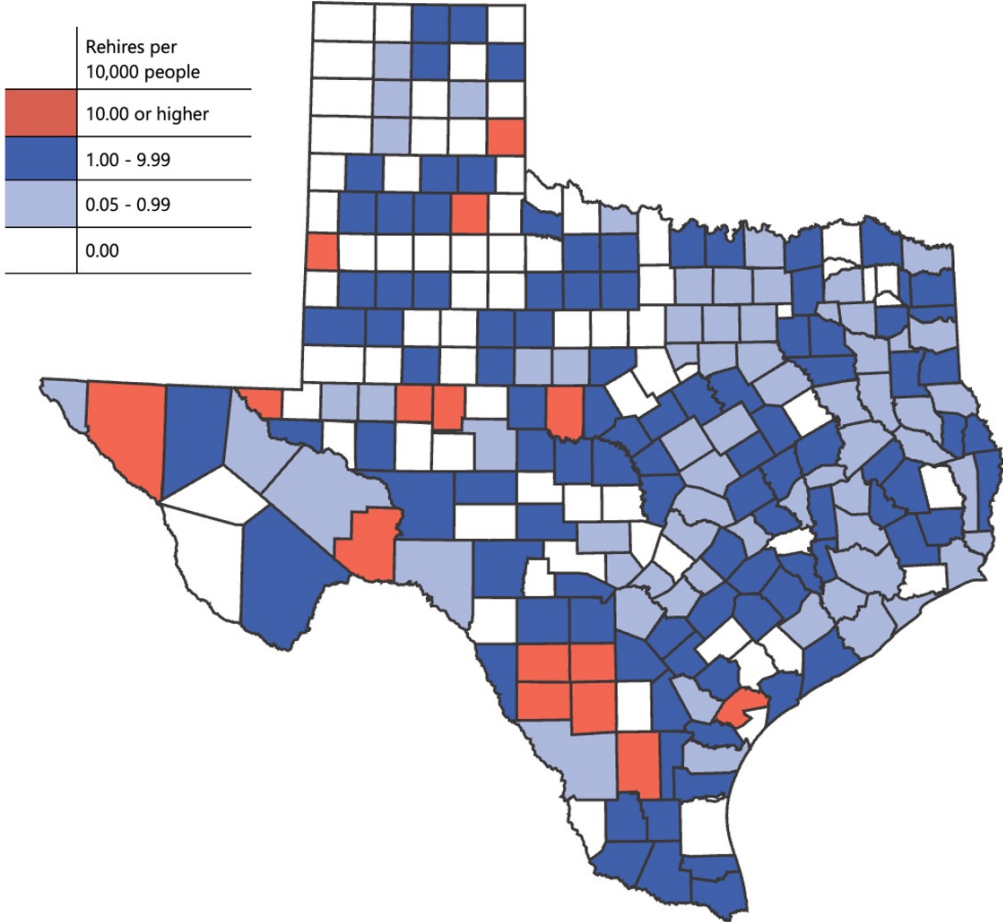
Department Name	Size of Peace Officer Force as of 08/2022	County	# DDPO's Rehired: 2012-2022
MAVERICK CO. SHERIFF'S OFFICE	130	MAVERICK	20
HARRIS CO. CONST. PCT. 4	574	HARRIS	17
CRYSTAL CITY POLICE DEPT.	44	ZAVALA	16
FRIO CO. SHERIFF'S OFFICE	38	FRIO	16
EDCOUCH POLICE DEPT.	18	HIDALGO	15
WALLER CO. CONST. PCT. 3	28	WALLER	13
ENCINAL POLICE DEPARTMENT	12	LA SALLE	12
HARRIS CO. SHERIFF'S OFFICE	2402	HARRIS	11
WALLER CO. SHERIFF'S OFFICE	109	WALLER	11
COFFEE CITY POLICE DEPT.	53	HENDERSON	11

Dishonorably Discharged Peace Officers Rehired

Dishonorably Discharged Officer Rehiring
2012-2022 | County Totals



Dishonorably Discharged Officer Rehiring
2012-2022 | per 10k residents



Wandering Officers in Texas

KEY FINDINGS

In 2020, the Sunset report showed that more than 1/4 of dishonorably discharged licensees were getting rehired.

Rehiring of dishonorably discharged peace officers is concentrated in smaller agencies, and less densely populated communities in Texas.

The F-5 system is broken. It needs to be transparent and fundamentally revised to help officers, agencies, and the general public better address the underlying issues.

We have enough information to know it's a problem, but more data is needed to narrowly tailor solutions.



Other Questions

Benchmark Analytics attempted to evaluate the wandering officer question by analyzing data on license and service history for >100,000 TCOLE license holders.

Frequent movement of peace officers and county jailers between departments, although rare, is a **possible red flag** for wandering officers.

Without F-5 transparency and reform, and without any other officer records, **we can only speculate** as to the extent of the problem.

TABLE 6: CAREER YEARS AND TOTAL NUMBER OF DEPARTMENTS EMPLOYED									
Career Tenure	TOTAL DEPARTMENTS								ALL
	1	2	3	4	5	6	7-10	>11	
Up to 1 year	4569	222	5	0	0	0	0	0	4886
(1,2)	3083	590	73	2	0	0	0	0	3748
(2,3)	2970	794	131	17	3	0	1	0	3916
(3,4)	2835	939	225	49	8	1	0	0	4057
(4,5)	2595	962	277	72	15	5	2	0	3928
(5,6)	2693	963	312	96	30	10	1	0	4105
(6,7)	2113	906	345	104	23	2	3	0	3506
(7,8)	1762	816	334	123	41	7	7	1	3091
(8,9)	1748	847	347	127	45	18	7	0	3139
(9,10)	1615	738	338	133	45	21	12	0	2902
(10,15)	1120	970	468	207	110	50	38	1	2964
(15,25)	407	430	261	163	99	60	65	5	1490
(25,35)	129	224	166	107	75	38	56	10	805
>35 years	26	120	83	5	32	28	50	8	422
ALL	27755	9521	3365	1275	526	250	242	25	42959



Other Issues in the Data Landscape

TCOLE's Motor Vehicle Stop Data & Racial Profiling Report



18,500

Average daily vehicle stops
by Texas law enforcement
in 2021

Key Findings:

- The lack of clear guidelines and effective oversight hamstringing the current data collection effort.
- Even if it was optimal, the reporting of the statutory variables have minimal utility.
- TCOLE should have the resources proactively identify errors.
- The Legislature should require the collection of key variables.
- The Legislature should require a plan to move toward multivariate analysis.

The Texas Law Enforcement Data Landscape

OTHER TOPICS COVERED

Comparing Texas law enforcement regulation and TCOLE against **peer states**.

Evaluating the capacity of **TCOLE's data system** and its oversight of licensees.

Addressing **deficiencies** in **Texas's motor vehicle stop data**.

SELECTED FINDINGS AND RECOMMENDATIONS

Texas should **create a public-facing database** of agency and officer information and statistics.

Texas should **invest in TCOLE's data infrastructure** to capture better data and catch data errors.

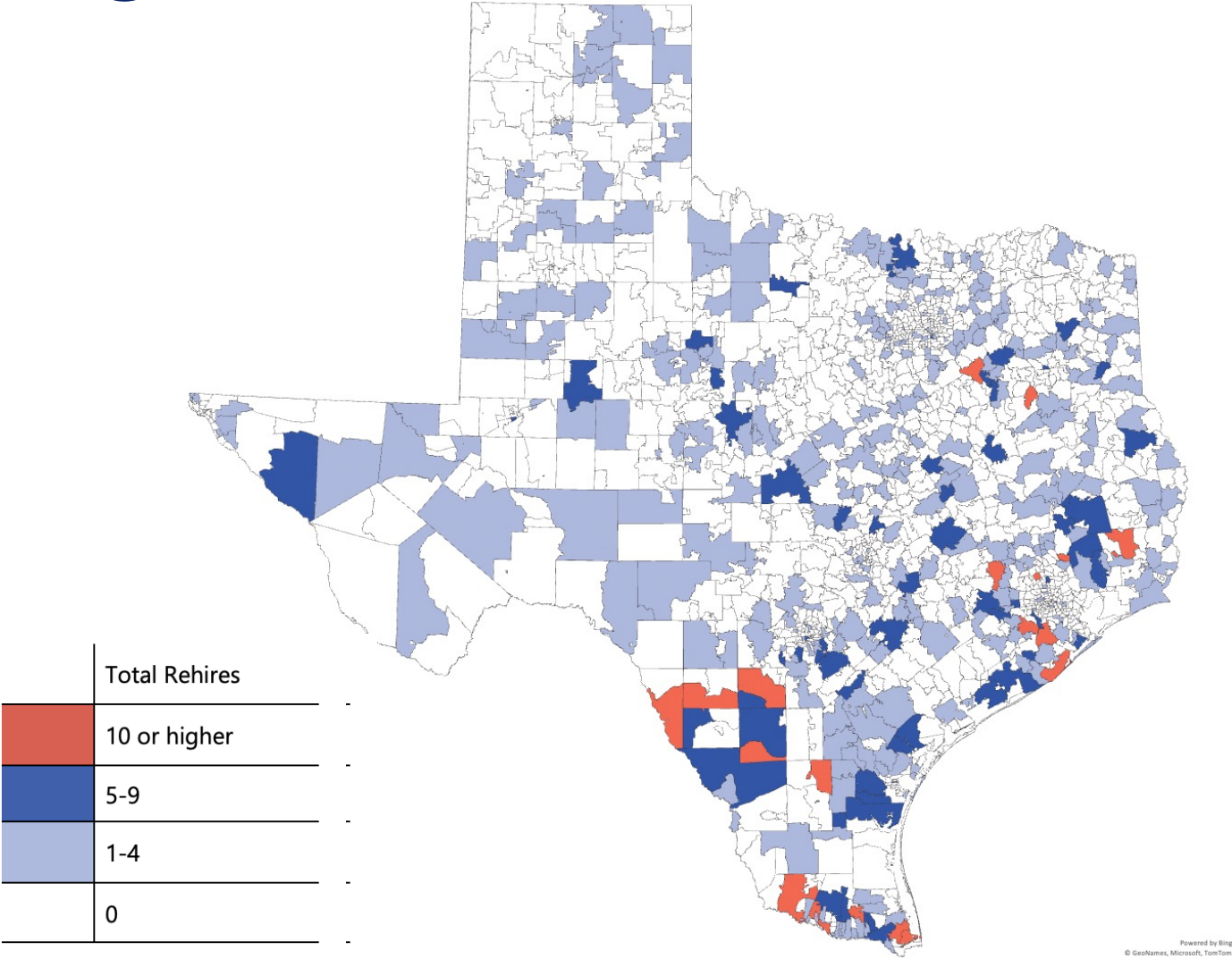
The Legislature and TCOLE need to **dramatically improve standards** for reporting and maintaining stop data.

Thank You!

TEXAS 20
36

Dishonorably Discharged Peace Officers Rehired

Dishonorably Discharged Officers Rehired
2012-2022 | Totals by ZIP

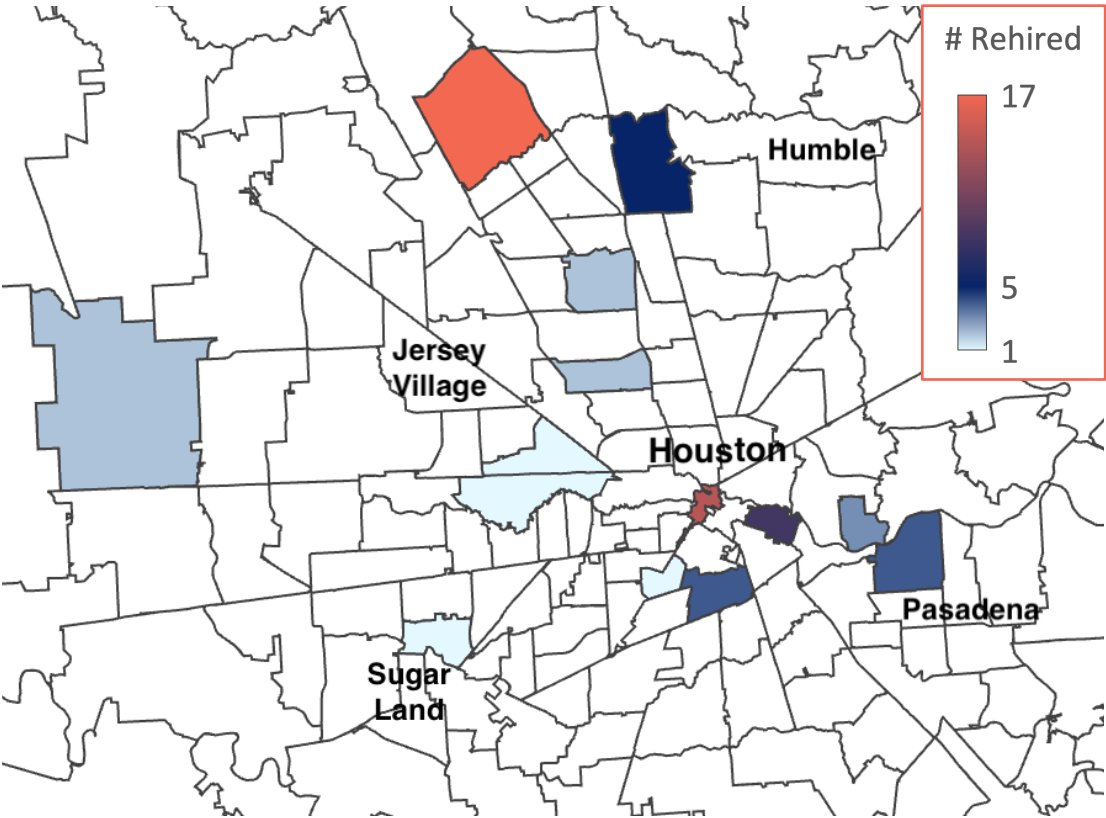


Dishonorably Discharged Peace Officers Rehired

Reviewing the department-level data shows patterns that are missed at the aggregate county level.

Harris County Constables Precincts represent a **majority** of the 66 DDPO rehiring in the county.

Dishonorably Discharged Peace Officer Rehiring from 2012-2022: Top 10 Harris County LEAs			
Department Name	Size of Peace Officer Force as of 08/2022	ZIP	# DDPO's Rehired: 2012-2022
HARRIS CO. CONST. PCT. 4	574	77379	17
HARRIS CO. SHERIFF'S OFFICE	2,402	77002	11
HARRIS CO. CONST. PCT. 6	99	77011	8
HARRIS CO. CONST. PCT. 2	89	77506	4
HARRIS CO. CONST. PCT. 7	121	77021	4
HOUSTON POLICE DEPT.	5,178	77073	4
GALENA PARK POLICE DEPT.	19	77547	3
HARRIS CO. CONST. PCT. 1	392	77002	3
ALDINE I.S.D. POLICE DEPT.	61	77038	2
KATY POLICE DEPT.	66	77493	2



Appendix

Texas Voter Poll Results: Justice & Safety Questions

TEXAS 20
36

The 5th TEXAS VOTER POLL

Justice & Safety Qs
September 6-11, 2022

TEXAS **20
53
36**

► N = 1,000 respondents
margin of error: $\pm 3.1\%$



TEXAS 2036

Methodology

Conducted September 6-11, 2022

The distribution of interviews conducted are:



49%
phone



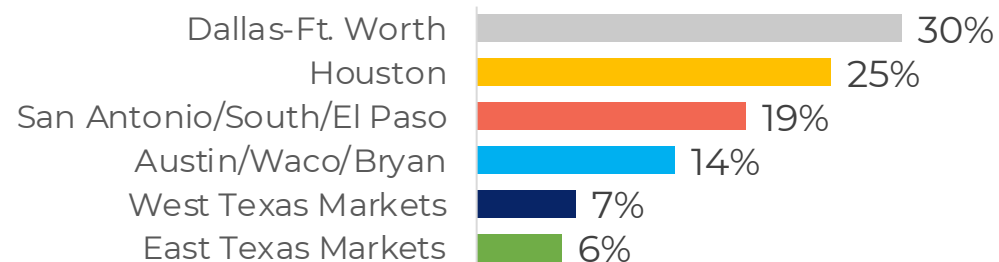
17%
SMS



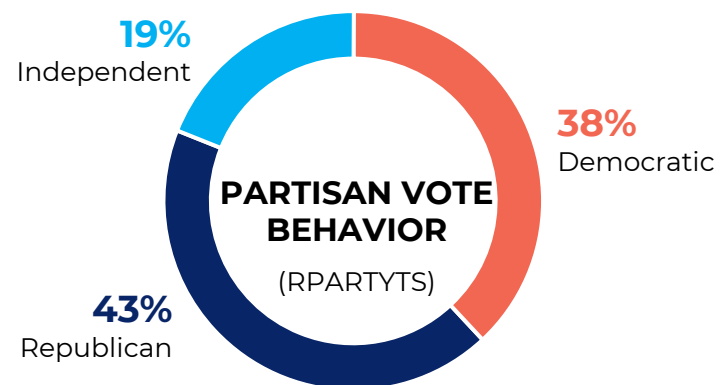
34%
web

N = 1,000 Respondents | Margin of error: $\pm 3.1\%$

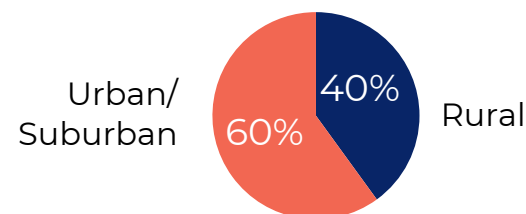
Texas Combined Media Markets



Demographics



Texas Counties Segmented Into Urban/Suburban Or Rural Classification



The Takeaway: Public Safety & Law Enforcement



TEXAS²⁰₃₆

“

Trust and confidence in law enforcement is fundamental to public safety.

While most generally trust their local law enforcement, there's a deficit of trust among roughly 1/3 of Texans. These Texans in the “trust deficit” are more concerned about crime in their communities, and more pessimistic about the state's job in addressing law enforcement issues.

Thankfully, there are solutions that can bolster trust where it already exists and build trust among Texans where it doesn't.

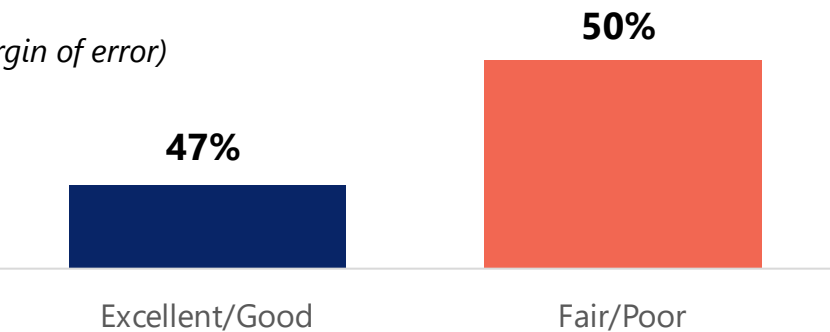
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The State of Texas's Job Performance in Addressing Law Enforcement

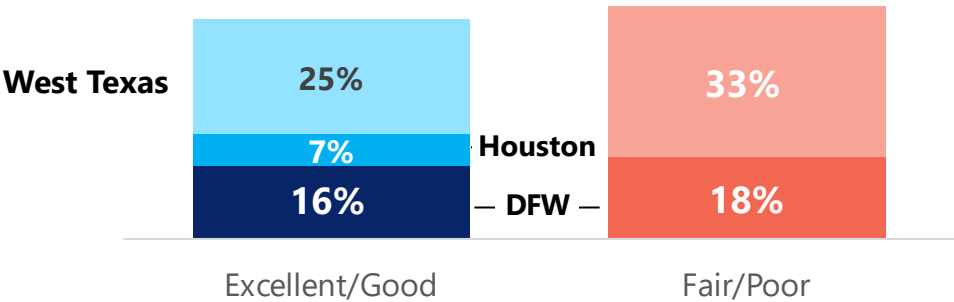
"Please tell me if you think the state of Texas is doing an excellent, good, fair or poor job addressing each of the issues. Law Enforcement"

Overall:

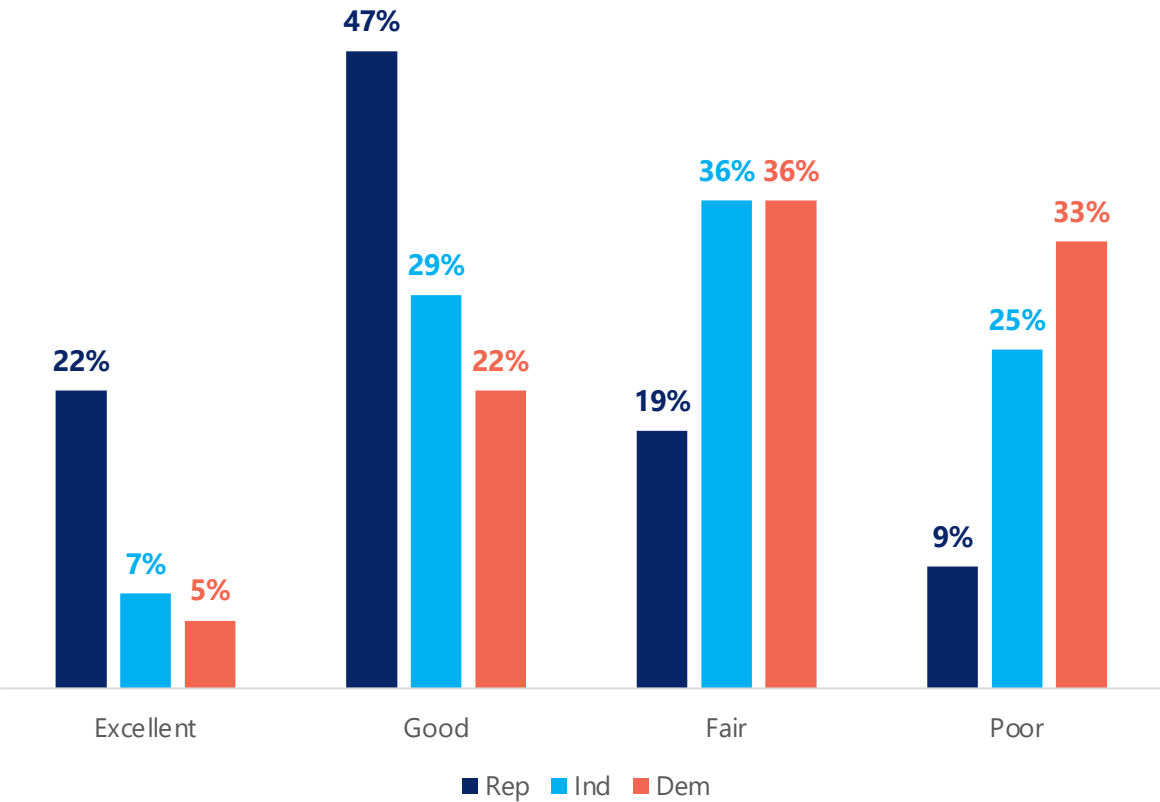
(within margin of error)



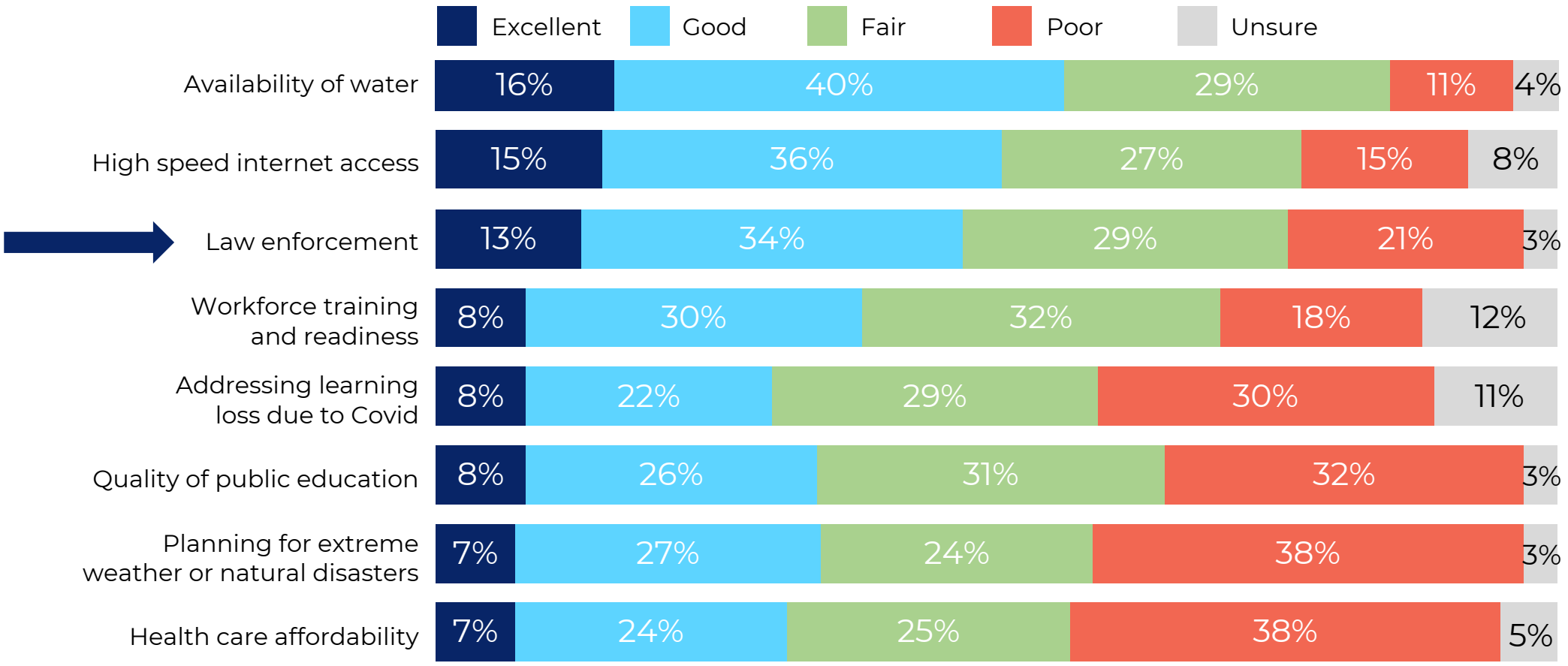
Wide Geographic Variation:



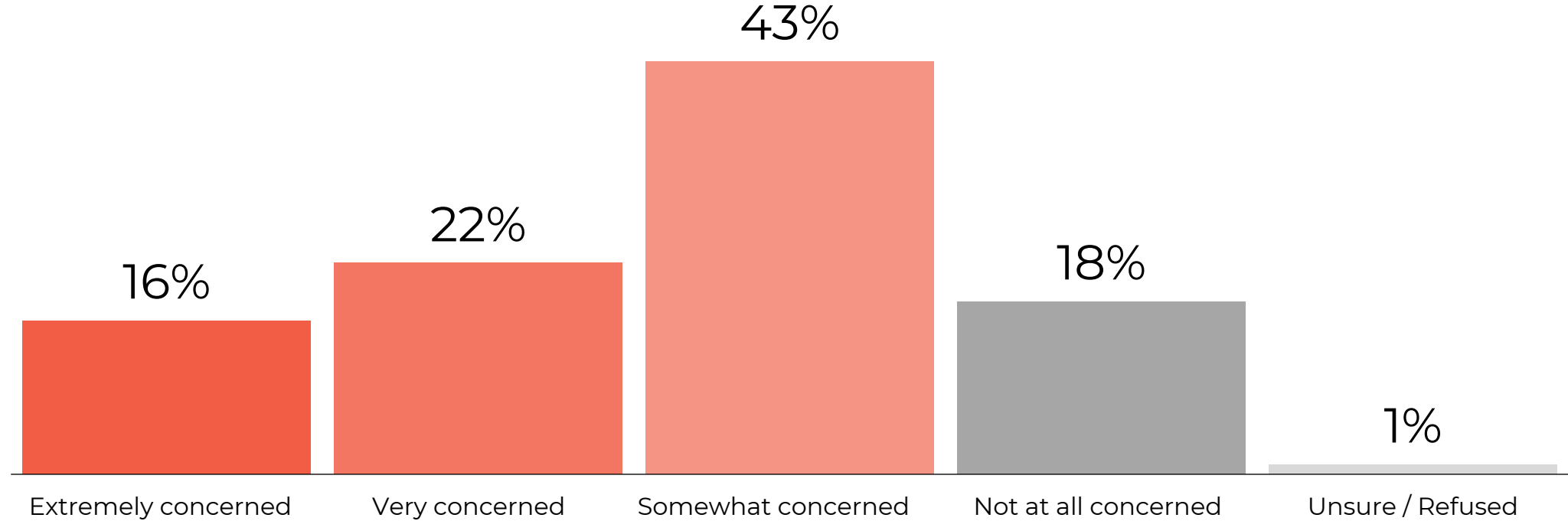
State's Performance on Law Enforcement: Partisan Gap



The State of Texas's Job Performance in Addressing Law Enforcement



Which best describes how concerned you are about crime in your community?

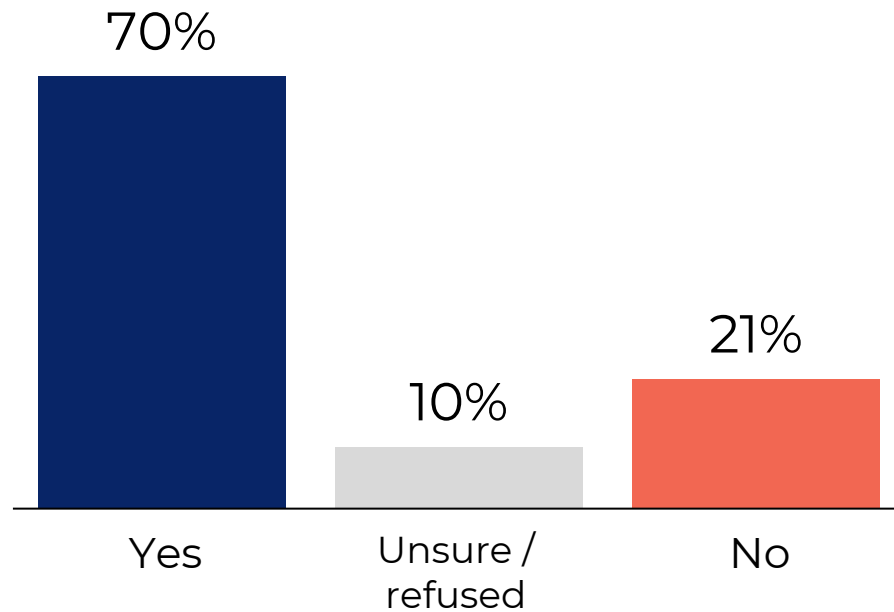


Which best describes how concerned you are about crime in your community?

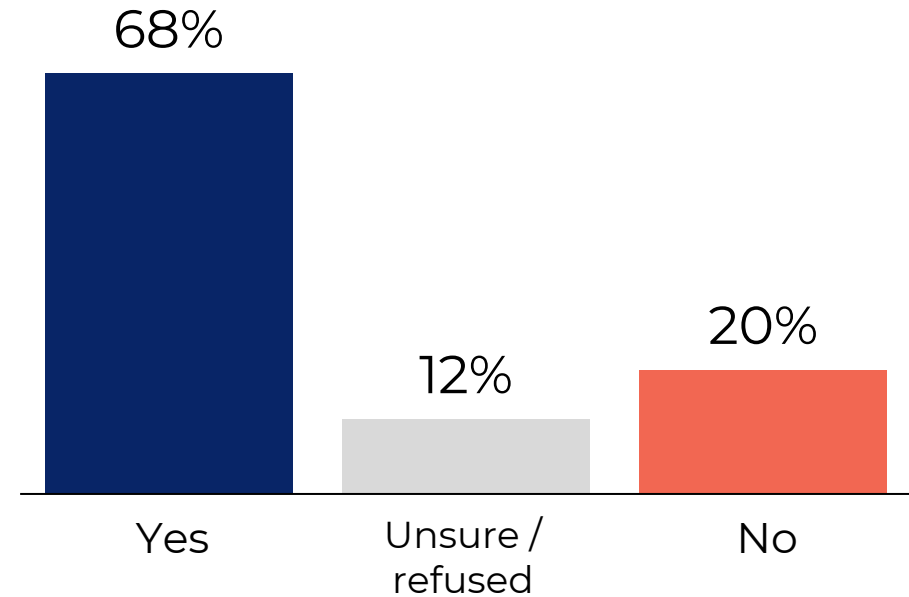
	Extremely Concerned	Very Concerned	Somewhat Concerned	Not Concerned	Unsure/refused	Extremely – Not Concerned
Total	16%	22%	43%	18%	1%	-2%
Age & Gender						
Male / 18-54	13%	18%	44%	24%	1%	-11%
Male / 55+	13%	26%	44%	16%	1%	-3%
Female / 18-54	21%	19%	40%	19%	0%	2%
Female / 55+	15%	25%	45%	13%	2%	2%
Texas Media Markets						
Dallas-Ft. Worth	13%	19%	47%	20%	0%	-7%
Houston	26%	27%	34%	10%	3%	17%
Austin / Waco / Bryan	9%	19%	50%	21%	0%	-12%
San Ant / South / El Paso	11%	22%	45%	22%	1%	-11%
West Texas markets	13%	24%	44%	18%	2%	-5%
East Texas markets	19%	17%	39%	25%	0%	-6%
General/Urban-Suburban vs Rural						
Male / urban-suburb	14%	24%	41%	20%	1%	-5%
Male / rural	11%	17%	49%	22%	1%	-11%
Female / urban-suburb	21%	23%	41%	14%	1%	7%
Female / rural	14%	21%	44%	19%	2%	-5%
Race & Ethnicity						
Anglo	11%	21%	48%	19%	1%	-8%
African-American	24%	25%	35%	13%	2%	11%
Hispanic	22%	22%	37%	18%	1%	4%
Other	16%	23%	39%	20%	1%	-4%
Annual Household Income						
Under \$35,000	20%	50%	34%	13%	2%	7%
\$35,000 - \$74,999	16%	23%	45%	15%	0%	1%
\$75,000 - \$119,999	13%	23%	46%	18%	0%	-6%
\$120,000 and over	13%	29%	46%	25%	0%	-12%
Income unknown	22%	18%	38%	17%	5%	4%
Gender/Children						
Male with kids	15%	20%	41%	24%	0%	-8%
Male w/o kids	12%	22%	46%	19%	1%	-7%
Female with kids	25%	23%	35%	17%	0%	8%
Female w/o kids	16%	22%	45%	15%	2%	0%
Trust Local Police						
Yes	12%	21%	46%	20%	1%	-8%
No	25%	23%	37%	15%	1%	10%
Unsure / refused	24%	24%	37%	12%	2%	12%

Do you trust your local police and law enforcement to handle crime and public safety issues?

January 2022



September 2022



Do you trust your local police and law enforcement to handle crime and public safety issues?

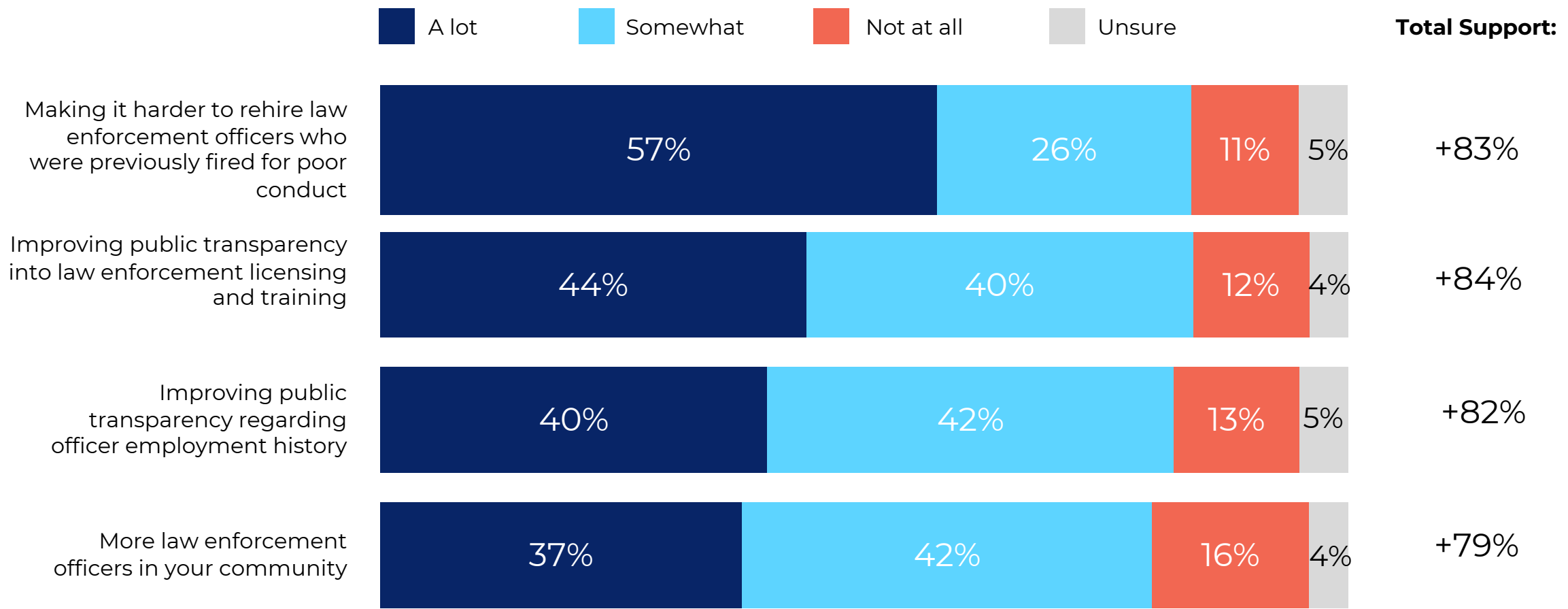
January 2022

	Yes	No	Unsure
Total	70%	21%	10%
Age			
18-34	55%	34%	12%
35-44	61%	28%	11%
45-54	66%	22%	12%
55-64	78%	17%	5%
65 or older	82%	9%	9%
TX Media Markets			
Dallas-Ft. Worth	68%	22%	10%
Houston	61%	32%	7%
Austin / Waco / Bryan	75%	11%	15%
San Ant / South / El Paso	74%	16%	11%
West Texas markets	79%	13%	8%
East Texas markets	79%	16%	5%
Age/Urban-Sub			
Under 55 / urban-suburb	58%	30%	13%
Under 55/ rural	65%	25%	10%
55+ / urban-suburb	81%	14%	5%
55+ / rural	79%	12%	10%
Partisan Vote			
Republican	85%	10%	6%
Independent	59%	26%	15%
Democratic	57%	31%	11%
Race & Ethnicity			
Anglo	80%	15%	5%
African-American	54%	35%	11%
Hispanic	60%	23%	16%
Other	53%	29%	18%

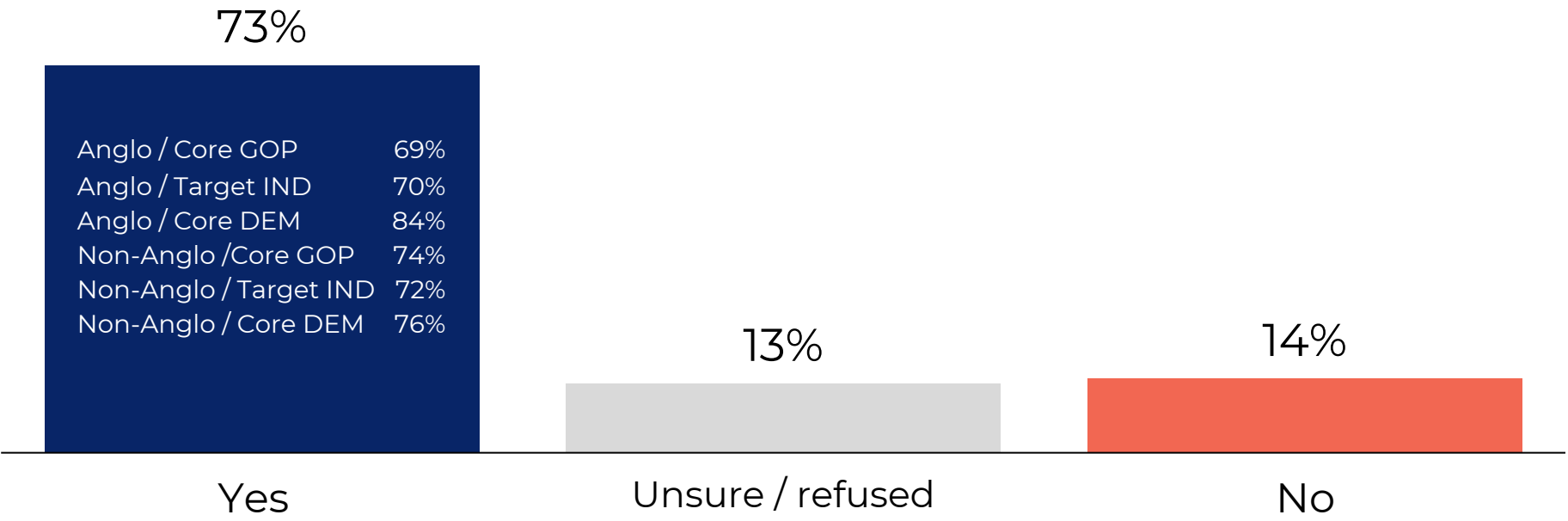
September 2022

	Yes	No	Unsure
Total	68%	20%	12%
Age			
18-34	55%	27%	18%
35-44	59%	30%	11%
45-54	70%	18%	12%
55-64	68%	20%	12%
65 or older	83%	9%	8%
TX Media Markets			
Dallas-Ft. Worth	71%	18%	11%
Houston	59%	26%	15%
Austin / Waco / Bryan	61%	22%	16%
San Ant / South / El Paso	78%	14%	8%
West Texas markets	63%	27%	10%
East Texas markets	79%	12%	9%
Age/Urban-Sub			
Under 55 / urban-suburb	58%	26%	16%
Under 55/ rural	66%	22%	11%
55+ / urban-suburb	74%	15%	12%
55+ / rural	81%	13%	6%
Partisan Vote			
Republican	83%	8%	9%
Independent	66%	21%	13%
Democratic	55%	31%	14%
Race & Ethnicity			
Anglo	74%	16%	10%
African-American	45%	35%	23%
Hispanic	68%	21%	11%
Other	67%	22%	11%

Please tell me if each of the following policy options would increase your confidence in law enforcement.

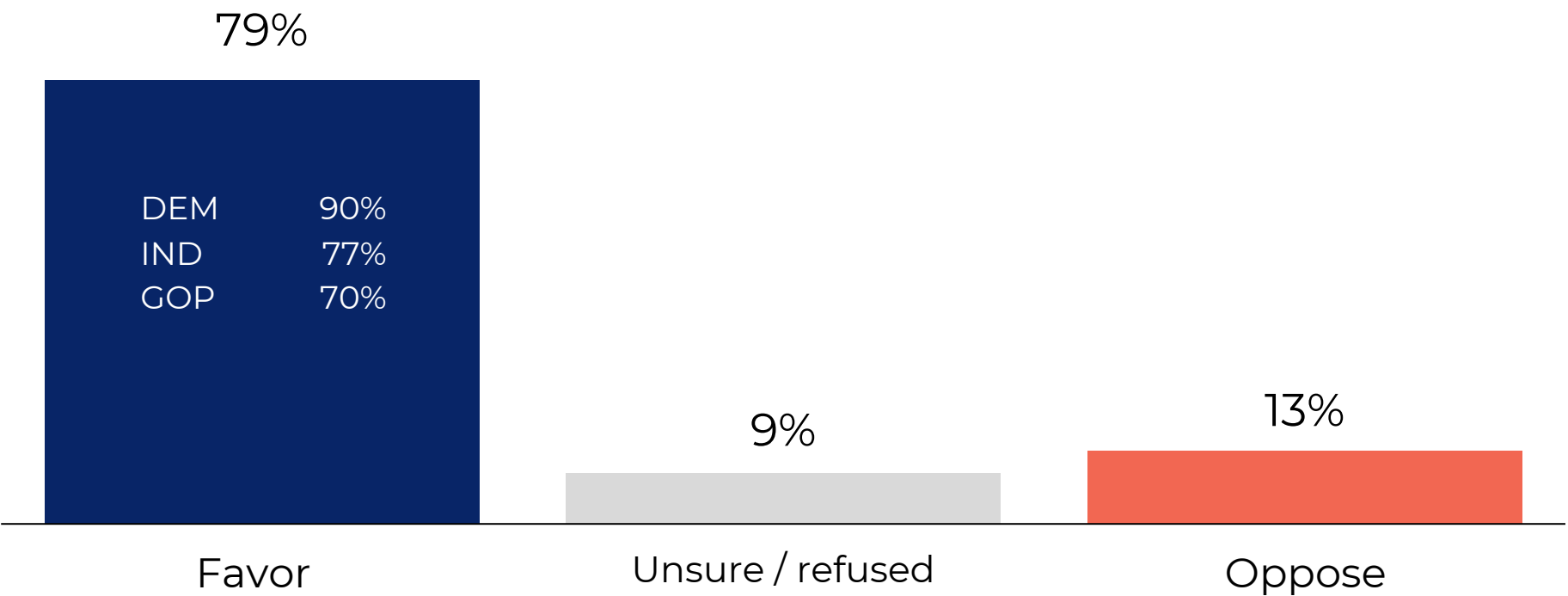


Would you support giving the Texas Commission on Law Enforcement, the state agency overseeing police, sheriffs, and constables, more authority to collect information and enforce disciplinary actions in cases of serious misconduct from licensed peace officers?

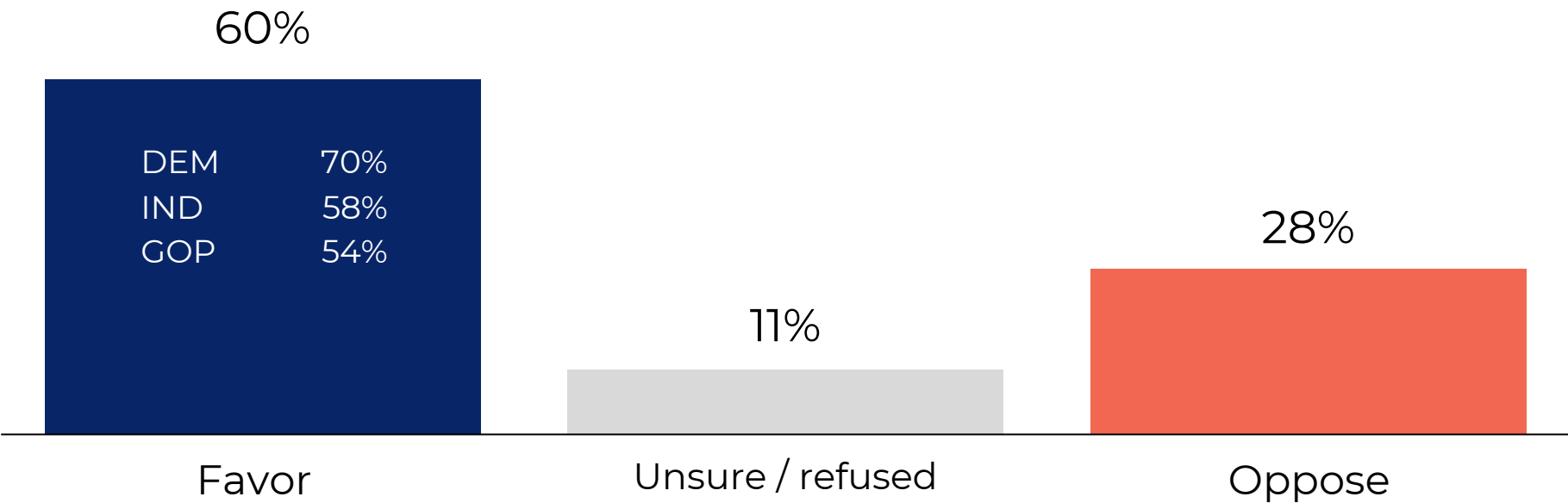


** "Core" or "target" voter groups were identified by Baseline & Associates based on a combination of responses.*

Whether a law enforcement officer was fired for serious misconduct, untruthfulness, or insubordination is currently not available to the public under law. Would you favor or oppose improved transparency to make that information available to the public?



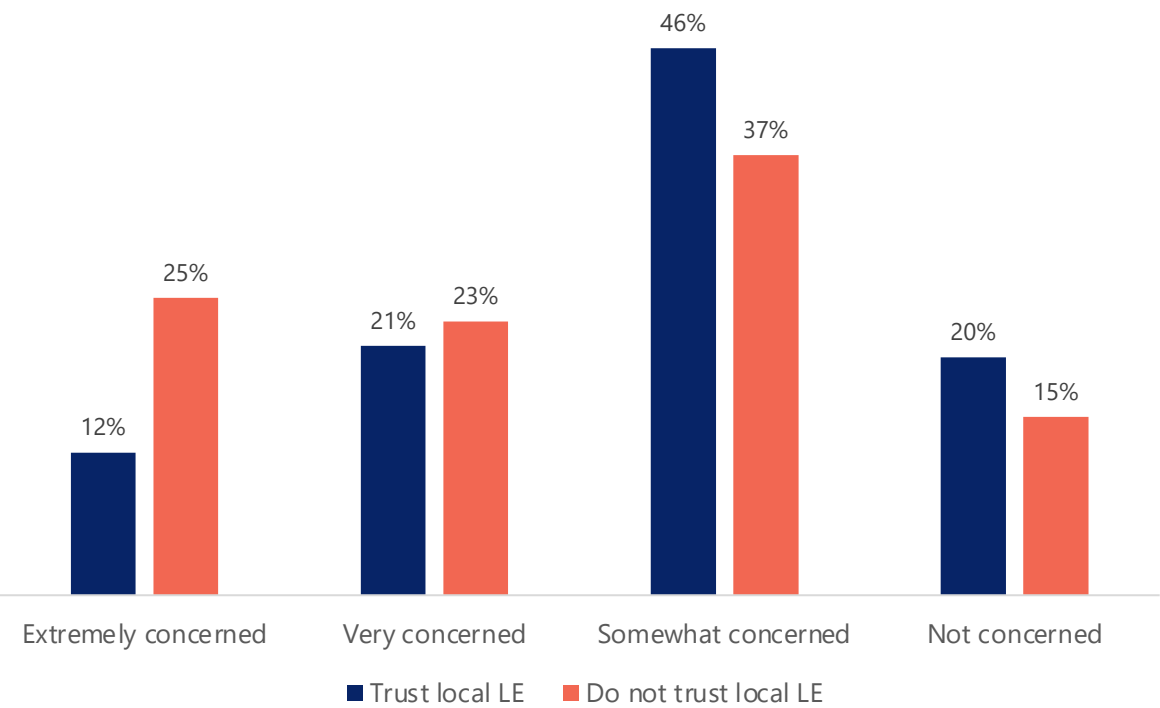
If a law enforcement officer resigns amid an open investigation into their alleged misconduct, would you favor or oppose prohibiting that officer from getting rehired at another agency while that investigation is open?



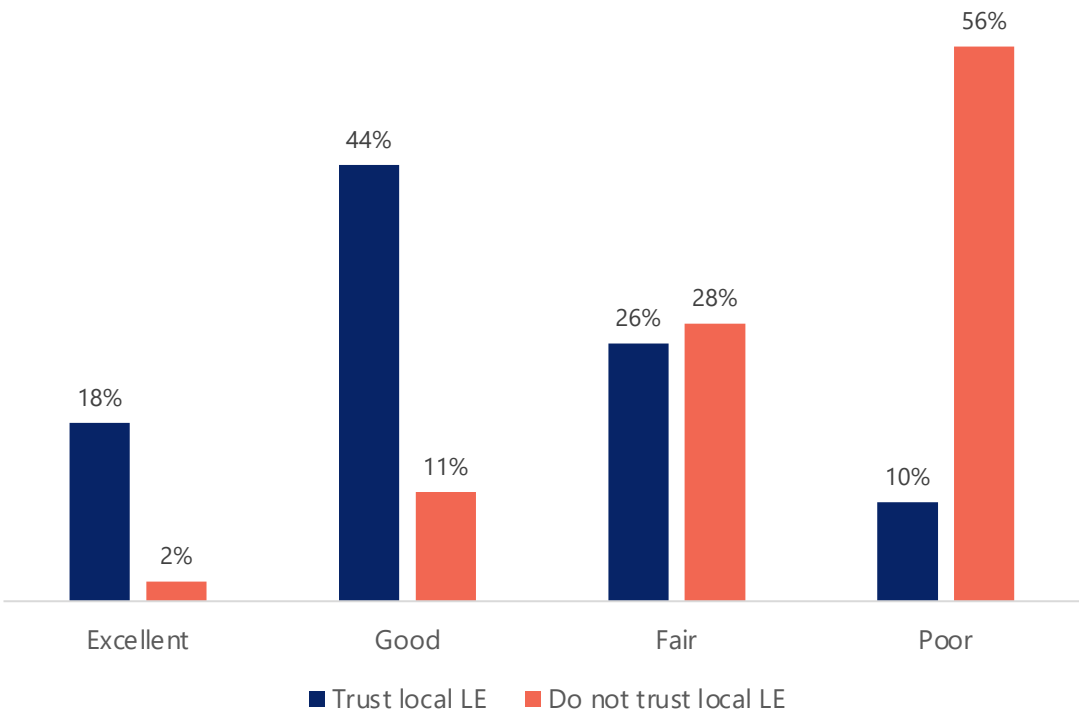
Trust in Law Enforcement

The trust deficit in focus.

How concerned are you about crime in your community?



Rate the job Texas is doing addressing law enforcement:



Trust in Law Enforcement

"How much would the following increase your trust in law enforcement?"

		A Lot	Somewhat	A Lot + Somewhat	Not at All	Unsure	A Lot – Not at All
Making it harder to rehire law enforcement officers who were previously fired for poor conduct	Trust	55%	29%	84%	11%	5%	43%
	Not Trust	62%	22%	85%	14%	2%	49%
Improving public transparency into law enforcement licensing and training	Trust	42%	41%	83%	13%	4%	30%
	Not Trust	46%	38%	84%	12%	4%	34%
Improving public transparency regarding officer employment history	Trust	37%	44%	81%	14%	4%	23%
	Not Trust	47%	38%	85%	12%	4%	36%
More law enforcement officers in your community	Trust	42%	45%	87%	10%	3%	32%
	Not Trust	25%	37%	62%	35%	3%	-10%

Hearing Directly from Texas Voters

Whether a law enforcement officer was fired for serious misconduct, untruthfulness, or insubordination is currently not available to the public under law. Would you favor or oppose improved transparency to make that information available to the public?

	Favor	Oppose	Unsure	Net Favor
TOTAL	79%	13%	9%	11%
Trust	78%	14%	8%	64%
Don't Trust	84%	11%	4%	73%